



CHINA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

12 October 2012

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 10 October 2012. The report was issued on 12 October 2012.
- ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term “sic” has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because

they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

- viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from COI Service upon request.
- ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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The Home Office is not responsible for the content of external websites.

- [1] **Freedom House** <http://www.freedomhouse.org/>
Freedom on the Net 2012 - China, 25 September 2012
<http://www.freedomhouse.org/report/freedom-net/2012/china>
Date accessed 2 October 2012

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Background Information

1. GEOGRAPHY

1.01 In its Country Profile for China, accessed on 14 August 2012, Europa World noted:

'The People's Republic of China covers a vast area of eastern Asia, with Mongolia and Russia to the north, Tajikistan, Kyrgyzstan and Kazakhstan to the north-west, Afghanistan and Pakistan to the west, and India, Nepal, Bhutan, Myanmar (formerly Burma), Laos and Viet Nam to the south. The country borders the Democratic People's Republic of Korea (North Korea) in the north-east, and has a long coastline on the Pacific Ocean... The principal language is Northern Chinese (Mandarin, known as Putonghua or common speech); in the south and south-east local dialects are spoken. The Xizangzu (Tibetans), Wei Wuer (Uygurs), Menggus (Mongols) and other groups have their own languages. The traditional religions and philosophies of life are Confucianism, Buddhism and Daoism. There are also Muslim and Christian minorities. The national flag (proportions 2 by 3) is plain red, with one large five-pointed gold star and four similar but smaller stars, arranged in an arc, in the upper hoist. The capital is Beijing (Peking).' [1a] (Location, Climate, Language, Religion, Flag, Capital)

1.02 Europa World further noted: 'China is a unitary state. Directly under the Central Government there are 22 provinces, five autonomous regions, including Xizang (Tibet), and four municipalities (Beijing, Chongqing, Shanghai and Tianjin). The highest organ of state power is the National People's Congress (NPC).' [1b] (Constitution and Government)

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

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

1.04 As noted by the CIA World Factbook, updated on 10 September 2012, accessed on 18 September 2012, 'China considers Taiwan its 23rd province'. [30a] (Government)

ChinaToday.com provides useful information on Chinese cities and provinces. [19a]

(See also Sections 35 and 36: [Taiwan](#), [Hong Kong \(SAR\)](#) and [Macao/Macau \(SAR\)](#))

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1.05 MAP



[4b] (p2) (The Economist Intelligence Unit, Country Report, September 2012)

INFRASTRUCTURE

- 1.06 Jane's Security Country Risk Assessment: China, Infrastructure, updated 26 September 2011, accessed on 12 June 2012, noted that 'The total length of China's public roads system is 3,984,000 km, the vast majority of which (3.3 million) are rural roads. A total of 639,000 km were added to the road system during the 11th Five-Year Plan (2006-2010)... By the end of 2011, China will have 181 airports handling scheduled flights and 39 offering international services (including Hong Kong and Macau International Airports).' [56a] (Infrastructure)

See also Section 29: [Freedom of movement](#)

LANGUAGES

- 1.07 The US State Department (USSD) Background Note for China, updated 6 September 2011, accessed on 26 April 2012, noted:

'There are seven major Chinese dialects and many subdialects. Mandarin (or Putonghua), the predominant dialect, is spoken by over 70% of the population. It is taught in all schools and is the medium of government. About two-thirds of the Han ethnic group are native speakers of Mandarin; the rest, concentrated in southwest and southeast China, speak one of the six other major Chinese dialects. Non-Chinese languages spoken widely by ethnic minorities include Mongolian, Tibetan, Uighur and other Turkic languages (in Xinjiang), and Korean (in the northeast). Some autonomous regions and special administrative regions have their own official languages. For example, Mongolian has official status within the Inner Mongolian Autonomous Region of China.' [2g] (People – Language)

(See also [map](#) showing Chinese linguistic groups) [18a]

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POPULATION

- 1.08 The CIA World Factbook, updated on 10 September 2012, accessed on 18 September 2012, estimated China's population to be 1,343,239,923 as at July 2012. [30a] (People and Society)
- 1.09 The National Bureau of Statistics of China, Press Release on Major Figures of the 2010 National Population Census, 28 April 2011, observed that:

'Total population as was enumerated through the census was 1,339,724,852 persons, an increase of 73.90 million persons or 5.84 percent over the 10 years since the 2000 census, or an annual growth of 0.57 percent. This was 0.5 percentage points lower than the annual growth of 1.07 percent registered between 1990 and 2000, demonstrating a steady low fertility in the population growth of China over the past decade...

'In the 31 provinces, autonomous regions and municipalities, there were 401.52 million family households with a population of 1244.61 million persons. The average size of family households was 3.10 persons, or 0.34 persons less as compared with the 3.44 persons in the 2000 population census. The shrinking of household size was caused by the continued decline of fertility, the increase of population migration and the independent living arrangement of young couples after marriage.' [77a]

(See also Section 20: [Ethnic groups](#))

(See also Section 26: [Family planning \('one child policy'\)](#))

Naming conventions

1.10 The Regional Organized Crime Information Center report, 'Law Enforcement Guide to International Names', published in 2010, stated: 'In China, the order of names is reversed from Western naming conventions; the family name comes first, followed by the given name.'

'Although not used as often in present-day China, some Chinese people continue to add a generation name between the family name and given name. A generation name is one name (e.g. King) given to all siblings and cousins of the same sex (less frequently given to both sexes) in a particular family to distinguish the generation from their parents' generation(s).'

For example:

Chen Lin	
Chen	Lin
Family name	Given name

or

Chen King Lin		
Chen	King	Lin
Family name	Generation name	Given name

[64a] (p13 – Chinese names)

1.11 The same source added:

'The Chinese naming convention also applies to people of Taiwan and Hong Kong. However, in Taiwan, given names are comprised of two names combined with a hyphen. In Hong Kong, names usually reflect a Cantonese dialect.'

'Unlike the many possible family names in Western countries, there are only between 470 and 650 family names among China's more than one billion citizens, making these names fairly common. Some of the more common family names include Li, Wang, Chen, Liu, and Zhang. Also, unlike many other nations' given names, Chinese given names are not gender specific, so it is rarely possible to distinguish a person's gender simply by seeing the person's written name.'

'When a Chinese woman marries, she retains her maiden name. In some cases, she may add her husband's name in front of her own family name. For example, if Chen Lin married Zhang Xiaoping, she may change her name to Zhang Chen Lin. Children of the two would carry on the father's family name Zhang.' [64a] (p13 – Chinese names)

(See also [Annex I: Guide to Tibetan names](#))

Public holidays

1.12 Public holidays for 2013 are: 1 January (Solar New Year); 10–12 February (Lunar New Year); 8 March (International Women's Day); 4 April (Qingming Festival); 1 May (Labour Day); 12 June (Dragon Boat Festival); 1 August (Army Day); 19 September (Mid-

Autumn Festival); 1–3 October (National Days). Various individual regional holidays are also observed. (Europa World, accessed 14 August 2012) [1c] (Public Holidays)

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2. ECONOMY

- 2.01 The Amnesty International (AI) Annual Report 2012: The state of the world's human rights: China (AI Report 2012), published on 24 May 2012, covering events in 2011, stated that:

'China's economy remained relatively resilient despite the global financial crisis, raising fears that international actors would be reluctant to criticize China's human rights record, a trend already evident in the recent past. China was increasingly successful in using its growing financial and political clout to pressure other countries to forcibly return increasing numbers of Chinese nationals of certain backgrounds, such as Uighurs, back to China, where they risked unfair trials, torture and other ill-treatment in detention, and other human rights violations.' [6a] (Background)

- 2.02 The CIA World Factbook, updated on 10 September 2012, accessed on 18 September 2012, noted:

'Since the late 1970s China has moved from a closed, centrally planned system to a more market-oriented one that plays a major global role - in 2010 China became the world's largest exporter. Reforms began with the phasing out of collectivized agriculture, and expanded to include the gradual liberalization of prices, fiscal decentralization, increased autonomy for state enterprises, creation of a diversified banking system, development of stock markets, rapid growth of the private sector, and opening to foreign trade and investment. China has implemented reforms in a gradualist fashion. In recent years, China has renewed its support for state-owned enterprises in sectors it considers important to "economic security," explicitly looking to foster globally competitive national champions. After keeping its currency tightly linked to the US dollar for years, in July 2005 China revalued its currency by 2.1% against the US dollar and moved to an exchange rate system that references a basket of currencies. From mid 2005 to late 2008 cumulative appreciation of the renminbi against the US dollar was more than 20%, but the exchange rate remained virtually pegged to the dollar from the onset of the global financial crisis until June 2010, when Beijing allowed resumption of a gradual appreciation. The restructuring of the economy and resulting efficiency gains have contributed to a more than tenfold increase in GDP since 1978. Measured on a purchasing power parity (PPP) basis that adjusts for price differences, China in 2010 stood as the second-largest economy in the world after the US, having surpassed Japan in 2001. The dollar values of China's agricultural and industrial output each exceed those of the US; China is second to the US in the value of services it produces. Still, per capita income is below the world average. The Chinese government faces numerous economic challenges, including: (a) reducing its high domestic savings rate and correspondingly low domestic demand; (b) sustaining adequate job growth for tens of millions of migrants and new entrants to the work force; (c) reducing corruption and other economic crimes; and (d) containing environmental damage and social strife related to the economy's rapid transformation. Economic development has progressed further in coastal provinces than in the interior, and by 2011 more than 250 million migrant workers and their dependents had relocated to urban areas to find work. One consequence of population control policy is that China is now one of the most rapidly

aging countries in the world. Deterioration in the environment - notably air pollution, soil erosion, and the steady fall of the water table, especially in the North - is another long-term problem. China continues to lose arable land because of erosion and economic development. The Chinese government is seeking to add energy production capacity from sources other than coal and oil, focusing on nuclear and alternative energy development. In 2010-11, China faced high inflation resulting largely from its credit-fueled stimulus program. Some tightening measures appear to have controlled inflation, but GDP growth consequently slowed to near 9% for 2011. An economic slowdown in Europe is expected to further drag Chinese growth in 2012. Debt overhang from the stimulus program, particularly among local governments, and a property price bubble challenge policy makers currently. The government's 12th Five-Year Plan, adopted in March 2011, emphasizes continued economic reforms and the need to increase domestic consumption in order to make the economy less dependent on exports in the future. However, China has made only marginal progress toward these rebalancing goals.' [30a] (Economy)

POVERTY

2.03 When reporting on the progress in achieving the National Human Rights Action Plan (NHRAP) objectives, which address the human rights issues in China, the Human Rights Watch report, Promises Unfulfilled, An Assessment of China's National Human Rights Action Plan, published 11 January 2011, reported:

'The Chinese government has made progress in alleviating poverty over the past three decades. According to official statistics, Chinese government policies have helped to reduce the number of Chinese living in absolute poverty by more than 200 million since 1978. The Chinese government has also explicitly prioritized "poverty alleviation" as a goal of the upcoming Twelfth Five-Year Plan for economic and social development. Although aggregate statics can be unreliable and poverty and inequality remain serious problems, the government's efforts to improve the standard of living is [sic] commendable.' [7a] (p10)

2.04 The Foreign & Commonwealth Office (FCO) Country Profile for China, updated 28 February 2012, accessed on 26 April 2012, noted:

'President Hu's first term was spent consolidating his position and proceeding with economic reform. But he recognised the potential for instability caused by the previous strong focus on promoting high growth as the overriding policy priority. Examples of the imbalances this has caused in society include:

- wide income imbalances between rich, eastern coastal cities, and poorer inland cities
- income differences between urban and rural dwellers - the average urban resident of Beijing earns around RMB 2000 a month (around £130), but 135 million people in China still live below the international poverty line of US\$ 1 a day, and up to 500 million on US\$ 2 a day
- a collapse of the health insurance scheme, which means that 80% of all healthcare costs have to be paid in cash at the time of consumption

- inequalities between urban residents and migrant labourers who have moved to the cities. Unable to transfer their official place of residence, they cannot access public services, including education for their children
- rampant corruption by those in public office
- 87,000 incidents of mass violence which took place in 2005, often provoked by land expropriations or lay-offs from state-owned enterprises.' [31a] (Politics)

(See also Section 25: Children [Health and welfare](#))

(See also Section 28: [Medical issues](#))

CURRENCY

- 2.05 As recorded by xe.com, the Chinese Yuan Renminbi (CNY) is the currency of China and the exchange rate on 29 August 2012 was £1 = CNY 10.0643. [61a]

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3. HISTORY

THE PEOPLE'S REPUBLIC OF CHINA

- 3.01 The US State Department (USSD) Background Note for China, updated 6 September 2011, accessed on 26 April 2012, noted:

'In Beijing, on October 1, 1949, Mao Zedong proclaimed the founding of the People's Republic of China (P.R.C.). The new government assumed control of a people exhausted by two generations of war and social conflict, and an economy ravaged by high inflation and disrupted transportation links. A new political and economic order modeled on the Soviet example was quickly installed.' [2g] (History)

- 3.02 The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012, stated: 'Party leader Mao Zedong subsequently oversaw devastating mass-mobilization campaigns, such as the Great Leap Forward (1958–61) and the Cultural Revolution (1966–76), which resulted in tens of millions of deaths.' [26a]

- 3.03 The USSD Background Note reported:

'In the early 1950s, China undertook a massive economic and social reconstruction program. The new leaders gained popular support by curbing inflation, restoring the economy, and rebuilding many war-damaged industrial plants. The CCP's [Chinese Communist Party] authority reached into almost every aspect of Chinese life. Party control was assured by large, politically loyal security and military forces; a government apparatus responsive to party direction; and the placement of party members in leadership positions in labor, women's, and other mass organizations.' [2g] (History)

- 3.04 The Great Leap Forward (1958–61) as described by the USSD Background Note, added:

'In 1958, Mao broke with the Soviet model and announced a new economic program, the "Great Leap Forward," aimed at rapidly raising industrial and agricultural production. Giant cooperatives (communes) were formed, and "backyard factories" dotted the Chinese landscape. The results were disastrous. Normal market mechanisms were disrupted, agricultural production fell behind, and China's people exhausted themselves producing what turned out to be shoddy, un-salable goods. Within a year, starvation appeared even in fertile agricultural areas. From 1960 to 1961, the combination of poor planning during the Great Leap Forward and bad weather resulted in one of the deadliest famines in human history.' [2g] (History)

THE CULTURAL REVOLUTION

3.05 The USSD Background Note reported:

'In the early 1960s, State President Liu Shaoqi and his protégé, Party General Secretary Deng Xiaoping, took over direction of the party and adopted pragmatic economic policies at odds with Mao's revolutionary vision. Dissatisfied with China's new direction and his own reduced authority, Party Chairman Mao launched a massive political attack on Liu, Deng, and other pragmatists in the spring of 1966. The new movement, the "Great Proletarian Cultural Revolution," was unprecedented in communist China's history. For the first time, a section of the Chinese communist leadership sought to rally popular opposition against another leadership group. China was set on a course of political and social anarchy that lasted the better part of a decade.

'In the early stages of the Cultural Revolution, Mao and his "closest comrade in arms," National Defense Minister Lin Biao, charged Liu, Deng, and other top party leaders with dragging China back toward capitalism. Radical youth organizations, called Red Guards, attacked party and state organizations at all levels, seeking out leaders who would not bend to the radical wind. In reaction to this turmoil, some local People's Liberation Army (PLA) commanders and other officials manoeuvred to outwardly back Mao and the radicals while actually taking steps to rein in local radical activity.

'Gradually, Red Guard and other radical activity subsided, and the Chinese political situation stabilized along complex factional lines. The leadership conflict came to a head in September 1971, when Party Vice Chairman and Defense Minister Lin Biao reportedly tried to stage a coup against Mao; Lin Biao allegedly later died in a plane crash in Mongolia.' [2g] (History - The Cultural Revolution)

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1978-1989: CHINA UNDER DENG XIAOPING

3.06 The Freedom house, Freedom in the World 2012 report added: 'Following Mao's death in 1976, Deng Xiaoping emerged as paramount leader. Over the next two decades, he maintained the CCP's absolute rule in the political sphere while initiating limited market-based reforms to stimulate the economy.' [26a]

3.07 The USSD Background Note reported:

'Reform policies brought great improvements in the standard of living, especially for urban workers and for farmers who took advantage of opportunities to diversify crops

and establish village industries. Controls on literature and the arts were relaxed, and Chinese intellectuals established extensive links with scholars in other countries.

'At the same time, however, political dissent as well as social problems such as inflation, urban migration, and prostitution emerged. Although students and intellectuals urged greater reforms, some party elders increasingly questioned the pace and the ultimate goals of the reform program. In December 1986, student demonstrators, taking advantage of the loosening political atmosphere, staged protests against the slow pace of reform, confirming party elders' fear that the current reform program was leading to social instability. Hu Yaobang, a protege of Deng and a leading advocate of reform, was blamed for the protests and forced to resign as CCP General Secretary in January 1987. Premier Zhao Ziyang was made General Secretary and Li Peng, former Vice Premier and Minister of Electric Power and Water Conservancy, was made Premier.'

[2g] (History - Post-Deng Leadership)

THE 1989 STUDENT MOVEMENT AND TIANANMEN SQUARE PROTEST

3.08 The USSD Background Note stated:

'After Zhao became the party General Secretary, the economic and political reforms he had championed, especially far-reaching political reforms enacted at the 13th Party Congress in the fall of 1987 and subsequent price reforms, came under increasing attack. His proposal in May 1988 to accelerate price reform led to widespread popular complaints about rampant inflation and gave opponents of rapid reform the opening to call for greater centralization of economic controls and stricter prohibitions against Western influence. This precipitated a political debate, which grew more heated through the winter of 1988-89.

'The death of Hu Yaobang on April 15, 1989, coupled with growing economic hardship caused by high inflation, provided the backdrop for a large-scale protest movement by students, intellectuals, and other parts of a disaffected urban population. University students and other citizens camped out in Beijing's Tiananmen Square to mourn Hu's death and to protest against those who would slow reform. Their protests, which grew despite government efforts to contain them, called for an end to official corruption, a greater degree of democracy, and for defense of freedoms guaranteed by the Chinese constitution. Protests also spread to many other cities, including Shanghai, Chengdu, and Guangzhou.

'Martial law was declared on May 20, 1989. Late on June 3 and early on the morning of June 4, military units were brought into Beijing. They used armed force to clear demonstrators from the streets. There are no official estimates of deaths in Beijing, but most observers believe that casualties numbered in the hundreds.

'After June 4, while foreign governments expressed horror at the brutal suppression of the demonstrators, the central government eliminated remaining sources of organized opposition, detained large numbers of protesters, and required political reeducation not only for students but also for large numbers of party cadre and government officials. Zhao was purged at the Fourth Plenum of the 13th Central Committee in June and replaced as Party General Secretary by Jiang Zemin. Deng's power was curtailed as more orthodox party leaders, led by Chen Yun, became the dominant group in the leadership.

'Following this resurgence of conservatives in the aftermath of June 4, economic reform slowed until given new impetus by Deng Xiaoping's return to political dominance 2 years later, including a dramatic visit to southern China in early 1992. Deng's renewed push for a market-oriented economy received official sanction at the 14th Party Congress later in the year as a number of younger, reform-minded leaders began their rise to top positions. Hu Jintao was elevated to the Politburo Standing Committee at the Congress. Deng and his supporters argued that managing the economy in a way that increased living standards should be China's primary policy objective, even if 'capitalist' measures were adopted. Subsequent to the visit, the Communist Party Politburo publicly issued an endorsement of Deng's policies of economic openness. Though continuing to espouse political reform, China has consistently placed overwhelming priority on the opening of its economy.' [2g] (History - 1989 Student Movement and Tiananmen Square)

(See also Section 6: [Political system](#))

(See also [Annex A1 – Chronology of major events](#))

2000 ONWARDS: A NEW GENERATION OF LEADERS

3.09 The USSD Background Note reported: 'Deng's health deteriorated in the years prior to his death in 1997. During that time, Party General Secretary and P.R.C. President Jiang Zemin and other members of his generation gradually assumed control of the day-to-day functions of government. This "third generation" leadership governed collectively with Jiang at the center.' [2g] (History - Post-Deng Leadership)

3.10 The Freedom house, Freedom in the World 2012 report added:

'Hu Jintao succeeded Jiang as CCP general secretary in 2002, state president in 2003, and head of the military in 2004. Many observers expected Hu and Premier Wen Jiabao to implement modest political reforms to address pressing socioeconomic problems, including a rising income gap, unemployment, the lack of a social safety net, environmental degradation, and corruption. The government proved moderately more responsive to certain constituencies - especially the urban middle class - and undertook economic reforms with some redistributive effects. However, in the political sphere, the CCP tightened control over key institutions and intensified repression of perceived threats to its authority.

'In March 2008, the National People's Congress bestowed additional five-year terms on Hu and Wen, while Shanghai party boss Xi Jinping was appointed vice president, setting the stage for him to succeed Hu as CCP general secretary in 2012 and head of state in 2013. Xi's position as heir apparent was reinforced in October 2010, when he was appointed as deputy chair of the Central Military Commission. Intraparty power struggles related to the upcoming 2012 leadership transition and the 90th anniversary of the CCP's establishment in July 2011 appeared to strengthen hard-liners. This was reflected in an upsurge of quasi-Maoist propaganda and a continued trend of heightened political repression that had begun in 2008.' [26a]

(See also Section 14: Political affiliation - [Tiananmen Square activists](#))

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4. RECENT DEVELOPMENTS

- 4.01 The Cable News Network (CNN) reported on 4 September 2012 on the protests at the start of Hong Kong's new school year, noting:

'Hunger strikes marked the start of the Hong Kong school year as students, parents, and teachers protested against what they perceive as Beijing-led interference in the public school curriculum.

'Thousands of protesters dressed in black gathered outside the government headquarters Monday [3 September] ahead of a 5:00 p.m. deadline for the government to drop the "Moral and National Education" subject or face further protests. Hong Kongers have decried the subject as an attempt to "brainwash" impressionable young minds with pro-mainland-Chinese propaganda...

'The national education issue has been roiling the city for several months, most notably with a mass street protest on July 29 [2012] attended by 90,000 people (police cited 32,000), sparked by the dissemination of a set of government guidelines for teaching the subject. Another mass protest took place outside government headquarters on Saturday, where organizers reported 40,000 participants while the police estimated a turnout of 8,100.

'While the detailed content of the subject has not been determined, guidelines in a booklet called "The China Model" distributed to schools by the government's National Education Services Centre in July were widely interpreted as a basis for how the subject would be taught.' [95g]

(See also Section 25: Children – [Education](#))

(See also Section 26: Special Administrative Regions (SARS) – [Hong Kong \(SAR\)](#))

- 4.02 The British Broadcasting Corporation (BBC) reported on 3 September 2012 that Ling Jihua, a top China official and close ally of China's president had been demoted in what was reported as a "surprise move", according to state media. The BBC report stated:

'Ling Jihua had been tipped for promotion in the country's leadership change, which starts later this year. Correspondents say Mr Ling's demotion may have been the result of political manoeuvring ahead of the change, which happens once every 10 years. But there have also been reports that his son's involvement in a Ferrari car crash may have been to blame. Ling Jihua held a senior position in President Hu's government as head of the Central Committee's General Office, in effect the chief of staff to China's leader. Ling Jihua held a senior position in President Hu's government as head of the Central Committee's General Office, in effect the chief of staff to China's leader. He was moved to the less influential position of head of the United Front Work Department over the weekend.' [9v]

- 4.03 With regards to the view that the demotion may have been because of his son allegedly being involved in a motor accident, the article added: 'The identity of the passengers was never revealed and censors blocked online comments mentioning the crash, but there are reports that his son was behind the wheel and may even have been killed. Our correspondent says that with growing public anger at official corruption, the Communist Party would have wanted to avoid a scandal that exposed the privileged lifestyle of the ruling elite.' [9v] The New York Times (NYT) reported that 'According to several well-

connected party officials, the crash, on Beijing's Fourth Ring Road earlier this year, killed the man on impact and left both women seriously injured. All were said to have been in various states of undress, these officials said.' [21d]

- 4.04 Hong Kong's new leader was sworn in on 6 June 2012, which, according to an article in the Huffington Times, happened 'amid rising public discontent over widening inequality and lack of full democracy in the semiautonomous southern Chinese financial center.' The article added:

'Leung Chun-ying took office in an early morning ceremony overseen by Chinese President Hu Jintao, becoming Hong Kong's third chief executive since more than a century of British colonial rule ended and China regained control of the city 15 years ago. There were sporadic clashes between demonstrators and police outside the convention center where the event took place, and a demonstrator who tried to interrupt Hu as he began his address was bundled away by security officials. Leung, a 57-year-old police officer's son and self-made millionaire, replaces career bureaucrat Donald Tsang, who took office in 2003 and is barred from another term. Leung takes over Hong Kong's top job amid swelling public anger over a yawning income gap, skyrocketing property prices and rising unease about mainland China's growing influence on the semiautonomous region...

'Leung is not seen as friendly to the billionaire tycoons that dominate Hong Kong and who initially backed Tang. Trained as a land surveyor and holder of a British degree in estate management, he worked his way up to the top of a property consultancy firm. Some in Hong Kong fear that Leung is an underground member of China's Communist Party because he was named to lead a committee helping to draft the Basic Law, Hong Kong's mini-constitution that would take effect on July 1, 1997, while still in his early 30s. Leung denies that and said his volunteer activities helping to develop China's land use rights following the country's economic reform that began in 1978 earned him a good reputation with Chinese leaders.

'Inequality in Hong Kong has widened to the most in four decades, according to government data. Property prices have skyrocketed, which many blame on rich mainland Chinese buying up apartments.' [43a]

- 4.05 On 27 August 2012 two teenage Tibetan monks self immolated, protesting against tight Chinese control of the Tibetan region and religious repression, bringing the number of Tibetans who have set themselves on fire since 2009 to 51, according to the London-based "Free Tibet". China's leaders blamed the Tibetans' exiled spiritual leader, the Dalai Lama, for inciting the self-immolations and encouraging separatism. Reporting on this, the British Broadcasting Corporation (BBC) added that 'He rejects this, and both activist groups and the Tibetan government-in-exile say the self-immolations are protests against tight Chinese control of the region and religious repression.' [9aa]

(See also Section 21: Tibet – [Human rights in Tibet](#))

- 4.06 In March 2012 Bo Xilai, one of China's most prominent politicians and a strong contender for promotion to China's top leadership in party changes due in late 2012, was removed as Communist Party leader in the city of Chongqing following a scandal after his former chief of police spent a day at a United States consulate in February 2012. (BBC, 15 March 2012) [9ah] The police chief had in fact reported the alleged 'murder and a major political cover-up' of the British businessman Neil Heywood, which was politically embarrassing for China. (BBC, 20 August 2012) [9ai]

- 4.07 Gu Kailai, wife of disgraced Chinese politician Bo Xilai, was handed a suspended death sentence for the murder of British businessman Neil Heywood. The BBC reported that:
- ‘Gu Kailai did not contest charges at her one-day trial that she poisoned Mr Heywood in November 2011... She confessed she lured Neil Heywood to Chongqing, procured cyanide, got him drunk, then poured the poison into his mouth. But she claimed she’d had a mental breakdown. The court said it accepted she was not in full control of her actions... She said ...that Mr Heywood had threatened her son amid a row over a property deal, state media said... Gu’s aide, Zhang Xiaojun, was jailed for nine years for his part in the murder.’ [9ag]
- 4.08 At least 78 people were killed by heavy rain storms that hit Beijing on 21 July 2012, the heaviest rainfall to hit the capital in 60 years, bringing chaos to transport systems and power supplies. (Xinhua, 3 August 2012) [9h]
- (See also Section 14: Political affiliation - [Civil disturbances](#); [Opposition groups and political activists](#); [Tiananmen Square activists](#))
- (See also Section 18: Freedom of religion - Muslims [Uighurs](#))
- (See also Section 20: Ethnic groups - [Mongolians](#))

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5. CONSTITUTION

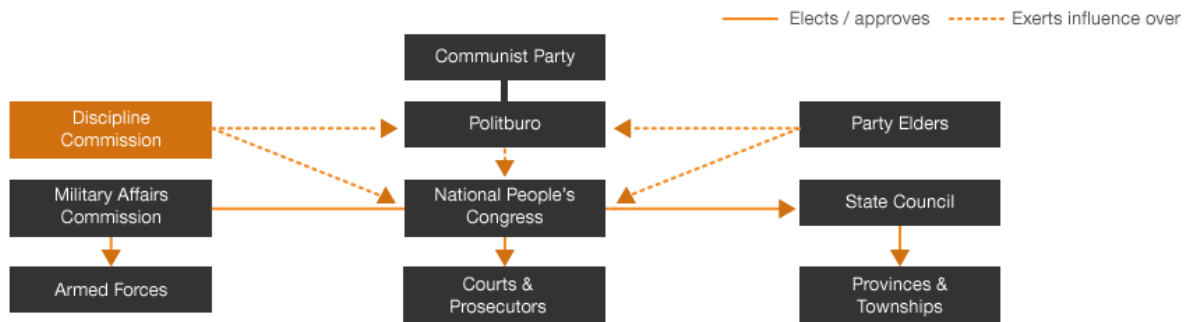
- 5.01 Europa World, in its Country Profile for China, accessed on 14 August 2012, noted that, ‘The current Constitution, adopted by the NPC [National People’s Congress] in December 1982 and subsequently amended, was China’s fourth since 1949. It restored the office of head of state (President of the Republic). Executive power is exercised by the State Council (Cabinet), comprising the Premier, Vice-Premiers and other ministers heading ministries and commissions. The State Council is appointed by, and accountable to, the NPC.’ [1b] (Constitution and Government) Article 1 states that, ‘The People’s Republic of China is a socialist state under the people’s democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People’s Republic of China. Disruption of the socialist system by any organization or individual is prohibited.’ [98a]
- 5.02 Articles 1 to 32 set out the general principles of the [Constitution](#) and Articles 33 to 56 lay down a citizen’s fundamental rights and duties. [98a] The US State Department, in its Background Note for China, dated 6 September 2011, accessed on 26 April 2012, added ‘The Chinese constitution and laws provide for fundamental human rights, including due process, but these are often ignored in practice.’ [2g] (Legal system)

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6. POLITICAL SYSTEM

Flow chart explaining how China is governed

CLICKABLE



(British Broadcasting Corporation (BBC), updated 28 June 2011)

6.01 Chapter III, Article 57 of the Constitution states: ‘The National People’s Congress of the People’s Republic of China is the highest organ of state power. Its permanent body is the Standing Committee of the National People’s Congress.’ [98a] Article 58 states: ‘The National People’s Congress and its Standing Committee exercise the legislative power of the State.’ [98a]

6.02 The Foreign & Commonwealth Office (FCO) Country Profile for China, updated 28 February 2012, accessed on 26 April 2012, noted: ‘China has all the structures a modern democratic state would expect to have, with in theory a separation of powers between the different functions of state similar to most western democracies. But all structures are subordinate to the leadership of the CCP [Chinese Communist Party].’ [31a] (Politics – Political structure)

6.03 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

‘Official statements asserted that “the political party system [that] China has adopted is multiparty cooperation and political consultation under” CCP leadership. However, the CCP retained a monopoly on political power, and the government forbade the creation of new political parties. The government officially recognized nine parties founded prior to 1949, and 30 percent of NPC seats were held by parties other than the CCP. The establishment of new parties is functionally prohibited, and activists attempting to support unofficial parties have been arrested, detained, or confined.’ [2c] (Section 3 – Political Parties)

6.04 The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012 stated:

‘China is not an electoral democracy. The CCP [Chinese Communist Party] has a monopoly on political power, and its nine-member Politburo Standing Committee sets government policy. Party members hold almost all top posts in the government, military, and internal security services, as well as in many economic entities and social organizations. The 3,000-member National People’s Congress (NPC), which is elected for five-year terms by subnational congresses, formally elects the state president for up to two five-year terms, and confirms the premier after he is nominated by the president. However, the NPC is a largely symbolic body. Only its standing committee meets regularly, while the full body convenes for just two weeks a year to approve proposed legislation. In an effort to expand representation at the grassroots level, dozens of

independent candidates attempted in 2011 to compete for seats in the lowest tier of subnational congresses, with most campaigning via social media. The authorities responded with a variety of obstructions, including fraud, censorship, intimidation, and detention, causing most to abandon their campaigns or lose to CCP-backed candidates under questionable circumstances.’ [26a]

- 6.05 The Freedom House report, *Countries at the Crossroads 2011 - China*, published on 10 November 2011, stated:

‘The CCP controls the institutions of government in China. China’s executive branch, the State Council, notes that “Party committees serve as the leadership core over all [government and mass] organizations at the same level . . . and through Party committees and cadres in these organizations, ensure that the Party’s policies are carried out.” Central government authorities regularly reject multiparty democracy as a “Western” concept inappropriate for China’s conditions. They have harshly suppressed leaders of movements calling for political reform, including the Chinese Democracy Party, founded and banned in 1998, and Charter 08, established in 2008.

‘Party authorities choose key figures in executive and judicial institutions, with subordinate government officials selected through competitive civil service exams. CCP authorities tightly control the electoral mechanisms that govern Chinese legislative institutions, limiting eligibility to stand for election to China’s local people’s congresses (LPCs). Independent candidacies are technically allowed, but during the 2006–07 LPC election cycle, Yao Lifa, Lu Banglie, and other independent candidates for legislative office experienced numerous incidents of abuse, detention, and harassment at the hands of local authorities.

‘CCP institutions are themselves governed by non-transparent internal processes. Unlike the Maoist period, no single figure dominates the political landscape. Top-level decisions and appointments are consequently the result of backdoor political machinations involving different factions. At top-level party conferences in 2007 and 2010, such processes resulted in the elevation of Xi Jinping to key deputy posts in the party and military bureaucracies, presumably as the designated successor to lead China following the scheduled retirement of current CCP general secretary Hu Jintao in 2012. Lower-level party officials respond to top-down personnel targets set by higher authorities, including economic development, social stability, and birth control targets.

‘There is a limited degree of public participation in the Chinese political system. Central party authorities have permitted a range of reforms to improve party governance and control, better monitor their own local agents, and respond to local discontent. Since 2005, authorities have increased their efforts to promote CCP-managed institutions such as the Chinese People’s Political Consultative Conference and the approved eight minor political parties as channels for providing government and party leaders with suggestions. CCP officials have also carried out restricted experiments employing a degree of popular participation in selecting local party cadres. Party authorities, however, retain tight control over candidate pools and selection processes, and warn that candidates’ popular support should not be the determining factor in ultimate selection decisions.’ [26b] (p3 - Accountability and public voice)

- 6.06 The CIA World Factbook, updated on 10 September 2012, accessed on 18 September 2012 stated that ‘no substantial political opposition groups exist’. [30a] (Government)

(See also Section 14: Political affiliation - [Opposition groups and political activists](#))

CHINESE COMMUNIST PARTY (CCP)

- 6.07 The website Chinatoday.com, accessed on 21 May 2012, observed that the Communist Party of China (CPC) was founded on 1 July 1921 in Shanghai. Adding:

'After 28 years of struggle, the CPC finally won victory of "new-democratic revolution" and founded the People's Republic of China in 1949. The CPC is the ruling party of mainland China (P.R. China).

'The Communist Party of China is founded mainly on ideology and politics. The CPC derives its ideas and policies from the people's concentrated will and then turns that will into State laws and decisions which are passed by the National People's Congress of China through the State's legal procedures. Theoretically, CPC does not take the place of the government in the State's leadership system. The Party conducts its activities within the framework of the Constitution of the People's Republic of China and the law and has no right to transcend the Constitution and the law. All Party members, like all citizens in the country, are equal before the law.' [19b]

- 6.08 The Congressional Research Service (CRS) report, Understanding China's Political System, 10 May 2012, accessed on 25 June 2012, stated that:

'True to its Leninist roots, the Chinese Communist Party dominates state and society in China. Its power rests on four pillars: its control of China's 2.25 million-strong military, the People's Liberation Army (PLA); its control of personnel appointments across all political institutions, the military, state-owned corporations, and public institutions; its control of the media; and its control of the judiciary and the internal security apparatus. The Party's leadership role is repeatedly referenced in the preamble to the PRC's Constitution, although it is not mentioned in any of the articles of the constitution.' [72a] (p2 - Overview of China's Political Institutions)

- 6.09 The US State Department (USSD) Background Note for China, updated 6 September 2011, accessed on 26 April 2012, noted: 'The estimated 78 million-member CCP, authoritarian in structure and ideology, continues to dominate government. Nevertheless, China's population, geographical vastness, and social diversity frustrate attempts to rule by fiat from Beijing. Central leaders must increasingly build consensus for new policies among party members, local and regional leaders, influential non-party members, and the population at large.' [2g] (Chinese Communist Party)

- 6.10 The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, published in April 2012 stated:

'According to its constitution, China is a multi-party socialist state under the guidance of the Communist Party of China (CPC). China's top leaders have consistently rejected the prospect of a separation of powers, and China operates essentially as a single party state. The party controls the entire political system, including the army. Direct elections, launched in 1988, take place only for village councils and local People's Congresses. Electoral lists are dominated by party members.' [31e] (p193-194)

- 6.11 ChinaToday.com reported in an undated article:

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

'By the end of 2009, Chinese Communist Party has 77.995 million members, a 2.065 million increase over the last year. Among these members, females (16.94 million) share 21.7% of total CPC members; Ethnic minority members (5.13 millions) share 6.6%. 35.7% of CPC members (27.87 million) have college or higher education background. Total number of CPC branches (grass-roots branches are called zhi'bu in Chinese) 3.374 million.' The number of members reflected as:

Year	Total CPC Members	Remarks
2010	80.269 million	(Dec.)
2009	77.995 million	(Dec.)
2007	73.36 million	(Oct.)
2005	70.80 million	(Dec.)
2002	66.355 million	(June)
2001	65.749 million	
2000	64.517 million	
1999	63.221 million	
1998	61.877 million	
1997	60.417 million [19b]	

(See also Section 17: Corruption - [Breaches of party discipline](#))

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Human Rights

7. INTRODUCTION

This Section should be read in conjunction with Section 36: Special Administrative Regions (SARs) – [Hong Kong \(SAR\)](#) and [Macao/Macau \(SAR\)](#)

7.01 The Minority Rights Group International report, State of the World's Minorities and Indigenous Peoples 2012, published on 28 June 2012, stated:

'The year 2011 revealed unmistakable signs of ferment and frustration in Chinese society. Unsettled by the pro-democracy Arab Spring uprisings and the country's scheduled leadership transition in October 2012, the government launched the largest crackdown on human rights lawyers, activists and critics in a decade. This resulted in tightened internet censorship, persecution of high-profile critics, and an increasing number of forced disappearances and arbitrary detentions.' [57a] (p159)

7.02 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

'The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) constitutionally is the paramount authority. CCP members hold almost all top government, police, and military positions. Ultimate authority rests with the 25-member Political Bureau (Politburo) of the CCP and its nine-member Standing Committee. Hu Jintao holds the three most powerful positions as CCP general secretary, president, and chairman of the Central Military Commission. Civilian authorities generally maintained effective control of the security forces.' [2c] (Executive Summary)

7.03 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, concurred, stating: 'Against a backdrop of rapid socio-economic change and modernization, China continues to be an authoritarian one-party state that imposes sharp curbs on freedom of expression, association, and religion; openly rejects judicial independence and press freedom; and arbitrarily restricts and suppresses human rights defenders and organizations, often through extra-judicial measures.' [7b] (p314)

7.04 The USSD Report 2011 added: 'The government remained reluctant to accept criticism of its human rights record by other nations or international organizations. It criticized reports by international human rights monitoring groups, claiming that such reports were inaccurate and interfered with the country's internal affairs. Representatives of some international human rights organizations reported that authorities denied their visa requests or restricted the length of visas issued to them.' [2c] (Section 5 - Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

7.05 The USSD Report 2011 noted in its observation on the human rights situation:

'Deterioration in key aspects of the country's human rights situation continued. Repression and coercion, particularly against organizations and individuals involved in rights advocacy and public interest issues, were routine. Individuals and groups seen as politically sensitive by the authorities continued to face tight restrictions on their freedom to assemble, practice religion, and travel. Efforts to silence political activists and public interest lawyers were stepped up, and, increasingly, authorities resorted to extralegal measures including enforced disappearance, 'soft detention,' and strict house arrest,

including house arrest of family members, to prevent the public voicing of independent opinions. Public interest law firms that took on sensitive cases continued to face harassment, disbarment of legal staff, and closure. The authorities increased attempts to limit freedom of speech and to control the press, the Internet, and Internet access. The authorities continued severe cultural and religious repression of ethnic minorities in Xinjiang Uighur Autonomous Region (XUAR) and Tibetan areas. Abuses peaked around high-profile events, such as the visit of foreign officials, sensitive anniversaries, and in response to Internet-based calls for “Jasmine Revolution” protests.

‘As in previous years, citizens did not have the right to change their government. Other human rights problems during the year included: extrajudicial killings, including executions without due process; enforced disappearance and incommunicado detention, including prolonged illegal detentions at unofficial holding facilities known as “black jails”; torture and coerced confessions of prisoners; detention and harassment of lawyers, journalists, writers, dissidents, petitioners, and others who sought to peacefully exercise their rights under the law; a lack of due process in judicial proceedings; political control of courts and judges; closed trials; the use of administrative detention; restrictions on freedom to assemble, practice religion, and travel; failure to protect refugees and asylum seekers; pressure on other countries to forcibly return citizens to China; intense scrutiny of and restrictions on nongovernmental organizations (NGOs); discrimination against women, minorities, and persons with disabilities; a coercive birth limitation policy that in some cases resulted in forced abortion or forced sterilization; trafficking in persons; prohibitions on independent unions and a lack of protection for workers’ right to strike; and the use of forced labor, including prison labor. Corruption remained widespread.

‘The authorities prosecuted a number of abuses of power, particularly with regard to corruption. However, the internal disciplinary procedures of the CCP were opaque, and it was not clear whether human rights and administrative abuses were consistently punished.’ [2c] (Executive Summary)

7.06 The HRW World Report 2012 noted:

‘The government also censors the internet; maintains highly repressive policies in ethnic minority areas such as Tibet, Xinjiang, and Inner Mongolia; systematically condones - with rare exceptions - abuses of power in the name of “social stability”; and rejects domestic and international scrutiny of its human rights record as attempts to destabilize and impose “Western values” on the country. The security apparatus - hostile to liberalization and legal reform - seems to have steadily increased its power since the 2008 Beijing Olympics. China’s “social stability maintenance” expenses are now larger than its defense budget.

‘At the same time Chinese citizens are increasingly rights-conscious and challenging the authorities over livelihood issues, land seizures, forced evictions, abuses of power by corrupt cadres, discrimination, and economic inequalities. Official and scholarly statistics estimate that 250-500 protests occur per day; participants number from ten to tens of thousands. Internet users and reform oriented media are aggressively pushing the boundaries of censorship, despite the risks of doing so, by advocating for the rule of law and transparency, exposing official wrong-doing, and calling for reforms.

‘Despite their precarious legal status and surveillance by the authorities, civil society groups continue to try to expand their work, and increasingly engage with international NGOs. A small but dedicated network of activists continues to expose abuses as part

of the weiquan ('rights defense') movement, despite systematic repression ranging from police monitoring to detention, arrest, enforced disappearance, and torture.' [7b] (p314)

- 7.07 The Amnesty International (AI) Annual Report 2012: The state of the world's human rights: China (AI Report 2012), published on 24 May 2012, covering events in 2011, stated that:

'Fearful of a protest movement inspired by events in the Middle East and North Africa, in February [2011] the authorities unleashed one of the harshest crackdowns on political activists, human rights defenders and online activists since the 1989 Tiananmen Square demonstrations. Harassment, intimidation, arbitrary and illegal detention, and enforced disappearances intensified against government critics. Ethnic minority regions were under heightened security as local residents protested against discrimination, repression and other violations of their rights. The authorities increased ongoing efforts to bring all religious practice within the control of the state; this included harsh persecution of some religious practitioners. China's economic strength during the global financial crisis increased the country's leverage in the domain of global human rights – mostly for the worse.' [6a] (Introduction)

- 7.08 The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012, stated: 'The government continued its crackdown on civil rights lawyers, law firms, and NGOs offering legal services in 2011. Many of those abducted and abused in the Jasmine Revolution-related crackdown were lawyers, some of whom had previously faced disbarment for taking human rights cases. Prominent lawyer Gao Zhisheng remained "disappeared" and at severe risk of torture following his abduction by security forces in 2009.' [26a]

- 7.09 The Human Rights Watch report, [Promises Unfulfilled: An Assessment of China's National Human Rights Action Plan](#), 11 January 2011, stated:

'In April 2009, the Chinese government unveiled its 2009-2010 National Human Rights Action Plan (NHRAP), which sets forth both a program of goals and a timeline for acting on them. The Chinese government's willingness to draft and publicly release a document which explicitly addresses important human rights issues in China deserves praise. Nearly two years on, however, deficiencies in the action plan and government failures to adequately implement some of its key commitments have rendered it largely a series of unfulfilled promises.

'At the time of its release, the NHRAP appeared to mark another shift from the Chinese government's traditional posture of criticizing human rights as an imposition of "Western values" to embracing them as a national goal to be realized through concrete assessment targets. The NHRAP touches on many important rights issues while omitting some very notable ones. Its style is hortatory - asserting accomplishments and admitting some difficulties - but opaque. On most issues, the document lacks benchmarks or the kind of detail that would allow for meaningful assessment of progress. The question of whether the NHRAP is mainly an effort to deflect internal and external criticism or a tentative step toward taking rights more seriously is still an open question.' [7a] (p3 - Summary)

(See also Section 14: Political affiliation - [Opposition groups and political activists](#))

(See also Section 16: [Human rights institutions, organisations and activists](#))

8. SECURITY FORCES

- 8.01 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that: 'The main domestic security agencies include the Ministry of State Security, MPS [Ministry of Public Security], and People's Armed Police. The People's Liberation Army is primarily responsible for external security but also has some domestic security responsibilities. Local jurisdictions also frequently used civilian municipal security forces, known as "urban management" officials, to enforce laws.' [2c] (Section 1d)
- 8.02 The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012, stated:
- 'Security forces work closely with the CCP [Chinese Communist Party] at all levels. During 2011, the CCP continued to expand its apparatus for "stability maintenance," a term that encompasses maintaining law and order, suppressing peaceful dissent, and closely monitoring the populace. Key components of this apparatus include state intelligence agencies, such as the Public Security Bureau; paramilitary forces like the People's Armed Police; and extralegal CCP-based entities like the 610 Office and stability-maintenance units at the grassroots level. In March 2011, the government announced that it would allocate 624 billion yuan (\$95 billion) that year for internal security forces, an increase of over 13 percent from 2010. The new total surpassed the country's military budget for the first time.' [26a]
- 8.03 Jane's Security Country Risk Assessment: China, Infrastructure, updated 26 September 2011, accessed on 12 June 2012, noted that:
- 'The Ministry of Public Security (MPS) exercises oversight for domestic policing activities throughout China and is responsible for routine law enforcement, although it does not maintain its own paramilitary capability. The ministry has functional departments for areas such as Economic Crime Investigation, Public Order Administration, Border Control, Criminal Investigation and Traffic Control.
- 'Subordinate to the ministry are provincial-level public security departments; public security bureaux and sub-bureaux at the county level (the bureaux located in the prefectures and large cities, the sub-bureaux in counties and municipal districts); and public security stations at the township level. While public security considerations have a strong influence at all levels of administration, the police appear to wield progressively greater influence at the lower levels of government...
- 'The MPS evolved soon after the creation of the People's Republic of China, largely coming from the Chinese Communist Party's Central Department of Social Affairs. It is responsible for the majority of daily police activities within mainland China, and maintains active liaison with security officials in both Hong Kong and Macau. Although the MPS is not directly involved in domestic intelligence gathering, the provincial and municipal public security bureaux are involved in domestic intelligence related to corruption cases and directed at foreigners in China. Additionally, the MPS acts as a cover organisation for the Ministry of State Security, the principle Chinese intelligence service.' [56b] (Security and Foreign Forces - Ministry of Public Security)

- 8.04 Jane's Security Country Risk Assessment added: 'China maintains some 12 million paramilitary personnel, responsibility for them divided between the Ministry of Public Security and the People's Armed Police (PAP). The largest security force, the Militia, consists of approximately 10 million personnel ranging from 18 to 35 years of age. It is divided into the Basic (Primary) Militia and the Ordinary Militia. [56b] (Security and Foreign Forces – Security Forces)

(See also Section 17: [Corruption](#))

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POLICE

Peoples Armed Police (PAP)

- 8.05 The USSD Report 2011, stated: 'The MPS [Ministry of Public Security] coordinates the country's police force, which is organized into specialized police agencies and local, county, and provincial jurisdictions. Judicial oversight of the police was limited, and checks and balances were absent.' [2c] (Section 1d)

- 8.06 Jane's Security Country Risk Assessment stated:

'The People's Armed Police (PAP) is one of China's three armed forces - alongside the People's Liberation Army (PLA) and reserve forces - and numbers approximately 1.5 million personnel. This includes regular military forces (the PLA) on domestic defence duty and approximately 660,000 armed, frontier defence and fire-fighting police personnel. The PAP is organised like a military service system. It exists for domestic, police and social control purposes and follows the administrative rules and regulations of the PLA. The first legislation on the PAP was passed in August 2009, when the organisation was given statutory authority to respond to security emergencies and "take necessary measures to dispel large assemblies of people that compromise social order."

'Created in 1983 from remnants of the PLA's border control, internal security units (so-called domestic internal guards), regional fire departments and some Ministry of Public Security units, the PAP has undergone several administrative and cosmetic changes. In late 2007, the PAP was issued new olive green uniforms with insignia reading "China Armed Police Force." During the world-wide Olympic torch relay prior to the 2008 Olympic Games, a group called the "Beijing Olympic Games Sacred Flame Protection Unit," wearing blue tracksuits, protected the torch against a range of protesters. This unit is believed to be drawn from one of the PAP's elite special mission units.

'In peacetime, the PAP is responsible for interior security, national level construction projects and works closely with the Public Security Bureaux throughout China. In wartime, the PAP would be re-subordinated under a military command and would be responsible for counter-infiltration and battlefield security.

'The PAP is organised into three types of unit: an internal security force of 45 divisions; a second force of 186,000 personnel, tasked with border and coastal control; and a third force of 69,000 which protects key national logistic sites. The PAP's general headquarters, located in Beijing, has three departments responsible for operational, political and logistical matters.

'Formerly under the joint control of the Central Military Commission (CMC) and the Ministry of Public Security (MPS), in October 1995 control of the PAP's internal security wing (of about 441,000 personnel) was consolidated under the Central Military Commission. The revised structure left the MPS with direct control over only a limited number of border security troops and a number of auxiliary units, such as forest protection units.' [56b] (Security and Foreign Forces - People's Armed Police)

- 8.07 The Global Security profile on the People's Armed Police, updated 28 July 2011, accessed 12 June 2012, noted:

'Since "the Democratic Movement June, 4 1989 in Tianmen Square," the status and importance of the People's Armed Police have seen rapidly elevated. The CCP's Central Military Committee has made public that in case there is any domestic upheaval, the People's Armed Police will be first mobilized. In other words, the Armed Police is PRC's main force in charge of the domestic security and social stability...

'Most of the armed police corps in provinces, municipalities and autonomous regions have created comprehensive combat command systems integrating the use of computers and telecommunications technology. The upgraded command systems can enhance communications between tens of thousands of duty posts nationwide, and among armed police corps in municipalities and provinces with their Beijing-based headquarters. Advanced armored carriers, multi-functional refueling trucks, field water-supply vehicles, and other kinds of equipment have also helped enhance the combat capability of the armed police.' [65a]

(See also Section 14: Political affiliation - [Opposition groups and political activists](#))

(See also Section 15: [Freedom of speech and media](#))

(See also Section 32: [Exit-entry procedures](#))

Chengguan Urban Management Law Enforcement

- 8.08 The Human Rights Watch (HRW) published a report on 23 May 2012, describing the role of the chengguan Urban Management Law Enforcement, which was formed in 1997 and tasked with 'enforcing non-criminal urban administrative regulations'. The report stated:

'Individual municipalities define the duties and powers of their chengguan units. According to a Chinese academic study of chengguan operations, "Provincial, autonomous region and municipal governments decide the [scope of] chengguan law enforcement rights ... [this has led directly] to local governments allowing chengguan duties to excessively affect [citizens] rights and has led to the limitless expansion of chengguan scope of duties."

'Chengguan duties can extend to enforcement of municipal government property eviction and demolition orders. These actions frequently involve angry or violent protests between enforcement personnel and aggrieved property owners, situations more appropriate for better trained and qualified police officers.

'Beijing regulations, which other municipalities have adopted as a model, give chengguan enforcement powers in 14 areas and stipulate 300 sub-categories of violations for which chengguan have the power to impose punishment, including a

catch-all “other administrative punishments” category. In the area of hygiene, for example, the regulations give chengguan authority to ensure the quality of restaurants’ cooking oil, while in the public utilities area they provide that the chengguan are to ensure the safety of the city’s gas pipelines. During the 2008 Beijing Olympics, the municipal government mobilized more than 5,000 chengguan officers to assist with ensuring good air quality during the games. In Yantai city in Shandong province, the municipality has empowered local chengguan with vague “emergency” law enforcement powers. Those responsibilities have allowed for extremely wide interpretation and application which have been criticized for “covering almost every aspect of city residents’ lives ... [and] the vital interests of the people.” [7g] (p1, 18-19)

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ARMED FORCES

8.09 Europa World, accessed on 14 August 2012, noted:

‘China is divided into seven major military administrative units. All armed services are grouped in the People’s Liberation Army (PLA). As assessed at November 2011, according to Western estimates, the regular forces totalled 2,285,000, of whom 660,000 were paramilitary forces: the army numbered 1,600,000, the navy 255,000 (including a naval air force of 26,000), the air force approximately 300,000, and the strategic missile forces 100,000. Reserves numbered some 510,000, and the People’s Armed Police comprised an estimated 660,000.’ [1e] (Directory: Government and Politics – Defence)

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HUMAN RIGHTS VIOLATIONS BY SECURITY FORCES

Arbitrary arrest and detention

8.10 The Amnesty International (AI) Annual Report 2012: The state of the world’s human rights: China (AI Report 2012), published on 24 May 2012, covering events in 2011, stated that:

‘The number of people subjected to enforced disappearances grew. Many were held in secret detention... Many others remained or were placed under illegal house arrest.

‘On 30 August [2011], the authorities released draft revisions of China’s Criminal Procedure Law, the first proposed changes since 1997. Notwithstanding some positive amendments, the revisions proposed to legalize detention of individuals for up to six months without notification of their family or friends. Many legal commentators regarded this as a legalization of enforced disappearances. Prohibitions against the use of illegal evidence, including coerced confessions and other evidence obtained through torture and other ill-treatment, were incorporated into the draft revisions. However, torture remained pervasive in places of detention, as government policies, such as ones requiring prison and detention centre staff to “transform” religious dissidents to renounce their faith, fostered a climate conducive to torture.’ [6a] (Enforced disappearances)

8.11 The Anti Death Penalty Asia Network (ADPAN) said in a report, When Justice Fails: Thousands executed in Asia after unfair trials, published on 6 December 2011, by Amnesty International, that:

'The authorities have also passed a number of regulations in recent years aimed at strengthening this prohibition and reinforced procedures to tackle the use as evidence of other illegally obtained statements, especially in death penalty cases. Nevertheless, Chinese law still fails to include an explicit ban on the use as evidence in court of all statements extracted through torture and other ill-treatment. People continue to be executed despite strong evidence that their conviction was based on confessions extracted through torture.' [6c] (p13-14)

- 8.12 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, concurred, observing that arbitrary arrest and detention remained serious problems. The report noted:

'The law grants police broad administrative detention powers and the ability to detain individuals for extended periods without formal arrest or criminal charges. Throughout the year human rights activists, journalists, unregistered religious leaders, and former political prisoners and their family members continued to be among those targeted for arbitrary detention or arrest. A draft revision of the criminal procedure law contained a provision to legalize extralegal detentions for cases involving state secrets, major corruption, and terrorism.' [2c] (Section 1d)

- 8.13 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, observed:

'Arbitrary detention in China takes many forms and continues to be widely used by Chinese authorities to quell local petitioners, government critics, and rights advocates. Among the forms of arbitrary extralegal and illegal detention are:

- "enforced disappearances";
- "soft detention" (ruanjin), a range of extralegal controls under which individuals may be subjected to home confinement, surveillance, restricted movement, and limitations on contact with others;
- 'reeducation through labor, an administrative detention of up to four years for minor offenses;
- "black jail" (hei jianyu) detentions; and
- 'forcible detention in psychiatric hospitals for non-medical reasons.

"Shuanggui," another form of extralegal detention, is used by the Communist Party for investigation of Party members, most often in cases of suspected corruption.' [28a] (p86 - Arbitrary Detention)

- 8.14 Amnesty International recorded that Liu Xia, wife of Nobel Peace Prize winner Liu Xiaobo, and Zheng Enchong, a housing rights lawyer from Shanghai both remained under house arrest. The report further noted that: 'On 16 December [2011], Gao Zhisheng, a well-known human rights lawyer who had been subjected to enforced disappearance on and off for nearly three years, was sent to prison to serve his three-year sentence for "repeatedly violating his probation", just days before his five-year probation was due to end. During his disappearance he was believed to have been in official custody.' [6a] (Enforced disappearances)

8.15 On 7 April 2011 Human Rights Watch reported:

'...Beijing is in the midst of the largest crackdown on dissent in over a decade - one that differs ominously in scope, tactics and aims from previous campaigns. The authorities are clearly casting a wider net over all advocates of "global values"- the code word in China for human rights, the rule of law and freedom of expression. Everyone from veteran dissidents to lawyers, rights activists, NGO [non-governmental organisation] coordinators, journalists, writers, artists and even ordinary netizens are being targeted.

'In the past six weeks, Human Rights Watch has logged over a hundred cases of detention for advocacy across the country. Eight of China's top human-rights lawyers were arrested in mid-February and have not been heard from since. Up to 20 people are facing prosecution for the loosely defined crime of "inciting subversion," which includes criticism of the Communist Party. Writers, bloggers and critics have been threatened with arrest.

'The authorities" methods are also distinctive this time around. Gone is the reliance on short-term detention and house arrest; instead, the Public Security's Bureau No. 1 branch - the secret police in charge of "Domestic Security" - have opted for a mix of arrests on state security charges and extrajudicial tactics such as disappearances, physical intimidation or beatings by plain-clothes thugs, as well as threats of torture and retaliation against family members and work associates. This shift to extrajudicial tactics was tacitly acknowledged by the authorities when a government spokesman warned on March 3 [2011] that "the law was not a shield" for people "creating trouble for China".'

[7e]

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Torture

8.16 China ratified the Convention against Torture in October 1988. (United Nations Treaty Collection) [6a]

8.17 The USSD Report 2011, noted that:

'The law prohibits the physical abuse of detainees and forbids prison guards from extracting confessions by torture, insulting prisoners' dignity, and beating or encouraging others to beat prisoners. In July 2010 rules went into effect that exclude evidence, including confessions, obtained under torture in certain categories of criminal cases. However, numerous former prisoners and detainees reported that they were beaten with fists and water bottles, subjected to electric shock, forced to sit on stools staring at the wall for hours on end, deprived of sleep, and otherwise subjected to physical and psychological abuse. Some of these abuses occurred during the year. Although ordinary prisoners were subjects of abuse, political and religious dissidents were singled out for particularly harsh treatment. In some instances close relatives of dissidents were singled out for abuse.' [2c] (Section 1c)

8.18 When reporting on the progress in achieving the National Human Rights Action Plan (NHRAP) objectives, the Human Rights Watch report, Promises Unfulfilled, An Assessment of China's National Human Rights Action Plan, published 11 January 2011, observed:

'The state prohibits the extortion of confessions by torture. Evidence will be collected in accordance with the legally prescribed process. It is strictly forbidden to extort confessions by torture and to collect evidence by threat, enticement, deceit or other unlawful means. Anyone who coerces confessions out of a suspect by torture, corporal punishment, abuse or insult shall be handled in accordance with the seriousness of the acts and the consequences. If the case constitutes a crime, criminal responsibility shall be investigated in accordance with the law.' (HRW, 11 January 2011) [7a] (p15)

8.19 The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, published in April 2012, stated however, that: '... there were regular reports that human rights lawyers, bloggers, journalists and activists were subjected to torture. The transfer to, and holding of prisoners at, unspecified locations outside official detention facilities remains a particular concern in this context as we [the FCO] have received reports that this is where instances of torture often occur.' [31e] (p198)

8.20 Recorded incidences of torture in the USSD Report 2011, included:

'On September 13 [2011], Guo Feixiong (aka 0 Yang Maodong) was released from Guangdong Province's Meizhou Prison after five years in custody. Family members and lawyers who had met with Guo during the five years reported to the media that while in prison Guo was subjected to electric shocks, beatings, and other torture.

'On February 19 [2011], lawyer Jiang Tianyong was detained and severely beaten for two nights. He was made to sit motionless for up to 15 hours a day and interrogated repeatedly. He said he was also threatened and humiliated. He said his interrogators told him: "Here we can do things in accordance to law. We can also not do things in accordance to law, because we are allowed to do things not in accordance to law." Jiang was released in April and never charged with a crime or formally arrested.' [2c] (Section 1c)

8.21 The USSD Report 2011 added:

'In February the UN Committee Against Torture (UN CAT) reiterated its deep concern about the routine and widespread use in the country of torture and mistreatment of suspects in police custody, especially to extract confessions or information used in criminal proceedings. UN CAT acknowledged government efforts to address the practice of torture and related problems in the criminal justice system. Many acts of torture allegedly occurred in pretrial criminal detention centers or Re-education Through Labor (RTL) centers.' [2c] (Section 1c)

(See also Section 12: Prison Conditions - [Punishment of minor offences and Re-Education through Labour \(RTL\)](#))

8.22 The HRW report of January 2011, noted:

'The Supreme People's Procuratorate concluded in April 2010 that of the 15 cases of unnatural detainee deaths in 12 provinces investigated by authorities up to that point in 2010, seven were the result of beatings while three remained under investigation. In April 2010, the Beijing municipal prisons authority announced measures to prevent torture, including making wardens in the city's 14 prisons personally accountable for the death or injury of any detainees under their jurisdiction. That same month, the government also announced that Beijing's 22 detention centers would be equipped with

24-hour surveillance cameras to “increase transparency and prevent abnormal deaths”.’ [7a] (p16)

8.23 The HRW report further noted:

‘The NHRAP states that the government will take effective measures “to prohibit such acts of corporal punishment, insult of detainees, or the extraction of confessions by torture.” Although this is a welcome statement of how the state should act to prevent and punish the crime of torture, it is not a description of how the state presently acts in practice. Torture in detention in China remains an endemic problem. After a 2005 visit, Manfred Nowak, the [S]pecial [R]apporteur on torture and other cruel, inhuman or degrading treatment or punishment in the UN Office of the High Commissioner for Human Rights, concluded that torture was widespread. Nowak reported that torture methods in China included “use of electric shock batons, cigarette burns, guard-instructed beatings by fellow prisoners, submersion in pits of water or sewage, exposure to extreme heat or cold, being forced to maintain uncomfortable positions, deprivation of sleep, food or water, and suspension from overhead fixtures by handcuffs.” Nowak’s February 2010 follow-up report, to which the Chinese government declined to contribute, concludes that the Chinese government has failed to deliver on its NHRAP commitment to end torture of criminal suspects in custody.

‘Chinese government efforts to address torture in detention during the period of the NHRAP have included the May 2010 joint issue of two directives, “The Assessment of Evidence in Death Penalty Cases” and “The Exclusion of Illegal Evidence in Criminal Cases,” by the Supreme People’s Court, the Supreme People’s Procuratorate, and the Ministries of Public Security, State Security, and Justice. The directives reiterate existing legal prohibitions on the use of torture by security forces to extract confessions. They also introduced procedural mechanisms to exclude from court any evidence tainted by torture, including confessions of defendants and testimonies of prosecution witnesses, which form the basis of most criminal convictions in China. However, in at least one prominent case since the directives were issued, these prohibitions were not followed.’ [7a] (p15)

8.24 The HRW report of January 2011, added:

‘The NHRAP provided the Chinese government an opportunity to close regulatory loopholes and clearly articulate prohibitions on the use of evidence obtained through torture from admission in court. The NHRAP lists only two specific mechanisms aimed to reduce torture, including imposition of a “physical separation between detainees and interrogators” and a “system of conducting a physical examination of detainees before and after an interrogation.” However, the NHRAP fails to address how and when such measures might be implemented, the agencies responsible for implementation, and mechanisms to evaluate the effectiveness of such measures.’ [7a] (p16-18)

8.25 The FCO Human Rights and Democracy report added:

‘The draft amendment to China’s Criminal Procedure Law (CPL)... contains some provisions which, properly enforced, could help to prevent torture. It codifies the Rules on the Preclusion of Illegal Evidence introduced in 2010. It requests that police should transfer suspects to pre-trial detention centres within 24 hours and that follow-on police interviews should be carried out there. There is increased provision for the recording of interviews in the most serious cases. It reinforces the message that police officers

should be called as witnesses in court when there is an allegation of torture of suspects or defendants.’ [31e] (p198)

(See also Section 10: Judiciary – [Fair trial](#) and [Criminal Procedure Law](#))

(See also Section 19: Banned spiritual groups - [Falun Gong](#))

8.26 A follow-up report, dated 17 February 2009, stated:

‘...the Special Rapporteur notes several positive regulatory changes in recent years that relate to criminalizing acts aimed at coercing confessions. He regrets, however, that the definition of torture and the criminalization of torture in Chinese law still do not satisfy the requirements of articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)... The Special Rapporteur notes with interest the Government’s on-going efforts to combat torture practices, including through the provision of nationwide training of the police and the introduction of audio and video recording devices in interrogation rooms. However, he also notes reports on shortcomings in the implementation of these new measures as well as on cases of intimidation of defence lawyers. He regrets that the state secrets system continues to be the primary obstacle to independent investigations of torture allegations, thereby also hindering the prosecution of perpetrators. Moreover, the secrecy surrounding actions taken with respect to torture makes it difficult to assess the results of new measures.’ [32c] (p4)

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

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

Extrajudicial killings

8.28 The USSD Report 2011, noted that: ‘During the year [2011] security forces reportedly committed arbitrary or unlawful killings. In many instances few or no details were available. No official statistics on deaths in custody were available.’ [2c] (Section 1a)

8.29 The USSD Report 2011 cited the following incidences recorded by the media:

'In June [2011] the media reported that residents in Hubei Province protested outside a Lichuan City government building after Ran Jianxin died in police custody. Ran, a Lichuan councilman, was arrested May 26 on suspicion of having accepted bribes and died June 4 while being interrogated. Relatives said they found wounds and bruises on his body and believe he died an unnatural death. Photos circulated on the Internet apparently showed Ran's body covered in bruises.

'In September [2011] villagers in Wukan, Guangdong Province, engaged in demonstrations against local government officials to protest the sale of village land. Officials asked the villagers to appoint representatives to address the issue. After negotiations failed, the authorities detained some representatives on December 11. On December 13, local government announced that one of the detained representatives, Xue Jinbo, had died of cardiac arrest while in custody. Xue's relatives, who saw his body, believed he had been tortured and beaten to death. A local prosecutor denied the allegations and told media that Xue had a history of asthma and heart disease.' [2c] (Section 1a)

(See also Section 13: [Death penalty](#))

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PETITIONING

8.30 The British Broadcasting Corporation (BBC) reported in an online news article in December 2011 that 'Local governments hire the firms to stop people who travel to Beijing to voice grievances about perceived injustices in their areas.' [9i] The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012, added: 'Local officials face penalties if they fail to limit the flow of petitioners traveling to Beijing to report injustices to the central government. As a result, petitioners are routinely intercepted, harassed, detained in illegal "black jails," or sent to labor camps.' [26a]

8.31 On 8 March 2009 The New York Times reported:

'According to the state media, 10 million petitions have been filed in the last five years on complaints as diverse as illegal land seizures and unpaid wages. The numbers would be far higher but for the black houses, also called black jails, the newest weapon local officials use to prevent these aggrieved citizens from embarrassing them in front of central government superiors. Officially, these jails do not exist. In China's authoritarian state, senior officials tally petitions to get a rough sense of social order around the country. A successfully filed petition – however illusory the prospect of justice – is considered a black mark on the bureaucratic record of the local officials accused of wrongdoing. So the game, sometimes deadly, is to prevent a filing. The cat-and-mouse contest has created a sizable underground economy that enriches the interceptors, the police and those who run the city's ad hoc detention centers. Human rights activists and petitioners say plainclothes security officers and hired thugs grab the aggrieved off the streets and hide them in a growing constellation of unmarked detention centers. There, the activists say, the aggrieved will be insulted, roughed up and then escorted back to their home provinces. Some are held for weeks and months without charge, activists say, and in a few cases, the beatings are fatal. The police in Beijing have done little to

prevent such abuses. They are regularly accused of turning a blind eye or even helping local thugs round up petitioners. That raises suspicions that the central government is not especially upset about efforts to undermine the integrity of the petition system... Rights advocates say that black houses have sprouted in recent years partly because top leaders have put more pressure on local leaders to reduce the number of petitioners reaching Beijing.’ [21b]

8.32 On 26 November 2009 The Telegraph reported:

‘Until now, the Communist Party has strenuously denied running black jails, despite a growing number of testimonies and evidence from former inmates. However, a report in Liaowang (Outlook), a magazine which is written for elite government officials and published by the official Xinhua news agency, laid the system bare. The victims of the jails are usually ordinary Chinese who have travelled to Beijing to lodge a complaint, or petition, with the central government that their local officials have ignored. Every day, hundreds of petitioners arrive in Beijing from across China, only to be hunted down by plain-clothes policemen or even private security firms sent by their home province to “retrieve” them. Since local governments are judged on the number of grievances that arrive in Beijing, officials are often determined not to let the petitioners file their claims. The Liaowang report said that the number of people employed by local governments to abduct citizens “can reach over 10,000”. “In Beijing, a monstrous [sic] business network has emerged to feed, house, transport, man-hunt, detain and retrieve petitioners,” said the magazine. It added that there are at least 73 black jails in the capital, often in unused homes or psychiatric wards. Private security firms demand fees of 100 yuan (£9) to 200 yuan per person they abduct. Liaowang said the system “seriously damaged the government’s image”.’ [25e]

(See also Section 17: [Corruption](#))

(See also Section 14: Political affiliation - [Freedom of association and assembly](#))

Black jails

This Section should be read in conjunction with Section 12: [Prison conditions](#)

- 8.33 Black jails, as described by the British Broadcasting Corporation (BBC) in an online article in December 2011, were ‘... temporary detention centres established to hold petitioners, people who come to Beijing to report individual problems to the central government.’ [9i]
- 8.34 Al Jazeera reported in March 2012 that China was preparing to pass a criminal procedure law which would provide more rights to detainees, including the rendering of all evidence collected under torture unusable, granting suspects immediate access to a lawyer, and obliging authorities to tell families within 24 hours of a relative's detention. However, for those held in China's so-called “black jails”, what was written in law could be very different to what happened on the ground. [80a]
- 8.35 In late 2011 Beijing's public security bureau launched a six month crack-down on “black jails” in the Capital operated by private security firms. Police said the firms were involved in ‘illegal detention, violence and running underground jails.’ (BBC, 2 December 2011) [9i]

- 8.36 A Researcher for the Institute of Peace and Conflict Studies (IPCS) reported in December 2011 on black jails in China and how they operated, noting that:
- ‘These black jails are illegal detention centers generally operated out of state-run hotels, nursing homes or psychiatric hospitals and are targeted at petitioners – critics and dissidents coming to Beijing and subjected frequently to severe torture and deprivations. Even minors are detained in these jails and many reports have highlighted cases of rape within these jails. Though many private security companies are registered, due to the huge sums of money involved many illegal detention centers have come up. The local governments pay approximately US\$ 29 per person to the operators of these black jails and a recent illegal detention center uncovered was being paid by five local authorities. The whole nexus serves the central government as well and that is why no major actions to stop these illegal detentions have been undertaken by the Chinese state.’ [78a]
- 8.37 The same IPCS article added:
- ‘Chinese officials have never openly admitted the existence of these jails. The attempt by the provincial government to stop petitioners from reaching the higher authorities is driven by the fact that the promotions in the party ladder are given to officials for their good work in their provinces and such instances do not reflect well for their records. Moreover, in 2003 official detention centers were closed down after the residency requirements or the hukou rules were loosened. This is how the “black jails” originated as the local governments started hiring private firms to stop people from traveling to Beijing with their complaints against the injustices in their areas.
- ‘A Foreign Ministry spokesman Qin Gang even denied the existence of these jails at a recent press conference stating “I can assure you that there are no so-called black jails in China.” However the Chinese state-run and international media often reports their existence.’ [78a]
- 8.38 The Human Rights Watch (HRW) Report, “An Alleyway in Hell”: China’s Abusive “Black Jails”, 12 November 2009, stated:
- ‘Human rights abuses related to China’s black jails bear a striking similarity to those of the official compulsory custody-and-repatriation, or shourong qiansong, system, which the government abruptly abolished in June 2003. Shourong, a vagrancy detention system, legally allowed police to detain “undesirables” - mostly petitioners, but also including beggars and any individuals who lacked official identification papers - and to transfer them to official “relief and repatriation” centers where they were held for a short period of time before being returned to their home districts. Researchers reported that extralegal black jails began operating within months of the abolition of the vagrancy detention system.’ [7c] (p2 – Summary)
- 8.39 The HRW Report added:
- ‘Since 2003, large numbers of Chinese citizens have been held incommunicado for days or months in secret, unlawful detention facilities. These facilities, known informally as “black jails” (黑监狱) or “black houses” (黑房屋), are created and used primarily by local and provincial officials to detain petitioners who come to Beijing and provincial capitals seeking redress for complaints that are not resolved at lower levels of government. Public security officials in Beijing and other cities have not intervened to close the jails and, in at least some instances, have directly assisted black jail

operators... Detainees are often physically and psychologically abused. Many are deprived of food, sleep, and medical care, and they are subject to theft and extortion by their guards. They have no access to family members or to legal counsel or to courts. The makeshift jails are found in state-owned hostels, hotels, nursing homes, and mental hospitals, among other locations. Some Chinese researchers and civil society activists suggest that the number of individuals detained in black jails each year reaches into the thousands.' [7c] (p2 – Summary)

8.40 The HRW Report further added:

'The majority of black jail detainees are petitioners - citizens from rural areas who come to Beijing and provincial capitals seeking redress for abuses ranging from illegal land grabs and corruption to police torture. Petitioners, as citizens who have done nothing wrong - in fact, who are exercising their legal right to complain of being wronged themselves - are often persecuted by government officials, who employ security forces and plainclothes thugs known as retrievers or jiefang renyuan, to abduct them, often violently, and then detain them in black jails. Plainclothes thugs often actively assist black jail operators and numerous analysts believe that they do so at the behest of, or at least with the blessing of, municipal police.' [7c] (p3 – Summary)

8.41 The same HRW Report noted:

'... detainees are denied access to legal counsel and in most cases contact with family and friends. Detainees are kept under constant surveillance, and subject to often arbitrary physical and psychological abuse including beatings, sexual violence, threats, and intimidation. In some black jail facilities, guards deprive detainees of food and sleep as mechanisms to punish, control, or elicit information from detainees. Black jail conditions are uniformly harsh. Detainees endure crowded sleeping quarters, unsanitary conditions, poor quality food in insufficient quantities, and violent reprisals for complaints about such conditions.

'The guards at black jails routinely deny detainees access to needed medical care, even in cases of injuries from beatings. One former black jail detainee resorted to a three-day hunger strike to compel her captors to allow her access to a doctor. Former black jail detainees report that guards often steal detainees' personal belongings, including petitioning documents, demand payment for food or lodging at the black jail facilities, and demand large lump sum payments as high as 15,000 yuan (US\$2,205) as a condition of release

'Minors under the age of 18 have been detained at black jails, a blatant violation of China's commitments to the rights and welfare of children. One former detainee we interviewed was a 15-year-old girl, abducted from the streets of Beijing while petitioning on behalf of her disabled father. She said she had been locked up in a nursing home in Gansu province for more than two months and subjected to severe beatings.' [7c] (p4 – Summary)

Further information on black jails can be located in the Human Rights Watch (HRW) Report "[An Alleyway in Hell": China's Abusive "Black Jails"](#)", published 12 November 2009. [7c]

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AVENUES OF COMPLAINT

- 8.42 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

'Courts deciding civil matters faced the same limitations on judicial independence as in criminal cases. The State Compensation Law provides administrative and judicial remedies for plaintiffs whose rights or interests have been infringed by government agencies or officials, including wrongful arrest or conviction, extortion of confession by torture, unlawful use of force resulting in bodily injury, illegal revocation of a business license, or illegal confiscation or freezing of property. In April 2010 the NPC [National People's Congress] Standing Committee amended the law to allow compensation for wrongful detention, mental trauma, or physical injuries inflicted by detention center or prison officials. In civil matters successful plaintiffs often found it difficult to enforce court orders.

'Families of deceased victims of the July 23 Wenzhou train crash were pressured to quickly accept a settlement payment of 900,000 RMB (approximately \$141,500) and forfeit the right to seek further civil damages from the Ministry of Railways. Some family members reported that officials threatened to withhold the bodies of the deceased unless they accepted the offer.' [2c] (Section 1e – Civil Judicial Procedures and Remedies)

- 8.43 While serving prison sentences the USSD Report 2011 noted:

'Prisoners and detainees are legally entitled to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions. The law states that letters from a prisoner to higher authorities of the prison or to the judicial organs shall be free from examination. The law further provides that a prison "shall set up medical, living and sanitary facilities, and institute regulations on the life and sanitation of prisoners." It also states that the medical and health care of prisoners shall be put into the public health and epidemic prevention program of the area in which the prison is located. While authorities occasionally investigated credible allegations of inhumane conditions, the results were not documented in a publicly accessible manner. There are alternatives to incarceration for both violent and nonviolent offenders.' [2c] (Section 1c – Prison and Detention Center Conditions)

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9. MILITARY SERVICE

- 9.01 Europa World, accessed on 14 August 2012, noted, 'Military service is usually by selective conscription, and is for two years in all services. In support of international peace-keeping efforts, 218 Chinese troops were stationed in the Democratic Republic of Congo in November 2011, 344 in Lebanon, 564 in Liberia and 322 in Sudan.' [1e] (Directory: Government and Politics – Defence)
- 9.02 As recorded in the Government White Paper, China's National Defense in 2004 (Chapter V):

'The Military Service Law of the PRC [People's Republic of China] stipulates that male citizens who reach the age of 18 by December 31 each year are eligible for enlistment for active service. Those who are not enlisted that year remain eligible for enlistment until the age of 22. Female citizens may also be enlisted, if necessary. Male citizens

reaching the age of 18 before December 31 should register for military service before September 30 of the same year.’ [5b]

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

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POSTPONEMENT AND EXEMPTION

- 9.04 As stated in the Government White Paper, China’s National Defense in 2004 (Chapter V), ‘If a citizen qualified for enlistment is the only supporter of his or her family or is a student in a full-time school, his or her enlistment may be postponed.’ [5b] Article 3 of the Military Service Law of the People’s Republic of China states, ‘Exemptions from military service shall be granted to persons unfit for it owing to serious physical defects or serious deformities. Persons deprived of political rights by law may not perform military service.’ [5h]
- 9.05 War Resisters’ International (WRI), in its China report (1998), noted, ‘The right to conscientious objection is not legally recognized and there are no provisions for substitute service.’ [37a] The penalties for draft evasion are not specified in the Military Service Law.

DESERTION

- 9.06 The Military Service Law does not specifically address the issue of desertion. Instead it refers to Article 6 of the Interim Regulations of the People’s Republic of China on Punishment of Servicemen Who Commit Crimes Contrary to Their Duties, effective from 1 January 1982. [5h] This states, ‘Any person who deserts from the armed forces in violation of the military service law, if the circumstances are serious, shall be sentenced to imprisonment of not more than three years or criminal detention. Any person who commits the crime in the preceding paragraph during wartime shall be sentenced to imprisonment of not less than three years and not more than seven years.’ [5c]
- 9.07 Article 2 of the same regulations stated: ‘Any act of a serviceman on active duty of the Chinese People’s Liberation Army that contravenes his duties and endangers the state’s military interests and is punishable with criminal penalties by law constitutes a crime in contravention of a serviceman’s duties. However, if the circumstances are clearly minor and the harm is not great, the act shall not be considered a crime and shall be dealt with in accordance with military discipline.’ [5c]
- 9.08 The Interim Regulations (1982) and the Criminal Law (1997) stipulate that soldiers who endanger national security through desertion or who flee the battlefield may be sentenced to death. However, both make a distinction between crimes committed in peacetime and those committed in wartime. [5c] [69a]
- 9.09 Article 451 of the Criminal Law states, ‘The word “wartime” as used in this Law means the time when the State declares the state of war, the armed forces receive tasks of operations or when the enemy launches a surprise attack. The time when the armed

forces execute martial-law tasks or cope with emergencies of violence shall be regarded as wartime.’ [69a]

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10. JUDICIARY

ORGANISATION

10.01 As noted by Europa World, accessed on 14 August 2012, the Supreme People’s Court (SPC) is the highest judicial organ of the state. Below the SPC there are Local People’s Courts (higher, intermediate and basic) and Special People’s Courts, which include military and maritime courts and railway transport courts. The general principles of the legal system are set out in Articles 123 to 135 of the Constitution. [1f] (Judicial System) [98a] (Text of the Constitution)

10.02 With regards to the number of judicial convictions, the website of the Supreme People’s Court of China, accessed on 25 May 2012, reported:

‘Chinese courts convicted 1.05 million people last year in its drive to punish crimes and safeguard stability, 4.4 percent more than in 2010, according to a report from China’s supreme court...

‘The courts concluded 840,000 criminal cases in 2011, up 7.7 percent from 2010, said the report on the work of the Supreme People’s Court, delivered by chief justice Wang Shengjun at a meeting of the ongoing annual parliamentary session.

‘Of the convicted, some 105,000 were found guilty of serious crimes such as homicide, kidnapping, robbery, planting bombs, organizing mafia-like gangs and human trafficking, involving 69,000 cases, the report said.

‘Another 29,000 criminals in 27,000 cases were punished for embezzlement, bribery and malfeasance, the report said.

‘In the wake of high-profile food safety scandals, Chinese courts also stepped up their work against related crimes, sentencing 320 people for producing and selling toxic, harmful food or additives in 278 cases.

‘Nearly 1,900 people were punished in 1,400 work safety-related crimes, the report said.’ [52a]

INDEPENDENCE

10.03 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

‘The law states that the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals. However, in practice the judiciary was not independent. Legal scholars interpreted President Hu Jintao’s doctrine of the “Three Supremes” as stating that the interests of the CCP [Chinese Communist Party] are above the law. Judges regularly received political guidance on pending cases, including instructions on how to rule, from both the government and the CCP, particularly in politically sensitive cases. The CCP Law and

Politics Committee has the authority to review and influence court operations at all levels of the judiciary.

‘Corruption also influenced court decisions. Safeguards against judicial corruption were vague and poorly enforced. Local governments appoint and pay local court judges and, as a result, often exerted influence over the rulings of judges in their districts.

‘Courts are not authorized to rule on the constitutionality of legislation. The law permits organizations or individuals to question the constitutionality of laws and regulations, but a constitutional challenge can only be directed to the promulgating legislative body. As a result lawyers had little or no opportunity to use the constitution in litigation.’ [2c] (Section 1e)

- 10.04 The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012, stated:

‘The CCP [Chinese Communist Party] controls the judiciary and directs verdicts and sentences, especially in politically sensitive cases. Even in commercial litigation and civil suits involving private individuals, previous minor progress toward the rule of law has stalled or been reversed, particularly since the appointment of a CCP veteran with no formal legal training as chief justice in 2008. Judges have been increasingly pressured to resolve civil disputes through mediation, sometimes forced, rather than actual adjudication. There have been a number of high-profile convictions of people who obtained seemingly ordinary commercial information related to state-owned enterprises that was later labeled a “state secret”.’ [26a]

- 10.05 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated:

‘While legal awareness among citizens continues to grow, the government’s overt hostility towards genuine judicial independence undercuts legal reform and defeats efforts to limit the Chinese Communist Party’s authority over all judicial institutions and mechanisms.

‘The police dominate the criminal justice system, which relies disproportionately on defendants’ confessions. Weak courts and tight limits on the rights of the defense mean that forced confessions under torture remain prevalent and miscarriages of justice frequent.’ [7b] (p316)

(See also Section 8: Security forces – [Torture](#))

(See also Section 17: [Corruption](#))

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FAIR TRIAL

- 10.06 When reporting on the progress in achieving the National Human Rights Action Plan (NHRAP) objectives, which address human rights issues in China, the Human Rights Watch report, Promises Unfulfilled, An Assessment of China’s National Human Rights Action Plan, published 11 January 2011, reported that the NHRAP states: “The state, in accordance with the law, guarantees the rights of litigants, especially those charged with criminal offences, to an impartial trial’.’ [7a] (p26)

- 10.07 The Anti-Death Penalty Asia Network (ADPAN) said in a report, *When Justice Fails: Thousands executed in Asia after unfair trials*, published on 6 December 2011 by Amnesty International, that:

'All trials, including those resulting in death sentences, fall short of international standards for fair trial. The criminal justice system remains highly vulnerable to corruption and political interference. The police, procuratorate and courts are not independent and remain under the supervision of the Chinese Communist Party.'

'China has a nearly 100 per cent conviction rate in criminal cases. In 2008, the UN Committee against Torture expressed concern about the "continued allegations, corroborated by numerous Chinese legal sources, of routine and widespread use of torture and ill-treatment of suspects in police custody, especially to extract confessions or information to be used in criminal proceedings."

'These concerns echoed those of the UN Special Rapporteur on torture who visited China in 2005, identifying factors that facilitated the use of torture. These factors included: "rules of evidence that create incentives for interrogators to obtain confessions through torture, the excessive length of time that criminal suspects are held in police custody without judicial control, the absence of a legal culture based on the presumption of innocence (including the absence of an effective right to remain silent); and restricted rights and access of defence counsel."

'He recommended that legal reforms should conform to fair trial provisions, as guaranteed in Article 14 of the ICCPR [International Covenant on Civil and Political Rights], including "the right to remain silent and the privilege against self-incrimination; the effective exclusion of evidence extracted through torture; the presumption of innocence; timely notice of reasons for detention or arrest; prompt external review of detention or arrest; timely access to counsel; adequate time and facilities to prepare a defence; appearance and cross-examination of witnesses; and ensuring the independence and impartiality of the judiciary".' [6c] (p25)

The [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak - Mission to China in 2005](#), published on 10 March 2006, can be located on the Office of the United Nations High Commissioner for Human Rights (OHCHR) website. [15a]

See also Section 8: Security forces - Human rights violations by security forces – [Torture](#)

- 10.08 The National Human Rights Action, according to the Human Rights Watch report, published 11 January 2011, observed:

'... the Chinese judiciary is highly politicized, and the government has long prioritized the interests of the ruling Chinese Communist Party over rule of law in judicial proceedings. President Hu Jintao summarized this dynamic in December 2007 by promulgating the idea of the "Three Supremes" which explicitly directs China's judiciary to rank "the constitution and laws" of China behind the "Party's cause [and] the people's interest." The NHRAP makes no attempt to address or change that reality.'

'China's key legal institutions are subject to the authority of the Party's political and legal committees at every level. That authority often results in interference by police and

prosecutors in the ability of lawyers to effectively represent their clients, particularly in cases considered politically sensitive.’ [7a] (p26-27)

10.09 The USSD Report 2011 recorded:

‘Corruption also influenced court decisions. Safeguards against judicial corruption were vague and poorly enforced. Local governments appoint and pay local court judges and, as a result, often exerted influence over the rulings of judges in their districts...

‘In many politically sensitive trials, courts handed down guilty verdicts with no deliberation immediately following proceedings. Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. The appeals process rarely resulted in overturned convictions. Appeals processes failed to provide sufficient avenues for review, and there were inadequate remedies for violations of defendants’ rights.

‘Supreme People’s Court regulations require all trials to be open to the public, with the exceptions of cases involving state secrets, privacy issues, and minors. Authorities used the state-secrets provision to keep politically sensitive proceedings closed to the public, sometimes even to family members, and to withhold access to defense counsel. Court regulations state that foreigners with valid identification should be allowed to observe trials under the same criteria as citizens. In practice foreigners were permitted to attend court proceedings only by invitation. As in past years, foreign diplomats and journalists unsuccessfully sought permission to attend a number of trials. In some instances the trials were reclassified as “state secrets” cases or otherwise closed to the public. Foreign diplomats requested but were denied permission to attend the September [2011] trial and October appeal of Internet freedom advocate Wang Lihong on charges of illegally possessing state secrets. Wang was sentenced in September to nine months’ imprisonment. The Beijing Intermediate Court denied her appeal on October 20. On December 20, Wang was released after completing her sentence, to include time served in pretrial detention.

‘Some trials were broadcast, and court proceedings were a regular television feature. A few courts published their verdicts on the Internet.’ [2c] (Section 1e)

10.10 The USSD Report 2011 added:

‘Mechanisms allowing defendants to confront their accusers were inadequate. Only a small percentage of trials involved witnesses, and fewer than 10 percent of subpoenaed witnesses appeared in court. Proposed amendments to the criminal procedure law expected to pass the NPC in March 2012 contain a provision to compel witnesses to appear in court. In most criminal trials, prosecutors read witness statements, which neither the defendants nor their lawyers had an opportunity to rebut. Although the criminal procedure law states that pretrial witness statements cannot serve as the sole basis for conviction, prosecutors relied heavily on such statements to support their cases. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case. Pretrial access to information by defense attorneys was minimal. Denial of due process by police and prosecutors led to particularly egregious consequences in capital cases.’ [2c] (Section 1e)

10.11 Amnesty International noted in its report, *Death Sentences and Executions in 2011*, published on 24 March 2012 that

'People facing the death penalty in China continued not to receive fair trials in 2011. The accused were not presumed innocent, but had to prove it, and police often extracted confessions through torture or other ill-treatment. Under Chinese legislation, prisoners under sentence of death do not have the right to seek pardon or commutation of their sentence from the executive branch. Severe procedural flaws continued to expose thousands of people to the risk of arbitrary deprivation of life.' [6b] (p19)

- 10.12 The HRW documented 'numerous' trials considered unfair during the NHRAP period. One such example, recorded in its report of January 2011, was the '... trial, conviction, and subsequent execution on December 29, 2009 of United Kingdom citizen Akmal Shaikh, despite convincing evidence that Shaikh was legally eligible for clemency on mental competency grounds, highlighted the vulnerability of foreign citizens to unfair trial procedures in China.' [7a] (p28)

See also Section 13: [Death Penalty](#)

Examples of specific recorded incidents involving restrictions on lawyers can be located in the US State Department's [2011 Country Report on Human Rights Practices](#) (USSD Report 2011), China, published on 24 May 2012.

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RESTRICTIONS ON LAWYERS

- 10.13 The USSD Report 2011 recorded:

'The law grants most defendants the right to seek legal counsel upon initial detention and interrogation, although police frequently violated this right. Individuals who face administrative detention do not have the right to seek legal counsel. Both criminal and administrative defendants were eligible for legal assistance, although more than 70 percent of criminal defendants went to trial without a lawyer. According to statistics released by Ministry of Justice, the number of legal-aid cases in 2010 totaled 726,763, a slight increase from the previous year.

'Human rights lawyers reported that they were denied the ability to defend certain clients or threatened with punishment if they chose to do so. An international NGO reported that the government had suspended or revoked lawyers' licenses to stop them from taking sensitive cases, such as defending prodemocracy dissidents, members of banned religious movements, or government critics.

'The government continued to require law firms with three or more CCP [Chinese Communist Party] members to form a CCP unit within the firm. Firms with one or two CCP members may establish joint CCP units with other firms. In smaller counties and cities with few lawyers, CCP members may join local Justice Bureau CCP units. This rule also applies to private companies and other organizations.

'Some lawyers declined to represent defendants in politically sensitive cases, and such defendants frequently found it difficult to find an attorney. Three days after a July 23 [2011] train crash, law firms in Wenzhou received an urgent message in the names of the Wenzhou Judicial Bureau and the Wenzhou Lawyers Association ordering lawyers not to take cases representing family members of the crash victims. Lawyers were told to inform the Wenzhou Judicial Bureau and the Wenzhou Lawyers Association of any contact with victims who sought legal assistance. After the order was leaked to the

press and social media sites, a popular uproar forced the organizations to rescind the order. Similarly, certain Beijing-based rights lawyers were told they could not represent Tibetan defendants. Certain local governments in the XUAR and Tibetan areas implemented regulations stipulating that only locally registered attorneys were authorized to represent local defendants.

‘When defendants were able to retain counsel in politically sensitive cases, government officials sometimes prevented attorneys from organizing an effective defense. Tactics employed by court and government officials included unlawful detentions, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients.’ [2c] (Section 1e)

10.14 In a report dated 30 June 2011, Amnesty International documented how the government exerted control over lawyers in three ways: ‘first, by trying to rein in their behaviour through increasing demands to conform to party ideology; second, by using administrative procedures to discipline and stop lawyers and others who have taken on human rights cases; and third, by carrying out violent acts, illegal under China’s own laws, against people who persist when all other forms of pressure on them have failed to end their human rights activism.’ [6f]

10.15 In a Human Rights Watch report, ‘Walking on Thin Ice’: Control, Intimidation and Harassment of Lawyers in China, April 2008, it noted:

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

(See also Section 16: [Human rights institutions, organisations and activists](#))

CRIMINAL PROCEDURE LAW

10.16 On 14 March 2012 Chinese legislators approved changes to the country’s criminal code. The Cable News Network (CNN) reported that the changes give police powers to hold certain suspects at secret locations. Adding:

‘The nation’s state media applauded the overhaul of the criminal procedure law - the first in more than 15 years - as a step forward for human rights. But critics say it leaves plenty of scope for abuses by providing more clout to China’s already powerful state security apparatus. The Chinese police have long been criticized by human rights advocates for detaining people secretly, and illegally, in so-called “black jails,” often located in suburban hotels or other nondescript housing facilities.’ [95c]

10.17 The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, published in April 2012, stated:

‘On 30 August [2011], the National People’s Congress published a draft amendment to China’s Criminal Procedure Law, the first substantial revision for 15 years. The draft contains a number of welcome steps in areas such as the exclusion of illegal evidence,

access for defence lawyers – including at the final review stage of death sentences by the Supreme People’s Court – and an expansion of provisions for legal aid. The draft encourages the participation of witnesses, currently rarely present in Chinese trials, by setting up a witness-protection scheme, a witness economic compensation scheme and a punishment scheme for those who refuse to present.

‘However, the draft amendment contains some significant retrograde steps, particularly in cases pertaining to charges of “endangering state security”, terrorism and major corruption cases. In these cases lawyers will need permission to meet their clients, with no appeal if permission is refused. The draft amendment to rules on residential surveillance would allow police to hold suspects in a designated location outside their home for up to six months without, in certain situations, their family being informed of their location or the charges against them. This increases the risk of torture and mistreatment. There are concerns that these measures would legitimise enforced disappearances.’ [31e] (p196-197)

10.18 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, concurred, also stating that:

‘...the draft revisions also introduced an alarming provision that would effectively legalize enforced disappearances by allowing police to secretly detain suspects for up to six months at a location of their choice in “state security, terrorism and major corruption cases.” The measure would put suspects at great risk of torture while giving the government justification for the “disappearance” of dissidents and activists in the future. Adoption of this measure - which is hotly criticized in Chinese media by human rights lawyers, activists, and part of the legal community - would significantly deviate from China’s previous stance of gradual convergence with international norms on administering justice, such as the International Covenant on Civil and Political Rights, which China signed in 1997 but has yet to ratify.’ [7b] (p317)

Highlights of Criminal Procedure Law revision and access to the full text of the 1996 version can be accessed through China.org. [74h]

STATE SECURITY LAW

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

- ‘1 ... plotting to subvert the government, dismember the State or overthrow the socialist system;
- ‘2 joining an espionage organization or accepting a mission assigned by an espionage organization or by its agent;
- ‘3 stealing, secretly gathering, buying, or unlawfully providing State secrets;
- ‘4 instigating, luring or bribing a State functionary to turn traitor; or
- ‘5 committing any other act of sabotage endangering State security.’ [69b] (p2)

10.20 Articles 102 to 113 of the Criminal Law cover the crime of endangering national security. Penalties range from three to ten years’ imprisonment, as well as criminal detention, public surveillance or deprivation of political rights. If the crime is particularly serious the person may be sentenced to death (see Article 113). [69a] (p18-20)

DOUBLE JEOPARDY

10.21 Articles 8 to 12 of the Criminal Law cover the circumstances in which an individual who commits crimes outside the People's Republic of China (PRC) can be retried upon return to China.

'Article 8

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

'Article 9

'This law is applicable to the crimes specified in international treaties to which the PRC is a signatory state or with which it is a member and the PRC exercises criminal jurisdiction over such crimes within its treaty obligations.

'Article 10

'Any person who commits a crime outside PRC territory and according to this law bear criminal responsibility may still be dealt with according to this law even if he has been tried in a foreign country; however, a person who has already received criminal punishment in a foreign country may be exempted from punishment or given a mitigated punishment.

'Article 11

'The problem of criminal responsibility of foreigners who enjoy diplomatic privileges and immunity is to be resolved through diplomatic channels.

'Article 12

'If an act committed after the founding of the PRC and before the implementation of this law was not deemed a crime under the laws at that time, the laws at that time are to be applicable. If the act was deemed a crime under the laws at that time, and if under the provisions of Chapter IV, Section 8 of the general provisions of this law it should be prosecuted, criminal responsibility is to be investigated according to the laws at that time. However, if this law does not deem it a crime or imposes a lesser punishment, this law is to be applicable.

'The effective judgments that were made according to the laws at that time before the implementation of this law will continue to be in force.' [69a] (p3)

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11. ARREST AND DETENTION – LEGAL RIGHTS

This Section should be read in conjunction with Section 10: Judiciary – [Criminal Procedure Law](#) for information regarding new changes implemented on 14 March 2012

Highlights of Criminal Procedure Law revision and access to the full text of the 1996 version can be accessed through China.org. [74h]

11.01 Article 42 of the Criminal Law states, 'The term of criminal detention is not less than a month and not more than six months.' [69a] (p8) Article 58 of the 1996 Criminal Procedure Law states, 'The maximum period for release upon bail pending trial is by the people's court procuratorate and public security organ may not exceed 12 months, and the maximum period for residential surveillance may not exceed six months.' [69c] (Chapter VI)

11.02 The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, published in April 2012, stated:

'The law allows police to detain suspects for up to 37 days before formal arrest. After arrest, police are authorized to detain a suspect for up to an additional seven months while the case is investigated. After the completion of a police investigation, an additional 45 days of detention are allowed for the procuratorate to determine whether to file criminal charges. If charges are filed, authorities can detain a suspect for an additional 45 days before beginning judicial proceedings. Pretrial detention periods of a year or longer were common. In practice the police sometimes detained persons beyond the period allowed by law. The law stipulates that detainees be allowed to meet with defense counsel before criminal charges are filed. Police often violated this right.

'The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained a lawyer; who is blind, deaf, mute, or a minor; or who may be sentenced to death. This law applies whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts often did not appoint counsel in such circumstances.

'Criminal defendants are entitled to apply for bail (also translated as "a guarantor pending trial") while awaiting trial. However, in practice few suspects were released on bail.

'The law requires notification of family members within 24 hours of detention, but individuals were often held without notification for significantly longer periods, especially in politically sensitive cases. Under a sweeping exception, officials are not required to provide notification if doing so would "hinder the investigation" of a case.' [2c] (Section 1d)

(See also Section 10: Judiciary – [Criminal Procedure Law](#))

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

'...the Committee notes with concern the lack of legal safeguards for detainees, including:

'(a) Failure to bring detainees promptly before a judge, thus keeping them in prolonged police detention without charge for up to 37 days or in some cases for longer periods;

'(b) Absence of systematic registration of all detainees and failure to keep records of all periods of pretrial detention;

'(c) Restricted access to lawyers and independent doctors and failure to notify detainees of their rights at the time of detention, including their rights to contact family members;

‘(d) Continued reliance on confessions as a common form of evidence for prosecution, thus creating conditions that may facilitate the use of torture and ill-treatment of suspects...;

‘(e) The lack of an effective independent monitoring mechanism on the situation of detainees.’ [32a]

11.04 The National People’s Congress published a draft amendment to China’s Criminal Procedure Law on 30 August 2011. The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, published in April 2012, observed that:

‘Recognising the excessive use of pre-trial detention (over 90% of suspects are currently held in custody), the draft CPL revision proposes to limit the use of pre-trial detention and expand the use of bail and residential surveillance, although specific changes on residential surveillance for cases involving “endangering state security” and terrorism charges, as described above, risk having the opposite effect and increasing the possibility of torture for detainees.’ [31e] (p199)

11.05 On 8 March 2012 China approved revisions to its criminal code which granted police powers to hold journalists and others, who were accused of discussing sensitive national issues, without charge and in secret detention for up to six months. The Committee to Protect Journalists (CPJ) reported on 14 March 2012 that:

‘Under the new law, police are required to inform the families of suspects that they are in detention, but do not have to say where or why the suspects are being held, news reports said. Families of detainees are habitually advised not to speak to the foreign press, according to CPJ research.

‘Chinese state media hailed the law as progress for human rights, but CPJ research shows that the law attempts to codify the existing practice of seizing people who discuss sensitive issues and holding them in secret. Disappearances were particularly frequent in 2011 as security tightened after online calls for political reform.’ [62b]

11.06 The Chinese government had greatly improved the methods used in the collection and use of evidence, in particular the use of scientific evidence and technological methods for gathering evidence in criminal cases. ‘Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report’, published in April 2012, observed that:

‘Nationwide, 250 laboratories have been established for the analysis of DNA evidence, and 40,000 technical personnel have been trained. At the county level, police now have access to an online database of fingerprints, and a system has been established for finger printing suspects on arrest. Work took place to install audio-visual recording equipment in interrogation suites in most cities to improve supervision of evidence collection. By improving the ability of police forces to collect evidence scientifically, this should reduce dependence on confessions to secure a conviction, and reduce the risk of prisoners to mistreatment or torture at the hands of the police to obtain one.’ [31e] (p197)

(See also Section 8: Security forces - [Arbitrary arrest and detention](#))

(See also Section 12: Prison conditions - [Administrative detention/labour camps](#))

ARREST WARRANTS

11.07 Article 123 of the Criminal Procedure Law states, 'If a criminal suspect who should be arrested is a fugitive, a public security organ may issue a wanted order and take effective measures to pursue him for arrest and bring him to justice. Public security organs at any level may directly issue wanted orders within the areas under their jurisdiction; they shall request a higher-level organ with the proper authority to issue such orders for areas beyond their jurisdiction.' [69c] (Section 8)

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

'...it is very common in China for the police authorities to leave a summons or subpoena with family members (or possibly close friends, though that is probably less common), instructing them to pass it along to the person named on the summons. The person accepting the summons would be expected to sign an acknowledgement of receipt. This is not actually the proper procedure, but it happens all the time, especially in cases when the person on the summons is not easily locatable. ... [S]ome police officers themselves are not well versed in the proper procedures, and probably think that this is a perfectly acceptable practice (while others may simply be too idle to chase the person down, and rely on the public's sense of intimidation to do their work for them) (23 Apr. 2004).' [3f]

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12. PRISON CONDITIONS

This Section should be read in conjunction with Section 8: Security forces – Human rights violations by security forces – [Black jails](#) and [Avenues of complaint](#)

12.01 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

'Conditions in penal institutions for both political prisoners and criminal offenders were generally harsh and often degrading. Prisoners and detainees were regularly housed in overcrowded conditions with poor sanitation. Inadequate prison capacity remained a problem in some areas. Food often was inadequate and of poor quality, and many detainees relied on supplemental food, medicines, and warm clothing provided by relatives. Some prominent dissidents were not allowed to receive such goods. Prisoners often reported sleeping on the floor because there were no beds or bedding. Adequate, timely medical care for prisoners remained a serious problem, despite official assurances that prisoners have the right to prompt medical treatment. Conditions in administrative detention facilities, such as RTL [Re-education Through Labour] camps, were similar to those in prisons. Beating deaths occurred in administrative detention and RTL facilities. Detainees reported beatings, sexual assaults, lack of proper food, and no access to medical care...

'The law mandates that a prison shall be ventilated, allow for [sic] natural light and be clean and warm. However, in many cases there were inadequate provisions for sanitation, ventilation, heating, lighting, basic and emergency medical care, and access to potable water.

'Forced labor remained a serious problem in penal institutions. Many prisoners and detainees in penal and RTL facilities were required to work, often with no remuneration.

Information about prisons, including associated labor camps and factories, was considered a state secret.’ [2c] (Section 1c – Prison and Detention Center Conditions)

12.02 The USSD Report 2011 added:

‘Information on the prison population is not made public. According to the China Daily, the Justice Ministry has 678 prisons and 1.65 million people serving sentences in them. The ministry also operated a “community correction” parole system in which 599,000 people received community correction. The law requires juveniles be housed separately from adults, unless facilities are insufficient. In practice children were sometimes housed with adult prisoners and required to work. Political prisoners were held with the general prison population and reported being beaten by other prisoners at the instigation of guards.’ [2c] (Section 1c – Prison and Detention Center Conditions)

12.03 The International Centre for Prison Studies (ICPS), World Prison Brief on China, accessed on 15 August 2012, provided the following statistical information on the prison population:

Country	CHINA
Ministry responsible	Ministry of Justice (sentenced prisoners), Ministry of Public Security (pre-trial detainees and persons in administrative detention)
Prison administration	Prison Administration Bureau (MoJ)
Contact address	No.10 Chaoyangmen Nandajie, Beijing 100020, China (MoJ)
Telephone/fax/website	tel: +86 10 6520 6258 or 6213 (MoJ) fax: +86 10 6520 5866 or 5239 (MoJ) Web: interdiv.moj.gov.cn
Head of prison administration (and title)	Shao Lei (MoJ) Director-General
Prison population total (including pre-trial detainees / remand prisoners)	1,640,000 at April 2012 (Ministry of Justice - sentenced prisoners in Ministry of Justice prisons only, excluding pre-trial detainees and those held in administrative detention.) The Deputy Procurator-General of the Supreme People's Procuratorate reported in 2009 that, in addition to the sentenced prisoners, more than 650,000 were held in detention centres In China. If this is still correct in April 2012 the total prison population in China is more than 2,300,000.
Prison population rate (per 100,000 of national population)	121 based on an estimated national population of 1.35 million at April 2012 (from United Nations figures) - sentenced prisoners in Ministry of Justice prisons only. (A total prison population of 2,300,000 would raise the prison population rate to 170 per 100,000 of the national population.)

Pre-trial detainees / remand prisoners (percentage of prison population)	* (Estimates for the number of pre-trial/remand prisoners vary between 100,000 and 260,000.)
Female prisoners (percentage of prison population)	5.1% (of sentenced prisoners in MoJ prisons, mid-2010)
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	1.4% (of sentenced prisoners in MoJ prisons, 31.12.2005)
Foreign prisoners (percentage of prison population)	0.3% (of sentenced prisoners in MoJ prisons, 2010)
Number of establishments / institutions	* (The Ministry of Justice holds sentenced prisoners in more than 700 prisons. In addition, in 2005 there were 30 jails for juveniles. The Chinese government reported in 2009 that there were also 320 re-education-through-labour camps. The number of pre-trial detention institutions and of special administrative detention facilities for drug offenders and prostitutes is not known.)
Official capacity of prison system	* (The total capacity of the system is not known but the Supreme People's Procuratorate stated in 2004 that the official capacity of the re-education-through-labour camps was then about 300,000.)
Occupancy level (based on official capacity)	* (The occupancy rate in the re-education-through-labour camps in 2003 was about 87%.)
Recent prison population trend (year, prison population total, prison population rate)	1995 1,320,947 sentenced prisoners in (109) MoJ prisons 1998 1,440,000 sentenced prisoners in (115) MoJ prisons 2001 1,428,126 sentenced prisoners in (112) MoJ prisons 2004 1,583,006 sentenced prisoners in (122) MoJ prisons 2007 1,642,215 sentenced prisoners in (124) MoJ prisons 2010 1,650,000 sentenced prisoners in (123) MoJ prisons sentenced prisoners in MoJ () prisons

[99a]

The International Centre for Prison Studies (ICPS) also provided additional data for [Macau](#) and [Hong Kong](#) Special Administrative Regions (SARs). [99b], [99c]

12.04 The USSD Report 2011 added:

‘Many prisoners and detainees did not have reasonable access to visitors and were not permitted religious observance. Under Article 52 of the prison law, “considerations shall be given to the special habits and customs of prisoners of minority ethnic groups.” Detention Center Regulation Article 23 had similar requirements. Little information was available about the implementation of these regulations...

‘The law requires the government to investigate and monitor prison and detention center conditions, and an official from the Prosecutor’s Office is responsible for investigating and monitoring prison and detention center conditions.

‘The government generally did not permit independent monitoring of prisons or RTL camps, and prisoners remained inaccessible to local and international human rights organizations and media groups. Authorities did not allow the International Committee of the Red Cross (ICRC) to have access to prisoners or perform authentic prison visits in the country.’ [2c] (Section 1c – Prison and Detention Center Conditions)

12.05 The USSD Report 2011 also noted: ‘In response to allegations that the organs of executed prisoners were harvested for transplant purposes, Vice Minister of Health Huang Jiefu in 2009 stated that inmates are not a proper source for human organs and prisoners must give written consent for their organs to be removed. Overseas and domestic media and advocacy groups continued to report instances of organ harvesting, particularly from Falun Gong practitioners and Uighurs.’ [2c] (Section 1c – Prison and Detention Center Conditions)

12.06 The Xinhua news agency reported in an article dated 30 June 2012 that:

‘Chinese police will face punishments ranging from demotion to dismissal if they are found to have abused inmates or aided in the mistreatment of prisoners, according to a disciplinary code scheduled to go into effect on Sunday [1 July 2012]. The new code applies to police working in prisons, labor camps and drug rehabilitation centers. In China, those who commit misdemeanors are typically placed in labor camps instead of prisons. The code states that police officers can be dismissed if prisoners under their care die as a result of corporal punishment or mistreatment, adding that officers who mistreat prisoners through manipulation or connivance will face the same punishment. Officers who permit inmates to commit further crimes or escape prison will also be dismissed, the code says.’ [13g]

12.07 On 1 December 2011 the China Daily news reported on new improvements implemented for protecting the rights of prison inmates:

‘China has made improvement in protecting the rights of prison inmates in recent years, including elimination of bans on homosexuality and promotion of the death penalty by injection, according to a judicial official in charge of penal human rights studies.

“A prison is supposed to possess a grave air. But it will be useless if it neglects inmates’ indignity and human rights,” said Feng Jiancang, head of the Human Rights

office of the Ministry of Justice's Institute for Crime Prevention, at a forum on human rights in Beijing on Sept 22 [2011].

'The ministry has rewritten the national code of conduct for prison inmates, eliminating ban on homosexuality and other lifestyles and practices that were previously not allowed in prisons, according to Feng.

'Inmates will not be forced to squat with both hands crossed behind their heads, a practice that is commonly used to demoralize inmates who are entering prison for the first time. In addition, female inmates are allowed to keep their hair dyed, which, according to Feng, is "a minor detail (of revision) but with a great significance to respect for human rights."

'As for death row inmates, they are granted more clemencies, says professor Hong, as they are allowed to see their families before execution, and can choose their way of execution, lethal injection or shooting.' [14f]

This Section should be read in conjunction with Section 8: Security forces – Human rights violations by security forces – [Torture](#)

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ADMINISTRATIVE DETENTION/LABOUR CAMPS

Punishment of minor offences and Re-Education through Labour'

12.08 As from 1 April 2012 a new regulation was released by the State Council on 1 March 2012, aimed at protecting the legitimate rights of detainees' and administering the country's detention centres holding people in custody for minor offences. China.org reported on 2 March 2012 that:

'In China, minor offenders such as those who disturbed public order or court order will be detained for up to 15 days. Detention centers and the warders are prohibited from insulting, abusing and imposing physical punishments on detainees, according to the regulation. The detention centers should inform the detainees of their legal rights and the rules they should abide by. The centers should also give timely notice to the detainees' family members. Moreover, the regulation required the centers to organize proper physical and cultural activities for the inmates, and the inmates should be allowed of outdoor activities of no less than two hours each day. The regulation also banned forced labor in the detention houses. Furthermore, the detention centers are told to provide necessary drug rehabilitation treatments for the detained drug addicts. The body frisking and administration work on female detainees should only be conducted by female police officers, according to the regulation.' [74a]

12.09 In August 2010 the Beijing Review reported on a new scheme to deal with minor offences in Zhejiang Province, noting:

'The People's Procuratorate of Ningbo, in east China's Zhejiang Province, became the center of controversy when it implemented a program to deal with minor crime offenders, which is known as "good deeds for nonprosecution." Under the program, offenders may be exempted from prosecution provided they carry out good community service work for a specified probation period.

'Since the program came into effect in May, 13 [2010] offenders have passed probation periods and avoided being prosecuted. The latest example was in Ningbo's Beilun District in early July, where the local procuratorate ordered a man who caused a traffic accident to serve as a traffic supervisor with a decision depending on whether or not to charge him based on his performance.

'The new program's implementation has strict conditions, said sources with the local procuratorate: It only applies to first-time offenders and minor crimes; the offender should be facing a sentence of less than three years if he or she is convicted; and there must be hard proof indicating the offender would not do harm to society in the probation period.' [97a]

- 12.10 The Human Rights in China (HRIC), a nongovernmental organisation promoting international human rights in China, noted in an undated article, accessed on 18 June 2012 about China's Reeducation Through Labor programme, that:

'Reeducation through Labor (RTL) has been in existence for about 45 years. It was first employed during the Chinese Communist Party's 1955 campaign against counter-revolutionaries. According to an official report, more than 3.5 million people have been subjected to punishment under RTL since that time. Some legal scholars dispute this figure, asserting that the population affected is actually much larger...

'Two groups of people have been increasingly targeted for punishment in RTL in the last couple of decades: drug users and those engaged in prostitution or patronizing prostitutes. Generally, recidivists are the people most often sent to RTL. However, in some provinces, first-time offenders may also be sentenced, especially during campaign periods when set targets may have to be met. It is estimated that in some provinces, those using drugs account for one-third of the total RTL population. In addition, substantial numbers of political and religious dissidents are sent to RTL camps.' [39a]

- 12.11 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, stated:

'RTL is an administrative measure that allows Chinese law enforcement officials to order Chinese citizens, without legal proceedings or due process, to serve a period of administrative detention of up to three years, with the possibility of up to one year extension. While the Bureau of Reeducation Through Labor Administration maintains that the RTL system has been established "to maintain public order, to prevent and reduce crime, and to provide compulsory educational reform to minor offenders", authorities frequently use RTL to punish, among others, dissidents, drug addicts, petitioners, Falun Gong adherents, and religious practitioners who belong to religious groups not approved by the government.' [28a] (p89 – Reeducation Through Labor (RTL))

- 12.12 The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, published in April 2012, stated:

'In 2011, China continued to make widespread use of the form of arbitrary detention known as "re-education through labour" (RTL), which lacks adequate legal safeguards. Public security organs can order the administrative detention of an individual without trial under an RTL order for up to three years, with the possibility of up to a year's extension. Although RTL is meant to be used to punish minor offences, it continues to be used to silence activists, petitioners, Falun Gong practitioners and human rights

defenders such as Mao Hengfeng and Shi Enhao. There were reports of the use of torture and abuse against detainees in RTL facilities.’ [31e] (p197)

12.13 The USSD Report 2011 noted:

‘The law permits administrative, nonjudicial panels, known as “labor reeducation panels,” to remand persons to RTL camps or other administrative detention programs for up to three years without trial. Labor reeducation panels are authorized to extend these administrative sentences for up to one year. Detainees are technically allowed to challenge administrative RTL sentences and appeal for sentence reduction or suspension. However, appeals were rarely successful.’ [2c] (Section 1d - Arrest Procedures and Treatment While in Detention)

12.14 The USSD Report 2011 also noted: ‘Conditions in administrative detention facilities, such as RTL camps, were similar to those in prisons. Beating deaths occurred in administrative detention and RTL facilities. Detainees reported beatings, sexual assaults, lack of proper food, and no access to medical care.’ [2c] (Section 1c - Prison and Detention Center Conditions)

12.15 The Human Rights in China (HRIC), a nongovernmental organisation promoting international human rights in China, noted in an undated article, accessed on 18 June 2012 about China’s Reeducation Through Labor..., that:

‘According to reports from political detainees and others, conditions in RTL camps are generally abusive, with overcrowded, unsanitary living conditions; inadequate food; endemic violence; and excessive working hours being among the major concerns. Nationwide, there are now close to 300 RTL centers, according to official statistics. RTL detainees are mostly treated just like prisoners in the criminal justice system; although now, unlike in the past, they are generally segregated from inmates convicted of criminal offenses.’ [39a]

(See also Section 11: [Arrest and detention – legal rights](#))

Other forms of administrative detention

12.16 The USSD Report 2011 noted:

‘Other forms of administrative detention include “custody and education” (for women engaged in prostitution and those soliciting prostitution) and “custody and training” (for minor criminal offenders). The law establishes a system of “compulsory isolation for drug rehabilitation.” The minimum stay in such centers is two years, and the law states that treatment can include labor. Public security organs authorize detention in these centers, and it often was meted out as an administrative rather than criminal measure. Administrative detention was used to intimidate political activists and prevent public demonstrations.’ [2c] (Section 1d - Arrest Procedures and Treatment While in Detention)

(See also Section 21: Banned spiritual groups - [Falun Gong](#))

12.17 Article 8 of the Law on Administrative Penalty states:

‘Types of administrative penalty shall include:

- ‘1 disciplinary warning;
- ‘2 fine;

- '3 confiscation of illegal gains or confiscation of unlawful property or things of value;
- '4 ordering for suspension of production or business;
- '5 temporary suspension or rescission of permit or temporary suspension or rescission of license;
- '6 administrative detention; and
- '7 others as prescribed by laws and administrative rules and regulations.' [28c] (p2)

12.18 Article 9 states, 'Different types of administrative penalty may be created by law. Administrative penalty involving restriction of freedom of person shall only be created by law.' [28c] (p2)

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13. DEATH PENALTY

13.01 With regards to China's law on the death penalty, Section 5, Article 48 of the Criminal Law states:

'The death penalty is only to be applied to criminal elements who commit the most heinous crimes. In the case of a criminal element who should be sentenced to death, if immediate execution is not essential, a two-year suspension of execution may be announced at the same time the sentence of death is imposed. Except for judgments made by the Supreme People's Court according to law, all sentences of death shall be submitted to the Supreme People's Court for approval. Sentences of death with suspension of execution may be decided or approved by a high people's court.' [69a]

13.02 Additionally, Article 49 states, 'The death penalty is not to be applied to persons who have not reached the age of eighteen at the time the crime is committed or to women who are pregnant at the time of adjudication.' [69a]

13.03 The Anti-Death Penalty Asia Network (ADPAN) said in a report, *When Justice Fails: Thousands executed in Asia after unfair trials*, published on 6 December 2011 by Amnesty International, that:

'In 2007, the Supreme People's Court (SPC) in China reclaimed its power to review all death sentences passed by lower courts which had long been delegated to lower courts. The Supreme Court can either approve the sentence or return it to the lower courts for re-trial. The authorities have reported a significant drop in executions as a result. In November 2010, Hu Yunteng, head of the SPC research department said the court had rejected, on average, 10 per cent of all death sentences passed by lower courts nationwide every year since 2007, adding that most were rejected because the evidence was inadequate, the process of deciding the punishment was inappropriate or there were other procedural flaws. However, without accurate publicly available data it is impossible to confirm claims of a drop in executions.

'Once all judicial appeals have been exhausted, an accused has the right to seek clemency – the right to seek pardon or commutation of sentence. This right is provided in the ICCPR [UN International Covenant on Civil and Political Rights] and other international instruments, and the domestic practice of almost every country applying the death penalty. This right is so widespread it is considered a rule of customary international law.

'The right to seek clemency is not part of a legal procedure, but applies even after all appeals in the judicial process have been exhausted. Clemency is normally sought from the head of state or from a minister with authority in law to grant pardon or commutation.' [6c] (p31)

- 13.04 The Amnesty International (AI) Annual Report 2012: The state of the world's human rights: China (AI Report 2012), published on 24 May 2012, covering events in 2011, stated that:

'In February [2011], the National People's Congress passed the eighth revision of China's Criminal Law which removed the death penalty as punishment for 13 crimes. At the same time, it added a number of new capital crimes and expanded the scope of others. China continued to use the death penalty extensively, including for non-violent crimes, and to impose it after unfair trials. Executions were estimated to number in the thousands. However, statistics on death sentences and executions remained classified.' [6a] (Death Penalty)

- 13.05 Amnesty International noted in its report, "Death Sentences and Executions in 2011", published on 24 March 2012 that China had taken a positive step towards restricting the use of the death penalty by reducing the number of crimes punishable by the death penalty. [6b] (p6)

- 13.06 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

'At year's end [2011] the criminal code contained 55 capital offenses, including nonviolent financial crimes such as embezzlement and corruption. In February [2011] amendments to the capital-punishment law removed 13 nonviolent economic crimes, ranging from smuggling relics and endangered animals to falsifying tax receipts, from the list of capital crimes. Persons above the age of 75 would be exempt from the death penalty unless the defendant caused death in an "extremely cruel manner." There was no government information on how many defendants were either sentenced to the [sic] death or executed during the year.

'SPC [Supreme People's Court] spokesman Ni Shouming stated that, since reassuming death penalty reviews in 2007, the SPC had returned 15 percent of death sentences to lower courts for further review based on unclear facts, insufficient evidence, inappropriate use of the death penalty, and inadequate trial procedures. Because official statistics remained a state secret, it was not possible to evaluate independently the implementation and effects of the procedures.' [2c] (Section 1e, Denial of Fair Public Trial – Trial Procedures)

See also Section 10: Judiciary – [Fair trial](#)

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SUSPENDED DEATH SENTENCES

- 13.07 Section 5, Article 50 of the Criminal Law states:

'If a person sentenced to death with a suspension of execution dose [sic] not intentionally commit a crime during the period of suspension, he is to be given a reduction of sentence to life imprisonment upon the expiration of the two-year period; if

he demonstrates meritorious service, he is to be given a reduction of sentence to not less than fifteen years and not more than twenty years of fixed-term imprisonment upon the expiration of the two-year period; if there is verified evidence that he has intentionally committed a crime, the death penalty is to be executed upon the approval of the Supreme People's Court.' [69a]

13.08 Article 51 states:

'The term for suspending execution of a sentence of death is counted as commencing on the date the judgment becomes final. The term of a sentence that is reduced from the death penalty with suspension of execution to fixed-term imprisonment is counted as commencing on the date the suspension of execution expires.' [69a]

NUMBER OF EXECUTIONS

13.09 The USSD Report 2011 observed that 'No official statistics are available on the number of executions carried out annually. An international human rights NGO estimated that approximately 4,500 persons were executed in 2010.' [2c] (Section 1e, Denial of Fair Public Trial – Trial Procedures)

13.10 The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, published in April 2012, stated: 'While exact numbers are a state secret, in 2011 China almost certainly continued to execute the highest number of people in the world. Estimates for the number of people executed in the last year range from several hundred to over 5,000.' [31e] (p198)

(See also Section 10: Judiciary - [Fair Trial](#))

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14. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

This Section should be read in conjunction with Section 15: [Freedom of speech and media](#).

14.01 The Amnesty International (AI) Annual Report 2012: The state of the world's human rights: China (AI Report 2012), published on 24 May 2012, covering events in 2011, stated that: 'The authorities continued to abuse criminal law to suppress freedom of expression.' [6a] (Freedom of expression)

14.02 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, noted:

'Education authorities strengthened the "student security informant" system, which reportedly operates covertly on campuses to safeguard stability, and the "student informant system," which authorities use to monitor the political expression and behavior of students and teachers. One school bulletin board posting reportedly disclosed that students who celebrated Liu Xiaobo's Nobel Peace Prize award would not be eligible for scholarships. Peking University reportedly banned students from copying sensitive materials including those critical of the Party, and announced plans to arrange consultations for "troublesome students," including students with "radical

thoughts” who hold critical views of the university’s management or who complained about policy changes.’ [28a] (p159)

(See also Section 10: Judiciary - [State Security Law](#))

(See also Section 12: Prison conditions - [Administrative detention/labour camps](#))

(See also Section 6: [Political system](#))

FREEDOM OF ASSOCIATION AND ASSEMBLY

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

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

- ‘1 failure to make an application in accordance with the provisions of this Law or to obtain permission for the application;
- ‘2 failure to act in accordance with the purposes, manners, posters, slogans, starting and finishing time, places and routes permitted by the competent authorities; or
- ‘3 the emergence, in the course of the activity, of a situation which endangers public security or seriously undermines public order.’ [69d] (p5)

14.04 Article 30 of the Regulations for the Implementation of the Law of Assembly, Procession and Demonstration of the People’s Republic of China (promulgated on 1 June 1992) states, ‘When foreigners want to participate in an assembly, procession or demonstration held by Chinese citizens, the responsible individual of the assembly, procession or demonstration shall clearly state this in the application. Without the expressed approval of the competent public security organs, they will not be allowed to participate.’ [69e] (p7)

14.05 The law provided for peaceful assembly and association but the government severely restricted this right in practice. The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that: ‘The law stipulates that such activities may not challenge “party leadership” or infringe upon the “interests of the state.” Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly suppressed demonstrations involving expression of dissenting political views.’ [2c] (Section 2b – Freedom of Assembly)

14.06 The law did not however provide for freedom of association in employment. The USSD Report 2011 stated that ‘... workers are not free to organize or join unions of their own choosing. Independent unions are illegal, and the right to strike is not protected in law.’ [2c] (Section 6, Worker Rights - Freedom of Association and the Right to Collective Bargaining)

(See also Section 34: [Employment rights](#))

14.07 The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, Published in April 2012, stated:

‘Restrictions remain on freedom of association, collective bargaining, and the right to strike, both in law and in practice. Political protests are quickly suppressed. On 30

November, the Chinese government unveiled the new Regulations on Consultation and Mediation for Labour Disputes in Enterprises, which entered into force on 1 January 2012. The regulations are a positive step, which should go some way to improving the resolution of labour disputes.’ [31e] (p194-195)

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Civil disturbances

- 14.08 The International Work Group for Indigenous Affairs (IWGIA) report, *The Indigenous World – 2012*, published in May 2012, described in its Profile on China, that:

‘Throughout 2011, China was rocked by a series of mass protests and major social upheavals in urban centers, small towns, as well as in the rural hinterlands. From an overall perspective, many of the underlying reasons had to do with socio-economic inequalities - the fast growing gap between the rich and the poor, and the unfair distribution of resources.

‘The transformation of modern China into a thriving economy has also brought about a fundamental change from the past Chinese Communist Party’s proletariat, socialist ideology to a wealth-worshiping capitalist system. There is pervasive discontent over the worsening levels of corruption on the part of government officials, the defrauding and theft of private land and properties by local administrators, exploitation by big business and the deterioration in the natural environment. It is against this backdrop that a number of troubling developments of violent communal disturbances and large-scale riots have taken place in the ethnic minority regions of China, and these parallel the rising grievances against the ruling PRC [People’s Republic of China] regime in society in general.

‘Examining the past year’s events, the two main conflictive issues in the ethnic minority regions were land and religion. Much of the social unrest and violent protest by ethnic minorities was in response to land-grabbing, shady deals related to land development projects, forced relocation due to infrastructure projects (such as the hydroelectric dams and the resulting pollution of water sources in the Yunnan-Guizhou upland areas) and environmental contamination and pollution (such as the illegal dumping of industrial waste containing toxic chromium in Luliang County, Qujing City in Yunnan Province).’ [48a] (p254 – China)

- 14.09 On 3 July 2012 Caixin online news reported on the rioting in Guangdong Province which resulted in over 300 injuries. The incident, which occurred on 25 June 2012 was sparked by the beating of a migrant worker’s son by local men. The article stated:

‘Witnesses say a fight between a 14-year-old boy surnamed Tan from Chongqing and a local student attracted a crowd. Three local men then covered the boy’s head with a plastic bag and tied his hands behind his back while beating him. One man who was recognized as a village security guard was taken away by the policemen. One shop owner said scores of people gathered in front of the village committee to “seek punishment for the two other men that beat Tan.” “This riot originated from a personal misunderstanding,” said Xue Xiaofeng, party secretary of Zhongshan city, adding that the spread of “rumors and a mob mentality” escalated the incident. By 10 p.m. on June 25, around 300 people had gathered outside the village committee office, police said. The crowd was dispersed at 3 a.m. on June 26.’ [35a]

- 14.10 A British Broadcasting Corporation (BBC) article dated 4 July 2012 reported on the violent protests in July when thousands of people in the southwestern city of Shifang took to the streets in an environmental protest against the government's plans to allow the building of a copper alloy plant because of their concern about its pollution. The article noted:
- 'Plans to build a copper alloy plant in Sichuan province have been scrapped following violent protests by residents, a Chinese official says. Officials in Shifang posted a statement on the city's Twitter-like weibo account on Tuesday evening [of 3 July 2012] announcing the move. "Shifang will not build this project henceforth," Shifang Communist Party head Li Chengjing said in the post. The decision was made in response to public concerns, he added...
- 'Local authorities said hundreds of residents and students were involved in the protests, while state-run Global Times, quoting an unnamed police officer, said "several thousand" took part. Both police and residents were injured in the clashes as bottles were thrown and cars damaged, they said. Police also detained some of the protesters. A city government notice on Wednesday [4 July] said that of the 27 people who were taken away, six remained in detention while the rest had been released.' [9x]
- 14.11 Al Jazeera reported that the Shifang government confirmed that on 2 and 3 July [2012] police had 'forcibly taken away 27 suspected criminals' for 'tearing down the door of the municipal government building, smashing windows, and throwing bricks and stones at police and government workers.' Officials later confirmed that 21 of the detainees had been released the following day, after receiving 'criticism and education and repenting for their mistakes', according to the government. [80b]
- 14.12 The BBC also reported on the events of 25 June 2012 when 'Clashes erupted between hundreds of local people and migrant workers in a town in the Chinese province of Guangdong, police and reports say.' Adding:
- 'Violence broke out on Monday night [25 June] in Shaxi township after a teenager was detained by local police, Zhongshan police said. The fights were said to involve locals and workers from Sichuan province. Authorities had taken away 20 suspects, a statement on Zhongshan city's official news portal said. The area in southern China is home to many garment factories employing millions of migrant workers from across the country...
- 'Zhongshan police said a teenager from Chongqing was detained by local police on Monday [25 June] for allegedly beating a primary school student. Police tied the boy up to restrain him and he also suffered injuries on his face, the statement added. Family members and friends of the youth gathered outside the offices of local authorities and numbers swelled to about 300 on Monday night. Clashes began after people began throwing rocks, the police statement said. Official statements said the situation was resolved swiftly and effectively, and rioting crowds were dispersed. However, the Hong Kong-based Information Centre for Human Rights and Democracy said that at least 30 people were hurt and two police cars smashed. It said the incident was triggered by a fight between a Sichuan youth and a local man.' [9af]

- 14.13 The IWGIA report also described events from the protests held in Inner Mongolia in May 2011:

'The violent mass protests in the Inner Mongolia Autonomous Region in May 2011 received significant international media attention, even though state censors tried to block any information about the biggest unrest by ethnic Mongolians against Han Chinese government rule in over 30 years. The incidents started in the Abag Banner, Xilin Gol League area of Inner Mongolia, where two Mongolian herders were killed in separate incidents. Both cases involved the development of a local coal mine, which led to agitation by the area's pastoral community in protest at the extensive pollution of the pastureland and water bodies by mining operations.

'The protests have become symbolic of the Mongolians' dissatisfaction with a national development policy that is increasingly marginalising them. In recent decades, the Chinese government has prohibited ethnic Mongolians from practicing their traditional way of pastoralist nomadic herding, citing the need to prevent destruction of the pastureland. However, after this prohibition came into effect, the Chinese government went ahead and allowed companies to exploit the region's coal and mineral resources. The prospecting activities, mining operations and running of coal transport trucks have extensively damaged the pastures and the area's environment. Local Mongolian communities were extremely angry and eventually started protesting.' [48a] (p254-255 – China)

- 14.14 The attacks on the two Mongolian herders were allegedly carried out by Han Chinese assailants. The region had seen the tension rising over major mining projects. (BBC News, China: A chronology of key events, updated 25 September 2012, accessed on 3 October 2012) [9a] In July 2011 riot police and local officials were dispatched to quell further protests in which dozens were injured. (Radio Free Asia, 24 July 2011) [73h]
- 14.15 In February 2011 Time Magazine online reported that: 'China sees large numbers of demonstrations each year set off by everything from forced evictions to pollution to nationalist fervor. The government employs a range of responses, sometimes allowing limited protests in hopes they will die down, as with rallies last year to protest Japan's detention of a Chinese fishing-boat captain in disputed waters.' [10a]
- 14.16 Twenty-three years after the massacre at Tiananmen Square, which took place in June 1989, Chinese authorities still continued to suppress the memory of it. The British Broadcasting Corporation (BBC), reported during the anniversary month of June 2012 that:
- 'China has arrested activists and placed others under increased surveillance to stop them from marking the anniversary of the Tiananmen Square crackdown. Searches on social media sites have also been restricted to try to prevent any reference to the 1989 events. The foreign ministry expressed "strong dissatisfaction" over a call from the US to free those still in prison for their involvement in the protests. In 1989, the army shot dead hundreds of civilians rallying for democracy. Beijing says the June 1989 events were a counter-revolutionary revolt and defends its response. The Communist Party still prevents any public remembrance of the event.' [9]
- 14.17 The Amnesty International (AI) Annual Report 2012: The state of the world's human rights: China (AI Report 2012), published on 24 May 2012, covering events in 2011, reported on the excessive force Security forces and police used against peaceful

protesters in the Hong Kong Special Administrative Region during May and July 2011, noting:

‘During a peaceful demonstration on 15 May, the International Day Against Homophobia and Transphobia, police threatened to arrest protesters unless they stopped dancing. Police argued that organizers – including Amnesty International Hong Kong – had not obtained a “temporary public entertainment license”. Critics considered this harassment, having no legal basis.

‘On 2 July, police arrested 228 participants in the annual 1 July pro-democracy march, for causing an obstruction in a public place and unlawful assembly. The Hong Kong Journalists Association said that 19 journalists were attacked with pepper spray and one journalist was arrested during the 10,000-strong march. Police also attempted to arrest Law Yuk Kai, Director of Hong Kong Human Rights Monitor, while he observed them removing and arresting protesters who were blocking traffic. All those arrested were released later the same day. Several were subsequently charged with disturbing public order.’ [6a] (Hong Kong Special Administrative Region)

- 14.18 The USSD 2011 Report also cited where restrictions on civil assembly were imposed. These included:

‘In April [2011] police detained 27 villagers and seriously injured five following an April 30 protest in Dao County, Hunan Province. More than 300 villagers from three villages had gathered to protest the private sale by local officials of the right to forest land that villagers depended on for a living. A struggle broke out over signs the villagers were holding, and armed police as well as unarmed officers began striking the protesters. Reportedly, villagers taken into detention were denied food and water and slapped in the face as police sought to extract confessions.

‘On April 4, local officials disrupted the annual meeting of HIV/AIDS activist Chang Kun’s AIBO Youth Center in Linquan County, Anhui Province. The meeting, which took place in the conference room of a local hotel, was interrupted first by hotel management and later by officials from the Guangming Subdistrict Office of Linquan County. In the days leading up to the meeting, officials also destroyed signs outside of the youth center. “Chang Kun’s Home” is designed to provide a place for students to gather and also act as a venue for carrying out health, human rights, policy, and Internet freedom education projects.’ [2c] (Section 2b – Freedom of Assembly)

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Jasmin Revolution

- 14.19 An anonymous call for a ‘Jasmine revolution’ in China's major cities was made in an online source in February 2011. Time Magazine online reported that it first appeared:

‘... on a website run by overseas dissidents, then on Twitter, which despite being blocked is still widely used by activists in China. But unlike what happened in Tunisia and Egypt, where such efforts prompted massive street protests that eventually toppled both governments, the biggest response in China was from the state. Over the weekend the government rounded up lawyers, activists and dissidents, increased online censorship and deployed massive numbers of police to quash any demonstrations.’ [10a]

- 14.20 The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012 stated:
- ‘Beginning in February [2011], after calls for a Tunisian-style “Jasmine Revolution” in China appeared online, security forces carried out a campaign of abductions and disappearances targeting dozens of bloggers, activists, and lawyers. The most prominent was artist and blogger Ai Weiwei, who was abducted in April and held incommunicado for over 80 days. In November [2011] he was forced to pay 8.7 million yuan (\$1.3 million) as part of an apparently politically motivated tax case against him... In custody, many of these detainees were reportedly beaten, deprived of sleep, and forcibly medicated. As a condition of release, they were forced to commit to limiting their public statements and advocacy, particularly via social media. The harsh extralegal crackdown generated a significant chilling effect.’ [26a]
- 14.21 A Guardian article on 21 February 2011, noted: ‘Human rights campaigners report that scores of activists across China were questioned or detained following an online call for “jasmine revolution” demonstrations in 13 cities on Sunday [20 February], including Guangzhou.’ [41c] The Amnesty International Annual Report 2012 reported that the authorities had ‘... detained or arrested close to 50 people and harassed and intimidated dozens more during the crackdown.’ [6a] (Freedom of expression)
- 14.22 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that Guangzhou police had reportedly ‘... detained dozens of citizens, many of whom were held without notification of family members or formal charges, according to widespread foreign press and international NGO [non-governmental organisation] reporting. Many were held for up to 120 days. Several prominent Guangzhou-based activists were detained on suspicion of “inciting subversion of state power.”’ [2c] (Section 1d – Arrest Procedures and Treatment While in Detention)
- 14.23 Liu Shihui, a Chinese human rights lawyer alleged that he was attacked by five members of special police in Guangzhou as he set off to attend the Jasmin demonstration. He believed his attackers were domestic security officers who had detained him on a previous occasion. He said ‘A man came to me and dragged me to the side of the street. Then four other guys jumped out of a van parked by the roadside and rushed over to me. They put a rice bag over my head and started beating me up,’ Adding ‘It lasted for about five minutes ... I was so scared. I thought they were just going to beat me to death.’ (The Guardian, 21 February 2012) [41c]
- 14.24 The USSD 2011 Report stated:
- ‘According to press reports and online blogs, activists detained early in the year for activities associated with calls for a Jasmine Revolution were forcibly returned to their home provinces elsewhere in the country at the time of their release and denied the ability to return to Guangdong Province. These include Yuan Xinting (Sichuan Province), Tang Jingling (Hubei Province), Liu Shihui (Inner Mongolia), and Sun Desheng (Zhejiang Province).’ [2c] (Section 2d – Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 14.25 The Congressional Research Service (CRS) report, *Understanding China's Political System*, 10 May 2012, accessed on 25 June 2012, stated that: 'Although China is effectively a one party state, multiple coalitions, factions, and constituencies exist within the political system.' [72a] (p15 - Factionalism)
- 14.26 The Chinese People's Political Consultative Conference, *Process of Founding and Key Achievements in History*, undated, accessed on 2 July 2012, observed however, that:
- 'Apart from the CPC [Communist Party of China], there are eight democratic parties in China. They are the Revolutionary Committee of the Chinese Kuomintang, China Democratic League, China Democratic National Construction Association, China Association for Promoting Democracy, China Peasants and Workers' Democratic Party, China Zhi Gong Dang, Jiu San Society, and the Taiwan Democratic Self-Government League. Formed and developed in the War of Resistance Against Japan (1937-1945) and the struggles against Kuomintang autocratic rule, these democratic parties originated mainly in the national bourgeoisie, urban upper petty bourgeoisie circles, and also among intellectuals and other patriotic individuals.' [74d]
- 14.27 The People's Daily noted in an undated article:
- 'These democratic parties enjoy political freedom, organizational independence and lawful equality within the fixed scope of the Constitution of the state. The basic principle of the cooperation between the CPC and the other parties is long-term coexistence, mutual supervision, sincere treatment with each other and the sharing of weal and woe.
- 'The democratic parties are neither parties out of office nor opposition parties. They are parties fully participating in the political life of the nation. At present, all the standing committees of the people's congresses, the committees of the CPPCC [Chinese People's Political Consultative Conference] and government agencies at all levels and the economic, cultural, educational, scientific and technological and other departments have members of the democratic parties as leaders. For instance, the current chairpersons of the eight democratic parties' central committees hold the posts of vice-chairpersons of the NPC [National People's Congress] Standing Committee and the CPPCC National Committee. The ranks of the democratic parties have also swelled. All the provinces, autonomous regions and municipalities and large and medium cities now have local and basic organizations of the democratic parties.' [12a]
- 14.28 The Amnesty International (AI) *Annual Report 2012: The state of the world's human rights: China* (AI Report 2012), published on 24 May 2012, covering events in 2011, stated that: 'The authorities continued to harass, intimidate, persecute and criminalize pro-democracy and human rights activists. Activists supporting the China Democracy Party were sentenced to long prison terms.' [6a] (Human rights defenders)
- 14.29 The following examples of the governments hard-line on activists were cited in the Amnesty International (AI) *Annual Report 2012*:
- 'In March [2011], Liu Xianbin was charged with "inciting subversion of state power" and sentenced to 10 years in prison for his pro-democracy activism, his support of the Charter 08 petition movement, and his writings on political reform.'

- ‘Human rights activist Chen Guangcheng remained under illegal house arrest along with his wife, Yuan Weijing, and daughter, since his release from prison in September 2010. A grass-roots movement in support of Chen Guangcheng, who is blind, gained momentum across the nation, with many activists posting photos of themselves online wearing his signature dark glasses. Supporters travelled from different parts of China to his home town in an effort to see him, and were beaten and robbed by plain-clothes police stationed in the area.’ [6a] (Human rights defenders)

14.30 Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012, stated: ‘Opposition groups such as the China Democracy Party (CDP) are suppressed, and members were imprisoned.’ Describing the recorded action taken against opposition groups and political activists’ included:

‘Democracy advocate and 2010 Nobel Peace Prize winner Liu Xiaobo remained in prison in 2011, having been sentenced in December 2009 to 11 years for his role in creating the prodemocracy manifesto Charter 08. His wife, Liu Xia, was under strict house arrest in Beijing throughout the year, with communications to the outside world cut off. Similarly, two veteran democracy activists from Sichuan Province, Liu Xianbin and Chen Wei, were sentenced to 10 and 9 years in March and December [2011], respectively. In October, the U.S. Congressional-Executive Commission on China published a partial list of over 1,400 political prisoners. The San Francisco-based Dui Hua Foundation estimated that 1,045 new arrests for “endangering state security” were made in 2010, and that over 10,000 people have been arrested and indicted for such political crimes since 1997. Tens of thousands of other people are thought to be held in extrajudicial forms of detention for their political or religious views.’ [26a]

(See also Section 4: [Recent developments](#))

(See also Section 7: [Human Rights](#))

(See also Section 11: [Arrest and detention – Legal rights](#))

(See also Section 16: [Human rights institutions, organisations and activists](#))

China Democracy Party (CDP)

- 14.31 The China Democracy Party (CDP) was formed as an alternative to the one party state led by the Chinese Communist Party as a way to reform the state from within. (AsiaNews, 29 November 2010) [58c] The group was banned but the government continued to monitor, detain, and imprison current and former CDP members (USSD Report 2011) [2c] (Section 2b – Freedom of Association) Qin Yongmin, one of the founders of the CDP was imprisoned in 1998 accused of ‘endangering state security’. He was released in November 2010 after spending twelve years in detention. On his release, ‘...officers seized his prison notes and warned him not to speak to reporters or meet other dissidents.’ Two other cofounders, Wang Youcai and Xu Wenli, were also convicted on the same charges but were given lighter sentences and later exiled to the United States. (AsiaNews, 29 November 2010) [58c]
- 14.32 The USSD 2011 report stated: ‘At year’s end [2011] more than 30 current or former CDP members... remained in prison or held in RTL camps for their connection to a 2002 open letter calling for political reform and a reappraisal of the 1989 Tiananmen uprising.’ [2c] (Section 3 – Elections and Political Participation)

14.33 A US-based CDP website, accessed on 27 June 2012, noted that the CDP held protests in the US where it aimed to attract Chinese Americans and build a mass movement with the eventual aim of returning to China and establishing a democratic system of government. The website suggested procedures for joining the CDP, both for those inside China and for those outside. The Party's flag is a red, yellow and blue circle on a blue and red background. The circle is red on top, yellow in the middle and blue at the bottom. It is surrounded by eight yellow stars. The background is blue at the top and red at the bottom. [20a] The US-based website also listed its political principles as follows:

- '1. Land should be privatized, and the farmland should be returned to peasants.
- '2. All Chinese citizens should have the right and freedom to choose places to move to and reside in nation-wide [sic].
- '3. The governmental structure should be simplified to central, provincial and county levels; the central government is responsible for the national defense and diplomacies, provinces practice high autonomy, and villages and towns practice citizen autonomy as follows.
- '4. All Chinese citizens, including peasants, workers and all other classes, are entitled to social welfares like Medicare, unemployment compensation, pension and social security.
- '5. All Chinese citizens should have the equal opportunities of being educated, choosing occupations and personal careers.
- '6. Freedom of press, freedom of speech, freedom of forming organizations and assemblies, freedom of political beliefs and freedom of faith and practicing religions should be respected and therefore protected by laws.
- '7. Establish a constitutional government and democratic institutions balanced by different authorities; all levels of governments and legislatures are produced through direct elections.
- '8. Establish a neutral government, independent legislature and judiciary system, and nationalized military forces.
- '9. Practice capital's privatization, market economy and free competitions.
- '10. Constitution and laws have a privilege of supremacy; human rights and private properties are sacred and inviolable.
- '11. Rely on the democratic monitoring mechanism to supervise the government and prevent corruptions.
- '12. Peasants and workers should have the right to establish independent farmer associations and trade unions to secure their interests; equally, other stratum have the right to organize independent associations to secure their interests.
- '13. With the efforts of ending the autarchy, we also pursue a goal of win-win situation with the CCP's reformists.
- '14. Make China a wealthy, fair, free and democratic country governed by law and order.' (Formulated on 1 January 2000 and revised on 1 January 2002.) [20a]

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UK Branch of the China Democracy Party

14.34 An organisation calling itself the "UK Branch of China Democracy Party" states on its website, accessed on 4 August 2011:

'The UK Branch of China Democracy Party is an independent political organisation in UK. It is not belong to any oversea political organization and only carry out works

independently in accordance with the purposes of CDP Manifesto of foundation on 25th June 1998. Its main mission is to publicize the Party's general and specific policies; recruit new Party members; foster cadres and activists. We maintain that bring about political democracy, economical freedom, social justice, legal order, for creating modern civilization and achieve our aim by the way of peace, reason, non-violence; propel the China in 21 century forward to democracy, peace, prosperous, civilization. We offer free legal information for our members and fellow countryman.' [sic] [16a]

(See also [Annex E: Known dissident groups](#))

Tiananmen Square activists

14.35 On the twenty-second anniversary of the Tiananmen Square massacre (3 June 2011), the US State Department released a statement in which it said:

'The United States joins others in the international community in urging China to release all those still serving sentences for participating in the peaceful protests. We ask the Chinese government to provide the fullest possible public accounting of those killed, detained or missing, and to cease the ongoing harassment of those who participated in the demonstrations and the families of the victims. We encourage China to protect the universal human rights of all its citizens, including those who peacefully express political views.' [2i]

14.36 On 1 June 2007 Amnesty International reported:

'While the authorities have moved away from branding the incident a "counter-revolutionary rebellion" towards labelling it a "political incident", they have refused to respond to long-standing calls for justice by the victims or their families... So far, the authorities have failed to carry out any independent inquiry into the events of 4 June 1989 with a view to prosecuting those responsible for human rights violations and providing compensation for the victims or their families. In May 2006 it was reported that local authorities had paid 70,000 Yuan (approx. US\$8,700) to the mother of Zhou Guocong, a 15-year-old boy who was beaten to death by police in Chengdu, Sichuan province on 7 June 1989. He had been detained for joining pro-democracy protests. Significantly, however, the payment was described as "hardship assistance" rather than "compensation". It is possible that other families may also have been privately "compensated", but asked to keep it quiet. The Chinese government continues to stifle public debate over the issue, which remains erased from magazines, newspapers, school text-books and Internet sites in China. Over the last year in particular, official policies on media control and censorship have been intensified, preventing any public analysis or discussion of 4 June 1989 or any other politically sensitive periods in China's recent history.' [6j]

14.37 The same source stated further:

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

(See also Section 14: Political affiliation - [Freedom of association and assembly](#))

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15. FREEDOM OF SPEECH AND MEDIA

OVERVIEW

- 15.01 Chapter 2, Article 35 of the Constitution states that ‘Citizens of the People’s Republic of China enjoy freedom of speech.’ [98a] Reporters Without Borders, in its Press Freedom Index 2011-2012, ranked China 174 out of the 179 countries included in the index (one being the most free and 179 being the least free). [63a]
- 15.02 The Amnesty International (AI) Annual Report 2012: The state of the world’s human rights: China (AI Report 2012), published on 24 May 2012, covering events in 2011, also noted that:
- ‘Amendments in March [2011] to the Regulations on the Administration of Publications added a new requirement that those who distributed publications over the internet or information networks must be licensed, or risk criminal penalties. The authorities shut down or took direct control of a number of publications that had published investigative journalism pieces on sensitive issues. They reportedly banned hundreds of words from mobile phone text messages, including “democracy” and “human rights”.’ [6a] (Freedom of Expression) However, the Amnesty International Report also observed that: ‘The authorities continued to abuse criminal law to suppress freedom of expression.’ [6a] (Freedom of Expression)
- 15.03 The British Broadcasting Corporation (BBC) noted in its Country Profile on the media in China, updated on 16 January 2012, accessed on 15 May 2012, that: ‘China is the largest media market in the world, and has the world’s largest online population. Outlets operate under tight Communist Party control. The opening-up of the industry has extended to distribution and advertising, not to editorial content. However, there is leeway for independent coverage that is not perceived as a threat to social stability or the Party.’ [9b] (China Profile – Media)
- 15.04 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that: ‘The law provides for freedom of speech and press, although the authorities generally did not respect these rights in practice. The authorities continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. During the year the authorities increased censorship and manipulation of the press and the Internet during sensitive anniversaries.’ [2c] (Section 2a, Freedom of Speech and Press - Status of Freedom of Speech and Press)
- 15.05 The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012, stated:
- ‘Despite relative freedom in private discussion and citizens’ efforts to push the limits of permissible speech, China’s media environment remains extremely restrictive, and 2011 featured one of the worst crackdowns on freedom of expression activists in recent memory. Routinely taboo topics include calls for greater autonomy in Tibet and Xinjiang, relations with Taiwan, the persecuted Falun Gong spiritual group, and any criticism of CCP [Chinese Communist Party] leaders. Specific party directives in 2011 curbed

reporting on uprisings in the Middle East, an oil spill, public health issues, labor unrest, and particular human rights activists, journalists, and lawyers. Journalists who fail to comply with official guidance are harassed, fired, or jailed. Chinese leaders also appeared to retreat in 2011 from a policy of allowing greater commercialization and competition in the media sector, and instead strongly emphasized propaganda value over commercial viability and audience demand. Sharp new restrictions were imposed on television entertainment programming, and several periodicals known for investigative journalism faced closure, dismissals, or tighter supervision.’ [26a]

- 15.06 The Committee to Protect Journalists (CPJ) undated article ‘Amid Change, China Holds Fast To Information Control’, accessed on 30 August 2012, reported:

‘In 2011, censorship was strengthened around sensitive domestic or global events. Images of Egypt’s pro-democracy demonstrators beamed around the world from Tahrir Square were blocked in China. The association with student-led Tiananmen Square protests in 1989, which leaders violently suppressed and subsequently banned from public discourse, was only part of the danger foreseen by propaganda officials. Soon, there were unsigned calls for political demonstrations, dubbed “the Jasmine revolution,” on Chinese-language websites.

‘The goals of this revolution were modest: Protesters indistinguishable from pedestrians would stroll through city centers around China on a series of Sundays, demanding reform rather than regime change. Yet Communist leaders were reminded of Liu Xiaobo’s Charter 08, an online political petition with widespread support among intellectuals. In China, the Charter prompted Liu’s 11-year imprisonment on antistate charges; abroad, it garnered him the Nobel Peace Prize in 2010.

‘Foreign journalists looking to cover protests in Beijing and elsewhere found a few dozen dissenters outnumbered by security agents. Demonstrations remained discreet - one man laid a jasmine flower outside a Beijing McDonald’s on February 20, according to The New York Times - but security officials manhandled and detained several international reporters for a few hours each, threatening to revoke their accreditation. A Bloomberg journalist who was punched and kicked by men in plainclothes required hospital treatment.

‘Some abusive Twitter messages accused foreign reporters of “stirring things up.” (Twitter is blocked in China, but is heavily used by activists through proxy networks overseas.) Other online commentators mocked the authorities’ exaggerated response, which confirmed the threat of unrest even as officials publicly denied it. Regulations forbidding foreign journalists to report without permission near protests appeared on a city website. One tall Western journalist was told to leave a protest for “obstructing traffic,” The Atlantic reported.’ [62c]

- 15.07 The Amnesty International report recorded that the authorities ‘... detained or arrested close to 50 people and harassed and intimidated dozens more during the crackdown on “Jasmine” protests that began in February [2011] in response to the popular movements in the Middle East and North Africa. An initially anonymous call for peaceful Sunday strolls spread across a growing number of cities as a form of protest against corruption, the suppression of rights, and the lack of political reform.’ Adding:

‘Two veteran activists detained during the “Jasmine” protests were sentenced to long prison terms for their political writings. On 23 December, Chen Wei was charged with “inciting subversion of state power” and sentenced to nine years for 11 articles he had

written in support of democracy and political reform. On 26 December, Chen Xi was sentenced to 10 years on the same charge, for 36 articles he published overseas. Ding Mao in Sichuan province, and Liang Haiyi in Guangdong province, remained in detention for their involvement in the “Jasmine” protests.’ [6a] (Freedom of Expression)

15.08 The CPJ report ‘Attacks on the Press in 2011’, published on 29 February 2012, stated:

‘Authorities blocked reporting of unrest occurring around the world, from Inner Mongolia to the Occupy movement. More than half of the 27 journalists imprisoned on December 1 [2011] were from Tibet and Xinjiang, reflecting crackdowns after earlier unrest in minority regions. After online calls for Arab Spring-style demonstrations, dubbed the Jasmine revolution, CPJ documented the worst harassment of foreign journalists since the 2008 Olympics, including beatings and threats. Police detained dissidents - including outspoken artist Ai Weiwei - and writers they feared could galvanize protests, often without due process, and kept them under surveillance after release. Draft revisions to the criminal code would allow alleged antistate activists to be held in secret locations from 2012. Officials obstructed reporting on public health and food safety issues, among other investigations. President Hu Jintao’s U.S. visit and two bilateral dialogues, one on human rights, made little headway on press freedom, but domestic activists successfully challenged censorship using digital tools, especially microblogs.’ [62a] (p168 - China)

15.09 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, concurred, stating however, that:

‘The government continued in 2011 to violate domestic and international legal guarantees of freedom of press and expression by restricting bloggers, journalists, and an estimated more than 500 million internet users. The government requires internet search firms and state media to censor issues deemed officially “sensitive,” and blocks access to foreign websites including Facebook, Twitter, and YouTube. However, the rise of Chinese online social networks - in particularly Sina’s Weibo [A Chinese microblogging website], which has 200 million users - has created a new platform for citizens to express opinions and to challenge official limitations on freedom of speech despite intense scrutiny by China’s censors.’ [7b] (p318)

15.10 The CPJ article ‘Amid Change, China Holds Fast To Information Control’, reported:

‘As popular uprisings unfolded across the Middle East and North Africa, Chinese Communist Party leaders prepared for a 2012 leadership handoff by fiercely suppressing homegrown protests. Online opposition was their greatest concern. China’s individual Internet users passed 500 million in 2011, according to the state-affiliated China Internet Network Information Center. Activists had long used digital tools to criticize the government; in 2011, citizens embraced them to protest a series of public safety scandals, particularly the government’s response to a high-speed rail crash in July. Criticism that began on social media sites facilitated some unusually aggressive press coverage.’ [62c]

(See also Section 14: Political affiliation – [Jasmin Revolution](#))

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NEWSPAPERS, RADIO, INTERNET AND TELEVISION

15.11 The BBC Country Profile reported:

'There are more than 2,000 newspapers. Each city has its own title, usually published by the local government, as well as a local Communist Party daily. There are an estimated 1,000 state-owned radio stations.

'With nearly 1.2 billion viewers, TV is a popular news source and the sector is competitive, especially in cities. State-run Chinese Central TV (CCTV) is China's largest media company. Its provincial and municipal stations offer a total of around 2,100 channels. China is a major market for pay-TV, which is almost entirely delivered by cable.

'China spends hugely on TV, radio, online and press outlets targeted at international audiences, aiming to extend its political influence and boost its image. It is less keen to allow foreign players into the domestic market.' [9b] (China Profile – Media)

15.12 The USSD Report 2011, noted that:

'Television broadcasts of foreign news, largely restricted to hotels and foreign residence compounds, were occasionally subject to censorship. Such censorship of foreign broadcasts also occurred around the anniversary of the 1989 Tiananmen massacre. Individual issues of foreign newspapers and magazines were occasionally banned when they contained articles deemed too sensitive.

'Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. The government prohibited some foreign and domestic films deemed too sensitive.' [2c] (Section 2a, Freedom of Speech and Press - Censorship or Content Restrictions)

15.13 The USSD Report 2011, further added:

'All books and magazines require state-issued publication numbers, which were expensive and often difficult to obtain. Nearly all print media, broadcast media, and book publishers were affiliated with the CCP [Chinese Communist Party] or a government agency. There were a small number of print publications with some private ownership interest but no privately owned television or radio stations. The CCP directed the domestic media to refrain from reporting on certain subjects, and all broadcast programming required government approval. On July 29 [2011], after the high-profile, July 23 high-speed rail crash in Wenzhou, the CCP issued an urgent directive ordering all publications to stop planned coverage of the train crash after one week of intense coverage of the issue in traditional and social media. Many publications adhered to the tighter controls by publishing blank spaces in place of the censored articles to protest the gag order on the eve of an important day of mourning in Chinese culture.' [2c] (Section 2a, Freedom of Speech and Press)

15.14 In an article dated 25 July 2011, The Guardian reported on the attempts to silence the media following the high-speed train crash that killed at least 38 people and injured 192, reporting:

'Internet users attacked the government's response to the disaster after authorities muzzled media coverage and urged reporters to focus on rescue efforts... Leaked

propaganda directives ordered journalists not to investigate the causes and footage emerged of bulldozers shovelling dirt over carriages. Wang, the railways spokesman, said no one could or would bury the story. He said a colleague told him the wreckage was needed to fill in a muddy ditch to make rescue efforts easier. But Hong Kong University's China Media Project said propaganda authorities have ordered media not to send reporters to the scene, not to report too frequently and not to link the story to high-speed rail development.' [41b]

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INTERNET USERS/BLOGGERS

15.15 The Freedom House, Freedom in the World 2012 report, stated:

'China's population of internet users, estimated at over 500 million in 2011, remained the world's largest. However, the government maintains an elaborate apparatus for censoring and monitoring internet and mobile-telephone communications. The authorities block websites or force deletion of content they deem politically threatening, and detain those who post such information. Although Twitter remains blocked in China and domestic microblogging services engage in government-directed censorship of certain political and social issues, the domestic services have grown rapidly in influence as a source of news and an outlet for public opinion, with the number of Chinese microblog users surpassing 200 million in 2011. In response to several public outcries and online campaigns that outpaced censors, in late 2011 top officials intensified pressure on microblogging services to upgrade existing controls. Deletions and arrests for spreading "rumors" reportedly increased, and in December authorities in Beijing, Shanghai, and other major cities announced rules requiring microblog users to register with their real names. Also during the year, the authorities temporarily imposed internet blackouts in restive areas - in Inner Mongolia in May [2011], and in the Guangdong Province village of Wukan in December [2011]. Despite the government's controls, factors including the technology's flexibility, circumvention tools, and the large volume of online communications have allowed many users to access censored content, expose official corruption, mobilize protests, and circulate banned political texts.' [26a]

15.16 The BBC Country Profile reported:

'Social networking has seen phenomenal growth. The number of microblog users rose 296% to 249.9 million in 2011; the leading platform is Sina Weibo. The top search engine is Baidu.

'An extensive web filtering system, dubbed the "Great Firewall of China", is one of the "most technologically-advanced in existence", according to Reporters Without Borders (RSF). It blocks tens of thousands of sites using URL filtering and keyword censoring.

'Thousands of cyber-police watch the web. Internet cafes are closely monitored. Filtering targets material deemed politically and socially sensitive. Blocked resources include Facebook, Twitter, and human rights sites.

'RSF lists China as an "enemy of the internet" (2011). Sixty-eight internet users were imprisoned as of January 2012, the watchdog reported in its Press Freedom Barometer.' [9b] (China Profile – Media)

15.17 The Freedom in the World 2012 report, added:

'In a growing trend, other journalists, bloggers, and online activists were subjected to violence and arbitrary detention under harsh conditions. Beginning in February [2011], after calls for a Tunisian-style "Jasmine Revolution" in China appeared online, security forces carried out a campaign of abductions and disappearances targeting dozens of bloggers, activists, and lawyers. The most prominent was artist and blogger Ai Weiwei, who was abducted in April [2011] and held incommunicado for over 80 days. In November [2011] he was forced to pay 8.7 million yuan (\$1.3 million) as part of an apparently politically motivated tax case against him; the final results of the case were pending at year's end. In custody, many of these detainees were reportedly beaten, deprived of sleep, and forcibly medicated. As a condition of release, they were forced to commit to limiting their public statements and advocacy, particularly via social media. The harsh extralegal crackdown generated a significant chilling effect.' [26a]

15.18 The Reporters Without Borders report, *Enemies of the Internet: China*, published on 12 March 2012, stated:

'According to official figures, by year-end 2011, China had 513 million Internet users; i.e., an Internet penetration rate of 38.3%. Some 356 million of them are said to access the Internet via their mobile phone, half of whom (250 million) have microblogs. The Techrice blog publishes a list of 15 of the most popular social networks, as well as their stated and likely number of users.

'The microblog revolution, sharing of opinions, and increased circulation of news resulting from microblogs have led the regime to take certain measures. The police accused Chinese Twitter ('Weibo') of having a "bad influence on society." Chinese Internet leaders such as Sina Corp (which owns the Sina Weibo microblogging website), Baidu (search engine) and Tencent (owner of the QQ messaging service), agreed in November 2011 to implement the government directives on online surveillance. These businesses promised to combat online pornography, Internet fraud, and the dissemination of rumors and false reports. The microblogs had already been asked to have moderators, but that has apparently proved inadequate.

'Chinese authorities have been targeting anonymity on microblogging websites. As of March 16, Chinese netizens registering on microblogging sites hosted in China will be required to use their real names instead of an alias. If they do not comply, they will only be allowed to consult other contributors' microblogs, but will not be able to actively participate. The terms under which this identification system (实名制, "shimingzhi") will be applied to all platforms concerned are still unknown.' [63c] (p20)

15.19 The Human Rights Watch (HRW) World Report 2012 noted:

'On January 30 [2011] official concern about Egyptian anti-government protests prompted a ban on internet searches for "Egypt." On February 20 [2011] internet rumors about a Chinese "Jasmine Revolution" resulted in a ban on web searches for "jasmine." In August a cascade of internet criticism of the government's response to the July 23 [2011] Wenzhou train crash prompted the government to warn of new penalties, including suspension of microblog access, against bloggers who transmit "false or misleading information".' [7b] (p318)

15.20 The Reporters Without Borders report of 12 March 2012, stated:

‘The soaring expansion of the “Participative Web” and related impact on social and political debates are making it harder each day for Chinese censors to do their job. Harsher controls and crackdowns on netizens and their online tools have been symptomatic of the regime’s increasing concern over potential fallout from Arab Spring and the Internet and social networks’ role as sounding boards...

‘China may have the world’s most sophisticated online censorship and surveillance system, but it has been pushed to its limits to thwart any risk of contagion from protest movements, mainly by removing most references to Arab Spring and “Occupy Wall Street” movements from the Chinese Net... Some blogs and microblogs have been shut down, and keywords such as “jasmine” or “Egypt” banned. It is now impossible to use the word “occupy” followed by the name of a Chinese city (ex. : “Occupy Beijing” (占领北京)[]) in a Web search...

‘The regime has also required public Wi-Fi access providers to install extremely expensive Internet user tracking software. In addition to reinforcing their control of Internet traffic, the authorities are now imposing a form of economic censorship by forcing cybercafés to stop offering Wi-Fi access if they cannot afford the software.’ [63c] (p19)

15.21 The Reporters Without Borders report of 12 March 2012 also, noted: ‘Arbitrary detentions, unfair trials, repressive regulations and harsh sentences have recently multiplied, taking special aim at cyberdissidents. Seventy-eight of them are still in jail for their online activities, making China the world’s biggest prison for netizens. Its victims include:

- ‘Nobel Peace Prize winner Liu Xiaobo, who is still behind bars;
- ‘Cyberdissidents Chen Xi and Chen Wei, respectively sentenced to 11 and 9 years for “subversion”;
- ‘Cyberdissident Li Tie, who received a 10-year sentence for subversion;
- Liu Xianbin, sentenced to a 10-year term for “inciting subversion of the government”;
- Human rights activist and cyberdissident Govruud Huuchinhuu, beaten while in detention;
- Lawyer Ni Yulan and her husband Dong Jiqin, awaiting sentencing;
- Netizen Hu Di, forcefully interned in a psychiatric ward.
- Those released, such as Ai Wei Wei [Ai Weiwei], Wang Lihong, Zheng Yichun, Ding Mao, Ran Yunfei, Wang Yi, Chen Guangcheng and Hu Jia, are often victims of persecution, subjected to constant surveillance and even placed under house arrest.

‘Blogger and activist Wen Yu Chao, based in Hong Kong, who takes courageous pro-freedom of expression stands on the Chinese Internet, has been repeatedly harassed. His Gmail account has been hacked several times and photo montages designed to destroy his reputation have been circulating on the Internet.

'The family of lawyer and human rights activist Gao Zhisheng, who has been missing since April 2012, fear the worst. In early January 2012, the activist's brother Gao Zhiyi was informed by a court notice that Zhisheng was being detained in a western Xinjiang jail. But close relatives who went to the jail were not permitted to see him.' [63c] (p19-20)

(See also Section 8: Security forces [Police](#))

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JOURNALISTS

15.22 The Freedom House, Freedom in the World 2012 report, stated:

'According to international watchdog groups, China jailed 27 journalists in 2011, including many Uighurs and Tibetans. At least 70 online activists remained behind bars at year's end for disseminating proscribed information, though the actual number was likely much higher. One journalist was killed during 2011: Li Xiang, a television reporter in Henan, was stabbed to death in September by unidentified thugs after exposing a food-safety scandal.' [26a]

15.23 Physical violence against journalists who reported on "sensitive" topics remained a problem. For example the Human Rights Watch (HRW) World Report 2012 noted:

'On June 1[2011], plainclothes Beijing police assaulted and injured two Beijing Times reporters who refused to delete photos they had taken at the scene of a stabbing. The two officers were subsequently suspended. On September 19 [2011] Li Xiang, a reporter with Henan province's Luoyang Television, was stabbed to death in what has been widely speculated was retaliation for his exposé of a local food safety scandal. Police have arrested two suspects and insist that Li's murder was due to a robbery.' [7b] (p318)

15.24 The Human Rights Watch (HRW) World Report 2012 added:

'Censorship restrictions continue to pose a threat to journalists whose reporting oversteps official guidelines. In May [2011] Southern Metropolis Daily editor Song Zhibiao was demoted as a reprisal for criticism of the government's 2008 Sichuan earthquake recovery efforts. In June [2011] the government threatened to blacklist journalists guilty of "distorted" reporting of food safety scandals. In July [2011] the China Economic Times disbanded its investigative unit, an apparent response to official pressure against its outspoken reporting on official malfeasance.' [7b] (p319)

15.25 The following recorded incidents cited by Reporters Without Borders on 3 July 2012, updated on 6 July 2012, included:

'Shi Junrong, a journalist with the Xi'an Evening News, a newspaper based in Wei'an, in the northern province of Shaanxi, was suspended yesterday for writing a story on 27 June [2012] about the large amount of money spent on buying cigarettes for a meeting of senior members of the local branch of the Communist Party.

'Like Zhao Pu, a journalist who was removed from his job with state-owned CCTV on 9 April [2012], it is unclear whether Shi will later be allowed to return to work or whether his "suspension" is definitive.' [63d]

(See also Section 18: Freedom of religion - Muslims [Uighurs](#))

(See also Section 21: [Tibet](#))

(See also Section 14: Political affiliation - [Opposition groups and political activists](#))

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16. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 16.01 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

'The government sought to maintain control over civil society groups, halt the emergence of independent NGOs [non-governmental organisations], hinder the activities of civil society and rights' activist groups, and prevent what it has called the "Westernization" of the country. The government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions; in addition, domestic NGOs were harassed. The government tended to be suspicious of independent organizations, and it increased scrutiny of NGOs with financial and other links overseas. Most large NGOs were quasi-governmental, and all official NGOs had to be sponsored by government agencies, although the government piloted new registration procedures in Shenzhen, Shanghai, and Beijing during the year to remove the requirement that NGOs must have a government sponsoring agency to register. If the new registrations procedures are successful, the government plans to allow NGOs to register directly with the Ministry of Civil Affairs. Some grassroots NGOs registered as companies to avoid regulations requiring NGOs to have a sponsoring government agency.

'An informal network of activists around the country continued to serve as a credible source of information about human rights violations. The information was disseminated through organizations such as the Hong Kong-based Information Center for Human Rights and Democracy, the foreign-based Human Rights in China Chinese Human Rights Defenders, and via the Internet.' [2c] (Section 5 – Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human)

- 16.02 The Center for Reproductive Rights report, Women of the World: Laws and Policies Affecting their Reproductive Lives East and Southeast Asia, published on 7 January 2011, stated:

'The Bureau of NGO Administration, housed in the Ministry of Civil Affairs under the State Council, is the government agency responsible for registering, approving, inspecting, and supervising the operation of NGOs. The Chinese government permits NGOs so long as their activities do not interfere with the interests of the state, oppose the principles of the constitution, "endanger national unity, security or ethnic unity," or contravene "national interest [or] ... prevailing social morality".' [38a] (p33)

- 16.03 The USSD Report 2011 added: 'The government did not have a human rights ombudsman or commission. The government-established China Society for Human Rights is an NGO whose mandate is to defend the government's human rights record. The government maintained that each country's economic, social, cultural, and historical conditions influence its approach to human rights.' [2c] (Section 5 - Government Human Rights Bodies)

16.04 One humanitarian social relief organization, the Red Cross Society of China (RCSC), came under scrutiny in 2011 after a woman calling herself 'Guo Meimei' posted microblog posts claiming she worked for an organisation under the RCSC and enjoyed a lavish lifestyle, which led some netizens to believe she was engaging in embezzlement. However, a guideline on the development of RCSC, issued on 31 July 2012 by China's cabinet, pledged to encourage the RCSC to 'boost its transparency' and that the RCSC and its branches were required to 'disclose information regarding fundraising, expenses, public bidding and other finance-related areas'. (Xinhua news, 31 July 2012) [13f]

16.05 Citing recorded events from 2011 the US Commission on International Religious Freedom (USCIRF), Annual Report 2012, covering the period from 1 April 2011 – 29 February 2012, published March 2012, stated:

'Over 100 lawyers and human rights defenders were forcibly disappeared, tortured, detained, or sentenced to prison terms in 2011, as authorities tried to avert any political unrest similar to the popular uprisings in the Arab world. However, the systematic targeting of human rights lawyers and activists belonging to the wei quan (rights defense) movement predates the previous year's persecution. For the past five years, the government has harassed and intimidated rights defenders, shutting down law firms and revoking the legal licenses of lawyers that take on human rights and religious freedom cases.' [70a] (p149 Human Rights Defenders)

16.06 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated:

'In February 2011, unnerved by the pro-democracy Arab Spring movements and a scheduled Chinese leadership transition in October 2012, the government launched the largest crackdown on human rights lawyers, activists, and critics in a decade. The authorities also strengthened internet and press censorship, put the activities of many dissidents and critics under surveillance, restricted their activities, and took the unprecedented step of rounding up over 30 of the most outspoken critics and "disappearing" them for weeks.

'The April 3 [2011] arrest of contemporary artist and outspoken government critic Ai Weiwei, who was detained in an undisclosed location without access to a lawyer, prompted an international outcry and contributed to his release on bail on June 22. Tax authorities notified him on November 1 [2011] that he had to pay US\$2.4 million in tax arrears and fines for the company registered in his wife's name. Most of the other activists were also ultimately released, but forced to adopt a much less vocal stance for fear of further reprisals. Several lawyers detained in 2011, including Liu Shihui, described being interrogated, tortured, threatened, and released only upon signing "confessions" and pledges not to use Twitter, or talk to media, human rights groups, or foreign diplomats about their detention.

'The government continues to impose indefinite house arrest on its critics. Liu Xia, the wife of imprisoned Nobel Peace Laureate Liu Xiaobo, has been missing since December 2010 and is believed to be under house arrest to prevent her from campaigning on her husband's behalf. In February 2011 she said in a brief online exchange that she and her family were like "hostages" and that she felt "miserable". She is allowed to visit Liu Xiaobo once a month, subject to agreement from the prison authorities.' [7b] (p316)

- 16.07 The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, published April 2012, stated:

'The Chinese authorities increased their use of unlawful and arbitrary measures to target activists during the first six months of 2011. These measures included the use of detention at locations away from police stations and suspects' homes, increased instances of mistreatment while in detention, and an extension of harassment to the families of suspects. Human rights organisations reported that over 200 individuals were subjected to such measures. While precise statistics remain a secret, human rights research groups have indicated that convictions under the poorly defined "endangering state security" legislation remain at historic highs.' [31e] (p195)

- 16.08 Instances noted in the Foreign & Commonwealth Office Report also included that of human rights activist Ai Weiwei:

'On 3 April, artist and human rights activist Ai Weiwei was arrested and held for 81 days at an unknown location. On 4 April, the Foreign Secretary released a public statement calling on the Chinese government to clarify Ai Weiwei's situation and well-being, and expressing the hope that he would be released immediately. Ai was released on 22 June, and has subsequently been charged with "tax avoidance". Lawyers have been particularly targeted. On 10 January, the Associated Press published an account by lawyer Gao Zhisheng, detailing his claims of torture suffered while in detention. On 22 December, China announced that Gao, who has not been seen since April 2010, was having his probation withdrawn and that he would have to serve three years in prison. Minister of State Jeremy Browne released a public statement on 21 December expressing concern at Gao's mistreatment and the nature of his detention, and urged the Chinese authorities to provide information regarding his well-being and location as a matter of urgency.

'Human rights lawyer Chen Guangcheng remains under de facto house arrest more than a year after his release from prison. Visitors, including diplomats and foreign journalists, have been forcibly prevented from entering his village. Lawyers Teng Biao, Tang Jitian and Jiang Tianyong were all subjected to periods of enforced disappearance. Lawyer Ni Yulan, arrested on 7 April along with her husband, was tried in Beijing on 29 December despite serious health concerns. UK diplomats were denied permission to attend her trial. No verdict has been announced and Ni remains in detention.' [31e] (p195-196)

- 16.09 The FCO report added:

'Many other activists have been detained without charge during this reporting period. Sakharov Prize Winner Hu Jia, and activist Mao Hengfeng, were both placed under house arrest after finishing their respective prison sentences, and remain subject to surveillance and harassment. The wife of Nobel Prize winner Liu Xiaobo, Liu Xia, is under house arrest, even though no charges have been brought against her. The ethnic Mongolian activist Hada was scheduled to finish his prison sentence on 10 December 2010, but has reportedly been transferred to another detention facility instead of being released.' [31e] (p196)

Specific instances involving human rights defenders, recorded in the [US Commission on International Religious Freedom \(USCIRF\), Annual Report 2012](#), covering the period from 1 April 2011 – 29 February 2012, published March 2012, can be located on page 150 of the report. [70a]

(See also Section 7: [Human Rights](#))

(See also Section 10: Judiciary – [Restrictions on lawyers](#))

(See also Section 14: Political affiliation - [Opposition groups and political activists](#))

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17. CORRUPTION

- 17.01 In Transparency International's (TI) Corruption Perceptions Index, released on 1 December 2011, China was placed at 75 out of 183 countries (183 being the most corrupt). China scored 3.6 out of ten, ten representing lowest levels of corruption. The Corruption Perceptions Index (CPI) ranks countries according to perception of corruption in the public sector. The CPI is an aggregate indicator that combines different sources of information about corruption, making it possible to compare countries. The 2011 CPI draws on different assessments and business opinion surveys carried out by independent and reputable institutions. [33a]
- 17.02 The Congressional Research Service (CRS) report, Understanding China's Political System, published on 10 May 2012, accessed on 25 June 2012, stated: 'Corruption in China is widespread and takes many forms, from lavish gifts and expensive meals bestowed on officials by those seeking favors, to bribes explicitly offered in exchange for permits and approvals, to embezzlement of state funds, exemption of friends and relatives from enforcement of laws and regulations, and the appointment of relatives to lucrative jobs in state owned companies.' [72a] (p15 - Corruption)
- 17.03 In another report by Freedom House entitled, Countries at the Crossroads 2011 - China, published on 10 November 2011, it observed that: 'Concentrated political power in the hands of a few, limited checks on party and government officials, and lack of governmental transparency enable networks of corruption to thrive...

'Official corruption has evolved since the 1980s. Early reform-era corruption primarily involved arbitrage of the two-track pricing system, as government agencies took advantage of their access to price-regulated goods and sold them at (higher) market prices. Since the 1990s, however, corruption has involved a wider range of illicit transactions in which officials abuse their positions for financial gain. Local officials demand kickbacks from real estate magnates to issue development permits. Judges accept bribes from litigants in exchange for favourable decisions. Managers of state-owned enterprises take money to rig government procurement bids...

'In recent years a range of local corruption scandals have gained nationwide attention, including the Shanxi brick kiln "slave labor" (2007), Hebei melamine (2008), and Sichuan schoolhouse (2008) scandals. Such episodes share broad similarities. First, local authorities strike corrupt deals to enrich themselves at the expense of citizen interests. Then, they use political control over local media outlets to shut down public reporting of problems and to blind their own superiors about the extent of problems. Furthermore, they use their sway over the courts to block avenues of legal redress. Problems fester, eventually erupting in a nationwide sensation when bloggers, citizen activists, or independent-leaning journalists manage to break the story in a forum outside the direct control of the local authorities in question.

'Such media exposés offer a limited check on local corruption. Central government authorities tolerate some reporting as a way to monitor their own subordinates and provide a vent for social discontent. But significant limits exist.' [26b] (p14 - Anticorruption and transparency)

17.04 The Freedom House (FH) report, Freedom in the World 2012, noted:

'The state-run Chinese Academy of Social Sciences found in February 2011 that 51 of 59 national administrative agencies and 70 percent of 43 selected city governments failed to pass an administrative transparency evaluation; the National Bureau of Corruption Prevention was among the worst performers. Courts have hesitated to enforce citizens' information requests, and an August 2011 Supreme People's Court ruling – on when courts should accept lawsuits by citizens over rejected requests – left wide discretion for agencies to classify information.' [26a]

17.05 In June 2011 the British Broadcasting Corporation (BBC) noted in an article that a report released by China's central bank said that between 16,000 and 18,000 thousand corrupt Chinese government officials and employees of state-owned companies had stolen more than \$120bn (£74bn) of funds from the mid-1990s up until 2008 and then fled overseas. Adding:

'The officials used offshore bank accounts to smuggle the funds, according to the study posted on the People's Bank of China website this week but which has since been removed. It said the officials smuggled about 800 billion yuan into the US, Australia, Canada and the Netherlands through offshore bank accounts or investments, like property or collectables. The stolen funds were covered up by disguising them as business transactions by establishing private companies to receive the money transfers. The study said corruption inside China was severe enough to threaten the nation's economic and political stability.' [9n]

17.06 A White Paper on China's Efforts to Combat Corruption and Build a Clean Government, By Information Office of the State Council of the People's Republic of China, December 2010, stated:

'To crack down on corruption in line with law and discipline, China has been enacting and continuously improving substantive laws and regulations that punish violations of law and discipline, including criminal punishment, Party discipline and administrative discipline. In the case of criminal punishment, by formulating and revising the Criminal Law of the People's Republic of China, the liabilities of corruption-related crimes, such as embezzlement, bribery, dereliction of duty, holding a huge amount of property with an unidentified source, have been defined. The Supreme People's Court and the Supreme People's Procuratorate have worked out relevant judicial interpretations for the law, making them an important legal basis for punishing crimes of corruption.' [74c] (p9)

17.07 The Freedom House Countries at the Crossroads 2011 report noted:

'Chinese officials periodically resort to anticorruption campaigns. These are characterized by intense, highly politicized bursts of aggressive enforcement by state and party authorities. One such campaign rocked the southwestern metropolis of Chongqing in 2009 - 10, resulting in one of the largest anti-gang trials ever. Over 9000 suspects were investigated, 90 officials prosecuted, and the former director of the Chongqing judicial bureau was executed for receiving over 12 million yuan (US\$1.76 million) in bribes as part of a complex web of corruption to sell government positions

and provide protection to criminal syndicates. Observers widely viewed the campaign as motivated by Chongqing party secretary Bo Xilai's efforts to strike a populist image in a bid for a seat on the Politburo Standing Committee in 2012. Chinese lawyers and academics have expressed concern regarding the impact of the campaign on rule of law norms, particularly the prison sentence for evidence fabrication meted out to one of the defense lawyers, Li Zhuang, in a trial marked by numerous irregularities.' [26b] (p14 - Anticorruption and transparency)

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BREACHES OF PARTY DISCIPLINE

- 17.08 Articles 37 to 45 of the Constitution of the Communist Party of China deal with Party discipline. Article 39 states, 'There are five measures for enforcing Party discipline: warning, serious warning, removal from Party posts, probation within the Party, and expulsion from the Party.' [98a] (Chapter VII)
- 17.09 The Ministry of Supervision and the party's Central Commission for Discipline Inspection (CCDI) are responsible for combating government corruption. In 2010 the CCDI investigated 139,621 corruption-related cases. A total of 146,517 people were disciplined, and 5,373 were transferred to judicial agencies for criminal proceedings, according to the USSD Report 2011. [2e] (Section 4. Official Corruption and Government Transparency)
- 17.10 The White Paper on China's efforts to combat corruption, published in December 2010, noted:
- 'In the case of Party discipline, the CPC promulgated the Regulations on Disciplinary Sanctions of the Communist Party of China and supporting provisions, which clearly define conducts of Party members that go against the Party's stipulations for clean government and self-discipline, embezzlement and bribery, as well as acts in violation of financial and economic discipline, and prescribe five measures for enforcing Party discipline: explicit warning, stern warning, removal from post within the Party, probation within the Party and expulsion from the Party. In the case of administrative discipline, the state has promulgated the Regulations on the Punishment of Civil Servants in Administrative Organs, which specify the principles, power limit, the types of misconduct and the punishment standards, including explicit warning, recording of demerit, recording of major demerit, demotion, dismissal from post and discharge from office.' [74c] (p9)
- 17.11 The CRS report added:
- 'The CCP uses its Central Discipline Inspection Commission (CDIC) to police its own ranks for corruption, an arrangement fraught with conflicts of interest... [T]he Party metes out its own punishments for wrongdoing by its members, and has sole discretion about whether to hand members over to the state judiciary for investigation and possible prosecution. Critics charge that CDIC investigations are frequently politically motivated, even if they uncover real wrongdoing. Officials who keep on the right side of their superiors and colleagues may engage in large-scale corruption, while other officials may be investigated for lesser infractions because they have fallen afoul of powerful officials.' [72a] (p15 - Corruption)

- 17.12 The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012, stated:

‘Corruption remains endemic despite increased government antigraft efforts, generating growing public resentment. Each year tens of thousands of officials are investigated and punished by government or CCP [Chinese Communist Party] entities, but prosecution is selective, with informal personal networks and internal CCP power struggles influencing the choice of targets. Party members accused of corruption are subject to a system of extralegal, incommunicado detention known as shuanggui. One of the most prominent cases of 2011 was the arrest of Railroads Minister Liu Zhijun on corruption charges in February, just a few months before a high-speed train crash in July that left 40 people dead and hundreds injured, sparking public outrage as efforts were made to cover up the cause. A government report in December [2011] placed much of the blame on Liu and 50 other officials and pledged to correct design flaws in rail equipment, but did not call for any systemic change in oversight. Also during the year, the authorities worked to prevent citizens from independently identifying corrupt officials, leading to the closure of several popular bribery-reporting websites.’ [26a]

- 17.13 The Freedom House report, Countries at the Crossroads 2011 - China, published on 10 November 2011, stated:

‘Chinese authorities rely on internal party discipline inspection committees (DICs) to monitor officials and combat corruption within the ranks of party cadres, and on institutions such as the Supreme People’s Procuratorate, the Ministry of Supervision, and (since 2007) the National Bureau of Corruption Prevention to fight corruption inside the government. Party DICs are equipped with a range of extralegal powers to detain and investigate party officials. At the conclusion of the internal party investigation, party authorities have the option of handing over suspects for prosecution by state authorities according to the criminal law. Periodic efforts have been made to impose greater asset disclosure requirements on lower-level officials in an effort to curb corruption. In 2010, for example, central authorities mandated that officials report to higher authorities - but not publicly disclose - their outside income, family investments, and spouse’s employment.

‘Such efforts at internal party self-supervision face serious institutional constraints. Party DICs are commonly chaired by deputy party secretaries on the local CCP [Chinese Communist Party] committee. This creates significant obstacles in terms of investigating incidents of corruption linked to other party committee members, or their friends and associates. Excessive concentration of political power and the absence of bottom-up checks have led to the spread of corruption within Chinese anticorruption institutions themselves. In November 2010, authorities sentenced Kang Rixin, former general manager (and party head) of the state-owned China National Nuclear Company, and a member of both the national party DIC and the Central Committee, to life in prison for accepting 6.6 million yuan (US\$1 million) in bribes.’ [26b] (p15 - Anticorruption and transparency)

- 17.14 In April 2012, two former officials from the village of Wukan in the southern Guangdong province were expelled from the Communist Party and a further 18 others were ‘punished’ after authorities had found that they had been involved in illegal transfers of land use rights, embezzling, accepting bribes and rigging village elections. (BBC, 24 April 2012) [9p]

The Freedom House report, [Countries at the Crossroads 2011 - China](#), published on 10 November 2011 provides further information on anticorruption and transparency, pages 14-16. [26b]

ORGANISED CRIME

This Section should be read in conjunction with Section 24: Women – [Trafficking](#) and Section 25: Children – [Child abduction and trafficking](#)

- 17.15 China's notorious organized crime groups were known as triads. They were once in collaboration with communist clandestine services and today still operated large-scale criminal enterprises. Brian McAdam, a retired Canadian diplomat specialising in Chinese organized crime estimated the number of triad members in Hong Kong at between 150,000 and 250,000 people. The Washington Times article of April 2010 further described how the group came about:

'Triads have existed for hundreds of years in China, composed initially of rebels who opposed Manchu rule and eventually branching out in the mid-1700s into several groups, including the Three Harmonies Society, which used a triangle as its emblem. British authorities in colonial Hong Kong dubbed the groups triads because of the triangular imagery.

'Like other organized crime groups, triads have elaborate initiation ceremonies similar to those of the Italian Mafia and are engaged in a range of illegal activities such as bank and credit card fraud, currency counterfeiting, money laundering, extortion, human trafficking and prostitution.

'The network's recent activities included counterfeiting copyrighted and trademarked goods including clothing, computer software, watches, and music CDs and videos; plus smuggling banned animal parts, alcohol and tobacco.' [66a]

- 17.16 Article 49 of the Criminal Procedure Law [69c] and Articles 306 to 308 of the Criminal Law [69a] provide for the protection of witnesses.

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18. FREEDOM OF RELIGION

This Section should be read in conjunction with Section 19: [Banned spiritual groups](#)

OVERVIEW

- 18.01 With a population of 1,343,239,923, estimated as at July 2012, China is inhabited by followers of Daoist (Taoist) or Buddhism, while Christians make up 3-4 percent and Muslim's 1-2 percent. (CIA World Factbook, updated 10 September 2012) [30a]
- 18.02 Article 36, Chapter II of the Constitution states:

'Citizens of the People's Republic of China enjoy freedom of religious belief.

'No State organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.

'The State protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State.'

'Religious bodies and religious affairs are not subject to any foreign domination.' [98a]

18.03 However, as stated in the US State Department's International Religious Freedom (US-IRF) Report 2011, China, published on 30 July 2012: 'Only religious groups belonging to one of the five state-sanctioned "patriotic religious associations" (Buddhist, Taoist, Muslim, Roman Catholic, and Protestant) are permitted to register with the government and legally hold worship services. Other religious groups, such as Protestant groups unaffiliated with the official patriotic religious association or Catholics professing loyalty to the Vatican, are not permitted to register as legal entities.' [2a] (Executive Summary)

18.04 The US Commission on International Religious Freedom (USCIRF), Annual Report 2012, covering the period from 1 April 2011 – 29 February 2012, published March 2012, included China on its list of 'countries of particular concern' (CPC). [70a] (p6) The report stated:

'While a growing number of Chinese citizens are allowed to practice their religion legally, the government tightly controls the affairs of all religious groups and actively represses and harasses religious activity that it views as "superstitious," a "cult," a threat to national security or social harmony, or falling outside the vague parameters of "normal" religious practices. The majority of religious practice in China falls within these disfavored categories, creating large problems for the government's religion policies which prioritize only the five government-approved religions – Buddhism, Daoism, Catholicism, Protestantism, and Islam. Chinese government officials, at many levels, have echoed President Hu Jintao's 2007 speech describing a "positive role" for religious communities in China. However, they view this role in terms of bolstering support for state economic and social goals, not promoting international religious freedom norms. According to Wang Zuo'an, the head of State Administration of Religious Affairs (SARA) in a January 2011 speech, "the starting point and stopping point of work on religion is to unite and mobilize, to the greatest degree, the religious masses" zeal to build socialism with Chinese characteristics'.' [70a] (p137- Restrictive Legal Framework and Government Interference)

18.05 The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012, stated:

'Religious freedom is sharply curtailed, and religious minorities remained a key target of repression during 2011. All religious groups must register with the government, which regulates their activities and guides their theology. Some faiths, such as Falun Gong and certain Buddhist and Christian sects, are forbidden, and their members face harassment, imprisonment, and torture. Other unregistered groups, such as unofficial Protestant and Roman Catholic congregations, operate in a legal gray zone, and state tolerance of them varies from place to place. An apparent escalation in the persecution of unregistered Christians continued in 2011. Beginning in April [2011], hundreds of members of the Shouwang church in Beijing were briefly detained or placed under house arrest after they sought to gather outside because the owner of their place of worship had reportedly been pressured not to allow them to meet. In May, a vice president of the unregistered Chinese House Church Alliance was sentenced to two years in a labor camp. Meanwhile, the CCP [Chinese Communist Party] continued a three-year nationwide drive to "transform" Falun Gong adherents, a coercive process aimed at forcing them to renounce their beliefs. In some areas, officials established

numerical targets and extralegal detention centers for such transformations. The efforts led to the deaths of several detainees in 2011, according to the Falun Dafa Information Center.’ [26a]

- 18.06 The USCIRF, Annual Report 2012, concurred with the Freedom House report, in that: ‘In some localities, officials arbitrarily implement national government policy and allow some unregistered groups, sometimes with thousands of members, to carry out worship activities openly. Such practices are, however, exceptions to the larger rule.’ [70a] (p138 - Restrictive Legal Framework and Government Interference)
- 18.07 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, observed:
- ‘The government continued to use law to control religious practice in China rather than protect the religious freedom of all Chinese citizens, accelerating efforts in the past year to revise or pass new legal measures. The State Administration for Religious Affairs (SARA) issued measures for the management of Tibetan Buddhist monasteries in September 2010, effective in November 2010, that stipulate more extensive controls over these religious venues.’ [28a] (p94 – Freedom of Religion)
- 18.08 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated that:
- ‘The Chinese government limits religious practices to officially-approved temples, monasteries, churches, and mosques despite a constitutional guarantee of freedom of religion. Religious institutions must submit data – including financial records, activities, and employee details – for periodic official audits. The government also reviews seminary applications and religious publications, and approves all religious personnel appointments. Protestant “house churches” and other unregistered spiritual organizations are considered illegal and their members subject to prosecution and fines. The Falun Gong and some other groups are deemed “evil cults” and members risk intimidation, harassment, and arrest... The government continues to heavily restrict religious activities in the name of security in ethnic minority areas.’ [7b] (p319-320)
- 18.09 In one particular incident recorded by HRW, the World Report 2012 reported that:
- ‘In April [2011] the government pressured the landlord of the Beijing Shouwang Church, a “house church” with 1,000 congregants, to evict the church from its location in a Beijing restaurant. Over the course of at least five Sundays in April and May [2011], the Shouwang congregation held its services in outdoor locations, attracting police attention and resulting in the temporary detention of more than 100 of its members.’ [7b] (p320)
- 18.10 The Minority Rights Group International report, State of the World's Minorities and Indigenous Peoples 2012, Published on 28 June 2012, stated: ‘During 2011, the Chinese government continued to limit religious practice to officially approved religious institutions. There was a continued crackdown on unregistered religious organizations, including underground Christian groups.’ [57a] (p159)
- 18.11 Forum 18, a religious news service based in Norway, reported on 12 July 2012, on how the religious non-governmental organisations (RNGOs) in China faced many challenges, stating that

'They mainly support people such as migrant workers and their families, orphans, and victims of natural disasters, Forum 18 News Service notes. The government encourages this, but also places many restrictions on NGOs gaining legal registration. It also bans RNGOs from overtly religious activity, such as the Theological Education Society raided in June 2012. This has led many groups engaged in charitable activity - like those associated with illegal Protestant house churches - either to not seek registration, or to register as commercial organisations. Despite these challenges, RNGO leaders remain cautiously optimistic about the future.

'Religious non-governmental organisations (RNGOs), both local and international, exist in China – but those that are legally registered as non-profit organisations are often linked to either the representative bodies of the five state-approved religions or other state organisations. Both the legally allowed and other RNGOs have mainly devoted their efforts and resources to supporting the neediest people in China, especially migrant workers and their families, orphans and victims of natural disasters, Forum 18 News Service notes.

'Most of China's existing religious NGOs have been able to carry out the activities they have been set up to do. Yet the state does not allow them to conduct religious activities, such as overt sharing beliefs. Activities that can be described as political – such as lobbying to change laws – are also not allowed. Many secular and religious NGOs involved in development work worldwide often see encouraging legislative change as a mainstream part of their work.

'So, despite RNGOs often operating quite successfully in China, like all NGOs they face an uncertain legal environment, a generally hostile political environment, and an apathetic social environment.

'The numbers of RNGOs are increasing, and their activities and geographic reach are expanding. For example, since the 1990s rising numbers of Chinese Buddhist RNGOs at all administrative levels have provided scholarships to impoverished children, managed orphanages and provided disaster relief. Dr Andre Laliberte of Ottawa University also noted in his essay "The institutionalization of Buddhist philanthropy in China", which appeared in the 2009 edited volume "State and Society Responses to Social Welfare Needs in China" that Buddhist RNGOs have operated beyond their immediate geographical confines.' [51a]

18.12 The USCIRF, Annual Report 2012, noted:

'Despite restrictions, harassment, arrests, and government oversight, the number of religious adherents continues to grow in China and the government continues to tolerate regular and public worship activities of both legally-approved and some unregistered religious groups. Tolerance for unregistered religious activity often varies, depending on province or locality. Government estimates place the total number of religious believers of all faiths in China at around 100 million, though those figures are probably too conservative, as this number has been used for most of the past decade. Chinese academics, for instance, estimate that there as many as 75 million Protestants in the country alone, and this does not account for Buddhist and Daoist religious communities, which are the largest in China.' [70a] (p137 - Restrictive Legal Framework and Government Interference)

18.13 The USCIRF, Annual Report 2012, noted:

‘Religious freedom conditions for Tibetan Buddhists and Uighur Muslims remain particularly acute, as the government broadened its efforts to discredit and imprison religious leaders, control the selection of clergy, ban certain religious gatherings, and control the distribution of religious literature by members of these groups. The government also detained hundreds of unregistered Protestants in the past year and stepped up efforts to shutter “illegal” meeting points and public worship activities. Dozens of unregistered Catholic clergy remain in detention or have disappeared, and relations between the Vatican and Beijing have declined in the past year. Falun Gong adherents continue to be targeted by extralegal security forces and tortured and mistreated in detention. The Chinese government also continues to harass, detain, intimidate, disbar, and forcibly disappear attorneys who defend vulnerable religious groups.’ [70a] (p6-7 - Overview of CPC Recommendations and Watch List)

18.14 The US International Religious Freedom Report 2011 stated: ‘Despite the labor law’s provisions against discrimination in hiring based on religious belief, some religious believers reported that they believed their employers openly discriminated against them. Some Protestant Christians claimed they were terminated by their employers due to their religious activities.’ [2a] (Section I. Religious Demography)

(See also Section 18: Freedom of religion - [Christians](#) and [Muslims](#))

(See also Section 19: [Banned spiritual groups](#))

Registration

18.15 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, observed that ‘The government recognized only five religions – Buddhism, Catholicism, Islam, Protestantism, and Taoism. Groups belonging to these religions were required to register with the government.’ (US-CECC Annual Report 2011) [28a] (p94)

18.16 The Freedom House report, Countries at the Crossroads 2011 - China, published on 10 November 2011, stated: ‘Religious groups that are not registered with state authorities, or that reject Party leadership, risk abuse and imprisonment.’ [26b]

18.17 The US International Religious Freedom Report 2011 noted, however, that:

‘Local governments have legalized certain religious communities and practices in addition to the five nationally recognized religions, such as Orthodox Christianity in Xinjiang, Heilongjiang, Zhejiang, and Guangdong provinces. Some ethnic minorities retain traditional religions, such as Dongba among the Naxi people in Yunnan and Buluotuo among the Zhuang in Guangxi. Worship of the folk deity Mazu reportedly has been reclassified as “cultural heritage” rather than religious practice.’ [2a] (Section I. Religious Demography)

18.18 The US-CECC Annual Report 2011, noted however, that:

‘Registered groups received some legal protection for their religious activities but remained subject to ongoing state controls. Members of both unregistered groups and registered groups deemed to run afoul of stateset parameters for religion faced risk of harassment, detention, and other abuses. Some unregistered groups had space to

practice their religions, but this limited tolerance did not amount to official recognition of these groups' rights. Authorities also shut down the activities of some unregistered groups and maintained bans on other religious or spiritual communities, including Falun Gong.' [28a] (p94 – Freedom of Religion)

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Demographics

18.19 The US International Religious Freedom Report 2011 stated:

'A 2007 survey conducted by researchers in Shanghai concluded that 31.4 percent of citizens ages 16 and over were religious believers. According to estimates based on survey data, approximately 200 million nationals are Buddhist, Taoist, or worshippers of folk gods. In its report to the United Nations Human Rights Council during its Universal Periodic Review in February 2009, the government stated that there were "more than 100 million followers of different religious faiths and the religious population is steadily increasing." It is difficult to estimate the number of Buddhists and Taoists because they do not have congregational memberships, and many practice exclusively at home. A 2007 public opinion poll found that 11 to 16 percent of adults identified themselves as Buddhists, and less than 1 percent of adults identified themselves as Taoists.

'According to the [State Administration for Religious Affairs \(SARA\)](#), there are more than 21 million Muslims in the country; unofficial estimates range as high as 50 million. According to SARA there are approximately 36,000 Islamic places of worship (more than half of which are in the XUAR), more than 45,000 imams, and 10 Islamic schools in the country. Some Muslim communities have designated separate mosques for female worshippers. There are 10 predominantly Muslim ethnic groups in the country. The 2000 census reported 20.3 million members of predominantly Muslim nationalities, of which 96 percent belonged to three groups: Hui, 9.8 million; Uighurs, 8.4 million; and Kazakhs, 1.25 million. Hui Muslims are concentrated primarily in the Ningxia Hui Autonomous Region, Qinghai, Gansu, and Yunnan provinces. Uighur Muslims live primarily in Xinjiang.

'The 2011 Blue Book of Religions, produced by the Institute of World Religions at the Chinese Academy of Social Sciences (CASS), a research institution directly under the State Council, reports the number of Christians to be between 23 and 40 million, accounting for no greater than 3 percent of the population. Seventy percent of Christians are female, and 67 percent have been baptized, according to the Blue Book. The Pew Research Center estimated in 2007 that 50 million to 70 million Christians practiced in unregistered religious gatherings, also known as "house churches."

'In June 2010 SARA reported the official Protestant population to be 16 million. Government officials stated that there were more than 50,000 Protestant churches registered under the Three-Self Patriotic Movement (TSPM), the state-approved Protestant patriotic association, and 18 TSPM theological schools. A CASS study found that 70 percent of Protestants worship in registered churches, while the remaining 30 percent worship in unregistered churches or private residences.

'According to SARA more than six million Catholics worship in sites registered by the Catholic Patriotic Association (CPA). In 2009 the Holy Spirit Study Center in Hong Kong estimated there were 12 million Catholics on the mainland. According to the Blue Book, there were 64 official Catholic bishops, 2,700 priests, 5,000 nuns, over 6,300 churches

and meeting places, 10 seminaries, and nine preseminaries in 2010. Of the 97 dioceses in the country, 40 reportedly did not have an officiating bishop in 2007, and in 2009 an estimated 30 bishops were over 80 years of age.’ [2a] (Section I. Religious Demography)

- 18.20 There were around 9,000,000 Uighurs in China and about 300,000 in Uzbekistan, Kazakhstan, and Kyrgyzstan. (Encyclopedia Britannica, accessed on 21 August 2012) [59b]

RELIGIOUS GROUPS

Buddhists

This subsection should be read in conjunction with [Section 21: Tibet – Tibetan Buddhism](#).

- 18.21 The USSD International Religious Freedom Report 2011 noted: ‘Religious and ethnic minority groups, such as Tibetan Buddhists and Uighur Muslims, experienced discrimination throughout the country because of both their religious beliefs and their status as ethnic minorities with distinct languages and cultures.’ [2a] (Section III. Status of Societal Respect for Religious Freedom)
- 18.22 The US-CECC report 2011, stated:
- ‘... the Chinese government and Communist Party maintained a restrictive framework for controlling the doctrine, practices, worship sites, and religious personnel of Buddhists in non-Tibetan areas. State-controlled “patriotic religious organizations” monitor and control the doctrine, practices, property, and personnel of each of China’s five recognized religions, and the Buddhist Association of China (BAC) continued to monitor, control, and restrict the religious activities of Buddhists.’ [28a] (p95 - Buddhism (Non-Tibetan))
- 18.23 The USSD International Religious Freedom Report 2011 further added: ‘Guangdong Buddhist leader and businessman Wu Zeheng, who was convicted of economic crimes in 1999 after sending open letters to the country’s leadership calling for political reform and was released in February 2010 after 11 years’ imprisonment, remained under police surveillance, according to online reports. These reports also stated that police beat him during a Buddhist ceremony in May.’ [2a] (Section II. Status of Government Respect for Religious Freedom - Government Practices)

Taoists

- 18.24 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, stated: ‘During the Commission’s 2011 reporting year, the Chinese government and Communist Party continued to exercise control over Taoist 152 religious activities in much the same way that they do for other religious communities in China, restricting doctrine, personnel, activities, and sites of worship.’ [28a] (p105 – Taoism)
- 18.25 The US-CECC Annual Report 2011 added:

‘The state-controlled Chinese Taoist Association (CTA) continued to dictate the terms by which Taoists must interpret doctrine and continued to call on Taoists to accept government and Party goals. For example, a November 23, 2010, CTA announcement seeking Folk religions “ferently love the socialist motherland [and] uphold the

leadership of the Chinese Communist Party.” Authorities continued to link Taoist doctrine to patriotism and economic development, and in March 2011, China’s State Administration for Religious Affairs (SARA) urged the CTA to hold an international event on Taoism because it would be significant in “increasing the influence of Taoism, spreading traditional Chinese culture, increasing the country’s soft power, and the great revival of the Chinese nation”.’ [28a] (p105 – Controls over Doctrine)

- 18.26 The US-CECC Annual Report 2011 further observed that: ‘Local governments continued to restrict Taoist practices by calling for the removal of practices that authorities deem to be “superstitious” or “feudal”.’ [28a] (p106 – Controls over Personnel, Activities, and Sites of Worship)
- 18.27 An article in February 2011 by Radio Free Asia, reported on Guan Shaohong, a scholar of Chinese Taoist philosophy, who carried out research into the social relevance of ancient Taoist texts and sentenced in 2006 to a total of 19 years’ imprisonment, for ‘using superstition to interfere with the enforcement of the law,’ ‘running an illegal business,’ and ‘tax evasion’, was reported to be in poor health. The article noted that: ‘His writings on Taoist sage Lao Zi and other Taoist philosophers were published in Hong Kong in 2008 with a foreword by Sun Shili, U.S.-based chairman of the Forum for the Revival of Traditional Chinese Culture and distributed widely among scholars and officials in mainland China.’ [73g]

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Christians

- 18.28 The British Broadcasting Corporation (BBC) reported on 17 September 2011 that:
- ‘It is impossible to say how many Christians there are in China today, but no-one denies the numbers are exploding. The government says 25 million, 18 million Protestants and six million Catholics. Independent estimates all agree this is a vast underestimate. A conservative figure is 60 million. There are already more Chinese at church on a Sunday than in the whole of Europe. The new converts can be found from peasants in the remote rural villages to the sophisticated young middle class in the booming cities.’ [9ak]
- 18.29 The same source further noted:
- ‘Throughout the 20th Century, Christianity was associated with Western imperialism. After the Communist victory in 1949, the missionaries were expelled, but Christianity was permitted in state-sanctioned churches, so long as they gave their primary allegiance to the Communist Party. Mao, on the other hand, described religion as “poison”, and the Cultural Revolution of the 1960s and 70s attempted to eradicate it. Driven underground, Christianity not only survived, but with its own Chinese martyrs, it grew in strength. Since the 1980s, when religious belief was again permitted, the official Churches have gradually created more space for themselves. They report to the State Administration for Religious Affairs. They are forbidden to take part in any religious activity outside their places of worship and sign up to the slogan, “Love the country - love your religion.” In return the Party promotes atheism in schools but undertakes “to protect and respect religion until such time as religion itself will disappear”.’ [9ak]

Catholics

- 18.30 A BBC article from September 2011 stated: ‘There is a complexity in the structures of Chinese Christianity which is little understood in the West. To start with, Catholicism and Protestantism are designated by the state as two separate religions.’ [9ak]
- 18.31 The USCIRF, Annual Report 2012, stated:
- ‘The Chinese government continues to interfere in the religious activities of Chinese Catholics and to harass clergy in the officially-sanctioned Catholic Patriotic Association (CPA) who have been secretly recognized by the Vatican, as well as clergy and members of the Catholic community who refuse to affiliate with the CPA. Governmental efforts to suppress the activities of “underground” Catholic congregations and to coerce Catholic clergy to join the CPA are particularly intense in the two provinces with the largest Catholic communities, Hebei and Shaanxi. Government efforts to exert control over the Catholic Church’s affairs expanded in the past year, as Beijing ordained a Bishop without Vatican approval and arranged for the election of unapproved Bishops to main leadership positions in the CPA and the Bishops’ Conference of the Catholic Church in China. These organizations are not recognized by the Holy See.’ [70a] (p143 - Catholics)
- 18.32 The US-CECC report 2011, stated:
- ‘... the Chinese government and Communist Party continued to interfere in the religious activities of China’s estimated 4 to 12 million Catholics. The state-controlled church continued to deny Catholics in China the freedom to accept the authority of the Holy See to select bishops, and authorities continued to detain and harass some Catholics who practiced their faith outside of state-approved parameters. In addition, authorities forced some bishops to attend a December 2010 national conference of state-controlled church leadership, as well as the ordination ceremonies of two bishops ordained without Holy See approval.’ [28a] (p96 - Catholicism)

Relations with the Vatican

- 18.33 The USCIRF Annual Report 2012 noted:
- ‘Beijing continues to prohibit Catholic clergy from communicating with the Vatican, resulting in strained relations between the CPA [Catholic Patriotic Association] and the unregistered Chinese Catholic church and between the Chinese government and the Holy See. Despite this official policy, an estimated 90 percent of CPA bishops and priests are secretly ordained by the Vatican and, in many provinces, CPA and unregistered Catholic clergy and congregations work closely together. Since 2006, the Vatican and the Chinese government had worked together to select bishops, reversing a previous trend of the government appointing bishops without Vatican approval. In 2010, eleven Chinese bishops were ordained, only one of whom was not Vatican-approved. In November 2010 the CPA ordained Guo Jincai bishop of Chengde (Hebei) without prior approval or affiliation with the Vatican – a move that, according to a Vatican spokesman, “set back” relations between Beijing and the Holy See. In April and June 2010, respectively, the CPA ordained Paul Meng Qinglu bishop of a diocese in Inner Mongolia and Joseph Han Yinghin bishop of Sanyuan (Shaanxi), both with the approval of the Holy See. Nevertheless, Bishop Meng’s ordination was not without controversy, as the CPA insisted that Bishop Du Jiang, recognized by the Vatican, attend the ordination ceremony with Ma Yinglin, a bishop ordained without Vatican

approval in 2006. Bishop Du was later placed under house arrest where he reportedly remains.’ [70a] (p143-144 - Catholics)

18.34 The USCIRF Annual Report 2012 added:

‘The government continues to deny Catholic leaders the right to abstain from activities that contravene Holy See policies. For example, several bishops were forced to attend the National Conference of Chinese Catholic Representatives (NCCCR) in 2010, including the forcible removal of Bishop Feng Xinmao from his Hengshui city, Hebei province cathedral. The Vatican forbids leadership meetings with unaffiliated Catholic bishops.

‘According to the CECC [US Congressional-Executive Commission on China], at least 40 Roman Catholic bishops remain imprisoned or detained, or were forcibly disappeared, including the elderly Bishop Su Zhimin, whose current whereabouts are unknown and who has been under strict surveillance since the 1970s. In addition, the whereabouts of Bishop Shi Enxiang, who was detained in April 2001, and Auxiliary Bishop Yao Ling, remain unknown. In July 2010, unregistered Catholic bishop Jia Zhiguo was released; he had been detained since March 2009 to prevent him from meeting with another bishop who had reconciled with the Vatican.

‘In January 2012, six priests from the Inner Mongolian city of Erenhot reportedly were arrested while attempting to meet to discuss pastoral care and leadership issues for unregistered Catholics in the Suiyuan diocese. Four of the six reportedly were released within several days, but the whereabouts of Fathers Ban Zhanxiong and Ma Mumin remain unknown. The arrests were allegedly related to a dispute over the transfer of priests in Erenhot by Bishop Paul Meng Qinglu, a Vatican-affiliated bishop who previously had participated in the illicit ordination of the bishop of Chengde (Hebei). Since the arrests, police reportedly have expanded efforts to curtail the activities of unregistered Catholics, closing the seminary and stationing police at churches.’ [70a] (p143-144 - Catholics)

18.35 On 28 June 2011 Radio Free Asia reported:

‘Authorities in the northern Chinese province of Hebei have detained a Catholic bishop appointed by the Pope ahead of an official consecration ceremony, in a move likely to further strain ties between the Vatican and Beijing... Sun’s appointment came amid vows by Beijing to speed up the appointment of bishops approved by its ruling Communist Party without consulting the Vatican... Bob Fu, founder of the U.S.-based Christian human rights group ChinaAid, said Beijing had been sending out mixed signals in recent years about the approval of bishops to serve its estimated 15 million Catholics. “The Vatican has called on China many times to show a bit of sincerity in improving [bilateral] ties, but China’s policy ... lacks consistency.” “This makes it very hard to achieve any kind of breakthrough”... Tensions between Beijing and the Vatican have been high since the Vatican protested the ordination of a bishop in Chengde in November without its approval, and accused China of forcing its bishops and priests to attend an official conference.

‘Beijing’s Chinese Patriotic Catholic Association does not acknowledge the authority of Pope Benedict XVI and regards those who remain loyal to the papacy as undesirable elements. The Chengde appointment was the first time since 2006 that China’s Catholic Church is known to have appointed bishops without approval from Rome, but officials said this week that more appointments could follow... “This is a major obstacle in the improvement of relations between China and the Vatican,” Fu said. “The Chinese

government... insists that Catholics and Protestants, as well as other religious and social groups, submit to its absolute control," he said... China's officially-sanctioned Catholic Church, has between five and six million members, while an underground church loyal to Rome has as many as 10 million followers.' [73d]

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Protestants (including "house churches")

18.36 The USCIRF, Annual Report 2012, stated:

'The Chinese government continues to restrict the religious activities of Protestants who worship in the government-approved church and to harass, intimidate, arrest, and detain unregistered Protestants. In the past year, government efforts to suppress the growth and activities of unregistered "house church" Protestants were systematic and intense. [sic]' Authorities raided house church gatherings and took participants into custody, placed unregistered Protestants pastors under house arrest, and blocked access to sites of worship.

'According to the NGO [non-government organisation] ChinaAid, over a thousand Protestants were detained in the past year and given sentences of over one year for their religious activities or religious freedom advocacy. Authorities were holding Protestant leaders under an extra-legal form of "soft detention" or house arrest. The pastors of Beijing's Shouwang Church and Protestant leaders such as Dr. Fan Yafeng have not been able to leave their heavily-monitored homes for over a year.

'The majority of Protestants in China, estimated to be at least 70 million, are affiliated with the house church movement, which refuses, both for theological and political reasons, to affiliate with the government-sanctioned Three-Self Protestant Movement (TSPM) or the China Christian Council (CCC). Nevertheless, government policy maintains that all Protestants must register and join one of the officially-recognized religious organizations. Those that do not are technically illegal, though there is uneven enforcement of this provision, with some house churches meeting openly and regularly with memberships of several hundred to a thousand. In the past year, SARA urged government authorities to help "guide" Protestants who "participate in ... unauthorized gathering places" to worship in state-controlled churches. Two editorials in the Communist Party newspaper Global Times warned Protestants to participate only in government-sanctioned religious activities. Such public warnings often precede police enforcement of government policy.' [70a] (p145 - Protestants)

18.37 The USCIRF, Annual Report 2012, added:

'Authorities also have interfered in the religious activities of officially-recognized Protestants. For example, in February 2012, authorities demolished without compensation the two decades old Xin'an church in Lieshan village, Anhui province. On November 19, 2010, the registered Chengnan Church, in Tinghu district, Yancheng city, Jiangsu province, was demolished after government officials and real estate developers had unsuccessfully sought to purchase the church's property to build commercial residential buildings.

'Members of unregistered Protestant groups that the government arbitrarily deems "evil cults" were the most vulnerable to detention and harassment. The extrajudicial security

apparatus, called the 6-10 Office, has broadened its mandate beyond Falun Gong activity to include groups that self-identify as Protestant. The government has banned at least 18 Protestant groups, as well as many more congregations and movements that are active in only one province. Examples of banned groups include the South China Church (SCC), the Disciples Association, the “Shouters,” and the Local Church, a group that was founded by Chinese church leader Watchman Nee, one of the most influential and widely-read theologians of the 20th century. The Chinese government continues to reserve for itself the final right to determine a religious group’s theological legitimacy. In March 2011, security officials in Qu County, Sichuan province arrested Liao Zhongxiu, leader of a house church, on charges of “suspicion of utilizing a cult organization in undermining the implementation of the state law and regulations.” It was the second time that Ms. Liao’s church was raided since September 2010. Ms. Liao remains in custody and has reportedly been threatened if she seeks to hire a lawyer.’ [70a] (p147 – Protestants)

(See also Section 18: Freedom of religion - [Religious freedom in Xinjiang \(East Turkestan\)](#))

Orthodox Church

18.38 The USSD International Religious Freedom Report 2011 noted, ‘Local governments have legalized certain religious communities and practices in addition to the five nationally recognized religions, such as Orthodox Christianity in Xinjiang, Heilongjiang, Zhejiang, and Guangdong provinces.’ [2a] (Section I. Religious Demography)

18.39 On 24 August 2010 AsiaNews reported:

‘The Chinese Autonomous Orthodox Church does not exist at the national level, but there are four officially opened sites for celebrating Divine Liturgies: two of them are in country’s north-west in the Xinjiang Uygur autonomous region, one in Harbin, and the last one in the city of Labdarin in the Inner Mongolia Autonomous District. These four churches belong to the Chinese Autonomous Orthodox Church. Small faith communities (about 5 thousand in total) are present not only in these regions but also elsewhere in the country. Particularly in large cities: Beijing, Shanghai, Tianjin, Guangzhou and Yunnan Province, but they have no places of worship. Following the Cultural Revolution, the Church was decimated and there are no priests present on the territory. A dozen seminarians are studying in Russia with the intention of returning to China.’ [58e]

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Muslims

18.40 A Voice of America (VoA) article on the Islamic population in China, dated 26 June 2012, reported:

‘Islam in China is flourishing, with official statistics counting more than 20 million Chinese Muslims. But, as with all religions in China, the state continues to maintain close watch over Islamic activities. Northwest China’s Ningxia is the country’s only provincial-level autonomous region for the country’s most numerous Muslims, the Hui... Huis make up China’s largest Muslim population. They are seen as better integrated into Chinese society than the Uighurs in Xinjiang, who speak a different language.’ [8a]

- 18.41 A news article by Reuters in January 2012 reported: 'China has experienced sporadic unrest among its Muslim minorities, most notably involving the Uighurs, a Turkic language-speaking people native to the country's western Xinjiang region.' [34e]

Uighur(s) (Uygur, Uyghur)

- 18.42 Encyclopedia Britannica, accessed on 21 August 2012, described that the Uighurs '... live for the most part in northwestern China, in the Uygur Autonomous Region of Xinjiang; a small number live in the Central Asian republics...

'The Uighurs are, in the main, a sedentary, village-dwelling people who live in the network of oases formed in the valleys and lower slopes of the Tien Shan, Pamirs, and related mountain systems. The region is one of the most arid in the world; hence, for centuries they have practiced irrigation to conserve their water supply for agriculture...

'The chief Uighur cities are Ürümqi, the capital of Xinjiang, and Kashgar (Kashi), an ancient centre of trade near the Russian-Chinese border. The Uighurs have lacked political unity in recent centuries, except for a brief period during the 19th century when they were in revolt against Beijing. Their social organization is centred on the village. The Uighurs of Xinjiang are Sunni Muslims.

'Large numbers of Han (ethnic Chinese) have moved into Xinjiang, especially since the 1990s. This produced economic disparities and ethnic tensions between the Uighur and Han populations that sometimes resulted in protests and other disturbances. A particularly violent outbreak occurred in July 2009, mainly in Ürümqi, in which scores of people were killed and hundreds more were injured.' [59b]

- 18.43 The British Broadcasting corporation (BBC) Profile on Xinjiang profile, updated 8 February 2012, noted: 'The largest ethnic group, the Muslim, Turkic-speaking Uighurs, has lived in China's shadow for centuries. The region has had an intermittent history of autonomy and occasional independence, but was finally brought under Chinese control in the 18th century.' [9r]
- 18.44 China's concerns about the Uighurs are explained in a BBC Question and Answer webpage, updated 8 July 2009, noting that:

'Beijing says Uighur militants have been waging a violent campaign for an independent state by plotting bombings, sabotage and civic unrest. Since the 9/11 attacks in the US, China has increasingly portrayed its Uighur separatists as auxiliaries of al-Qaeda. It has accused them of receiving training and indoctrination from Islamist militants in neighbouring Afghanistan, although little public evidence has been produced in support of these claims. More than 20 Uighurs were captured by the US military after its invasion of Afghanistan. Although they were imprisoned at Guantanamo Bay for six years, they were not charged with any offence and many have now been accepted for resettlement elsewhere.' [9m]

- 18.45 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, described that: 'The government continued to repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, often citing counterterrorism as the reason for taking action.' [2c] (Section 6 – National/Racial/Ethnic Minorities)

- 18.46 The US Commission on International Religious Freedom (USCIRF), Annual Report 2012, covering the period from 1 April 2011 – 29 February 2012, published March 2012, stated:

‘In the Xinjiang Uighur Autonomous Region (XUAR) and other areas of Xinjiang province, religious freedom conditions continue to deteriorate. Long-standing Uighur grievances are exacerbated by Chinese government efforts to stamp out “the three evil forces” of terrorism, separatism, and religious extremism. The government’s connection of independent religious activity and terrorism has led to serious religious freedom abuses in recent years. China’s active repression of Uighur religion and culture may be counterproductive, leading to the very type of extremism Beijing’s policies are trying to forestall. In the past year, the government intensified campaigns to curtail “religious extremism,” “illegal religious gatherings,” and “weaken religious consciousness.” Regional regulations and local directives restricting religious practice in Uighur areas are harsher than those found in other parts of China.’ [70a] (p145 Uighur Muslims)

- 18.47 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated: ‘Under the guise of counterterrorism and anti-separatism efforts, the government also maintains a pervasive system of ethnic discrimination against Uighurs and other ethnic minorities, along with sharp curbs on religious and cultural expression and politically motivated arrests.’ [7b] (p326)

- 18.48 The USCIRF, Annual Report 2012, noted:

‘In January 2012, XUAR officials announced new measures to increase security and “discourage religious extremism.” ... In March 2010, officials in Ili Kazakh Autonomous Prefecture issued regulations to forbid students from believing in religion, participating in religious activities, fasting, or wearing religious clothing, among other things. Guidelines were put in place to provide oversight of Uighur women religious leaders (buwi) and to dissuade women from wearing veils. In response to these government efforts, 600 protestors marched in Hotan against a proposed ban on headscarves and other restrictions on religious freedom. XUAR authorities maintained their campaign to halt “illegal” religious schools and the home study of the Qur’an.’ [70a] (p141-142 - Uighur Muslims)

- 18.49 A Radio Free Europe/Radio Liberty (RFE/RL) article from July 2011 reported that members of the Muslim Uyghur minority attacked a police station in China's Xinjiang region on July 18. The article stated that China's state news agency reported that at least four people had been killed. The article added:

‘The Xinhua news agency reported that the attackers, who were said to have been members of the region's mainly Muslim Uyghur minority, set fire to the building in the remote city of Hotan in the far northwest and took a number of hostages. The report said two of the dead were hostages, one was a security worker, and another was a police officer. A spokesman for the German-based World Uyghur Congress said the clashes erupted after a group of Uyghurs tried to take away a number of police officers so they could demand the release of family members who had been arrested. In July 2009, some 200 people were killed amid clashes between Uyghurs in the regional capital, Urumqi, and members of China's dominant Han group. Xinjiang is home to more than 8 million Uyghurs.’ [71a]

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Human rights in Xinjiang (East Turkestan)

18.50 'The BBC Profile on Xinjiang profile, updated 8 February 2012, noted: 'China's Xinjiang province is the country's most westerly region, bordering on the former Soviet states of Central Asia, as well as several other states including Afghanistan, Russia, and Mongolia.' [9r]

18.51 The HRW World Report 2012, China, stated:

'Several violent incidents occurred in the region in 2011, though culpability remains unclear. On July 12 the government said it had killed 14 Uighur attackers who had overrun a police station in Hetian and were holding several hostages. On July 30 and 31 a series of knife and bomb attacks took place in Kashgar. In both cases the government blamed Islamist extremists. In mid- August it launched a two-month "strike hard" campaign aimed at "destroying a number of violent terrorist groups and ensuring the region's stability."' [7b] (p325)

18.52 The Amnesty International (AI) Annual Report 2012: The state of the world's human rights: China, (AI Report 2012) published on 24 May 2012, covering events in 2011, stated that:

'The authorities escalated security measures through a succession of "strike hard" campaigns which increased around-the-clock street patrols and involved "mobilizing society to wage battle" against acts the authorities claimed harmed state security. In Urumqi, whole neighbourhoods were reported to have been sealed off by security checkpoints...

'Freedom of expression in the XUAR continued to be severely restricted, including by vaguely defined crimes of "ethnic separatism" and "terrorism", which included distributing materials or literary works with "separatist content".' [6a] (Xinjiang Uighur Autonomous Region (XUAR))

18.53 An article by Amnesty International dated 4 July 2012 reported that 'dozens' of Uighur's were still missing three years after being arrested following a protest in People's Square in the western Chinese city of Urumqi. The article explained:

'On a blistering hot Sunday evening on 5 July 2009, thousands of Uighurs gathered for a protest in People's Square in the western Chinese city of Urumqi. The demonstrators were calling for a full investigation into the Shaoguan incident, a brawl in southern China 10 days earlier in which two Uighur migrant workers had been killed. The protestors alleged that the authorities had failed to protect the Uighur workers, or to arrest any of the Han Chinese people suspected of the killings. While the protest started peacefully, rioting erupted following police violence against protesters. Venting years of pent-up anger, members of the Uighur community turned on Han Chinese, who in turn retaliated. According to official figures, 197 died in the ensuing violence, most of them Han Chinese. Eye witness accounts gathered by Amnesty International following the unrest cast doubt on the official version of events and pointed to unnecessary or excessive use of force by police against Uighur protesters, including beatings, use of tear gas and shooting directly into crowds. Mass arrests followed the disturbances, with house to house searches resulting in the arbitrary detention of hundreds if not thousands of people. Several reports subsequently detailed widespread enforced disappearances, torture and ill-treatment of Uighurs.' [6m]

18.54 The same source added:

‘According to one family member, there are more than two hundred families in one county in Hotan prefecture alone with disappeared relatives. Many of these families have been afraid to come forward out of fear of retribution by the authorities. For many families, the financial burden of travelling to Urumqi and Beijing is considerable, nevertheless many have made repeated trips in their hunt for information.

‘Instead of assistance from the authorities, many family members describe years of threats, intimidation, and even detention for petitioning the authorities and searching for information. The families who came forward publicly with their stories in interviews with Radio Free Asia describe intensified surveillance, threats, and orders to stop speaking to overseas groups.

‘Some say they are not even seeking redress or compensation from the authorities for the disappearance of their loved ones, but are simply seeking to know if their family members and friends are dead or alive. Some have described how living with the uncertainty has been in many ways harder in the long run than if they had been informed of the fate of their loved ones.’ [6m]

18.55 The USSD Report 2011 noted: ‘Uighur residents of the XUAR reported difficulties at the local level in getting a passport application approved. Some residents of the XUAR and other citizens reportedly had valid passports seized.’ [2e] (Section 2. Respect for Civil Liberties – Foreign Travel)

18.56 The same report further added:

‘The government’s policy to encourage Han Chinese migration into minority areas significantly increased the population of Han in the XUAR. In recent decades the Han-Uighur ratio in the capital of Urumqi has reversed from 20/ 80 to 80/20 and continued to be a source of Uighur resentment. Discriminatory hiring practices gave preference to Han and discouraged job prospects for ethnic minorities. According to 2005 statistics published by XUAR officials, eight million of the XUAR’s 20 million official residents were Han. Hui, Kazakh, Kyrgyz, Uighur, and other ethnic minorities constituted approximately 12 million XUAR residents. Official statistics understated the Han population, because they did not count the tens of thousands of Han Chinese who were long-term “temporary workers.” While the government continued to promote Han migration into the XUAR and filled local jobs with migrant labor, overseas human rights organizations reported that local officials under direction from higher levels of government deceived and pressured young Uighur women to participate in a government-sponsored labor transfer program.

‘The XUAR government took measures to dilute expressions of Uighur identity, including reduction of education in ethnic minority languages in XUAR schools and the institution of language requirements that disadvantaged ethnic minority teachers. The government continued to apply policies that prioritized standard Chinese for instruction in school, thereby reducing or eliminating ethnic-language instruction.’ [2e] (Section 6 - National/Racial/Ethnic Minorities)

18.57 In July and August 2011 China accused Muslim Uighur separatists in Xinjiang province of attacks on a police station in Hotan and a restaurant and passers-by in Kashgar that left dozens dead. Police killed seven Uighurs suspected of being behind the attacks in Kashgar. (BBC News, China: A chronology of key events, updated 25 September 2012, accessed on 3 October 2012) [9a] On 5 August 2011 The Guardian reported, ‘China has

ordered a sweeping security clampdown in the western region of Xinjiang following recent deadly attacks blamed on Muslim ethnic Uighur militants, with Beijing vowing “no mercy” toward anyone pursuing violence or separatism.’ [41d]

(See also subsection on [Religious freedom in Xinjiang \(East Turkestan\)](#) and subsection on [Uighur “terrorist “groups\)](#)

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July 2009 violence

18.58 The BBC Profile on Xinjiang profile, updated 8 February 2012, noted: ‘International attention turned to Xinjiang in July 2009 when bloody clashes between Uighurs and Han Chinese in the region’s main city, Urumqi, promoted the Chinese government to send large numbers of troops to patrol the streets. Nearly 200 people were killed in the unrest, most of them Han, according to officials.’ [9r]

18.59 The HRW World Report 2012: China, stated:

‘The Urumqi riots of July 2009 – the most deadly episode of ethnic unrest in recent Chinese history – continued to cast a shadow over developments in the Xinjiang Uighur Autonomous Region. The government has not accounted for hundreds of persons detained after the riots, nor investigated the serious allegations of torture and ill-treatment of detainees that have surfaced in testimonies of refugees and relatives living outside China. The few publicized trials of suspected rioters were marred by restrictions on legal representation, overt politicization of the judiciary, and failure to publish notification of the trials and to hold genuinely open trials as mandated by law.’ [7b] (p325)

18.60 The Amnesty International (AI) Annual Report 2012 stated:

‘Extreme restrictions on the flow of information within and from the XUAR left uncertain the fate of many hundreds detained in the aftermath of the 2009 crackdown on protests in Urumqi. In January [2011], the head of the XUAR High People’s Court referred to ongoing cases connected to the 2009 protests, but the authorities provided no information on the trials. Family members of detained individuals were often not informed of the fate or whereabouts of their loved ones and were often too afraid to communicate with those outside China, for fear of retribution by the authorities.’ [6a] (Xinjiang Uighur Autonomous Region (XUAR))

18.61 Amnesty International also reported on Noor-UI-Islam Sherbaz, who died on 13 November 2011, allegedly as a result of torture in prison. The report noted: ‘

‘He was serving a life sentence on charges of “murder” and “provoking an incident” after an unfair trial. He was alleged to have thrown stones during the July 2009 protests, and was aged 17 at the time of his detention. According to a family friend with access to information from the jail, Noor UI-Islam had been regularly beaten with electric batons in prison. His family were not allowed access to his body and the authorities buried him before an autopsy was done. The authorities failed to provide adequate evidence at his trial, except for his “confession”, which may have been extracted through torture. During his trial, he was represented by a lawyer appointed by the court.’ [6a] (Xinjiang Uighur Autonomous Region (XUAR))

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

Religious freedom in Xinjiang (East Turkestan)

18.63 The US State Department's International Religious Freedom (US-IRF) Report 2011, China, published on 30 July 2012 noted that: 'During the year the government's repression of religious freedom remained severe in Tibetan areas and the Xinjiang Uighur Autonomous Region (XUAR). The government continued to implement measures strictly regulating religious activity and severely limited religious freedoms in Tibetan areas and in the XUAR.' [2a] (Executive Summary)

18.64 During August 2012 Chinese authorities launched a campaign to persuade individuals of the Muslim Uighur ethnic group in the western province of Xinjiang to give up the Ramadan fast. The online edition of Haaretz Newspaper, an Israel publication, reported:

'The government says the move is motivated by health concerns, but others said Friday [3 August] that it's a risky campaign to secularize the Muslim minority that will likely backfire. Several city, county and village governments in Xinjiang have posted notices on their websites banning or discouraging Communist Party members, civil servants, students and teachers from fasting during the religious holiday. Muslims around the world abstain from food and drink from dawn to dusk during the 30-day period. Regional spokeswoman Hou Hanmin was quoted in the state-run Global Times newspaper Friday as saying authorities encourage people to "eat properly for study and work" but don't force anyone to eat during Ramadan.' [102a]

(See also Section 18: Freedom of religion - [Protestants](#))

Uighur "terrorist" groups

18.65 The USSD Country Report on Terrorism 2011, Chapter 2. Country Reports: East Asia and Pacific Overview – China, 31 July 2012, stated:

'China's domestic counterterrorism efforts remained primarily focused against the East Turkestan Islamic Movement (ETIM) in the Xinjiang Uighur Autonomous Region (XUAR) of northwest China. Domestic counterterrorism exercises were also held in southwest China. China does not always distinguish between legitimate political dissent and the advocacy of violence to overthrow the government, and it has used counterterrorism as a pretext to suppress Uighurs, the predominantly Muslim ethnic group that makes up a large percentage of the population within the XUAR. China's government characterized Uighur discontent, peaceful political activism, and some forms of religious observance as terrorist activity.' [2e] (Chapter 2. Country Reports: East Asia and Pacific Overview - China)

18.66 Al Jazeera reported on 29 June 2012:

'Six members of China's Uighur minority tried to hijack a plane flying from a restive city in the far-western Xinjiang region on Friday but crew members and passengers thwarted them, authorities said. The plane returned safely to the airport in Hotan city – which has seen violent clashes between mainly Muslim Uighurs and police due to simmering ethnic tensions – and the six have been detained, a government statement

said on Friday [29 June]. “The six hijackers are Uighurs,” Hou Hanmin, a spokeswoman for the government of Xinjiang told AFP news agency. “For the moment, we don't know the purpose of the hijack. It's still under investigation,” she said, adding at least seven crew members and passengers had been injured in the incident. The aircraft took off at 12:25 pm (0425 GMT) from Hotan, then 10 minutes into the flight the six suspects tried to “violently hijack” the plane, according to tianshannet.com, the Xinjiang government's news website. But crew members and passengers soon brought them under control and the aircraft returned to the city, the website said. The plane had been bound for the Xinjiang capital of Urumqi.’ [80c]

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Hui (Huihui)

- 18.67 The Hui are China’s largest Muslim group, numbering around ten million. As reported by Reuters in January 2012, ‘...the Hui have blended in with the predominant Han Chinese culture, all but abandoning Islam except for some traditions, such as circumcising male children and avoiding pork. But ethnic tension has led to some unrest.’ [34e]
- 18.68 Encyclopedia Britannica, accessed on 22 August 2012, also estimated the number of Hui to be around ten million and described that the Hui people were:
- ‘...Chinese Muslims (i.e., neither Turkic nor Mongolian) who have intermingled with the Han Chinese throughout China but are relatively concentrated in western China - in the provinces or autonomous regions of Xinjiang, Ningxia, Gansu, Qinghai, Henan, Hebei, Shandong, and Yunnan. Considerable numbers also live in Anhui, Liaoning, and Beijing. The Hui are also found on the frontier between China and Myanmar (Burma) and in Kazakhstan, Uzbekistan, and Kyrgyzstan, in Central Asia. They speak Mandarin as a first language.’ [59c]
- 18.69 China Highlights, an online tour operator in China since 1998, accessed on 27 June 2012, described the Hui ethnic community as ‘China's most widely distributed ethnic minority, with a sizeable population of 9.8 million.’ Adding:
- ‘Most of them inhabit the Ningxia Hui Autonomous Region in northwestern China, and there are many concentrated Hui communities in Gansu, Xinjiang, Qinghai, Hebei, Henan, Yunnan, and Shandong Provinces...
- ‘Chinese is the shared language of the Hui people. They also use some Arabic and Farsi words in daily interactions and religious activities. The Hui people living in bordering areas of China often use the language of local ethnic minorities.
- ‘The habitation of the Hui people is characterized by small-scale concentration and wide distribution. The Hui people observe the Islamic religion, which has a deep influence on their daily life. They usually build a mosque, which becomes the symbol of architecture in large Hui communities.’ [100a]
- 18.70 The Overseas Missionary Fellowship (OMF), a Christian mission agency website, when describing the Hui people, noted that: ‘As a minority people, the Hui enjoy many privileges not enjoyed by the majority Han people. They receive government subsidies for their comparatively expensive Muslim diet and are allowed more than one child.’ [101a]

- 18.71 In March 2012 AsiaNews reported that in the Ningxia Autonomous Region, an area highly populated by the Hui ethnic group, hundreds of Muslim villagers had fought with riot police who tore down a mosque. Stating:
- ‘More than a thousand police agents in anti-riot gear clashed with residents in Taoshan village, near the city of Hexi, in Ningxia, a semi-desert province in north-central China inhabited by ethnic Hui Muslims. The issue was the demolition of a local mosque. Unlike Uyghurs, Hui Muslims have traditionally been friendly to the government.
- ‘Local public officials confirmed the place of worship was demolished because it was deemed “illegal”. Sources cited by the Hong Kong-based Information Centre for Human Rights and Democracy (ICHRD) said that 50 people were injured and more than 100 detained...
- ‘Unlike Turkic-speaking Uyghurs, Hui Islam is not anti-regime. The fact that on this occasion they openly challenged the regime is an indication that the government’s anti-religious crackdown is intensifying.’ [58d]
- 18.72 On 30 December 2011 clashes between Muslims and police occurred in Taoshan village of the Ningxia region in the northwestern part of the country. Reuters reported on 3 January 2012 that:
- ‘Hundreds of Muslims in a northwestern China village trying to prevent the demolition of their mosque clashed with police, causing several deaths, Hong Kong media and residents said on Tuesday. Fighting between police and members of the largely Muslim Hui ethnic group broke out on Friday in Ningxia region, adjacent to Inner Mongolia province, after authorities declared their newly built mosque illegal, the South China Morning Post said. Hundreds of residents in Taoshan village confronted police armed with teargas, truncheons and knives, the newspaper said. A Taoshan resident told Reuters he was away at the time of the clash, but that his relatives in the town believed five people, including one of their relatives, had been killed. The resident, Jin Haitao, said villagers believed the dead included another two elderly woman, a young man and two people from nearby areas. Residents of nearby areas complained that telephone links with Taoshan had been cut, making it impossible to verify what had happened.’ [34e]
- 18.73 The same Reuters article also cited past incidents involving Hui, including: ‘At least seven people were killed in the central province of Henan in 2004 after a car accident involving an ethnic Han Chinese and a Hui sparked rioting. In 1993, a cartoon ridiculing Muslims led to police storming a mosque taken over by Hui in northwestern China. Uighurs in Xinjiang rioted against Han Chinese residents in 2009 and at least 197 people were killed, according to official estimates.’ [34e]

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PROSELYTISING

- 18.74 The US State Department’s International Religious Freedom (US-IRF) Report 2010, China, stated: ‘The government permits proselytizing in registered places of worship and in private settings. Proselytizing in public, unregistered places of worship, or by foreigners is not permitted.’ [2] (Introduction to China)

FOLK RELIGIONS

18.75 The USSD International Religious Freedom Report 2011 noted, ‘A 2007 survey conducted by researchers in Shanghai concluded that 31.4 percent of citizens ages 16 and over were religious believers. According to estimates based on survey data, approximately 200 million nationals are Buddhist, Taoist, or worshippers of folk gods.’ [2a] (Section I. Religious Demography)

18.76 The US Commission on International Religious Freedom (USCIRF), Annual Report 2012, covering the period from 1 April 2011 – 29 February 2012, published March 2012, stated:

‘Folk religion, which the government calls “feudal superstition,” is not among the five recognized religions (Buddhism, Daoism, Protestantism, Catholicism, and Islam), but is sometimes tolerated by local officials. For example, the practices of the so-called “Mazu cult” reportedly have been reclassified as “cultural heritage” rather than religious practice, so individuals are allowed to participate openly in its rituals and ceremonies. In addition, some ethnic minority groups have been allowed to retain traditional religious practice, such as Dongba among the Naxi people in Yunnan and Buluotuo among the Zhuang people in Guangxi. However, authorities in Hunan Province have begun to implement provincial-level regulations to oversee folk religious venues. These regulations are significant because they protect religious practice outside the five recognized communities and allow venues to register directly with provincial government officials, which is not allowed to Protestants. However, the regulations allow registration only of existing venues and stipulate that no new sites may be built. In addition, any venue that is destroyed may not be rebuilt unless it retains “historical stature” and “great influence.” The State Administration for Religious Affairs has established a division to deal directly with the management of folk religions.’ [70a] (p149 Other Religious Groups)

18.77 On 30 December 2011 hundreds of Chinese Muslims clashed with police while trying to prevent the demolition of their mosque. Reuters, reporting on the incident, noted:

‘Fighting between police and members of the largely Muslim Hui ethnic group broke out on Friday in Ningxia region, adjacent to Inner Mongolia province, after authorities declared their newly built mosque illegal, the South China Morning Post said. Hundreds of residents in Taoshan village confronted police armed with teargas, truncheons and knives, the newspaper said. A Taoshan resident told Reuters he was away at the time of the clash, but that his relatives in the town believed five people, including one of their relatives, had been killed. The resident, Jin Haitao, said villagers believed the dead included another two elderly woman, a young man and two people from nearby areas. Residents of nearby areas complained that telephone links with Taoshan had been cut, making it impossible to verify what had happened. “They were just trying to hold a religious activity but the authorities would not allow it. They demolished the mosque and now they've covered over the ground, because there was so much blood on the ground,” Jin said. A man who answered the telephone at a police station in the nearby town of Hexi said an incident had occurred with Hui protesters, but he gave no details. Calls to the public security bureau in nearby Tongxin county went unanswered.’ [34c]

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19. BANNED SPIRITUAL GROUPS

This Section should be read in conjunction with Section 18: [Freedom of religion](#)

OVERVIEW

19.01 The US State Department's International Religious Freedom (US-IRF) Report 2011, China, published on 30 July 2012, stated:

'Certain religious or spiritual groups are banned by law. Individuals belonging to or supporting banned groups have been imprisoned or administratively sentenced to Reeducation Through Labor (RTL) on charges such as "distributing evil cult materials" or "using a heretical organization to subvert the law." The criminal law defines banned groups as "evil cults." A 1999 judicial explanation stated that this term refers to "those illegal groups that have been found using religions, qigong (a traditional Chinese exercise discipline), or other things as a camouflage, deifying their leading members, recruiting and controlling their members, and deceiving people by molding and spreading superstitious ideas, and endangering the society." There are no public criteria for determining, or procedures for challenging, such a designation. The government maintained a ban on Guanyin Method Sect (Guanyin Famen or the Way of the Goddess of Mercy), Zhong Gong (a qigong exercise discipline), and Falun Gong. The government also considered several Christian groups to be "evil cults," including the "Shouters," Eastern Lightning, the Society of Disciples (Mentu Hui), Full Scope Church, Spirit Sect, New Testament Church, Three Grades of Servants (or San Ban Pu Ren), Association of Disciples, Lord God Sect, Established King Church, Unification Church, Family of Love, and the South China Church.' [2a] (Section II. Status of Government Respect for Religious FreedomShare - Legal/Policy Framework)

19.02 Article 300 of the Criminal Law of the People's Republic of China, 1 October 1997 states:

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

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

'Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or has secret societies, an organizations illicit sexual relations with women, defraud money and property by utilizing superstition is to be convicted and punished in accordance with the regulations of articles 236, 266 of the law.' [69a]

Article 301 states:

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

'Whoever seduces minors to participate in mass promiscuous activities is to be severely punished in accordance with the previous paragraph.' [69a]

19.03 The US Commission on International Religious Freedom (USCIRF), Annual Report 2012, covering the period from 1 April 2011 – 29 February 2012, published March 2012, stated:

‘Members of unregistered Protestant groups that the government arbitrarily deems “evil cults” were the most vulnerable to detention and harassment. The extrajudicial security apparatus, called the 6-10 Office, has broadened its mandate beyond Falun Gong activity to include groups that self-identify as Protestant. The government has banned at least 18 Protestant groups with adherents in multiple provinces, as well as many more congregations and movements that are active in only one province. Examples of banned groups include the South China Church (SCC), the Disciples Association, the “Shouters,” and the Local Church, a group that was founded by Chinese church leader Watchman Nee, one of the most influential and widely read theologians of the 20th century. The Chinese government continues to reserve for itself the final right to determine a religious group’s theological legitimacy. On March, 11 2011, security officials in Qu County, Sichuan province arrested Liao Zhongxiu, leader of a house church on charges of “suspicion of utilizing a cult organization in undermining the implementation of the state law and regulations.” It was the second time that Ms. Liao’s church was raided in the past year, when police fined and destroyed property in September, 2010. Ms. Liao remains in custody and has reportedly been threatened if she seeks to hire a lawyer.’ [70a] (p130 - Protestants)

19.04 The USCIRF, Annual Report 2012 also cited the following recorded incidents:

‘On May 8, 2010, pastor Wang Dao – a participant in the 1989 Tiananmen protests and leader of the unregistered Liangren Church in Guangzhou – was detained and his congregation dispersed from their worship in a park. Wang was released on bail on June 13 to await his trial. On August 13, he was again detained and pressured to join the TSPM [Three-Self Protestant Movement]. His trial is pending. Protestant pastor Alimjan Yimit (Himit) continues to serve a fifteen-year sentence in the XUAR, allegedly for “leaking state secrets to overseas organizations;” according to his lawyer, he was arrested for having contact with visiting Protestants from the United States. Unregistered Protestant pastor Zhang Rongliang also continues to serve a seven-year prison sentence for allegedly “obtaining a fraudulent passport and illegally crossing the border.” Zhang frequently traveled overseas to speak at Christian gatherings. Osman Imin (also known as Wusimanyiming), who was arrested in November 2007 and sentenced to two years of “re-education through labor” on charges that he assisted foreigners in engaging in public religious expression and persuasion among the Uighur community, was released in the last year. Shi Weihai, who was given a three-year sentence for printing and distributing Bibles and Christian books without government permission, was released at the end of his sentence in March 2011.

‘During the reporting period, Chinese government officials at various levels also forcibly closed large unregistered religious venues that previously had operated openly. For example, in March 2010, in the city of Jinan, Shandong province, local officials closed a Seventh-day Adventist church with an estimated 700 members.’ [70a] (p130 - Protestants)

(See also Section 18: Freedom of religion – [Protestants \(including “house churches”\)](#))

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SOUTH CHINA CHURCH

19.05 A ChinaAid article from February 2012 reported:

'A Christian newspaper editor and house church leader sentenced in 2002 to 15 years' imprisonment for "intentional assault" was released almost five years before the end of her prison term as the result of a world-wide letter-writing campaign and other international efforts on her behalf...

'Li is the niece of Pastor Gong Shengliang, founder of the South China Church, one of the fastest growing house-church movements in China. She was also editor in chief of the church newspaper, South China Special Edition (Huanan Zhuankan). She had been arrested several times and had previously spent a year in prison in 1996.

'As a condition of her release, Li was required to sign a guarantee to submit to "community correction," which included the requirement that she live only in government-appointed neighborhoods and attend government-appointed churches.

'In December 2001, Li was one of 17 South China Church leaders who were convicted of "using a cult to undermine enforcement of the law," five of whom were sentenced to death. Li was one of them. But as a result of the ensuing international outcry, a higher court in Hubei revoked the death sentences in September 2002, citing lack of clarity about certain facts and insufficient evidence, and the Jinmen Intermediate Court in October 2002 retried the case. Instead of the crime of "using a cult," the five who had been condemned to death were convicted of "intentional assault."

'The five were Gong Shengliang, Xu, Fuming, Hu Yong, Gong Bangkun, and Li Ying. Gong Shengliang was also convicted of rape. Three of them - Gong Shengliang, Xu Fuming, and Hu Yong - were sentenced to life imprisonment. Gong Bangkun and Li Ying were given 15-year prison terms.' [42a]

FALUN GONG (FALUN DAFA)

19.06 The Encyclopedia Britannica, accessed on 20 August 2012, described the Falun Gong movement as a '... controversial Chinese spiritual movement founded by Li Hongzhi in 1992; its adherents exercise ritually to obtain mental and spiritual renewal. The teachings of Falun Gong draw from the Asian religious traditions of Buddhism, Taoism, Confucianism, and Chinese folklore as well as those of Western New Age movements.' Adding: 'The movement's sudden emergence in the 1990s was a great concern to the Chinese government, which viewed Falun Gong as a cult.' [59a]

19.07 The Amnesty International (AI) Annual Report 2012: The state of the world's human rights: China, (AI Report 2012) published on 24 May 2012, covering events in 2011, stated that:

'The authorities continued to pursue a systematic, nationwide, often violent campaign against the Falun Gong, a spiritual group banned since 1999 as a "heretical cult". The government was in the second year of a three-year campaign to increase the "transformation" rates of Falun Gong practitioners, a process through which individuals were pressured, often through mental and physical torture, to renounce their belief in and practice of Falun Gong. Practitioners who refused to renounce their faith were at risk of escalating levels of torture and other ill-treatment. The authorities operated illegal detention centres, informally referred to as "brainwashing centres", for this process.

Falun Gong sources reported that one practitioner died every three days while in official custody or shortly after release, and said that thousands remained unaccounted for.’ [6a] (Falun Gong)

- 19.08 The US State Department’s International Religious Freedom (US-IRF) Report 2011, China, published on 30 July 2012, stated: ‘Prior to the government’s 1999 ban of Falun Gong, a self-described spiritual discipline, it was estimated that there were 70 million adherents.’ [2a] (Section I. Religious Demography)
- 19.09 The US Commission on International Religious Freedom (USCIRF), Annual Report 2012, covering the period from 1 April 2011 – 29 February 2012, published March 2012, stated:

‘China maintains an extrajudicial security apparatus, the 6-10 office, to stamp out Falun Gong activities and created specialized facilities known as “transformation through reeducation centers” to force practitioners to renounce their beliefs. Over the past decade, the government has carried out an unprecedented campaign against the Falun Gong, imprisoning large numbers of practitioners and torturing and abusing them in detention. Practitioners who do not renounce their beliefs are subject to torture, including credible reports of deaths in custody and the use of psychiatric experiments. In the year before the Olympic Games, police waged a concerted campaign to harass and detain known Falun Gong practitioners and brutally suppressed their activities. That campaign continued in the past year with specific emphasis on “transforming” practitioners through coercive means in special detention facilities or in re-education through labor centers (RTL).

‘Falun Gong adherents report, and official Chinese government statements confirm, long-term and arbitrary arrests, forced renunciations of faith, and torture in detention. Officials detain Falun Gong practitioners using Article 300 of the Criminal Procedure Code, which deals with individuals accused of crimes associated with “evil cults,” and its associated legislation, the Decision of the Standing Committee of the National People’s Congress on Banning Heretical Cult Organizations, Preventing and Punishing Cult Activities. These pieces of legislation do not conform to international human rights standards which China has pledged to uphold.

‘It is difficult to determine how many Falun Gong practitioners are in detention because they are most often incarcerated in RTL [Re-education Through Labor] camps and mental health institutions. However, in its 2011 Country Report on Human Rights Practices for China, the U.S. Department of State noted that Falun Gong adherents constituted at least half of the 250,000 officially recorded inmates in RTL camps. The UN Special Rapporteur on Torture reported that Falun Gong practitioners make up two-thirds of the alleged victims of torture in custody presented to him in China.

‘According [to] the CECC, the government has increased efforts to “transform” Falun Gong practitioners in recent years. The Falun Dafa Information Center (FDIC), using information gathered within China, estimated that 2,000 individuals were detained in the extralegal “transformation through re-education centers” over the past two years, many in Hebei and Shandong provinces, but also in Shanghai and Beijing. As of December 2011, the CECC’s prisoner database lists 486 Falun Gong practitioners as currently serving prison sentences, though the actual number may be much higher. The FDIC also provides evidence that 53 Falun Gong practitioners died in custody in 2011. These include Ms. Wang Mingrong from Chendgu Sichuan province, whose family was informed on September 17, 2011 that she had died 10 days after her detention, and Ms.

Wang Yujie from Hubei province, whose family was informed of her death on September 3, 2011, after she had spent a year in a “transformation” center.

‘Numerous allegations of government-sanctioned organ harvesting and psychiatric experimentation also continue to surface. The UN [United Nations] Special Rapporteur on Torture has called for an independent investigation into these allegations. The Committee against Torture, a UN treaty-monitoring body, also called on the government during its 2008 review of China to conduct independent investigations to clarify discrepancies in statistics related to organ transplants and allegations of torture of Falun Gong practitioners.’ [70a] (p148-149 - Falun Gong)

19.10 The Freedom House report, Countries at the Crossroads 2011 - China, published on 10 November 2011, stated: ‘Authorities continue their severe decade-long persecution of the Falun Gong spiritual movement, which was initiated following a peaceful protest in 1999 by practitioners outside central CCP headquarters. Official repression of Falun Gong has been characterized by large-scale arrests and widespread torture, psychiatric confinement, and forced conversions of practitioners under the supervision of an extralegal, party-led agency.’ [26b] (Civil Liberties)

19.11 The US-IRF Report 2011 noted:

‘It remained difficult to confirm some aspects of reported abuses of Falun Gong adherents. International Falun Gong-affiliated NGOs and international media reported that detentions of Falun Gong practitioners continued to increase around sensitive dates. Some neighborhood communities reportedly were instructed to report on Falun Gong members to officials; monetary rewards were offered to citizens who informed on Falun Gong practitioners. Falun Gong-affiliated NGOs alleged that detained practitioners were subjected to various methods of physical and psychological coercion in attempts to force them to deny their belief in Falun Gong. Falun Gong sources estimated that since 1999 at least 6,000 Falun Gong practitioners had been sentenced to prison. Falun Gong adherents also have been subjected to administrative sentences of up to three years in RTL camps. Unconfirmed reports from overseas Falun Gong-affiliated advocacy groups estimated that thousands of adherents in the country had been sentenced to RTL (Re-education Through Labor).’ [2a] (Section II. Status of Government Respect for Religious Freedom - Government Practices)

19.12 On 31 May 2012 Amnesty International reported:

‘Wang Junling, also known as Wang Xiaomei, was detained on 26 May [2012] in Cangzhou City, in the north-eastern province of Hebei, in connection with her efforts to free her brother, Wang Xiaodong, who had been detained on 25 February for his belief in the spiritual group Falun Gong.

‘After Wang Xiaodong’s detention, Wang Junling had actively sought her brother’s release, including through a petition signed by members of 300 families from their hometown, Zhouguantun village, in Hebei, representing nearly all the families in the village. These villages were later intimidated into retracting their support. Wang Junling also wrote an open letter and posted it on the internet, after which she was threatened and went into hiding. Unusually, the petition was stamped as authentic by members of the Zhouguantun village committee. Both the petition and the letter are reported to have been circulated at high levels of government. Wang Junling was detained in front of a building in Cangzhou where she is said to have been in hiding. Two other people, Kang Lanying and Tan Jianying, who may have been sheltering her, were detained at the same time.

'Wang Xiaodong is a teacher. He has been held in the Botou City Detention Centre since he was detained on 25 February by 40 police officers who entered his home without a warrant, and confiscated cash and other possessions. He has been charged in connection with possessing a CD containing information on the Falun Gong spiritual practice. After a number of attempts, the family are reported to have been able to hire a lawyer.' [6e]

- 19.13 The US-IRF Report 2011 cited the following incidents which involved people associated with Falun Gong in 2011:

'On November 5, Guangzhou resident Tan Kaiqing, a Falun Gong practitioner, was arrested. At year's end she reportedly was detained at the Haizhu District PSB [Public Security Bureau].

'In August [2011] police in Dianbai County, Guangdong Province, detained Falun Gong practitioners Liu Shaozai and Mai Weilian, according to online accounts. In October the local Procuratorate, the government body that handles prosecutions in criminal cases, approved their arrest warrant, and they were transferred to a detention facility...

'In July Guangzhou's Haizhu District People's Court sentenced lawyer Zhu Yubiao to two years' imprisonment for possessing Falun Gong books and DVDs, according to online reporting. Zhu, who previously handled Falun Gong cases, had been held in police custody since August 2010 on charges of "using a cult to undermine the law."

'There was no new information on Falun Gong practitioners Zeng Jiagang and Zeng Libo, whose whereabouts remained unknown following online reports that Guangzhou police took them from their homes in August 2010 and confiscated computers and books on Falun Gong.' [2a] (Section II. Status of Government Respect for Religious Freedom - Government Practices)

- 19.14 On 5 March 2011, Zhou Xiangyang, a Falun Gong practitioner, was arrested at his home in Tangshan, Hebei province and taken to Binhai Prison in Tianjin city where he proceeded to go on hunger strike. The Amnesty International (AI) Annual Report 2012, observed that:

'He had previously spent over nine years in detention and was subjected to forced labour and torture, including sleep deprivation, electric shocks, beatings, and being stretched over a low table with his limbs anchored to the floor. The authorities continued to refuse him a lawyer. In response to an appeal written by his wife, Li Shanshan, more than 2,500 residents in and around his home town signed a petition calling for his release. She was subsequently detained in September, along with Zhou Xiangyang's older brother and at least four others.' [6a] (Falun Gong)

(See also Section 13: [Death penalty](#))

- 19.15 In its 2010 Annual Report on Falun Gong, dated 25 April 2010, the US-based Falun Dafa Information Centre stated:

'Though it is difficult to gauge the precise figure of Falun Gong practitioners inside China at present, both editors at Falun Gong's main Chinese-language website and Western media reports during 2009 placed the number in the tens of millions, pointing to the continued popularity and even growth of Falun Gong inside China. These millions of Falun Gong practitioners in China remain at constant risk of detention, torture, and

death because of their religious identity. In 2009, the lawlessness and brutality of the Party's treatment of citizens who practiced Falun Gong remained staggering. Suffocating surveillance, late night raids on practitioners' homes, beatings with electric batons, and long-term imprisonment were routine features of the Chinese authorities' relentless efforts to identify and forcibly "transform" every single Falun Gong practitioner in China. Meanwhile, reports of deaths from torture or other abuses in custody continue to flow from China on a nearly daily basis.' [46a]

(See also Section 8: Security forces - [Torture](#))

(See also Section 12: Prison conditions - [Administrative detention/labour camps](#))

(See also Section 31 Freedom of movement – [Restrictions on Falun Gong practitioners](#))

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Origins and support

19.16 The Encyclopedia Britannica, accessed on 20 August 2012, stated:

'The origins of the movement are found both in long-standing Chinese practices and in recent events. Qi Gong (Chinese: "Energy Working"), the use of meditation techniques and physical exercise to achieve both good health and peace of mind, has a long history in Chinese culture and religion; however, practitioners in modern China present these techniques as purely secular in an effort to escape official restrictions against independent religious activity. Nevertheless, in the late 20th century new masters appeared who taught forms of Qi Gong more clearly rooted in religion. The most influential of these, Li Hongzhi (born in 1951, according to followers, or in 1952, according to critics, who contend that Li "adjusted" his birthdate to lend it Buddhist spiritual significance), worked in law enforcement and corporate security before becoming the full-time spiritual leader of Falun Gong in 1992.

'While in traditional Chinese Buddhism falun means the "wheel of law" or "wheel of dharma," Li uses the word to indicate the centre of spiritual energy, which he locates in the lower abdomen and believes can be awakened through a set of exercises called Xiu Lian ('Cultivating and Practicing'). Unlike other Qi Gong groups, Falun Gong insists that its founder is the only authoritative source for determining the correct exercises and that a spiritual discipline, the "cultivation of the Xinxing" ("Mind-Nature"), is essential to the success of the exercises. On a more esoteric level, Li also teaches that demonic space aliens seek to destroy humanity and, since their arrival in 1900, have manipulated scientists and world leaders. Critics of the movement not only ridicule such claims but regard its reliance on Xiu Lian as an alternative to official medicine as hazardous to the members' health. Indeed, the Chinese government claims that 1,400 Falun Gong devotees have died as a result of this alleged rejection of modern medicine.

'After gathering a large following in China (100 million, according to Falun Gong, or between 2 and 3 million, according to the Chinese government), Li took his movement abroad in the mid-1990s, settling permanently in New York City in 1998. The next year, a massive campaign was launched by the medical establishment (including both practitioners and academics) and the Chinese government to denounce Falun Gong as a xiejiao ('teaching of falsehood,' or "cult"). Unlike other Chinese organizations, Falun Gong responded strongly, staging an unauthorized demonstration of more than 10,000 followers in Beijing on April 25, 1999, which prompted an even greater government

response. In October the enforcement of a new anticult law led to the arrest of 100 Falun Gong leaders (joining 1,000 members who had been arrested earlier). Public trials began in November and continued into the 21st century, with many defendants receiving prison sentences of up to 12 years. While the Chinese government gained the cooperation of some Western “anticult” groups in its domestic and international campaign to expose Falun Gong as a “cult,” it was also criticized by human rights organizations who denounced inter alia the suspicious deaths, allegedly by accident, of some Falun Gong members detained in Chinese jails.’ [59a]

The [Falun Dafa Information Centre](#) provides information on Falun Gong, including teachings and beliefs.

Treatment of Falun Gong practitioners’ relatives

19.17 The USSD Report 2011 noted that family members of some Falun Gong practitioners were targeted for arbitrary arrest, detention and harassment. [2c] (Section 1f - Arbitrary Interference with Privacy, Family, Home, or Correspondence) The US International Religious Freedom Report 2011 additionally noted:

‘In November [2011] Hunan Province authorities reportedly initiated a campaign against Christians and Falun Gong adherents, targeting families for “refuse cult” activities. More than 200 Christians and Falun Gong practitioners in Beishan Village, Longhui County, were subjected to a “study class” with lessons on disseminating “anti-cult” information. As part of the campaign, more than 11,000 local residents reportedly were forced to sign guarantees prohibiting them from participating in religious and spiritual activities.’ [2a] (Section II. Status of Government Respect for Religious Freedom - Government Practices)

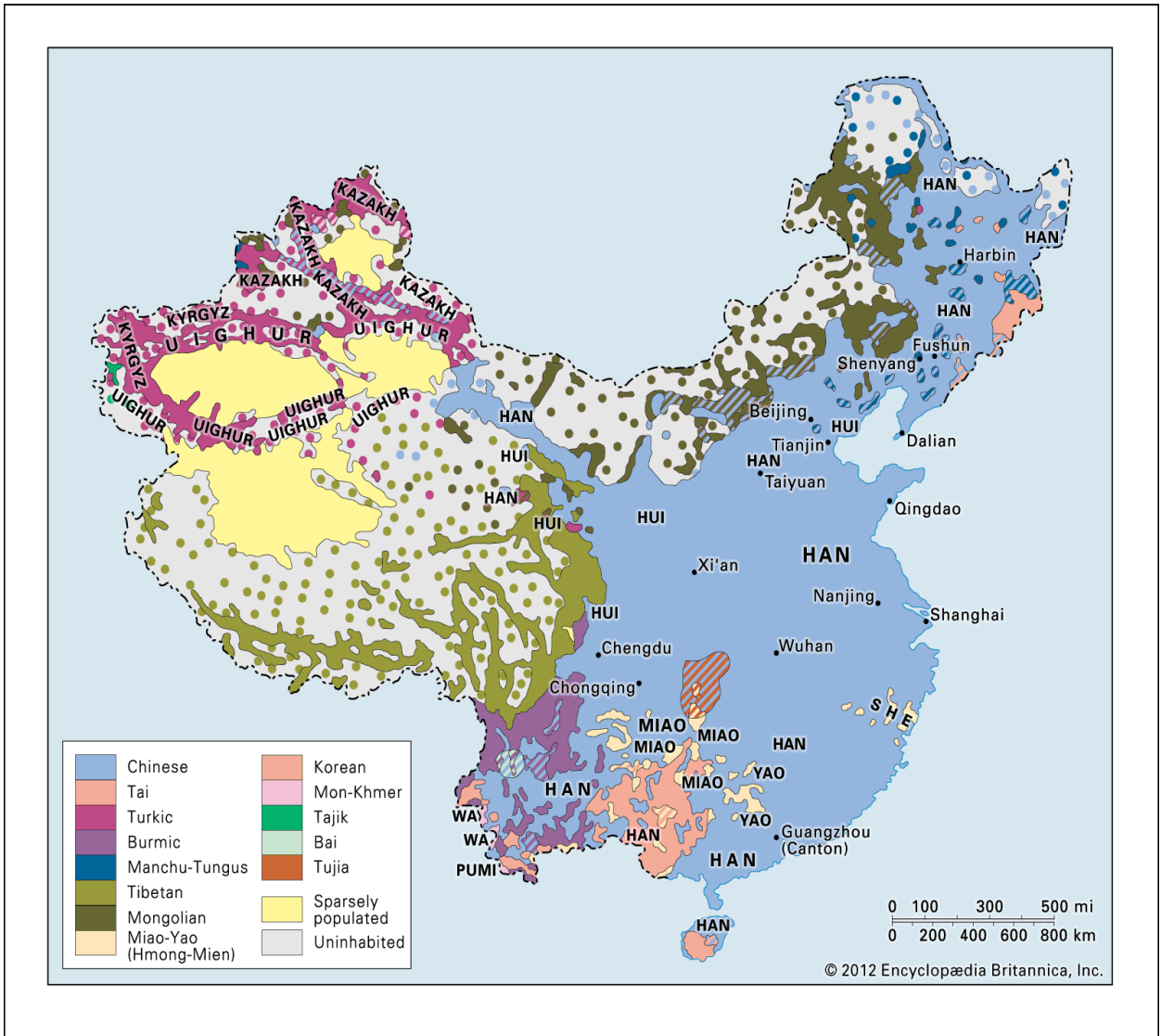
(See also Section 25: [Children](#))

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20. ETHNIC GROUPS

This Section should be read in conjunction with Section 18: [Freedom of Religion](#) for information on the [Uighur](#) and [Hui](#) ethnic groups. Details of other individual [ethnic minority groups in China](#) can be located through China’s authorised government portal site china.org.cn. [74i] Or alternatively on the [British Broadcasting Corporation \(BBC\)](#) Profile on China’s main ethnic minorities, updated in July 2009. [9a1]

20.01 Map of China: ethnic composition:



[59d] (China: ethnic composition, 2012)

20.02 The National Bureau of Statistics of China, Press Release on Major Figures of the 2010 National Population Census, 28 April 2011, observed that:

‘Of the population enumerated, 91.51 percent were of Han nationality, down by 0.08 percentage points from the 91.59 percent in 2000 population census, and 8.49 percent were of various national minorities, up by 0.08 percentage points from the 8.41 percent in 2000 census. The average annual growth of minority population over the past 10 years was 0.67 percent, or 0.11 percentage points higher than the annual growth of population of Han nationality.’ [77a] (V. Composition of Nationalities)

20.03 China’s ethnic minorities constitute only 8 per cent of the overall population, however, according to the Minority Rights Group International (MRI) report, State of the World’s Minorities and Indigenous Peoples 2012, published on 28 June 2012: ‘... they inhabit large areas rich in natural resources, especially energy and minerals, in some of the most impoverished regions of the country.’ [57a] (p160)

20.04 International Work Group for Indigenous Affairs (IWGIA) report, The Indigenous World – 2012, published in May 2012, described in its Profile on China, that:

‘Officially, China proclaims itself a unified country with a multiple ethnic make-up, and all ethnic groups are considered equal by law. Besides the Han Chinese majority, the government recognizes 55 ethnic minority peoples within its borders. According to China’s sixth national census of 2010, the population of ethnic minorities is 113,792,211 persons, or 8.49 % of the country’s total population.

‘The national “Ethnic Minority Identification Project”, undertaken from 1953 to 1979, settled on official recognition for 55 ethnic minority groups. However, there are still “unrecognized ethnic groups” in China numbering a total of 734,438 persons (2000 census figure). Most of them live in China’s south-west regions of Guizhou, Sichuan, Yunnan and Tibet. The officially recognized ethnic minority groups have rights protected by the Constitution. This includes establishing ethnic autonomous regions, setting up their own local administrative governance and the right to practice their own language and culture. “Ethnic autonomous regions” constitute around 60% of China’s land area.

‘The Chinese government does not recognize the term “indigenous peoples”, and representatives of China’s ethnic minorities have not readily identified themselves as indigenous peoples, and have rarely participated in international meetings related to indigenous peoples’ issues. It has therefore not been clearly established which of China’s ethnic minority groups are to be considered indigenous peoples. The Chinese government voted in favor of the UNDRIP [United Nations Declaration on the Rights Of Indigenous Peoples] but, prior to the adoption of the UNDRIP, had already officially stated that there were no indigenous peoples in China, which means that, in their eyes, the UNDRIP does not apply to China.’ [48a] (p253 – China)

20.05 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

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

‘Minority groups in border and other regions had less access to education than their Han counterparts, faced job discrimination in favor of Han migrants, and earned incomes well below those in other parts of the country. Government development programs often disrupted traditional living patterns of minority groups and included, in some cases, the forced relocation of persons. Han Chinese benefited disproportionately from government programs and economic growth. As part of its emphasis on building a “harmonious society,” the government downplayed racism and institutional discrimination against minorities, which remained the source of deep resentment in the XUAR, Inner Mongolia Autonomous Region, and Tibetan areas.’ [2c] (Section 6 - National/Racial/Ethnic Minorities)

20.06 The USSD Report 2011 also stated:

‘A total of 411 delegates from 55 ethnic minorities were members of 11th NPC [National People’s Congress], accounting for 13.8 percent of the total number of delegates. All of the country’s officially recognized minority groups were represented. The 17th Communist Party Congress elected 40 members of ethnic minority groups as members or alternates on the Central Committee. The only ministerial-level post held by an ethnic minority member was in the State Ethnic Affairs Commission, headed by Yang Jing, an

ethnic Mongol from Inner Mongolia. In addition, there was one ethnic minority member, Vice Premier Hui Liangyu, of the Hui ethnic group, on the Politburo. Minorities held few senior CCP or government positions of significant influence.’ [2c] (Section 3 – Participation of Women and Minorities)

(See Section 18: Freedom of religion - [Muslims](#) for information on the [Uighur](#) and [Hui](#) ethnic groups)

(See also Section 21: [Tibet](#))

(See also Section 25: [Children](#) - [Health and welfare](#))

(See also Section 26: Family planning (‘one child policy’) -[Ethnic minorities](#))

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KOREANS

20.07 As noted by Europa World in its Country Profile for China, accessed on 14 August 2012, there are 1.9 million Koreans in China, accounting for 0.16 per cent of the population (based on the 2000 census). [1g] (Area and Population)

20.08 In an article dated 3 May 2009, regarding recently-settled expatriate South Koreans, The Korea Times reported:

‘Kim Hee-chul, a South Korean in Beijing... was one of a handful who first came to China in 1992 when the two countries, then ideological adversaries, established diplomatic ties amid the post-Cold War thaw milieu. He has since stayed here, witnessing China’s dynamic change. “China has transformed colossally,” said the soft-spoken Kim, who heads the Korean Community in China (KCC) – an organization that represents some 800,000 South Korean residents in China – the nation’s largest expatriate community. Koreans in China are spread through all corners of the land. The eastern coastal city of Qingdao, where South Korean-run factories are concentrated, has China’s largest Korean population with 150,000. Qingdao is followed by Beijing with 120,000, and Shanghai with 80,000, according to KCC. When the global financial crisis struck last fall, Koreans were among the hardest hit and some had to give up their businesses and return to Korea. But with signs of a recovery looming, Kim said, people are gradually returning... For Kim, last year was a trying time as anti-Korean sentiment mounted. Chung Shin-chul, a scholar on Korea-China cultural relations at the Chinese Academy of Social Sciences, recommended in recent research on the issue that Korean residents need to make more of an effort to integrate into the local community, rather than isolating themselves. KCC has since been engaged in a vigorous public awareness campaign to bring the two neighbors’ relationship closer by holding meetings designed to help create a mutual cultural understanding. “We’ve been getting good responses as well as cooperation from our Chinese partners,” Kim said. The KCC is also engaged in many other activities, which support Korean business establishments. It also operates an emergency hotline for Korean travelers, and provides educational counseling for the 54,000 Korean students in China. Lately, Kim is also paying special attention to a minority group among the Korean residents - the elderly. “I hope to build a Gyeongro-dang (a care center for elderly people) for them. I am discussing this matter with the Chinese,” he said.’ [47a]

(See also Section 30: Foreign refugees - [North Korean refugees](#))

(See also COI Report: [Democratic People's Republic of Korea](#))

MONGOLIANS

20.09 Europa World, accessed on 14 August 2012, stated in its Country Profile for China that there are 5.8 million Mongolians there, accounting for 0.47 per cent of the population. The total population of the Inner Mongolian (Nei Mongol) Autonomous Region is 23.3 million (based on the 2000 census). [1g] (Area and Population)

20.10 Reuters reported on 10 May 2012 about an ethnic Mongolian dissident Hada, who had not been seen since his release from prison in 2010. The article stated:

'China has moved a prominent ethnic Mongolian rights activist to a "luxury resort", a rights group said on Thursday [10 May], in the first account of his whereabouts in more than a year since he was put under house arrest. Hada, who like many ethnic Mongolians in China uses a single name, was tried in China's vast northern Inner Mongolia region in 1996 and jailed for 15 years for separatism, spying and supporting the Southern Mongolian Democratic Alliance, which seeks greater rights for ethnic Mongolians. He was released in December 2010 and then had to serve a separate sentence, "four years of deprivation of political rights", Tao Jian, the deputy Communist Party boss of Inner Mongolia's law and order committee, said in March. Hada has since been transferred to the resort in the Chifeng municipality of Inner Mongolia, the New York-based Southern Mongolian Human Rights Information Centre (SMHRIC) said in an emailed statement, citing Hada's uncle, Haschuluu... Few other details were available about Hada's whereabouts or the conditions or term of his stay, and government officials in Inner Mongolia, a semi-autonomous provincial region on China's northern border, were not available for comment. Chinese authorities often place released political prisoners under house arrest or otherwise restrict their movements and contact with the outside world.

'Haschuluu told the group that Hada was in poor health and had rejected an offer to go free along with family members in exchange for signing a paper that would be tantamount to admitting wrongdoing. Hada's wife, Xinna, who has denied her husband is a separatist, was jailed for three years in April for "engaging in illegal business", the group said.' [34f]

20.11 A report by Radio Free Asia on 11 July 2011 about the large-scale protests in May 2011 by herders and students across Inner Mongolia, which had been triggered by the killing of a herdsman in standoffs with mining company staff, stated:

In the wake of the protests, China sentenced one mining truck driver to death for the killing of herdsman Murgan, at the same time pouring large numbers of troops into the region and enforcing a security lock-in at schools, universities, and government institutions. Official documents described the protests by thousands of ethnic Mongols in the region's major cities as the work of "external hostile forces," although it made no mention of where those forces originated.' [73c]

20.12 On 30 May 2011 the BBC reported:

'Chinese authorities have tightened security across the province of Inner Mongolia after days of unrest, rights groups and residents say. Hundreds of riot police armed with batons have been posted at the main square in provincial capital Hohhot. Access to the internet has been blocked in some areas, and universities and schools are under close

watch. The unrest erupted last week after two ethnic Mongolians were killed in separate incidents. The demonstrations are thought to be the region's largest in 20 years, involving hundreds of ethnic Mongolians. The New York-based Southern Mongolian Human Rights Information Centre said more demonstrations had been planned for Monday [30 May]. The centre described the situation in many parts of Inner Mongolia as martial law. Residents of the city of Chifeng told the Associated Press that police were out in force, and the internet had been cut off...

'Ethnic Mongolians were infuriated by the death of a farmer on 10 May. He was trying to protect his land when he was run down and killed, apparently by an ethnically Han Chinese driver. Five days later, another ethnic Mongolian was killed during a protest at a mine. Analysts say the deaths have tapped into deeper concerns among ethnic Mongolians that their traditional nomadic way of life is being overridden by mining projects. The government confirmed last week that two Han Chinese had been arrested for murder, but gave no further details of the cases. On Monday [30 May], the state-run Xinhua news agency reported that a man had been put on trial for the murder of Yan Wenlong, the ethnic Mongolian killed during the mine protest. Some analysts believe the other man who was arrested is a suspect in the killing of the farmer on 10 May... Less than 20% of Inner Mongolia's estimated 25 million residents are ethnic Mongolians. About 80% are Han Chinese.' [9ab]

- 20.13 In July 2011 riot police and local officials were dispatched to quell further protests in which dozens were injured. (Radio Free Asia, 24 July 2011) [73h]

(See also COI Key Documents: [Mongolia](#))

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21. TIBET

- 21.01 The British Broadcasting Corporation (BBC) noted in its Country Profile on Tibet, updated on 20 May 2012, accessed on 24 August 2012, that: 'The remote and mainly-Buddhist territory known as the "roof of the world", is governed as an autonomous region of China. Beijing claims a centuries-old sovereignty over the Himalayan region. But the allegiances of many Tibetans lie with the exiled spiritual leader, the Dalai Lama, seen by his followers as a living god, but by China as a separatist threat.' [9u]
- 21.02 As noted by Europa World in its Country Profile for China, accessed on 14 August 2012, there are 5.4 million Tibetans within China, accounting for 0.44 per cent of the population. The same source noted that the total population of the Tibetan Autonomous Region (TAR) is 2.6 million (based on the 2000 census). [1g] (Area and Population) [18b] (map)
- 21.03 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China (Tibet), published on 24 May 2012, noted:

'The TAR and other Tibetan areas continued to be under increasingly intense and formalized systems of controls, many of which appeared to be aimed at facilitating enforcement of "social stability" and undermining the religious authority of the Dalai Lama. The government's attempts to assert control over all aspects of Tibetan Buddhist monastic and religious practice through such means as compulsory "patriotic education" and "legal education" campaigns at monasteries, compulsory denunciation of the Dalai Lama, establishing permanent CCP [Chinese Communist Party] and security personnel presence at monasteries, and taking over the identification and training of reincarnated

lamas (tulku), provoked acts of resistance among the Tibetan population, who saw it as a threat to the foundations of Tibet's distinct religious, linguistic, and cultural identity. These acts of resistance, in turn, led to enhanced attempts by PRC authorities to maintain control, thus creating cycles of repression that resulted in increasingly desperate acts by Tibetans, such as a series of self-immolations by Tibetan Buddhist clergy and laypersons in China's Tibetan areas.' [2c] (Tibet - Executive Summary)

HUMAN RIGHTS IN TIBET

21.04 The International Federation for Human Rights (FIDH) report on the 'Human rights violations and self-immolation Testimonies by Tibetans in exile', 16 May 2012, stated:

'Fifty years after the brutal crackdown that led the Dalai Lama and tens of thousands of Tibetans to escape from Tibet to India, the self-immolation of a young Tibetan monk from Kirti Monastery in Sichuan Province on 27 February 2009 marked the beginning of a new form of protest against the severe repression imposed by the People's Republic of China (PRC) on the people of Tibet. Between 16 March 2011 and 20 April 2012, the self-immolation of 34 more people, most of whom died, has revealed the degree of tension that prevails in the region. It also overwhelmingly suggests that the PRC's policy for dealing with the Tibet question has failed.' [103a] (Introduction)

The International Federation for Human Rights (FIDH) report on the '[Human rights violations and self-immolation Testimonies by Tibetans in exile](#)', 16 May 2012, presented a selection of six testimonies from Tibetan asylum seekers in Europe which were based on thirty interviews carried out by FIDH throughout 2011 in Belgium, France and Switzerland – the three European countries hosting the largest number of Tibetans. [103a]

21.05 The USSD Report 2011 stated:

'There was severe repression of the freedoms of speech, religion, association, and movement. Authorities continued to commit serious human rights abuses, including extrajudicial killings, torture, arbitrary arrests, extrajudicial detentions, and house arrests. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage and unique high plateau environment remained a concern. As in prior years, authorities intensified controls over speech, travel, assembly, and religious practice in the TAR and other Tibetan areas prior to and during politically sensitive dates, such as the third anniversary of the March 2008 protests and riots in Tibetan areas, the observance of "Serf Emancipation Day" on March 28,... the 90th anniversary of the founding of the CCP [Chinese Communist Party] on July 1, and the 60th anniversary of the "peaceful liberation" of Tibet on July 19. The government strictly controlled information about, and access to, the TAR and Tibetan areas outside the TAR, making it difficult to determine accurately the scope of human rights abuses.

'The consequences of the 2008 protests continued to affect the human rights situation in Tibetan regions of the PRC. People's Armed Police (PAP) presence remained at high levels in many communities across the Tibetan Plateau. In March all major monasteries in the TAR and other Tibetan areas outside of the TAR were guarded by security forces, and many shops in Lhasa closed March 14 to mark the anniversary of the demonstrations and police crackdown. Students and monks in several areas were detained after reportedly demanding freedom and human rights and expressing their support for the Dalai Lama.' [2c] (Tibet - Executive Summary)

- 21.06 On 18 April 2012 it was reported that Tibetans protesting against Chinese rule were facing the worst crackdown since tens of thousands of people were killed in the Cultural Revolution of the 1960s and 1970s. Thirty-two self-immolations have occurred over the past 12 months. (BBC, 18 April 2012) [9w]
- 21.07 Amnesty International reported on 24 January 2012 that a number of clashes between Chinese security forces and Tibetan monks over the past month left three people dead and thirty six injured. [6i] A BBC news article from 14 January suggested that the clashes had been prompted by a Tibetan setting himself on fire in China, the latest in a series of self-immolations. Sixteen incidences of self-immolations by Tibetans were recorded in the past year. [9y]
- 21.08 CNN reported on the clashes on 31 January 2012, noting: ‘In an effort to contain the situation, China has sent in reinforcements to try to impose order on the scenic Ganzi Tibetan Autonomous Prefecture in Sichuan Province. State media has also reported that outside rights groups and the exiled Tibetan spiritual leader, the Dalai Lama, are to blame for the troubles.’ [95d]
- 21.09 The Amnesty International (AI) Annual Report 2012: The state of the world’s human rights: China (AI Report 2012), published on 24 May 2012, covering events in 2011, stated that:
- ‘From 16 March [2011] to the end of the year, 10 monks or former monks and two nuns in the Tibetan areas of China set themselves on fire. Six were believed to have died as a result. These protests appeared to be in response to increasingly punitive security measures imposed on religious institutions and lay communities in the region, following the March 2008 protests. The first self-immolation, by Phuntsok Jarutsang, was followed by protests, mass arrests (including of 300 Kirti Monastery monks), enforced disappearances and possible killings by security forces. Two elderly Tibetans (a man and a woman) died after local residents clashed with security forces while trying to stop the arrests. A third man died from injuries sustained following a police crackdown on demonstrators outside a police station. Individuals connected to protests around the immolations were sentenced to prison terms ranging from three to 13 years. Despite the rash of self-immolations, there was no indication that the Chinese authorities intended to address the underlying causes of the protests or acknowledge the grievances of the Tibetan community.’ [6a] (Tibet Autonomous Region)
- 21.10 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated:
- ‘The situation in the Tibet Autonomous Region (TAR) and the neighboring Tibetan autonomous areas of Qinghai, Sichuan, Gansu, and Yunnan province, remained tense in 2011 following the massive crackdown on popular protests that swept the plateau in 2008. Chinese security forces maintain a heavy presence and the authorities continue to tightly restrict access and travel to Tibetan areas, particularly for journalists and foreign visitors. Tibetans suspected of being critical of political, religious, cultural, or economic state policies are targeted on charges of “separatism.”
- ‘The government continues to build a “new socialist countryside” by relocating and rehousing up to 80 percent of the TAR population, including all pastoralists and nomads.

'The Chinese government has given no indication it would accommodate the aspirations of Tibetan people for greater autonomy, even within the narrow confines of the country's autonomy law on ethnic minorities' areas. It has rejected holding negotiations with the new elected leader of the Tibetan community in exile, Lobsang Sangay, and warned that it would designate the next Dalai Lama itself.' [7b] (p324-325)

- 21.11 In its Annual Report 2011 on the human rights situation in Tibet, the Tibetan Centre for Human Rights and Democracy (TCHRD) stated:

'2011 was a year of increasing tensions between the Tibetan people and the Chinese government. The Jasmine Revolution in the Middle East and the third anniversary of the Tibetan uprising in 2008 set the tone for the events in Tibet. After Mohamed Bouazizi self-immolated in Tunisia leading to the Arab Spring, the Chinese government ramped up efforts to control dissent at home in an effort to prevent its spread onto Chinese controlled soil...

'Despite the increasing frequency of selfimmolations, the Chinese government refuses to admit any responsibility and has instead increased the level of oppression in Tibet, especially in monasteries, all the while continuing to violate its international human rights obligations.' [45a] (p1)

- 21.12 The TCHRD report added:

'Torture is an ongoing problem in Tibet, as evidenced by the past experiences of Tibetans who flee into exile each year. While the Chinese government has proposed a new law to make evidence from torture inadmissible in court, there are still many loopholes that allow for torture to occur unchecked. Torture is often used as a punishment in itself, more to dissuade future dissent than to gain any new "evidence" from the past. The PRC has now drafted new laws to legalize enforced disappearances of those deemed security threats.' [45a] (p2)

- 21.13 The TCHRD report further stated: 'The only chance that Tibetans have to voice their concerns is often through public protest. But the Chinese government does all it can to intimidate and harass Tibetans into not voicing their concerns. Because authorities consider these protests to be political in nature, it is not uncommon for them to be beaten, arrested, and even shot at.' [45a] (p4)

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

'Since the 10 March [2008] peaceful protests, Tibetans languishing inside prisons have been accused by the Chinese of "endangering state security". Just expressing a point of view that goes against government policy leads to arrest for "political dissent" and "subversive opinions". Chinese officials have made statements to the effect that Tibetans have confessed; this is likely what will happen to the 17 who were arrested and tragically the world will be informed that they had "confessed" their crimes. But these so called confessions would have been extracted as a result of torture. The Chinese are known to use torture as an instrument of "state control" on Tibetans, guilty of "political dissent" and "subversive opinions". Tibetans have been arrested and tortured for speaking with foreigners, singing patriotic songs, possessing photos of His Holiness the Dalai Lama and so on; these things have been going on for many, many years. At the moment, our monasteries are surrounded by military forces, and under the strict surveillance of Chinese police. The situation inside Tibet is very tense, and we are

extremely concerned. As the countdown to the Beijing Olympics begins, the extreme clampdown of information is taking place and this only bodes ill for our fellow Tibetans.’ [58a]

The US State Department’s 2011 [Country Report on Human Rights Practices \(USSD Report 2011\), China \(Tibet\)](#), published on 24 May 2012, provides further detailed information, including cited incidences of human rights issues in Tibet. [2c] (Tibet)

(See also Section 8: Security forces - [Torture](#))

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POLITICAL PRISONERS HELD IN TIBET

21.15 The USSD Report 2011 stated:

‘An unknown number of Tibetans were detained, arrested, and/or sentenced as a result of their political or religious activity. Many prisoners were held in extrajudicial RTL prisons and never appeared in public court.

‘Based on information available from the U.S. Congressional-Executive Commission on China’s (CECC) political prisoner database, as of September 1, 527 Tibetan political prisoners were imprisoned in Tibetan areas. The actual number of Tibetan political prisoners and detainees was believed to be much higher, but the lack of access to prisoners and prisons, as well as the dearth of reliable official statistics, made this impossible to determine. An unknown number of prisoners continued to be held under the RTL [Reeducation Through Labor] system. Of the 527 Tibetan political prisoners tracked by the CECC, 483 were ethnic Tibetans detained on or after March 10, 2008, and 44 were Tibetans detained prior to March 10, 2008. Of the 483 Tibetan political prisoners who were detained on or after March 10, 2008, 264 were believed or presumed to be detained or imprisoned in Sichuan Province; 160 in the TAR, 23 in Gansu Province, 34 in Qinghai Province, one in the Xinjiang Uighur Autonomous Region, and one in Beijing Municipality. There were 113 persons serving known sentences, which ranged from 1½ years to life imprisonment; the average sentence length was seven years and two months. Of the 113 persons serving known sentences, 62 were monks, nuns, or Tibetan Buddhist teachers.’ [2c] (Tibet - Political Prisoners and Detainees)

TIBETAN BUDDHISM

This subsection should be read in conjunction with Section 18: Freedom of religion – [Buddhists](#).

- 21.16 The US State Department’s International Religious Freedom (US-IRF) Report 2011, China, published on 30 July 2012 recorded that: ‘During the year the government’s repression of religious freedom remained severe in Tibetan areas and the Xinjiang Uighur Autonomous Region (XUAR). The government continued to implement measures strictly regulating religious activity and severely limited religious freedoms in Tibetan areas and in the XUAR.’ [2a] (Executive Summary)
- 21.17 The US-IRF Report 2011, section on Tibet, reported that: ‘Tibetan Buddhists, like other religious people in China, face an array of restrictions on religious education, training of clergy, and conduct of religious festivals. These restrictions, which complement the atheism taught in schools, are resented by many religious people who view them as

part of a systematic effort by the CCP to eradicate religious belief.’ [2a] (Executive Summary - Tibet)

- 21.18 The US Commission on International Religious Freedom (USCIRF), Annual Report 2012, covering the period from 1 April 2011 – 29 February 2012, published March 2012, stated:

‘The Chinese government’s longstanding emphasis on controlling and managing the “normal order” of Tibetan Buddhism has led to significant religious freedom abuses and nurtured deep resentments among Tibetans...

‘In 2010, the Chinese Communist Party and its leaders instituted sweeping new economic, cultural and social policies at the Fifth Tibet Work Forum which appear aimed at furthering controls over Tibetan Buddhism by delineating a “core interest” policy of diminishing the Dalai Lama’s international influence, isolating him from Tibetans in China, and asserting that religious freedom in Tibet is China’s internal affair. President Hu Jintao instructed officials to “comprehensively implement the Party’s basic principles for religious work and the laws and regulations on the government’s administration of religious affairs...maintain the normal order to Tibetan Buddhism, and guide Tibetan Buddhism to keep in line with the socialist society.” Also in 2010, the Buddhist Association of China required re-registration of religious personnel based on conformity with unspecified political, professional, and personal criteria. There is a concern of a substantial loss of religious personnel if the measure is used to remove Tibetan Buddhist monks, nuns, or trulkus (living Buddhas) viewed as devoted to the Dalai Lama or his recognized Panchen Lama or as holding positions the government deems illegal.

‘Previous government suppression of peaceful Tibetan Buddhist religious activity played a primary role in stoking major demonstrations in 2008 in the Tibetan Autonomous Region (TAR) as well as Tibetan areas elsewhere in China, which led to violence and the detention of hundreds of monks and nuns. Protests against government interference in Tibetan religious life and the imprisonment of religious leaders continued in 2010. At least 443 Tibetan Buddhist monks, nuns, and trulkus are currently imprisoned in China, according to the database of the Congressional-Executive Commission on China (CECC). Despite requests, the Chinese government has not provided full details or a credible accounting of those detained, missing, or disappeared, trials have not been open, and those accused are not given adequate legal representation. Since the 2008 protests, a security presence has remained at some monasteries and nunneries, and local government officials have escalated their campaigns to require monks and nuns to sign statements denouncing the Dalai Lama. Monks and nuns who refuse to denounce the Dalai Lama or to pledge loyalty to Beijing have been expelled from their monasteries, imprisoned, and tortured.’ [70a] (p126-127 - Tibetan Buddhists)

- 21.19 The TCHRD Annual Report 2010 stated, ‘the Chinese government looks to Tibetan Buddhism with a great deal of suspicion. As a result, Tibetan Buddhism is one of the biggest targets of official oppression. The Tibetan people still look up to their religious leaders, thus it is no wonder that it is monks and nuns who have led most of the protests that occurred in Tibet this year.’ [45a] (p2)
- 21.20 As stated by the Chinese Government White Paper, Regional Ethnic Autonomy in Tibet, published in May 2004, ‘At present, there are over 1,700 venues for Tibetan Buddhist activities, with some 46,000 resident monks and nuns; four mosques and about 3,000 Muslims; and one Catholic church and over 700 believers in the region. Religious

activities of various kinds are held normally, with people's religious needs fully satisfied and their freedom of religious belief fully respected.' [5f] (p3 of Section IV)

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The Panchen Lama

21.21 The USCIRF Annual Report 2012 stated:

'The Chinese government continues to deny repeated international requests for access to the disappeared 19-year-old Gendun Choekyi Nyima, whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. Government officials claim that he is in fact alive and being "held for his own safety." The Chinese government insists that another boy, Gyaltzen Norbu, is the "true" Panchen Lama, one of the most revered positions in Tibetan Buddhism and a religious figure who will play an important role in selecting the next Dalai Lama.' [70a] (p126-127 - Tibetan Buddhists)

Monastic life

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

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

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

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

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

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

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

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

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

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

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

'Self-censorship is an important tool, but peer censorship is probably more important. The PRC tells monks that if any of the residents of a particular monastery do things that anger the Chinese, the whole monastery will suffer, but they're vague on exactly what will anger them. They do the same thing with groups of travellers (all foreigners are required to join a group that is monitored by a government-approved guide). At one monastery I visited in 2001 (Tashilhunpo), one of the monks told me that there were 22

Chinese security personnel in the monastery full time, and they were monitoring 73 monks. Other monasteries I visited had military bases right next to them, and all religious activities are very closely monitored. There are resident Chinese security personnel in many monasteries, and their job is to keep a close eye on the monks. Monks and nuns have been at the forefront of anti-Chinese agitations, and so the PRC is deeply suspicious of them. Monks are routinely required to sign declarations of allegiance to the PRC, the Communist Party, and to its policies, as well as denunciations of the Dalai Lama. Recent research by human rights groups such as Amnesty International and Human Rights Watch have concluded that there is no freedom of religion in Tibet today, and I reached the same conclusion during my visit there in 2001.' [50a]

Consequences for expelled monks

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

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

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

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

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

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

'Possibly, but the options there would also be limited. There would be no means of support for many, and also little opportunity to study or practice [sic]. Traditionally, monks are often the third or fourth sons of a family, who are sent to a monastery at an early age. This brings great merit to the family, and it also takes care of excess children, and prevents land from being divided among too many people. So if a monk returns to

his home village after being expelled, he's an extra burden, he'll probably be closely watched by local authorities and security personnel, and will have few employment options, and little chance of joining a local monastery.' [50a]

TIBETAN REFUGEES IN INDIA

21.24 Time Magazine online reported in July 2012 that:

'Since the Dalai Lama fled in 1959, Nepal has played a critical role for the Tibetan exile community, providing safe haven and a passageway to India. But in recent years, Nepal's hospitality has waned – and the reason, many say, is China's growing influence on the country's political elite. Since 2008, when an uprising convulsed Lhasa shortly before the Beijing Olympics and was violently suppressed by Chinese authorities, the number of Tibetans making the journey to India has plummeted. From the early 1990s until 2007, some 2,500 Tibetans were arriving in India each year. In 2008, that number dropped to under 600, and has since hovered at about 800 refugees per year. A key reason, observers say, is that China has significantly tightened security, not only inside Tibet but also along the border with Nepal, choking off crucial escape routes.' [10b]

21.25 The Bureau of Immigration, India, on its website, accessed 31 August 2012, provided information pertaining to Tibetan Nationals in India:

'Status of Tibetan in India:

'Tibetans who entered India upto 1959 will be entitled to rehabilitation benefits as temporary refugees in India.

'Children born till 1987 to Tibetans who entered India up to 1959 will also be entitled to rehabilitation benefits as temporary refugees in India.

'Tibetans who arrived in India till 30th May 2003 but after 1959 are classified in a separate category of Long Term Stay and issued Registration Certificates by FRROs/FROs [Foreigners Regional Registration Officers/Foreigners Registration Officers]

'Tibetans Entry Process:

'Tibetans can enter India after 30.10.2002 on Special Entry Permits (SEP) issued by embassy of India Kathmandu.

'Tibetans shall be permitted to enter India ONLY through the designated check-post at Sonauli in Uttar Pradesh and Raxual in Bihar with a Special Entry Permit (SEP) issued by the competent authority.

'Further they may ensure that proper immigration stamp of entry is affixed on the SEP by the immigration authorities of the check post. All Tibetans are required to report about their arrival at TRC, Delhi or TRC, Dharamshala as the case may be.' [106a]

The [Bureau of Immigration, India](#) website provided further information on the registration of Tibetan refugees /nationals in India. [106a]

21.26 The GlobalPost reported in an article on 31 March 2012 about "new strains" between Tibetan refugees and their Indian hosts when more than 250 activists were arrested ahead of Chinese President Hu Jintao's visit to New Delhi that week. The article stated:

'Indian police also placed the entire Tibetan community in Delhi on house arrest, closing down the refugee camp Majnu Ka Tilla following the self-immolation of a 27-year-old Tibetan exile. The abrupt crackdown demonstrates just how precarious the Tibetans' presence in India – now an estimated 150,000 people – has become after a long era of Indian shelter.' [107a]

21.27 The same article reported:

'While most Tibetan refugees live in India, thousands have sought stability in the West, where they can apply for asylum. Citizenship allows Tibetans to access education and jobs, and to obtain a passport, which gives them the right to travel to Tibet. They also can lobby their elected officials, as 140 Tibetans did on March 20 [2012] as a part of the International Campaign for Tibet's lobby days. Among other issues, the American Tibetans asked their representatives to support a bill that would provide 3,000 visas to Tibetan refugees in India and Nepal. In India, though, Tibetans must renew their refugee certificate, or RC, every year, Dhondup explained. "I was born and brought up in India. ... Still, I'm a refugee, I'm no Indian citizen." A Tibetan who is politically active may have problems with renewing the certificate, said Shibayan Raha, an Indian supporter of the Tibetan cause. "Since I don't have the RC [Registration Certificate] issues, I can go talk about Tibet." Other Indian activists sometimes complain that Tibetans don't support local causes, Raha added, but "they don't understand that the refugee certificate issue is a real issue".' [107a]

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TIBETAN REFUGEES IN NEPAL

21.28 Time Magazine online reported in July 2012 on the case of Tsultrin Lhamo, a 20-year-old Tibetan, fleeing her homeland, which is under Chinese rule, and making the treacherous journey to the Dalai Lama's adopted hometown in India. Describing her journey, Time Magazine observed:

'China's growing crackdown on religious freedoms, from the imprisonment of Tibetans possessing portraits of their spiritual leader to the ironfisted control of monasteries by Chinese armed forces, had made life too difficult to stay behind, she says. Like those before her, she paid a Nepalese guide to lead her through the mountainous terrain that connects western China to its neighbor, Nepal. With help from UNHCR [United Nations High Commissioner for Refugees], the U.N.'s refugee agency, she secured safe passage from Kathmandu to India. It was a grueling journey that spanned four months and three countries. She traveled on foot, took shelter in trees and dodged Chinese and Nepalese patrols. Still, she considers herself lucky. "So many people are desperate to leave Tibet," she says. "But it has become almost impossible now."...

'China's growing influence in Nepal has alarmed Tibetan activists and officials, who have long viewed Kathmandu as a sanctuary and an ally. Under an informal agreement made in 1989 between the Nepalese and the U.N. refugee agency, Nepal pledged to allow fleeing Tibetans to pass safely to India. Now, Tibetans say, that trust is eroding. "Nepal is obliging every demand China makes," says Thinley Gyatso, a secretary in the Tibetan government-in-exile's Finance Department who spent several years living in the Himalayan nation. Though there are still only a few documented cases of Nepal repatriating Tibetan refugees – including a case in 2010 in which three Tibetans were forcefully returned to China – information about dealings between security forces near the border remains scarce. A recent account in the New Yorker says Nepalese police

have been “apprehending Tibetans far inside Nepal, robbing them, and then returning them to Tibet at gunpoint, where they are typically imprisoned and not uncommonly tortured by the Chinese”.’ [10b]

21.29 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), Nepal, published on 24 May 2012, noted that:

‘Many of the Tibetans who lived in the country did not have legal resident status. Many who arrived after 1990 and their Nepal-born children were without legal status and had no documentation. Even those with acknowledged refugee status had no legal rights beyond the ability to remain in the country, and the Nepal-born children of Tibetans with legal status often lacked documentation. Tibetan refugees had no entitlement to higher education, business ownership or licenses, bank accounts, or to conduct legal transactions, including documentation of births, marriages, and deaths, although bribery often made these possible. While Nepal-based Tibetans with registration cards were eligible to apply for travel documents to leave the country, the legal process was arduous, expensive, opaque, and poorly publicized.’ [2d] (Section 2d in Protection of Refugees)

21.30 The USSD Nepal Report 2011, further observed that: ‘There were numerous reports that police and other local officials harassed Tibetans engaged in daily activities. Police reportedly conducted random checks of identity documents of Tibetans, including monks. These identity checks sometimes included threats of deportation or detention, followed by requests for bribes.’ [2d] (Section 2d in Protection of Refugees)

Legal status of Tibetans in Nepal

21.31 The USSD Report 2011, Nepal, stated: ‘The laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. While the government has in place ad hoc administrative directives that provide some protection for Bhutanese and Tibetan refugees, implementation of the directives was sometimes unpredictable.’ [2d] (Section 2d in Protection of Refugees)

21.32 Article 9 of the Nepalese Constitution states:

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

‘a that he can speak and write the language of the nation of Nepal;

‘b that he is engaged in any occupation in Nepal;

‘c that he has renounced his citizenship of another country; and

‘d that he has resided in Nepal for at least fifteen years.’ [92a]

21.33 On 17 April 2008 the BBC reported:

‘Most of those who cross into Nepal lack valid travel documents and few obtain a card from the UN refugee agency, UNHCR. According to a 2003 paper by the agency, the Nepalese authorities want Tibetans “out of the country within two weeks”... In Nepal, the position of Tibetans is even more precarious. The country does not recognise refugee status. Most Tibetans in Kathmandu have no papers and can be picked up by police.

Several hundred were detained in the capital after a wave of anti-Chinese demonstrations. There are no reliable estimates of the numbers of Tibetans living in Nepal. The country is keen not to antagonise China by putting out a welcome mat for Tibetan exiles, and is mainly used as a transit point.’ [9j]

(See also Section 32: Exit-entry procedures - [Treatment of Tibetans](#))

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22. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

22.01 The International Gay & Lesbian Human Rights Commission (IGLHRC) Research Paper, China: The Legal Position and Status of Lesbian, Gay, Bisexual and Transgender People in the People’s Republic of China, by Tom Mountford, published 24 March 2010, stated:

‘Homosexuality was decriminalized in China in 1997 and removed from the official list of mental disorders in 2001. However, since these two changes to Chinese law and clinical practice the Chinese government has remained largely silent on the issue of homosexuality. That silence has had two main effects. First, it has stalled any further developments in removing legal discrimination against LGBT people in China. Secondly, it means that the legal status and position of LGBT people is unclear, with varying official treatment across different parts of China. Discrimination against LGBT people continues to be written into many different areas of law in China. Furthermore, as LGBT people in China largely lack legal recognition and legal protections there is no legal certainty as to their position. This results in a situation where the population is unable to clearly determine whether they will face official opposition in meeting together, organizing and providing services within the community.’ [104a] (p3 - Executive Summary)

22.02 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated: ‘In 1997 the government decriminalized homosexual conduct and in 2001 ceased to classify homosexuality as a mental illness... Same-sex relationships are not legally recognized, adoption rights are denied to people in same-sex relationships, and there are no anti-discrimination laws based on sexual orientation.’ [7b] (p324)

22.03 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that: ‘No laws criminalize private consensual same sex activities between adults.’ [2c] (Section 6 – Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)

22.04 The findings from the IGLHRC paper also stated:

‘The legal status and position of homosexuality in China bears the hallmarks of a subject which has been little considered within official Chinese governmental circles. The government seems to have maintained an official silence and general restrictions on the LGBT community based on a cautious, conservative policy. This is often expressed in the Chinese idiom as 不支持, 不反对, 不提倡 (not encouraging, not discouraging and not promoting). However even if the intention of the Chinese authorities is to adopt a cautious policy this is not a neutral policy, and the combination

of official policy and official silence entails serious consequences for the LGBT population.’ [104a] (p3 - Executive Summary)

22.05 The IGLHRC paper also stated:

‘LGBT couples are not recognized as constituting families. There is no applicable gay marriage, civil or domestic partnership regime in China. LGBT people face a variety of disadvantages in the context of family law from uncertainty in divorce and child custody proceedings to strong restrictions on fertility services and gay parenting. Adoption of Chinese children by foreign LGBT couples and individuals has already been prohibited by the Chinese authorities. The spirit of this regulation raises concerns that this explicit prohibition may be applicable or extendable to single Chinese LGBT people who seek to adopt a child.’ [104a] (p5 - Family Law)

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TREATMENT BY, AND ATTITUDES OF, STATE AUTHORITIES

22.06 The HRW World Report 2012 observed that: ‘... police continue to occasionally raid popular gay venues in what activists describe as deliberate harassment.’ Recording one incident where ‘On April 4, 2011, Shanghai police raided Q Bar, a popular gay venue, alleging it was staging “pornographic shows.” Police detained more than 60 people, including customers and bar staff, and released them later that day.’ [7b] (p324)

22.07 A new edition of an authoritative Chinese dictionary published on 15 July 2012 came under fire for leaving out the homosexual definition of the word ‘tongzhi’, meaning ‘comrade’, commonly used to refer to gay men and lesbians. The committee charged with revising and updating the dictionary said they chose to leave out the definition because they didn’t want to encourage its use. (CNN, 25 July 2012) [9e]

22.08 The findings from the IGLHRC paper reported:

‘LGBT people continue to suffer from police harassment and arbitrary detention. The police and public security services often use the sexual element of LGBT people’s sexuality against them, for example arresting LGBT people for suspected prostitution and using circumstantial items such as possession of condoms as prima facie evidence of the alleged involvement in prostitution. There are continuing problems of LGBT people facing extortion and blackmail from the police and security services, as well as from broader society, at threat of revealing their sexuality.’ [104a] (p4 - Police, Security and the Criminal Law)

22.09 On 24 October 2010 the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) reported:

‘Internet censorship and surveillance[sic] are common complaints in China and the gay community are no strangers to it. As Shanghai’s week-long pride festival kicked off over the weekend, the festival website with details of the events – shanghaipride.com – has been effectively blocked by a firewall.

‘Shanghai’s City Weekend magazine had only said last week to look out for venue details, exact times and location to be released a day or two before each event. The strategy of the organisers was targeted to avoid complications. The government forced

some events to be dropped at short notice during the first pride festival launched in the city in 2009.

'Thus the opening party which flagged off the festival, the only one of its kind for LGBT in China, took place without much razzle dazzle on Saturday night [22 October]. A small crowd mingled outside the Mexican restaurant in Yongjia Road in Shanghai's former French Concession. Inside the entrance was a small poster with the word "Pride", if one looked for it hard enough. The reception counter had a few flyers indicating there was a party going on but there were no rainbow colours or flags of any sort to mark the event. The only clue was perhaps the level of chic at the party. Men were dressed in signature tight shirts and pants and some women were androgynous, clad in jackets and hats. Except for a short drag performance, the low-key event could have been mistaken for a regular private party anywhere in the city.' [40a]

- 22.10 A pub owner in China who organised gay performances was sentenced to five months in prison and fined 5,000 yuan (\$783), which was reported in an article by the ILGA on 3 September 2011:

'The Huangpu district people's court jailed Wang Bing for pornography, the Shanghai Daily reported. The 47-year-old owns a pub in the downtown area and is also a marketing director of a local arts venue. When he opened his pub, it failed to do good business, and he tried to organise gay performances to woo customers. Wang invited Xiao Hui, a bar dancer, to perform at his pub. But police raided the pub on neighbours' complaints. Wang pleaded guilty and was later jailed. The gay performer's fate couldn't be known.' [40b]

- 22.11 The USSD Report 2011 cited the following recorded incidents involving the authorities:

'... in February [2011] a Valentine's Day kissing contest that gay couples planned to attend was cancelled abruptly by organizers. The Beijing LGBT Center planned to use the event to raise awareness about gay rights.

'In June [2011] the Fifth Beijing Queer Film Festival was forced underground due to harassment from local police, officers from the Bureau of Industry and Trade, and the Culture Bureau. The police deemed the event "illegal." Organizers were forced to close the event to the general public and show the films to invited guests only. The venue of the festival was also changed every night to avoid detection.' (Section 6 – Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)

- 22.12 The ILGA also on the 5 April 2011 about a raid on a new gay bar in Shanghai, detaining the manager and customers, including some foreigners. The article noted:

At 1 AM, police swooped on the Q Bar and detained about 50 people who were reported to have been held at a local police station. One of the detainees is the bar's DJ Steven Bao who complained via tweets that they were "locked up like dogs" in the cold, without their clothes, and without water. Bao also appears to have been roughed up after asking for his clothes before his mobile phone ran out of power. Tweets from Steven Bao and other friends of the detainees have spread like wildfire on Sina Weibo, eliciting angry responses from members of the LGBT community across China. A raid of this size on a gay bar has not been seen in Shanghai since 2007, when the former Club Deep, located in Jingan Park, had its Halloween party raided, shut down, and several customers detained for alleged drug abuse. Chinese police can detain people for a maximum of 24 hours.' [40c]

SOCIETAL TREATMENT AND ATTITUDES

- 22.13 The HRW World Report 2012 noted: ‘High-profile public support for overcoming social and official prejudice against lesbian, gay, bisexual, and transgender (LGBT) people is increasingly common. On July 5 [2011] a China Central Television talk show host criticized homophobic online comments posted by a famous Chinese actress and urged respect for the LGBT community.’ [7b] (p324)
- 22.14 The USSD Report 2011 noted: ‘Due to societal discrimination and pressure to conform to family expectations, most gay men and lesbians refrained from publicly discussing their sexual orientation. Individual activists and organizations working on lesbian, gay, bisexual, and transgender (LGBT) issues continued to report discrimination and harassment from the authorities.’ [2c] (Section 6 – Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)
- 22.15 GayStarNews, a gay news site, reported on 1 February 2012 about assistance available to gays or lesbians who have questions about how to come out to their parents as well as for the parents whose children have already come out, and noted:
- ‘A lifeline for Chinese parents, who are often isolated and confused when their children come out, was launched this week by [PFLAG China](#) (Parents, Friends and Families of Lesbians and Gays). Calls will be answered by mothers who understand what parents go through when their child first tells them that they are gay...
- ‘As well as listening to the concerns of parents who call the line, the helpline will also be there for gay people who are having problems coming out to their parents. “So many gays or lesbians have questions about how to come out to their parents,” executive director of the helpline, Ah Qiang told Gay Star News. “And parents want to speak to other parents of gay children to know how to receive their children and to ask about the lives of LGBT people. Most parents, when they hear their child is gay or lesbian, think they are the only ones.”
- ‘Coming out to their parents is usually the biggest obstacle to living open lives for Chinese gay men and women, because of the emphasis on filial piety. It is hoped that the helpline, that is free and anonymous, will ease the pressure on parents and their children.’ [105a]
- 22.16 The USSD Report 2011 cited the following recorded incidents:
- ‘... in July LGBT groups complained of censorship by the popular Web site Doudan. The groups reported that posts for events were disappearing, resulting in low attendance. Subsequently the groups began to boycott the site.
- ‘In July 2010 a gay man attempted to sue the Beijing Red Cross for discrimination for barring gays and lesbians from donating blood. The court rejected the lawsuit without explanation.’ [2c] (Section 6 – Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)

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LESBIANS

- 22.17 When reporting in June 2011 on lesbian's in Chinese society, the New York Times observed that:

'Lesbianism was officially taboo until 1997, when "hooliganism," a catchall term that included homosexuality, was struck off the criminal code...Lesbians in China today are remarkably free, the result of profound social changes over three decades of fast economic growth, and of being female in a society that values men far above women. Invisibility provides lesbians with room to live and love amid the anonymity of China's millions-strong megacities. "I think people are more tolerant of female gays than male gays," said Li Yinhe, a sociologist at the Chinese Academy of Social Sciences. "China is a very patriarchal society, so people feel if a man is gay that's really shameful." "Traditional society basically overlooks women in some ways, and there is a certain freedom in that," she said. "But that free space isn't necessarily power".' [21c]

- 22.18 The article also reported:

'Today, most major cities in China have lesbian bars or cafes offering support groups, talks and parties. In Beijing and Shanghai there are gay pride events, held privately in the hope of avoiding cancellation by the authorities (as happened this month with the biennial Beijing Queer Film Festival. The festival went ahead anyway, "guerrilla-style," organizers said.) State media discuss lesbianism and commitment ceremonies, and the official Legal Daily newspaper even reported on a survey showing that about half of lesbians had experienced violence from relatives or partners. Campaigners for gay marriage say they are gaining ground, though very slowly.' [21c]

- 22.19 The Cable News Network (CNN) reported in an article on 6 July 2012 about China's Ministry of Health lifting a 14-year-old ban on lesbians being able to donate blood, effective from 1 July 2012. The article added:

'The ban still applies to men who are sexually active with other men, but celibate homosexuals are permitted to give blood, according to the Ministry of Health's website. The original ban, enacted in 1998, barred homosexuals of both genders from donating blood out of a fear of spreading HIV and AIDS...The new regulations also include several other changes, including raising the age limit to 60, increasing the amount donated from 200 ml to 400 ml and shortening the required period of time between donations.' [95f]

TRANSGENDER PERSONS

- 22.20 The findings from the IGLHRC paper reported: 'Transgendered people face serious levels of police harassment in China. The transgendered community also faces particular difficulties in obtaining employment. The Chinese authorities are currently consulting on new rules on gender realignment surgery. In certain aspects these rules fail to meet international standards on individual autonomy and privacy.' [104a] (Transgendered People)

- 22.21 The same source cited the following incident, noting: 'In June-July 2009 police in Beijing detained a number of transgender people for up to 48 hours in targeted police action against the community. Although the reason for these recent detentions was expressed in terms of public order police action often targets transgender people as likely sex workers.' [104a] (p5 - Transgendered People)

22.22 The findings from the IGLHRC paper reported:

‘The transgendered community in China faces similar problems to the LGB population. In many instances the level of police harassment against transgendered people is considerably more serious and sustained. However the government has recently published a consultation on proposed new regulations on gender reassignment surgery. The broad effect of these regulations supports transgendered people’s right to seek and undergo gender reassignment surgery. However there are specific provisions which do not seem to comply with international standards of personal autonomy and the right to a private life.

‘Under Article 3.1 (1) there is a requirement that the patient is not currently under criminal investigation and under Article 3.1 (5) there is a requirement that the patient provide proof that he/she has informed his/her direct relatives of the prospective gender reassignment surgery. There is also a requirement under Article 3.2(2) that the patient lives and works in the gender he or she seeks reassignment to and under Article 3.2(4) that the patient not be in a marriage.

‘These stipulations present particular difficulties for transgendered people in China seeking to undergo gender reassignment surgery. For many transgendered people social hostility means that they find it difficult to obtain employment. The requirement that they not only live but also work in the gender into which they seek reassignment is a difficult requirement given the lack of protections against workplace discrimination on the basis of sexuality or gender identity. As many transgendered people struggle to find employment anecdotal evidence suggests that a sizeable percentage of the transgendered community work in the sex trade. Many are detained and charged by the police for prostitution and the stipulation against a patient being under criminal investigation means that for these members of the community they will not be able to undergo surgery. In the context of transgendered people’s relationship with their families many are disowned by their immediate relatives. While other jurisdictions also require married people who are undertaking gender reassignment surgery to divorce prior to the reassignment in many jurisdictions the person will then be able to enter into a civil or domestic partnership. In China the divorce requirement entails the loss of all the rights and responsibilities under a marriage with no alternative structure to replace that marriage. For this reason there are transsexual people who wish to undergo gender reassignment surgery but to retain their legal birth gender. At present the relevant Chinese regulations do not permit this.’ [104a] (p32-33 - Transgendered Issues)

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23. DISABILITY

23.01 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated that: ‘The Chinese government is inadequately protecting the rights of people with disabilities, despite its ratification of the Convention on the Rights of Persons with Disabilities (CRPD), and its forthcoming review by the treaty’s monitoring body.

‘In September [2011] a group of part-time teachers with disabilities requested that China’s Ministry of Education lift restrictions imposed by 20 cities and provinces on full-time employment of teachers with physical disabilities. On September 7 [2011], Henan officials freed 30 people with mental disabilities who had been abducted and trafficked

into slave labor conditions in illegal brick kiln factories in the province. The discovery cast doubt on official efforts to end such abuses in the wake of a similar scandal in Shaanxi in 2007.

'On August 10 [2011] the Chinese government invited public comment on its long awaited draft mental health law. Domestic legal experts warn the draft contains potentially serious risks to the rights of persons with mental disabilities, including involuntary institutionalization, forced treatment and deprivation of legal capacity.' [7b] (p321-322)

23.02 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

'The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities access to programs designed to assist them.

'The MCA [Ministry of Civil Affairs] and the China Disabled Persons Federation, a government-organized civil association, are the main entities responsible for persons with disabilities. In 2009 government officials confirmed that there were 83 million persons with disabilities living in the country. According to government statistics, in 2008 there were 3,731 vocational education and training facilities, which provided training and job-placement services for 774,000 persons with disabilities. More than 4.5 million persons with disabilities were employed in cities and towns; 17.2 million were employed in rural areas. Government statistics stated that 7.4 million persons with disabilities enjoyed "minimum-life-guarantee" stipends; nearly three million had social insurance.

'The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juvenile offenders. In 2007 the Ministry of Education reported that nationwide there were 1,618 schools for children with disabilities. According to NGOs [non-governmental organizations], there were approximately 20 million children with disabilities, only 2 percent of whom had access to special education that could meet their needs.

'According to the China Disabled Persons Federation, in 2010 more than 519,000 school-age children with disabilities received compulsory education, 68.2 percent of them in inclusive education, and 31.8 percent in 1,705 special schools and 2,775 special classes. NGOs claimed that while the overall school enrollment rate was 99 percent, only 75 percent of children with disabilities were enrolled in school. Nationwide, 243,000 school-age children with disabilities did not attend school. Nearly 100,000 organizations existed, mostly in urban areas, to serve those with disabilities and protect their legal rights. The government, at times in conjunction with NGOs, sponsored programs to integrate persons with disabilities into society.

'The physical abuse of children can be grounds for criminal prosecution. However, misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems. According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty.

'Unemployment among adults with disabilities remained a serious problem. Under the Employment Promotion Law, local governments are required to offer incentives to enterprises that hired persons with disabilities. Regulations in some parts of the country also require employers to pay into a national fund for the disabled when the employees with disabilities do not make up the statutory minimum percentage of the total workforce.

'Standards adopted for making roads and buildings accessible to persons with disabilities are subject to the Law on the Handicapped, which calls for their "gradual" implementation; however, compliance with the law was lax. Students with disabilities were discriminated against in access to education. The law permits universities to exclude otherwise qualified candidates from higher education.' [2c] (Section 6 – Section 6. Discrimination, Societal Abuses, and Trafficking in Persons - Persons with Disabilities)

(See also Section 25: Children - [Childcare and protection](#))

(See also Section 26: Family planning ('one child policy') - [Family planning law and other regulations](#), [Coercion \(Forced abortion/sterilisation\)](#))

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24. WOMEN

OVERVIEW

Basic statistical information can be obtained on the United Nations Children's Fund ([UNICEF](#)) [website](#) [29a]

24.01 The CIA World Factbook, updated on 10 September 2012, accessed on 18 September 2012, showed the population in China to be 1,343,239,923, as at July 2012. The male/female ratios were estimated in 2011 to be at:

'0-14 years: 17.6% (male 126,634,384/female 108,463,142)

'15-64 years: 73.6% (male 505,326,577/female 477,953,883)

'65 years and over: 8.9% (male 56,823,028/female 61,517,001)' [30a] (People and Society)

24.02 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index, Country Profile on China (SIGI China profile), undated, accessed on 24 May 2012, noted:

'China has an abnormally high ratio of men to women in its population. This is primarily the result of a combination of the one-child policy, and preference for sons, which leads to female sex-selective abortions, female infanticide or general neglect of girls in early childhood. Census data show that more than 40 million Chinese women were "missing" in 2000. The Chinese government has taken measures to try and address this imbalance. These include provisions in the 2002 National Population and Family-planning Law banning the use of ultrasounds to determine the sex of a foetus, and sex-selective abortions, as well as mistreatment and abandonment of female infants, and discrimination against women who give birth to girls. There have also been national and local-level campaigns to encourage people to change their attitudes regarding the benefits of male over female offspring, and providing financial assistance to couples

who only have girl children.’ [55a] China was ranked 42 out of 86 in the 2012 Social Institutions and Gender Index (SIGI). This compares to its ranking of 83 out of 102 in the 2009 Social Institutions and Gender Index. [55a]

(See also Section 26: [Family planning \('one child policy'\)](#))

24.03 The World Economic Forum, Global Gender Gap Index, 2011, ranked China 61st out of 135 countries (1 having the smallest gender gap and 135 the greatest). This took into account economic participation, opportunity, educational attainment, health and survival, and political empowerment. [87a] (p142 – China) In 2011 China also remained the second-lowest-ranking country on the health and survival subindex at 133rd, having no change in position from the previous year, This being, according to the Global Gender Gap Index, 2011 report ‘... the result of a disproportionate sex ratio at birth.’ Although there had been minor improvements over the last year, the report pointed out that: ‘... women’s labour force participation, at 74%, is high; men’s wages are growing faster than women’s wages.’ [87a] (p26)

24.04 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, observed that: ‘Chinese officials continue to actively promote the protection of women’s rights and interests in accordance with international human rights norms; however, due in part to ambiguity and a lack of clearly outlined responsibilities in China’s national-level legislation, women still encounter gender inequality, discrimination, and other abuses in the community, in the workplace, and at home.’ [28a] (p121 – Status of Women)

24.05 The concluding comments of 36th Session of the Committee on the Elimination of Discrimination against Women, dated 25 August 2006, noted a number of positive developments for women in China:

‘In particular, it welcomes the 2005 amendment to the Law on the Protection of Rights and Interests of Women, the 2001 amendment to the Marriage Law adding provisions in a number of areas, including on domestic violence, property of couples and relations among family members, the promulgation in 2002 of the Law on Contracting of Rural Land, which contains provisions for the allocation of land to married, divorced and widowed women, and the 2006 amendment to the Law on Compulsory Education. It also welcomes the Programme for the Development of Chinese Women (2001-2010), which makes gender equality a basic State policy for the enhancement of national social progress.

‘The Committee welcomes the active involvement of civil society in particular women’s non-governmental organizations, in the Hong Kong Special Administrative Region, in safeguarding the human rights of women.’ [15b] (p2 – Positive aspects)

24.06 Concerns noted by the Committee observed however, that:

‘... domestic legislation still does not contain a definition of discrimination against women, in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination, as already noted in its previous concluding comments (A/54/38/Rev.1), and that such a definition was not included in the Law on the Protection of Rights and Interests of Women, amended in 2005. While noting that the Convention is an integral part of Chinese law, the Committee is concerned that the State party is still not aware of the importance of such a definition and that the lack of a specific legal provision may constrain the application of the full scope of the

Convention's definition of discrimination in the State party.' [15b] (p2-3 – Principal areas of concern and recommendations)

Further information on the CEDAW Treaty and other China and UN Treaty Bodies can be located on the [Office of the United Nations High Commissioner for Human Rights \(OHCHR\)](#) website. [15a]

LEGAL RIGHTS

24.07 Article 48 of the [Constitution](#) states, 'Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural, and social, including family life.' [98a] China became a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 17 July 1980; which was ratified on 4 November 1980. (United Nations Treaty Collection, accessed 24 May 2012) [15c]

24.08 The Law of the [People's Republic of China on the Protection of Rights and Interests of Women](#) was adopted at the Fifth Session of the Seventh National People's Congress on 3 April 1992. It was then amended in accordance with the Decision on Amending the Law of the People's Republic of China on the Protection of Rights and Interests of Women adopted at the 17th meeting of the Standing Committee of the Tenth National People's Congress on 28 August 2005. [74f]

24.09 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted however, that: 'Women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems.' Adding:

'Authorities often did not enforce laws protecting the rights of women. According to legal experts, it was difficult to litigate a sex discrimination suit because the vague legal definition made it difficult to quantify damages, so very few cases were brought to court. Some observers noted that the agencies tasked with protecting women's rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment. Women's rights advocates indicated that in rural areas women often forfeited land and property rights to their husbands in divorce proceedings. Rural contract law and laws protecting women's rights stipulate that women enjoy equal rights in cases of land management, but experts argued that in practice this was rarely the case, due to the complexity of the law and difficulties in its implementation. In determining child custody in divorce cases, judges make determinations based on the following guidelines: Children under age two should live with their mothers; children two to nine years of age should have custody determined by who can provide the most stable living arrangement; and children 10 and over should be consulted when determining custody.'

[2c] (Section 6 – Women, Discrimination)

24.10 The SIGI China profile noted: 'Amendments to the Marriage Law in 2001 and the Law on the Protection of Women's Rights in 2005 incorporated provisions that explicitly prohibit domestic violence. Domestic violence is defined by the Chinese courts as any action that takes place "among members of a family, encompassing beating, binding, maiming, forcible deprivation of personal liberty, or other means resulting in physical or psychological injury to a family member".' [55a] (Restricted physical integrity)

- 24.11 The SIGI China profile also noted: ‘Amendments to the Law on the Protection of Women’s Rights in 2005 included provisions banning sexual harassment. Since then, the number of complaints of sexual harassment has increased significantly, according to the US Department of State.’ [55a] (Restricted physical integrity)

(See also Section 26: [Family planning \(‘one child policy’\)](#))

(See also Section 27: [Trafficking](#))

POLITICAL RIGHTS

- 24.12 Section 3 of the White Paper on the National Human Rights Action Plan of China (2012-2015), issued by the Information Office of the State Council of the People's Republic of China on 11 June 2012 observed that the State would continue promoting women's equal participation in the management of state and social affairs. Further noting:

‘The state will gradually increase the proportion of women representatives in the national and local people's congresses and political consultative conferences, and make sure that the people's congresses, governments, and political consultative conferences at the provincial and municipal levels as well as county-level governments include at least one female member in the leadership. The state will gradually increase the proportion of women holding principal positions in the leadership of local governments and departments at/above the county level, the proportion of women on boards of directors and boards of supervisors as well as the leadership of enterprises, and the proportion of women representatives at workers’ conferences and faculty congresses. There should also be a certain proportion of women members in village committees and community committees.’ [74e] (III. Rights of Ethnic Minorities, Women, Children, the Elderly and the Disabled)

- 24.13 There were no special restrictions on the participation of women or minority groups in the political environment. However, the USSD Report 2011 observed that:

‘... women held few positions of significant influence in the CCP [Chinese Communist Party] or government structure. Among the 2,987 delegates of the 11th NPC [National People’s Congress] (term 2008-13), 637 were women (21.3 percent of the total). There was one female member of the CCP’s 25-member Politburo, who also concurrently served as one of five state councilors. There were three women ministers within the 28 organs of the State Council: Minister of Supervision Ma Wen, Minister of Justice Wu Aiyang, and Head of the National Population and Family Planning Commission Li Bin. According to government-provided information, there were more than 230 female provincial and ministerial officials, more than 670 female mayors – twice the number in 1995 – and more than 15 million female CCP cadres (approximately one-fifth of the CCP membership).

‘The government encouraged women to exercise their right to vote in village committee elections and to run in those elections, although only a small fraction of elected members were women. In many locations a seat on the village committee was reserved for a woman, usually given responsibility for family planning. The election Law provides a general mandate for quotas for female and ethnic minority representatives; however, achieving these quotas often required election authorities to violate the election procedures specified in the election law. During the 2011-12 local people’s congresses elections, many electoral districts in which independent candidates campaigned used these quotas as justification to thwart the candidacies of these independent candidates.’ [2c] (Section 3 – Participation of Women and Minorities)

- 24.14 On 8 August 2011 Xinhua news reported in an article about Chinese women's participation in politics, and remarked:

'An official document released on Monday [8 August 2011] said that local governments above the county level should employ more women in leadership positions to ensure that the country's women are properly represented in political affairs. The Outline for the Development of Chinese Women (2011-2020) issued by the State Council, or China's cabinet, said that the central government will continue to boost women's participation in the management of state and social affairs, stressing that the number of female leaders should be gradually increased over the next decade. The document said that the government has set a target of enshrining the concept of gender equity into more laws over the next ten years. "At least 30 percent of the members of any given villagers' committee should be female, and at least 10 percent of the heads of villagers' committees should be women," the outline said. For members of urban neighborhood committees, the proportion of women should be around 50 percent, it said. The document promised to gradually increase the number of female officials in the leadership of China's central, provincial and city governments.' [13b]

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SOCIAL AND ECONOMIC RIGHTS

- 24.15 The SIGI China profile observed: 'Despite women in China making great strides in educational achievement and workforce participation, there is now growing concern that the gap between women and men's social and economic status is widening again in the wake of China's rapidly changing economic, social and political conditions. In addition, there remains a severe imbalance in the nation's sex ratios, indicating a significant number of "missing women," thought to be an outcome of the country's one-child policy.' [55a] (Background)
- 24.16 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated:
- 'Although the government acknowledges that domestic violence, employment discrimination, and discriminatory social attitudes remain acute and widespread problems, it continues to stunt the development of independent women's rights groups and discourages public interest litigation. A new interpretation of the country's Marriage Law by the Supreme People's Court in August 2011 might further exacerbate the gender wealth gap by stating that after divorce, marital property belongs solely to the person who took out a mortgage and registered as the homeowner, which in most cases is the husband.' [7b] (p323)
- 24.17 Section 3 of the White Paper on the National Human Rights Action Plan of China (2012-2015), observed:
- 'The state makes efforts to eliminate gender discrimination in employment and realize equal payment for men and women doing the same work. The state will strengthen special labor protection for female workers, timely revise the standards of special labor protection for women workers, and encourage the signing and implementation of special collective contracts for the protection of female workers' rights and interests in enterprises that have established labor unions.'

'Women's right to having equal access to economic resources and to participating in economic development is guaranteed. The state will make sure that women in rural areas enjoy equal rights with men in the contracting and management of land, use of rural homesteads and distribution of collective income.' [74e] (III. Rights of Ethnic Minorities, Women, Children, the Elderly and the Disabled)

Position of women in society

24.18 The New York Times reported in March 2012 that feminists, researchers and data from the All-China Women's Federation, which is appointed and run by the government to represent women's interests, recorded that China was '... home to one in five of the world's women, [and] is among the few countries where women are experiencing a rights rollback.' Adding:

'In the 1950s, women here enjoyed top-down gains bestowed by the Communist Party and Mao Zedong's maxim that "whatever male comrades can do, female comrades can do, too." The blinding shimmer of the last 35 years of economic gains obscures the fact that while Chinese women have benefited from the rising tide lifting all boats, they are in fact losing ground. Women's incomes are falling relative to men's; traditional attitudes are relegating women to the home; and women's net wealth may be shrinking. While female parliamentary representation elsewhere is rising, the percentage of women in China's national legislature, the National People's Congress, has flat-lined for decades at just over 20 percent.' [21a]

24.19 The Freedom House (FH) report, Freedom in the World 2012, China, covering events in 2011, published on 22 March 2012, stated: 'Several laws bar gender discrimination in the workplace, and gender equality has reportedly improved over the past decade, but a March 2011 survey by the New York-based Center for Work-Life Policy found that 48 percent of female respondents had scaled back their career ambitions or considered quitting their jobs because of perceived discrimination.' [26a]

24.20 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, observed that under China's family planning regulations women's productive rights were restricted, noting that:

'Administrative sanctions, fines, and forced abortions continue to be imposed, if somewhat erratically, on rural women, including when they become migrant laborers in urban or manufacturing areas, and are increasingly extended to ethnic minority areas such as Tibet and Xinjiang. These policies contribute to an increasing gender-imbalance (118.08 males for every 100 females according to the 2010 census), which in turn fuels trafficking and prostitution.' [7b] (p323)

(See also Section 25: Children - [Childcare and protection](#))

(See also Section 26: [Family planning \('one child policy'\)](#), [Enforcement](#) and [Single women](#))

Access to education and employment

24.21 Statistics cited by the United Nations Children's Fund (UNICEF), accessed on 13 July 2012, showed that the Chinese female adult literacy rate, as a percentage of males between 2005 and 2010, was ninety four percent. [29a] (Women)

24.22 The USSD Report 2011 noted:

'The UN [United Nations] Economic and Social Council reported that less than 2 percent of women between the ages of 15 and 24 were illiterate. According to 2008 official government statistics, women comprised more than 70 percent of all illiterate persons above the age of 15. In some underdeveloped regions, the female literacy rate lagged behind the male literacy rate by 15 percent or more.

'While the gap in the education levels of men and women narrowed, differences in educational attainment remained a problem. Men continued to be overrepresented among the relatively small number of persons who received a university-level education. According to Ministry of Education statistics, in 2008 women accounted for 50 percent of undergraduate students, 46 percent of postgraduate students, and nearly 35 percent of doctoral students. Women with advanced degrees reported discrimination in the hiring process as the job distribution system became more competitive and market driven.' [2c] (Section 6, Women – Discrimination)

24.23 With regards to employment the UN Women webpage on women's rights in China noted that: 'In China today, although more women are entering the workforce, many face insecure and unsafe working conditions with few prospects for advancement. Government pledges to change the situation are hampered by economic policies and institutions that are not yet gender-responsive' [94a]

24.24 The USSD Report 2011 noted:

'No law mandates nondiscrimination based on gender in hiring practices, and women in the labor force reportedly earned 37-47 percent less than men. Some labor unions claimed female employees suffered age discrimination and punitive action when they became pregnant. Although women faced workplace discrimination, they continued to occupy positions at all levels of the workforce. In a July labor-force survey, 58 percent of government officials, corporate executives, managers, and supervisors were women. The survey also revealed that of the 2.8 million unemployed persons, 37.4 percent were women.' [2c] (Section 6, Women – Discrimination)

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Marriage

24.25 The SIGI China profile, undated, accessed on 24 May 2012, noted that China's Marriage Law, amended in 2001, observed that the legal age of marriage is 20 years for women and 22 years for men, and stipulates that all marriages should be based on 'mutual consent'. And noted that, '... traditions of arranged and patrilocal marriages – meaning that the couple usually lives near or with the husband's family - remain common in much of rural China. [55a] Same-sex marriages however were not permitted. (The Guardian, 25 February 2009) [41f]

24.26 The Center for Reproductive Rights report, Women of the World: Laws and Policies Affecting their Reproductive Lives East and Southeast Asia, published on 7 January 2011, stated: 'Ethnic minorities in autonomous regions and prefectures may, with approval from a regional representative of the central government, alter resolutions, decisions, orders, and instructions to incorporate local practices regarding marriage and

family. In some national autonomous regions, for instance, the legal marriage age was changed to over 18 for women and over 20 for men.' [38a] (p54)

24.27 The website of the US Consulate General in Chengdu, China, accessed on 24 May 2012, noted:

'Marriages in China are registered according to the laws of China, regardless of the nationality of those being married. Marriage registration procedures are administered by the marriage registration office of the local civil affairs bureau (Minzhengju) in each jurisdiction... Upon receipt of an application to register a marriage, the civil affairs office will ascertain that both parties are of minimum marriageability age (generally 22 for men and 20 for women, though a higher minimum may be established by the local civil affairs office) and that both parties are single and otherwise free to marry. People who have been married before will be asked to submit original or certified copies of final divorce or annulment decrees, or of death certificates if widowed.' [60a]

24.28 The same source stated, 'Certain categories of Chinese citizens, such as diplomats, security officials, and others whose work is considered to be crucial to the state, are not legally free to marry foreigners. Chinese students generally are permitted to marry if all the requirements are met, but they should check with their school first.' [60a]

24.29 The USSD Report 2011 stated that: 'The law forbids the marriage of persons with certain acute mental illnesses, such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The law stipulates that local governments must employ such practices to raise the percentage of healthy births.' [2c] (Section 6 – Women)

(See also Section 26: [Family planning \('one child policy'\)](#), [Ethnic minorities](#) and [Single women](#))

Divorce

24.30 The Center for Reproductive Rights report of January 2011, noted:

'Husbands and wives can file for divorce jointly or separately, and a woman's right to seek a divorce is protected from interference. Grounds for divorce may include bigamy or cohabitation; domestic violence, maltreatment, or desertion; gambling or drug addiction; and other serious actions that destroy marital affections. Restrictions are placed on the ability of a husband to seek divorce. A husband cannot apply for a divorce while his wife is pregnant, within one year after the birth of a child, or within six months of a miscarriage or the termination of a pregnancy as required by the government's family planning policy. These rules apply unless a people's court determines that it is necessary to accept the husband's divorce request. A woman's ability to seek divorce during any of these periods is not restricted.

'Couples who did not register their marriage in accordance with the Marriage Law may be regarded as a married couple for the purpose of divorce proceedings if they fulfilled the criteria for marriage prior to the enactment of the Regulations on Marriage Registration on February 1, 1994; otherwise, the court is to treat such relationships as cohabitation. Where both spouses wish to divorce, the marriage registration office will issue divorce certificates after confirming the intentions of both parties and verifying that arrangements exist for the division of property and the care of children. When only one

spouse desires a divorce, he or she may either request mediation or appeal to a people's court to initiate divorce proceedings.' [38a](p54-55)

24.31 The SIGI China profile, undated, accessed on 24 May 2012, noted:

'Under the amended Marriage Act, parental responsibility is shared equally. In the event of a divorce, the parent who is not awarded custody has a legal right to maintain contact with his or her children, as well as a legal responsibility to provide financial support to their ex-spouse and children, if such support is needed. It would appear that custody decisions by the court are made in the best interests of the child, although information was not available as to whether in practice, family courts favour mothers or fathers in child custody disputes. Women have the same right as men to pass Chinese citizenship on to their children.' [55a]

24.32 The same source added: '... marital property is governed by the Marriage Law. Following the 2001 amendments, this law allows for separate property but also stipulates that husbands and wives shall have equal right to manage and dispose of property that is owned jointly. However, in the event of divorce, it is common for women in rural areas to be forced to forfeit both their land and property rights to their husbands.' [55a]

24.33 In November 2010 The National Public Radio (NPR) published an article which focused on the increased of divorces in China, noting that one in every five Chinese marriages now ended in divorce, which is double the rate from a decade ago. The article noted:

'Beijing has the highest divorce rate nationwide, with 39 percent of all marriages ending in a split. This trend is sparking concern. Experts fear that the divorce rate will continue to soar, particularly among the younger generation of Chinese born under the country's one-child policy and during China's explosive economic growth... Some experts blame financial considerations – and the rising price of housing – as factors behind the surge in lightning marriages, and lightning divorces. Given these money worries, young people may see economic benefits of moving in together as soon as possible, to get out of the parental home and to save money. Even after marriage, many couples remain financially dependent on their parents, causing more problems.' [76a]

24.34 The same NPR article noted: 'Until eight years ago, a married couple needed permission from their work unit to divorce, and many stayed in unhappy relationships for decades, scared of social ostracism. Unlike their parents' generation, young Chinese dare to fall in and out of love; they're reveling in these newfound freedoms, even the freedom to divorce.' [76a]

24.35 In some of China's prosperous cities, potential grooms have reportedly been vetted to assess their financial stability; with those more favourable owning their own property and having a lucrative income. In response to this, China's Supreme Court ruled that the person who buys the family home, or the parents who advance them the money, will get to keep the property in the case of a divorce. The Telegraph, which reported this story in August 2011, cited Hu Jiachu, a lawyer in Hunan province as saying:

"Hopefully this will help educate younger people, especially younger women, to be more independent, and to think of marriage in the right way rather than worshipping money so much,'. The ruling should also help relieve some of the burden on young Chinese men, many of whom fret about the difficulty of buying even a small apartment. China's huge

property bubble has driven property prices in Shanghai up to £5,000 per square metre when annual salaries average just £6,000.’ [25b]

The Center for Reproductive Rights report, [Women of the World: Laws and Policies Affecting their Reproductive Lives East and Southeast Asia](#), 7 January 2011, provides further information on China’s marriage and divorce laws. [38a] (p53-56)

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REPRODUCTION AND ABORTION RIGHTS

This Section should be read in conjunction with Section 28: [Family planning \(‘One child policy’\)](#)

24.36 The SIGI China profile noted:

‘Women and men have equal rights to use and access information about contraception, and the state has a legal responsibility to provide family planning services; as such, there is a comprehensive network of family planning and reproductive health clinics across the country. However, under the one-child policy, couples do not have the right to choose the number of children they wish to have. The 2002 National Population and Family-planning Law (which replaced earlier legislation) stipulates that couples may only have a second child if they reach certain criteria (e.g. if both parents are themselves only children), although the way the law is applied varies significantly.’ [55a] (Restricted physical integrity)

VIOLENCE AGAINST WOMEN

Domestic and sexual violence

24.37 UN Women noted that: ‘Domestic violence is prevalent in China and, although the Chinese government and civil society are addressing its adverse impacts, enforcing policies and laws to prevent and respond to domestic violence remains a challenge.’ [94b]

24.38 The USSD Report 2011 noted:

‘Violence against women remained a significant problem. According to reports, 30 to 37 percent of families suffered from domestic violence, and more than 90 percent of the victims were women. The government supported shelters for victims of domestic violence, and some courts were beginning to provide protections to victims. However, official assistance did not always reach victims, and public security forces often ignored situations of domestic violence. The All China Women’s Federation (ACWF) reported in 2010 that it received 50,000 domestic violence complaints annually. Spousal abuse typically went unreported; an ACWF study found that only 7 percent of rural women who suffered domestic violence sought help from police. While domestic violence tended to be more prevalent in rural areas, it also occurred among the highly educated urban population. The ACWF reported that approximately one-quarter of the 400,000 divorces registered each year were the result of family violence...

‘Both the Marriage Law and the Law on the Protection of Women’s Rights and Interests have stipulations that directly prohibit domestic violence; however, some experts complained that the stipulations are too general, fail to define domestic violence, and are difficult to implement. Because of the judicial standard of ruling out “all

unreasonable doubt,” even if a judge was certain that domestic violence was occurring, he or she could not rule against the abuser without the abuser’s confession. Only 10 percent of accused abusers confessed to violent behavior in the family, according to 2009 data from the Institute of Applied Laws, a think tank associated with the court system. Collecting evidence in domestic violence cases remained difficult: The institute reported that 40 to 60 percent of marriage and family cases involved domestic violence; however, less than 30 percent were able to supply indirect evidence, including photographs, hospital records, police records, or children’s testimony. Witnesses seldom testified in court.’ [2c] (Section 6 – Women)

24.39 In an article by Xinhuanet News in November 2011, highlighting the prevalence of domestic violence in China, it reported that: ‘According to a survey conducted by the All-China Women’s Federation (ACWF) and the National Bureau of Statistics last December, about 24.7 percent of women have experienced domestic abuse, in the form of verbal humiliation, physical assault, deprivation of personal freedom, illegal control of income or marital rape.’ [13d]

24.40 The China Daily also reported in August 2012 on the incidence of domestic violence in China, noting that it ‘... affects families of all ethnic backgrounds and social spheres. But its impact is not restricted to families. It extends to society as a whole.’ Adding:

‘According to a survey, one-third of China’s households have to cope with domestic violence, both physical and psychological. A china law institute survey in Gansu, Hunan and Zhejiang provinces found that one-third of the responding families had witnessed family violence, and that 85 percent of the victims were women. The surprising thing is that only 5 percent of the people surveyed said their marriage was unhappy, because not only men, but also many women consider violence a normal part of family life.

‘An All-China Women’s Federation survey (ACWF) found that domestic violence takes place predominantly in young families and households with low educational levels in rural areas. Physical violence is more common in rural areas, and emotional abuse in cities.

‘Women in China have made significant progress in recent times. But the idea that women should be subordinates to men at home and in society is still prevalent among people. And since men consider themselves the family breadwinners, they assume the right to maintain order at home by using violence.’ [14b]

24.41 The Freedom house, Freedom in the World 2012 report stated: ‘Domestic violence affects one-quarter of Chinese women, according to statistics published in October 2011 by the CCP-controlled All-China Women’s Federation. That month, the group submitted a draft for a national law that would identify domestic violence as a crime; it is currently addressed inadequately via scattered provisions in other laws.’ [26a]

24.42 Want China Times, a Taiwan based China news website, stated in an article on 2 July 2012 that:

‘The Beijing Red Maple Women’s Psychological Consultation Service Center, an NGO [non-governmental organisation] dealing with domestic violence, employment and psychological issues among women, has begun a circuit tour to raise public awareness on the former issue. As part of the project, the center released the latest findings on domestic violence, based on research by Sun Yat-sen University in southern Guangzhou, reported the Guangzhou Daily.

'Of the 1,858 respondents to a survey conducted jointly with Lady, a women's website, 54.6% said they suffered from domestic violence. Women made up 90% of these victims.

'This incidence level is more than twice the 24.7% reported by the All-China Women's Federation, said Hou Zhiming, deputy director of the Red Maple center and chief of China Law Society's anti-domestic violence network. The respondents to the Lady survey were relatively young, as well as better educated than the average Chinese woman.' [85a]

24.43 The USSD Report 2011 added:

'The number of victims' shelters grew. According to ACWF statistics, in 2008 there were 27,000 legal-aid service centers, 12,000 special police booths for domestic violence complaints, 400 shelters for victims of domestic violence, and 350 examination centers for women claiming to be injured by domestic violence nationwide. The government operated most shelters, some with NGO participation. During the year the government provided 680,000 office spaces in government buildings for women's resource centers.' [2c] (Section 6 – Persons with disabilities)

24.44 Xinhua News Agency reported in November 2011:

'The frequent reports of domestic violence have inspired China's lawmakers to act. According to a report approved by China's top legislature on Oct. 29, lawmakers are considering whether to draw up a separate law against domestic violence. If brought into practice, the proposed law will be the first of its kind in China, though there is still no timetable for its promulgation. Law experts say such a law would allow police to crack down on abusers and give people... more solid grounds to prosecute... Before the law is put in place, abused women can rely on mechanisms such as hotlines and sanctuaries put into place by governments and various women's rights organizations.' [13e]

24.45 The China Daily article of August 2010 noted:

'There has been some progress in recent years on this issue in China. Roadside and subway advertisements condemning the scourge of domestic violence are part of the governments' efforts to call attention to the situation. Besides, special refuges and community support groups for victims of domestic violence are increasing in number.

'The ACWF has been playing a significant role to get domestic violence included in legislation and policymaking processes. Plus, an alliance of civil society organizations has been established under a project called "Domestic Violence in China: Research, Intervention and Prevention". The alliance has taken some innovative actions to eliminate domestic violence.

'In August 2008, China's first court order on protection of personal safety was issued in Wuxi, Jiangsu province. The order prohibited a husband from beating or intimidating his wife. This was the first time a court granted judicial protection for personal safety in a civil case.' [14b]

24.46 The USSD Report 2011 further observed that: 'Rape is illegal, and some persons convicted of rape were executed. The law does not recognize expressly or exclude spousal rape. The government has not made available official statistics on rape or

sexual assault, leaving the scale of sexual violence difficult to determine. Migrant female workers were particularly vulnerable to sexual violence.’ [2c] (Section 6 – Women)

(See also Section 25: Children - [Female infanticide](#))

(See also Section 26: Family planning (‘one child policy’) - [Coercion \(Forced abortion/sterilisation\)](#))

(See also Section 28: Medical Issues - [Mental health](#))

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Trafficking

This Section should be read in conjunction with Section 25: Children – [Child abduction and trafficking](#) and Section 27: [Trafficking](#)

24.47 In January 2011 China.org reported that the number of Chinese women trafficked overseas and forced into prostitution had increased amid an increasing presence of international crime groups, according to a senior police officer. Adding:

‘The women, mostly from poor rural areas, were trafficked mainly for forced marriage or forced prostitution, Chen Shiqu, director of the anti-human trafficking office under the Ministry of Public Security, said. Forced marriages in poor areas of Southwest China’s Yunnan and Guizhou provinces were behind most of the trafficking, he said. “But there has been a growing trend for organized transnational human trafficking crime groups to target Chinese women for forced prostitution in foreign countries,” Chen told China Daily. A majority of the targeted women were from poor rural areas in China and were trafficked to Southeast Asia, Europe and Africa, Chen said but declined to provide specific figures. But he cited statistics from Malaysian police as saying a total of 5,453 Chinese women suspected of engaging in prostitution were detained by the end of November [2010].’ [74g]

(See also Section 8: Security forces – [Organised crime](#))

HEALTH AND WELFARE

This Section should be read in conjunction with Section 23: [Disability](#) for further information about the treatment of children with disabilities.

24.48 An article on the website of the International Women’s Day, dated 8 March 2011 which focused on the high rate of female suicides in China, reported that:

‘Suicide is a leading cause of death for Chinese women, and China is the only country in which the suicide rate for females is higher than for males. According to Qinghua sociology professor Jing Jun, the suicide rate in China’s countryside is three times higher than in big cities, while the suicide rate among women in China is 25 percent higher than the male suicide rate. Suicide is the leading cause of death for the 15-34 age group. Jing said many survivors of suicide attempts whom he has interviewed didn’t want to die but had acted in a moment of passion. Around 90 percent of suicides and attempted suicides in Western countries involve some kind of mental health problem, while in China, only 60 percent do. Liao Tianqi, deputy publisher of the U.S.-based Chinese-language online magazine “Observe China” said growing social problems were

putting an additional mental strain on women. Rural suicides [were] more common than those in the city. Stress and depression are the cause of up to 80 percent of the suicide attempts. More than 287,000 people end their own lives in China each year. China has the highest rate of female suicide in the world, with most women who decide to end their own lives coming from less well-educated rural backgrounds. The most common means they use to end their lives is the swallowing of pesticides. The social factor may be due to the status of women. Economically, rural women are still not quite independent and do not have economic power. Family violence is also a cause in many cases.’ [108a]

24.49 The USSD Report 2011 stated:

‘A high female suicide rate continued to be a serious problem. There were approximately 590 female suicides per day, according to a Chinese Centers for Disease and Control and Prevention report released in September. This was more than the approximately 500 per day reported in 2009. The report noted that the suicide rate for females was three times higher than for males. Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, birth-limitation policies, and other societal factors contributed to the high female suicide rate. Women in rural areas, where the suicide rate for women was three to four times higher than for men, were especially vulnerable. Government research indicating that 58 percent of all suicides involved the use of pesticide led to the implementation of a trial program in Hunan and Zhejiang provinces to control its sale and storage to attempt to reduce suicide attempts.’ [2c] (Section 6 – Women)

24.50 The Epoch Times reported on 8 September 2011:

‘Suicide is the 5th leading cause of death in China but it has become the leading cause of death among people aged 15 to 34.

‘The unusually high suicide rate among Chinese youth and young adults has been attributed to intense academic and employment pressure. High school and college students, as well as young parents, are the groups suffering under the most pressure in China, a Sichuan News commentary opined in a Sept. 8 piece.

‘Students are stressed by a heavy academic burden, body growth, emotions, and prospects for employment, while young parents face pressure from high costs of living, their job, and their children’s education, it said. The article also attributes the high suicide rate to the current education system in China, a system that emphasizes grades and status at the expense of societal relations.’ [109a]

24.51 The SIGI China profile stated: ‘The 2006 CEDAW report states that there are 2700 women’s legal assistance centres available to support women wishing to press charges in domestic violence cases, as well as helplines and emergency accommodation provided by NGOs [non-governmental organisations] and by the government. In June 2009, the Domestic Violence Ordinance was expanded to include abuses at the hands of present or former cohabitants and relatives who do not live in the same premises.’ [55a] (Restricted physical integrity)

24.52 Tieying Hospital in the Fengtai district of Beijing was the first equipped hospital in China with a rescue programme to specialize in assisting victims of domestic violence. The hospital has over 400 staff with specialist training to deal with domestic violence. Over 200 women have received treatment from the hospital since the programme began. (China Daily, 30 June 2010) [14c]

(See also subsection on [Violence against women](#))

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25. CHILDREN

OVERVIEW

Basic statistical information can be obtained on the United Nations Children's Fund ([UNICEF](#)) [website](#) [29a]

25.01 The CIA World Factbook, updated on 10 September 2012, accessed on 18 September 2012, showed the population in China to be 1,343,239,923, as at July 2012. The male/female populations were estimated in 2011 to be:

'0-14 years: 17.6% (male 126,634,384/female 108,463,142)

'15-64 years: 73.6% (male 505,326,577/female 477,953,883)

'65 years and over: 8.9% (male 56,823,028/female 61,517,001)' [30a] (**People and Society**)

25.02 China became a signatory to the Convention on the Rights of the Child (CRC) on 29 Aug 1990; which was ratified on 2 March 1992. [15d] On 10 June 1997, the Secretary-General received communications that the Convention will also apply to the Hong Kong Special Administrative Region and on 27 April 1999, the Government of Portugal informed the Secretary-General that the Convention would apply to Macao. (United Nations Treaty Collection, accessed 24 May 2012) [15d]

25.03 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

'The government restricted the rights of parents to choose the number of children they have. National law prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations resulted in instances of local family-planning officials using physical coercion to meet government goals. Such practices included the mandatory use of birth control and the abortion of unauthorized pregnancies. In the case of families that already had two children, one parent was often pressured to undergo sterilization.' [2c] (**Section 6 – Reproductive Rights**)

25.04 Statistics on the United Nations Children's Fund (UNICEF) website on China's gender equality, undated, accessed on 20 July 2012, showed that in 1982, 108 boys were born for every 100 girls in China. More currently however, about 118 boys are born for every 100 girls. [29c]

(See also Section 26: [Family planning \('One Child Policy'\)](#))

25.05 UNICEF reported that:

'Some families are choosing boys and, after children are born, many families also treat boys differently from girls. Families often have lower expectations of girls, compared to boys. Girls consequently receive fewer family resources, a situation that prevents them from reaching their full potential.

'Girls may also lack social support and protection against certain risks to which they are more vulnerable than boys, like sexual exploitation and trafficking. They may also be unable to access to adequate services for maternal-child health, prevention of mother-to-child transmission of HIV, and other medical care specific to girls and women.' [29c]

25.06 According to UNICEF's webpage on China's child welfare systems, undated, accessed on 20 July 2012, it stated: 'Over the last thirty years, China has made enormous progress in raising living standards. Nonetheless, according to World Bank estimates, 100 million children in China remain in poverty.' [29b] Save the Children's webpage on China, undated, accessed on 19 July 2012, noted also that 'Although the standard of living in China has risen over the past 30 years, there are widening gaps between rich and poor, and urban and rural areas. Two-thirds of China's 367 million children live in rural areas. Many of them, especially those from minority ethnic groups, live in remote areas and lack access to good quality health services and education.' [79a]

25.07 With regards to employment of children the USSD Report 2011 noted: 'The law prohibits the employment of children under the age of 16, but child labor remained a problem. The government does not publish statistics on the extent of child labor. However, based on print media and online reports, manufacturing in the electronics industry appeared to have the most prevalent use of child labor, although many reports indicated it occurred in a number of sectors.' [2c] (Section 7c – Prohibition of Child Labor and Minimum Age for Employment)

(See also Section 25: Children - [Childcare and protection](#))

(See also Section 26: [Family planning \('one child policy'\)](#))

(See also Section 31: Freedom of movement - [Household registry \(hukou\)](#))

Basic legal information

25.08 Chapter 2, Article 34 of the [Constitution](#) states 'All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence, except persons deprived of political rights according to law.' [98a]

25.09 The US Library of Congress (LoC) Profile on human rights in China, updated on 25 July 2012, accessed on 26 July 2012, stated:

'The People's Republic of China (PRC) declares that it protects a wide range of children's rights through domestic legislation and by ratifying and joining the relevant international treaties. The PRC Constitution provides for the state protection of children, and prohibits maltreatment of children. Among many laws and regulations providing children's rights protection, the primary law in this field is The PRC Law on the Protection of Minors (first passed in 1991, revised in 2006) (Minors Protection Law). The newly revised Minors Protection Law entered into force on June 1, 2007. This law sets up responsibilities of the families, the schools, and the government with regard to the protection of children's rights, and judicial protection, as well.' [11b]

25.10 The US Library of Congress (LoC) Profile further observed:

'Eighteen is the age of majority in China. Under the Minors Protection Law, "minors" are defined as citizens less than eighteen years old. The civil law of China provides that

people above eighteen years old and those from sixteen to eighteen who make a living on their own have full civil conduct capacity. People aged from ten to eighteen have limited capacity of civil conduct, and may only engage in civil activities appropriate to the age range and intellect. People under ten years old have no civil conduct capacity.' [11b]

- 25.11 The LoC Profile added: 'Article 15 of the Labor Law prohibits an employer to recruit minors under the age of sixteen, with exception made for institutions of literature, art, physical culture, and special crafts which may recruit minors through investigation and approval of the government authorities, and must guarantee the minors' rights to compulsory education. Using child labor without government approval may result in RMB 5,000 (equivalent to about USD \$660) fine per child worker per month.' [11b] (Child Labor and Exploitation)
- 25.12 The USSD Report 2011 noted: 'Citizenship is derived from the parents. Parents must register their children in compliance with the national household registration system within one month of birth. Children not registered cannot access public services. No data was available on the number of unregistered births.' [2c] (Section 6 – Children)
- 25.13 China is a signatory to the UN Convention on the Rights of the Child, but in its concluding observations on China dated 24 November 2005, the UN Committee on the Rights of the Child stated, 'While welcoming the significant progress made with respect to legislative reform in mainland China, the Committee is concerned that not all laws applicable to children fully conform to the Convention.' [32b] (p2) It also reported:

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

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LEGAL RIGHTS

- 25.14 Article 17 of the Criminal Law of the People's Republic of China, Adopted at the Second Session of the Fifth National People's Congress on July 1, 1979, Revised at the Fifth Session of the Eighth National People's Congress on March 14, 1997, states:

'If a person who has reached the age of 16 commits a crime, he shall bear criminal responsibility.

'If a person who has reached the age of 14 but not the age of 16 commits intentional homicide, intentionally hurts another person so as to cause serious injury or death of the person, or commits rape, robbery, drug- trafficking, arson, explosion or poisoning, he shall bear criminal responsibility.

'If a person who has reached the age of 14 but not the age of 18 commits a crime, he shall be given a lighter or mitigated punishment.

'If a person is not given criminal punishment because he has not reached the age of 16, the head of his family or his guardian shall be ordered to discipline him. When necessary, he may be taken in by the government for rehabilitation.' [28b]

- 25.15 The US Library of Congress (LoC) Profile on human rights in China, updated on 25 July 2012, accessed on 26 July 2012, stated:

'The Minors Protection Law requires the judiciary to protect minors' legal rights during judicial proceedings. There are ten articles in this law specifically dealing with judicial protection. Unfortunately, most of these legislative declarations are not enforced effectively in practice.

'Article 51 of the Minors Protection Law provides prompt trial of cases brought by minors whose lawful rights and interests are injured. However, no specific time line is found in this law to decide how prompt the case shall be brought to trial. This article also requires the legal aid institutions or the courts to provide legal aid to the minors, which in practice is yet not fulfilled. Article 52 requires the court to protect the property rights of the minors, and respect the minors' wishes in handling the disputes over foster care. This article just repeats existing laws. Article 57 provides separate custody or imprisonment of minors from an adult jail or prison population, and provides for compulsory education for minors in prison. Article 55 requires the judiciary to appoint a special institution or personnel to handle juvenile cases. Up to 2007, China is reported to have organized 2420 juvenile tribunals in the courts around the country. Broadcasting of any information on minor criminal offenders is prohibited.' [11b] (Juvenile Justice - Judicial Protection of the Juvenile)

- 25.16 The USSD Report 2011 noted, 'The law requires juveniles be housed separately from adults, unless facilities are insufficient. In practice children were sometimes housed with adult prisoners and required to work.' The report also noted, 'Beating deaths occurred in administrative detention and RTL [Re-education Through Labor] facilities. Detainees reported beatings, sexual assaults, lack of proper food, and no access to medical care.' [2c] (Section 1c - Prison and Detention Center Conditions)

(See also Section 12: [Prison conditions](#))

“Black” children or “hei haizi” (unregistered children)

- 25.17 A Report by Plan International and the University of Highland and Islands (UHI), Perth College, 'Mother to Child, How Discrimination Prevents Women Registering the Birth of their Child', published in March 2012, stated that: 'In China the regulations on birth registration are part of the family planning regulations and are the responsibility of the provinces. While it is the case that there is not a direct legal barrier to a single mother registering her child, it is also illegal in most provinces for a woman to give birth out of wedlock and there are heavy fines for doing so.' [96a] (p25 - The Legal Picture: Birth Registration - Asia)
- 25.18 The report also noted that children born from a pregnancy contravening the family planning regulations were known as “black” children or hei haizi, i.e., unregistered children' [96a] (p26)

25.19 Plan International, an organisation campaigning for birth registration around the world, described on their website the government's policy and practice on birth registration in China, noting that:

'From 1953 to 2006, township governments were responsible for rural birth registration and the public security departments for urban registration. Under the law, a child had to be registered within 30 days of their birth at the registry office for their permanent residence by household heads, relatives, foster carers or neighbours. Currently, every birth in China has to be registered in the police station covering the parents' household. Registration requires:

- 'a medical birth certificate; since 1996, this has been issued by the Ministry of Public Health through the hospital or facility where the child is born
- 'a family planning service booklet or bearing certificate; these are given to women after their check up by family planning departments
- 'the parent's household booklet or resident identity card, issued by public security departments.

'Operation and implementation

- 'China is highly centralised and local governments act in line with the central government.
- 'The procedure for birth registration is complex: acquiring the relevant documentation to register a birth is complex and strict; and three departments are involved, each with its own rules and routines. There are also special procedures for adopted children and those born to floating populations. However, the procedure of registration is simple during the census.' [88a]

25.20 The joint Plan International and University of Highland and Islands, Perth College report of March 2012 noted: 'The situation in China stands out as distinct from the other Asian countries. The evidence suggests that it is rare for a single woman to give birth in China due to the family planning restrictions and also due to the fact that having a child would reduce her likelihood of finding a husband. Instead "the vast majority" of pregnancies out of wedlock are terminated.' [96a] (p26 – Practice: Asia)

25.21 Officials from the Shenzhen Bureau of Human Resources and Social Security, located in Guangdong Province, said that new policies in the city had allowed university graduates more freedom in obtaining household registration because restrictions had been relaxed. Reporting on this, the China Daily, observed in an article in April 2012 that:

'Under the new policy, graduates applying do not have to come from a list of approved universities. "We should cancel the limitation and empower employers to recruit personnel, because they know who they need." said Li Ming, deputy head of the bureau. Meanwhile, anyone who takes up agricultural work as a registered agricultural household permit holder can also apply for a[n] urban hukou in Shenzhen. The new policy features a credit system to evaluate the quality of migrant labor instead applying restrictions on certain professions. [A] Migrant worker who scores 100 points or above can file an application for Shenzhen hukou.' [14j]

25.22 In August 2010 New Delhi Television (NDTV) reported that a spokesperson for Beijing Municipal Commission was quoted in China Daily as saying that parents had been warned that if they failed to register the birth of a second child before 1 November 2010 the child would not be granted citizenship. Additionally, those who did register the births of their extra children would face 'only minimal fines'. [89a]

25.23 In an article dated 14 June 2010, Radio Free Asia reported:

'Authorities in the Chinese capital have said that children born outside strict family planning quotas or out of wedlock will have an amnesty on household registrations ahead of a nationwide census in November. The census, the sixth nationwide population count under the ruling Communist Party, will run from November 2010 to June 2012, official media reported. "People who violated family planning policies can apply for household registration by taking the opportunities of the census," the official English-language China Daily newspaper quoted Gu Yanzhou, deputy director of the Beijing Statistic Bureau, as saying. He said census officials would not pass on such information to family planning departments to provide a basis for fines, which are also commonly levied on mothers giving birth outside the rules.

'Experts said the benefits appear to be extended across the nation, but don't represent a step forward for the rights of China's citizens. "This doesn't represent a step forward," said Deng Xiaogang, associate professor with the department of sociology at the University of Massachusetts in Boston. "It is the correction of illegal actions." Beijing-based lawyer Cheng Hai, who specializes in China's household registration, or "hukou," system agreed. "According to our household registration law and the marriage law, children born out of wedlock have the same rights as those born to a married couple," Cheng said. "Any child can be registered by any of its relatives." "The policies of the past few decades in which children born out of wedlock have been refused household registration are in fact contravening this rule; these are policies put into practice at a local level." "Any child born in China should be able to get a household registration here." [73a]

25.24 In an article dated 1 November 2010, The Globe and Mail reported:

'In an effort to persuade families to admit the real size of their families, the government has promised to collect reduced fines from families that reveal their "extra" children during the census period... While Mr. Li and others like him say that, for reasons of principle, they want to register their second children for the census without paying any fine at all, many other parents appear eager to take advantage of the semi-amnesty on offer. In the southern city of Guangzhou, an industrial hub that's a magnet for migrant workers from the poor countryside, police had to set up special processing centres to deal with the number of parents who came forward with unregistered children in the weeks before the Nov. 1 start of the census. According to local media reports, some of those registered for the first time were already teenagers, hinting at the lengths some families have gone to in order to keep secret their decision to break the one-child rule... The government says part of the motivation for reducing the penalty is to get an accurate grasp of the number of children living among the tens of millions of migrant labourers who exist on the fringes of swelling cities such as Beijing, Guangzhou and Shanghai.' [75a]

(See also Section 26: [Family planning \('one child policy'\)](#), [Single women](#))

(See also Section 29: Freedom of movement [Household registry \(hukou\)](#))

VIOLENCE AGAINST CHILDREN

This Section should be read in conjunction with Section 24: Women – [Violence against women](#)

- 25.25 In its concluding observations on China dated 24 November 2005, the UN Committee on the Rights of the Child stated, ‘The Committee is concerned about the limited information available with regard to abuse, neglect and maltreatment of children in mainland China as well as the limited number of programmes available to combat violence and provide assistance to victims.’ [32b] (p10)

Female infanticide

- 25.26 The USSD Report 2011 noted: ‘The Law on the Protection of Juveniles forbids infanticide; however, there was evidence that the practice continued. According to the National Population and Family-planning Commission, a handful of doctors have been charged with infanticide under this law. Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth limitation policy.’ [2c] (Section 6 – Children - Infanticide)
- 25.27 In its concluding observations on China dated 24 November 2005, the UN Committee on the Rights of the Child stated that ‘it remains concerned that selective abortions and infanticide as well as the abandonment of children, in particular girls and children with disabilities, continue as negative consequences of existing family planning policies and societal attitudes.’ [32b] (p5)

(See also Section 24: Women - [Violence against women](#))

(See also Section 26: Family planning (‘one child policy’) - [Coercion \(Forced abortion/sterilisation\)](#); and following subsection on Child abduction and trafficking)

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Child abduction and trafficking

This Section should be read in conjunction with Section 24: Women – [Trafficking](#) and Section 27: [Trafficking](#)

- 25.28 China is a source, transit, and destination country for children. According to the US State Department’s (USSD) Trafficking in Persons Report 2012, published on 19 June 2012: ‘There continue to be reports that some Chinese children are forced into prostitution, and various forms of forced labor, including begging, stealing, and work in brick kilns and factories. Some children in work-study programs supported by local governments have been reported to face conditions of forced labor in factories and farms.’ [2f] (Country Narratives A-C, p118)
- 25.29 The online edition of the Guardian newspaper reported in November 2011 that: ‘There is a thriving underground market in children in China – mostly involving buyers who either want more children or want them as slave labour – that endures despite harsh penalties for traffickers, including death. The country’s one-child policy limits most urban couples to a single child and rural families to two.’ [41e]

- 25.30 The Guardian article added that Police in eastern China had ‘shut down a human trafficking ring involving low-income migrant couples who were selling their babies’ according to a state-run newspaper. The Guardian added:
- ‘Police in Zoucheng, Shandong province, found last month that 17 infants had been sold in the city to Chinese buyers, according to the Global Times newspaper. Police rescued 13 babies and sent them to welfare centres and a search was under way for the other four, the paper said. The report cited an investigating police officer as saying the couples were mainly migrants who had moved from poorer areas in Sichuan province in south-west China to Zoucheng to seek work.’ [41e] The investigating officer, Chen Qingwei, was also cited as saying that ‘...baby boys could be sold for up to 50,000 yuan (£4,900), while the price for girls was 30,000 yuan, much more than the parents could earn from farming.’ [41e] Further noting that ‘In July [2011] authorities in southern China rescued 89 trafficked minors, including one as young as 10 days old, and arrested 369 suspects after uncovering two child trafficking gangs.’ [41e]
- 25.31 On 7 December 2011 the British Broadcasting Corporation (BBC) reported on another police operation, noting:
- ‘Police in China say they have rescued nearly 200 children after uncovering two child-trafficking gangs. More than 600 people were arrested in raids in 10 Chinese provinces. A BBC correspondent in Beijing says the staggering numbers in the investigation reveal the scale of the country’s child-trafficking problem. Critics blame China’s one-child policy and lax adoption laws, which they say have created a thriving underground market for buying children.
- ‘The Ministry of Public Security said 178 children had been rescued in the joint investigation. It did not give their ages and said they were being cared for while officials sought to trace their parents. The ministry described the crackdown as “one of the biggest victories for anti-trafficking”. A statement said 5,000 police had co-operated for six months before arresting suspects last week. “Police departments will continue to crack down on child trafficking and ensure that involved children are kept out of the reach of buyers,” the statement said. It appears police stumbled on one trafficking gang while investigating a road accident in the southern province of Sichuan in May. Links were found to at least 26 other trafficking gangs in China, the statement said. A second gang was uncovered in August in the south-eastern province of Fujian. The BBC’s Michael Bristow in Beijing says it remains unclear how many more cases remain undiscovered.’ [9f]
- 25.32 In July of 2012 Chinese authorities also broke up two major child trafficking operations. 802 people were arrested and 101 children were freed, according to officials, as reported by the Cable News Network (CNN). CNN also reported that: ‘The raids took place Monday evening [2 July], involved over 10,000 police officers and were coordinated in 15 provinces, including Hebei, Shandong, Sichuan, Fujian, Henan and Yunnan, according to a statement from the country’s Public Security Ministry. A “Class A fugitive” accused of trafficking some 100 children was among those arrested, it said.’ [95a]
- 25.33 When reporting on the same incident, the Daily mail stated: ‘Critics blame lax adoption laws and the one-child policy saying it has led to an expanding black market of child-trafficking.’ [81a]

25.34 The USSD Report 2011 noted:

'Some media sources continue to report child abductions by child-trafficking gangs. In July [2011] the Associated Press reported that authorities rescued 89 trafficked children, ages 10 days to four years, and that 369 suspects were arrested by the Ministry of Public Security. The investigation reportedly involved up to 2,600 officers in 14 provinces. In 2010 there were multiple reports of child traffickers being executed. While harsh penalties exist for traffickers, it was not clear that buying children is illegal, as the law does not clearly define the circumstances in which a buyer should be punished. A July [2011] Associated Press article reported that Liu Anchang, a Ministry of Public Security official, said that buyers who have not abused the children cannot be held criminally liable. If the parents of trafficked children cannot be found, the children are placed into orphanages.' [2c] (Section 1f - Arbitrary Interference with Privacy, Family, Home, or Correspondence)

25.35 On 11 March 2012 the British Broadcasting Corporation (BBC) reported that during 2011 Chinese police freed around 24,000 women and children who had been abducted. According to officials, some of those kidnapped had been sold on for adoption or forced into prostitution. Authorities did not reveal the total number of women and children abducted last year. [9q]

25.36 The Huffington Post reported in October 2011 on the investigation by Shaoyang government officials following reports of local officials who, in 2005, reportedly seized at least 16 babies born in violation of strict family planning rules and sent them off to welfare centres before selling them abroad for adoption, according to Caixin Century magazine. The article stated:

'The local family planning office then sent the children to local welfare centers, which listed them as being available for adoption, the report said, adding the office could get 1,000 yuan (\$154) or more for each child. Some of the seized children were the sole children of couples who were often away working in the cities, the magazine added. At least one migrant worker said she had found her daughter had been adopted abroad and was now living in the United States, it said. The welfare centers could receive as much as \$3,000 for each child placed in overseas adoption. "Before 1997, they usually punished us by tearing down our houses for breaching the one-child policy, but after 2000 they began to confiscate our children," it quoted villager Yuan Chaoren as saying.' [43b]

25.37 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated:

'On August 16 [2011] the Chinese government announced it would tighten rules to prevent illegal adoptions and child trafficking. Revised Registration Measures for the Adoption of Children by Chinese Citizens were expected to be introduced by the end of 2011 and would restrict the source of adoptions to orphanages, rather than hospitals or other institutions. The planned rule change follows revelations in May 2011 that members of a government family planning unit in Hunan had kidnapped and trafficked at least 15 babies to couples in the United States and Holland for US\$3,000 each between 2002 and 2005. A subsequent police investigation determined there had been no illegal trafficking, despite testimony from parents who insist their children were abducted and subsequently trafficked overseas.' [7b] (p323-324)

25.38 On 31 May 2009 The Times reported:

‘Small boys have long been abducted for sale in China, but in recent years the country’s strict birth control policy, which has led to abortions of girls in families intent on having a boy, has left the countryside short of female babies. According to a recent report in the British Medical Journal, 124 boys are born for every 100 girls in the country as a whole, and in one province the figure has risen to 192. Stolen girls have therefore become increasingly valuable commodities in an [sic] cruel trade. Many are bought by farmers who want wives for their small sons when they come of age or by men who want a child bride without a dowry, say police and the state media. The public security ministry says that between 2,000 and 3,000 children and young women are kidnapped every year, but the state-controlled newspapers have put the figure as high as 20,000. Only a handful of cases are solved... The Chinese government accepts that child abductions are growing... In raids over the past month, police have freed 51 girls from kidnappers, according to official media reports. This is a complex criminal challenge. Police who raided one village in Guangnan county in southern Yunnan found that babies were being raised for sale and families were acting as brokers for other peasants who wanted to sell off “surplus” infants.’ [90a]

(See also Section 8: Security forces – [Organised crime](#))

(See also Section 26: [Family planning \(‘one child policy’\)](#), [Enforcement](#))

(See also Section 27: [Trafficking](#))

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Child labour

25.39 The US Library of Congress (LoC) Profile on human rights in China, updated on 25 July 2012, accessed on 26 July 2012, stated:

‘Despite the legislative requirements, the practice of child labor is believed to be “a persistent problem within China” by some China watchers. Though the CECC [Congressional-Executive Commission on China] agrees that “the overall extent of child labor in China is unclear due to the government categorizing data on the matter as ‘highly secret’,” it cited a report on child labor in China finding that “child labors generally work in low-skill service sectors as well as small workshops and businesses, including textile, toy, and shoe manufacturing enterprises”.’ [11b] ([Child Labor and Exploitation](#))

25.40 The US State Department’s (USSD) Trafficking in Persons Report 2012, published on 19 June 2012, stated:

‘There continue to be reports that some Chinese children are forced into prostitution, and various forms of forced labor, including begging, stealing, and work in brick kilns and factories. Some children in work-study programs supported by local governments have been reported to face conditions of forced labor in factories and farms. China has millions of child laborers in the country. Well-organized international criminal syndicates and local gangs play key roles in both internal and cross-border trafficking. China’s birth limitation policy, coupled with a cultural preference for sons, creates a skewed sex ratio in China, which served as a key cause of trafficking of foreign women as brides for Chinese men and for forced prostitution.’ [2f] ([p118 – China](#))

25.41 The USSD Report 2011 noted: 'The law prohibits the employment of children under the age of 16, but child labor remained a problem. The government does not publish statistics on the extent of child labor. However, based on print media and online reports, manufacturing in the electronics industry appeared to have the most prevalent use of child labor, although many reports indicated it occurred in a number of sectors.' [2c] (Section 7c - Prohibition of Child Labor and Minimum Age for Employment)

25.42 The USSD Report 2011 cited the following recorded incidents involving child labour during 2011:

'In May a south China newspaper report indicated that children under 16 were working in an electronics factory in Huicheng District, Huizhou Municipality, Guangdong Province. One allegedly 15-year-old worker said that a labor dispatch company recruited her and approximately 20 other children from Sichuan and Yunnan provinces to work at the factory. The dispatch company reportedly received a portion of the children's wages each month.

'In June Guangdong Satellite TV reported that due to labor shortages, several electronics factories in Nanhai District, Foshan Municipality, Guangdong Province, employed child labor. At one factory relatives who recruited the children received bonuses of 100 RMB (approximately \$16) per child if the child worked for at least three months.

'Child labor was not restricted to the electronics industry. One case reported in June in both print and online media involved a Hong Kong-invested plastics factory, producing for foreign markets, in Huizhou Municipality, Guangdong Province, that allegedly employed at least 10 workers between ages 13 and 15. The factory blamed the dispatch agency, which acknowledged that negligence in the screening process might have led to the recruitment of the children, who were from Guizhou and Yunnan provinces.

'In November a local woman was arrested in Wuchuan County, Guizhou Province, for hiring children of migrant workers left in their home village under the care of relatives. Eight children were found producing dangerous fireworks in a small factory.

'In November local authorities in Nantong City, Jiangsu Province, reported an increase in the use of child labor in local labor-intensive businesses, especially catering, textile, and electronic processing industries. By October authorities investigated 25 suspected cases of child labor, resulting in 15 child laborers rescued. Local authorities attributed an increase in child labor reports in part to local labor shortages.

'In March a group of children were rescued from a box/bag-making factory in Jimo City, Shandong Province. They had been forced to work 14 hours a day and were not allowed to leave the factory yard. Authorities learned of the situation after two children escaped.

'In March local police in Shenzhen, Guangdong Province, found 21 child laborers trafficked from the Liangshan region of Sichuan Province. The manager of the Hualian Electronics factory where the children were found was quoted as explaining that due to a surge in orders, they used a labor dispatch company to hire temporary workers. However, the dispatch company provided the under-age workers with fake identity cards. According to the report, the dispatch company took a large percentage of the

wages paid to the underage workers.’ [2c] (Section 7c - Prohibition of Child Labor and Minimum Age for Employment)

(See also Section 20: [Ethnic groups](#))

(See also Section 27: [Trafficking](#))

(See also Section 34: [Employment rights](#))

(See also Section 9: [Military service](#))

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CHILDCARE AND PROTECTION

(See also [Children: Overview](#))

- 25.43 The US Library of Congress (LoC) Profile on human rights in China, updated on 25 July 2012, accessed on 26 July 2012, stated:

‘The primary law governing child health in China is The PRC (People’s Republic of China) Law on Maternal and Infant Health (promulgated by the NPC Standing Committee, effective June 1, 1995) (Maternal and Infant Health Law). According to Article 2 of the Maternal and Infant Health Law, “[t]he State shall develop maternal and infant health care projects and provide the necessary environments and material aids so as to ensure that mothers and infants receive medical and health care services.” [11b] (Child health and social welfare)

- 25.44 According to UNICEF’s webpage on China’s child welfare systems, undated, accessed on 20 July 2012, it stated:

‘In recent years, China has launched new programs to promote child welfare, including financial assistance to poor families, free vaccinations, expanded free education, and aid to China’s orphans. These programs are already having an impact. Nonetheless, they are implemented unevenly across the country, vary in different population groups, and still do not address adequately the needs of poor and vulnerable children.

‘To improve this situation, China is developing an integrated child welfare system to help vulnerable children in all essential areas of their lives. This challenging undertaking requires new budget allocations, an effective mechanism to coordinate the wide range of agencies that work with children, and trained social workers capable of monitoring vulnerable children’s wellbeing and protecting them from abuse and exploitation.’ [29b]

- 25.45 The USSD Report 2011 noted:

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

‘The government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. Adopted children were counted under the birth limitation regulations in most locations. As a result,

couples that adopted abandoned infant girls were sometimes barred from having additional children.’ [2c] (Section 6 - Children)

25.46 The USSD Report 2011 further noted:

‘There were more than 150,000 urban street children, according to state-run media and the Ministry of Civil Affairs. This number was even higher if the children of migrant workers who spend the day on the streets were included. In 2010 the ACWF [All-China Women's Federation] reported that the number of children in rural areas left behind by their migrant-worker parents totaled 58 million, 40 million under the age of 14.’ [2c] (Section 6 - Children)

25.47 In September 2011 UNICEF reported on the renewed effort to help China’s street children:

‘The Government of China has articulated new measures to step up aid for street children, a move that experts see as a chance to improve the country’s efforts to protect children at risk.

‘An inter-ministerial joint session, coordinated by the Ministry of Civil Affairs (MCA) will be established to coordinate efforts to strengthen assistance and protection for street children, according to the new policy issued by the State Council on 15 August [2011].

‘Government officials are to be held accountable if they do not prioritize efforts to meet the needs of children without parental care. The new measures call for increased efforts to crack down on crimes involving children while providing more pro-active assistance to homeless children.’ [29e]

25.48 The same source further noted:

‘As estimated by the Ministry of Civil Affairs, in 2008 there were around one to 1.5 million children without parental care, mostly migrating from rural areas to the urban streets. This figure, however, doesn’t include children who work on the street with their migrant parents, in difficult circumstances - collecting rubbish, selling flowers or begging.

‘Children who live on the street are more vulnerable to all forms of abuse including physical, emotional and sexual abuse. They are also at greater risk of being trafficked for exploitative forms of child labour, or to be manipulated by criminal networks. Some children on the street are deliberately disfigured and forced to beg by their exploiters.

‘These children’s rights to education, health and social support are often unmet. The harmful experiences they are exposed to can undermine their opportunities to develop their full potential in life.

‘Government efforts to address the needs of children without parental care include the National Law on the Protection for Minors revised in 2007, the first National Plan of Action on Combating Human Trafficking in Women and Children, as well as the newly issued National Plan of Action on Children (2011-2020).

‘China now has more than 1,400 relief centres for street children and plans to build more in the next five years to expand shelter and vital services. The State Council’s circular also said those centres can appeal to the court to remove parents or other care givers of their guardianship if they fail to fulfil their responsibilities.’ [29e]

25.49 The website of COCOA (Care of China's Orphaned and Abandoned), accessed on 26 July 2012, recorded:

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

25.50 On 14 September 2012 United Nations Children's Fund (UNICEF) reported on the assistance provided to the children affected by the 5.7 magnitude earthquake which struck Yunnan in early September, noting:

'The tremor, which killed 81 and injured more than 800, wiped out 1,900 houses and severely damaged another 37,500. Subsequent heavy rains and mudslides have caused additional damage, and hampered access to the region...

'The worst impacts of the disaster are centered on Yiliang County, a very remote part of Yunnan. Health, education and water supply infrastructure in the county have suffered extensive damage. Local UNICEF counterparts report high incidence of diarrhoea [sic] and fevers among survivors, and very limited access to drinking water. In Yiliang 257 schools have been severely damaged affecting tens of thousands of students.

'Yiliang is an existing UNICEF focus county, where integrated maternal and child health and social assistance projects are underway...

'UNICEF is working with the Yunnan Working Committee on Children and Women to set up the Child Friendly Spaces based on the model established following the Wenchuan earthquake. The original Child Friendly Spaces set up in 2008 have become permanent, locally funded centres for child protection services at the community level.' [29d]

(See also Section 23: [Disability](#))

(See also Section 24: Women - [Position of women in society](#))

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EDUCATION

25.51 The Globserver China Education Profile 2012, stated:

'The People's Republic of China has a countrywide system of public education, which includes primary schools, middle schools (lower and upper), and universities...

'Education in China is the responsibility of the Ministry of Education. The education system provides free primary education for 6 years (some province[s] may have 5 years for primary school but 4 years for middle school) , starting at age 7 or 6, followed by 6 years of secondary education for ages 12 to 18. At this level, there are three years of

middle school and three years of high school. The Ministry of Education reported a 99 % attendance rate for primary school and an 80 % rate for both primary and middle schools. Since free higher education was abolished in 1985, applicants to colleges and universities competed for scholarships based on academic ability. Private schools have been amountowed [sic] since the early 1980s. The people has [sic] had on average only 6.2 years of schooling, but in 1986 the goal of nine years of compulsory education by 2000 was established.

'The United Countrys [sic] Improvement Programme reported that in 2003 China had 116,390 kindergartens with 613,000 teachers and 20 million students. At that time, there were 425,846 primary schools with 5.7 million teachers and 116.8 million students. General secondary education had 79,490 institutions, 4.5 million teachers, and 85.8 million students. There as well were 3,065 specialized secondary schools with 199,000 teachers and 5 million students. Part these specialized institutions were 6,843 agricultural and vocational schools with 289,000 teachers and 5.2 million students and 1,551 special schools with 30,000 teachers and 365,000 students.' [67a]

25.52 Statistics cited by the United Nations Children's Fund (UNICEF), accessed on 13 July 2012, showed that the literacy rate for males aged between 15-24 years was 99 per cent. The literacy rate for females in the same age group was also 99 per cent. [29a] (Education)

25.53 Europa World, accessed on 14 August 2012, noted that fees were charged at all levels of education. [1a] (Directory: Society and Media - Education) The USSD Report 2011 noted however, that:

'... in economically disadvantaged rural areas, many children did not attend school for the required period and some never attended at all. Public schools were not allowed to charge tuition; however, faced with insufficient local and central government funding, many schools continued to charge miscellaneous fees. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school.' [2c] (Section 6 Children - Education)

25.54 Students, parents, and teachers marked the start of Hong Kong's 2012 school year with protests and hunger strikes against what they perceived as 'Beijing-led interference in the public school curriculum,' when the authorities issued guidelines on how the newly introduced 'Moral and National Education' subject should be taught. An article by CNN on 4 September 2012 reported:

'Thousands of protesters dressed in black gathered outside the government headquarters Monday ahead of a 5:00 p.m. deadline for the government to drop the "Moral and National Education" subject or face further protests. Hong Kongers have decried the subject as an attempt to "brainwash" impressionable young minds with pro-mainland-Chinese propaganda.

'Amid no response from the government, the Civil Alliance against National Education -- a coalition of concern groups -- declared that plans were underway to organize city-wide student strikes and teacher boycotts of the subject.' [95g]

25.55 CNN also reported:

'The national education issue has been roiling the city for several months, most notably with a mass street protest on July 29 attended by 90,000 people (police cited 32,000),

sparked by the dissemination of a set of government guidelines for teaching the subject. Another mass protest took place outside government headquarters on Saturday [1 September], where organizers reported 40,000 participants while the police estimated a turnout of 8,100.

'While the detailed content of the subject has not been determined, guidelines in a booklet called "The China Model" distributed to schools by the government's National Education Services Centre in July [2012] were widely interpreted as a basis for how the subject would be taught.

'The contents of the booklet inflamed longstanding fears of Beijing's encroachment into Hong Kong's affairs and freedoms by stating that China's ruling party is "progressive, selfless and united," and ignoring major events such as the 1989 Tiananmen Square massacre.' [95g]

- 25.56 On 3 September 2012, thousands of protesters surrounded Hong Kong's government headquarters demonstrating against a plan to introduce a pro-China school curriculum that was described as an attempt to brainwash students. The Telegraph newspaper, online edition reported:

'Chanting "No to brainwashing education. Withdraw national education", some 8000 people denounced a Hong Kong government-funded booklet entitled "The China Model" they say glorifies China's single Communist party rule while glossing over more brutal aspects of its rule and political controversies. One hunger striker was taken away on a stretcher on the third straight day of protests after fasting for more than 40 hours... Despite protracted public opposition to the scheme including a late July [2012] rally that drew some 90,000 people, officials resisted calls to scrap it from local primary and secondary schools, saying it was aimed at instilling a greater sense of national pride and belonging towards China. "The important thing is to ensure that the public concern or the parents' and the students' worry about the so-called brainwashing will not happen," said Hong Kong's number two official, Carrie Lam. "But that will only be achievable by more communication between the various stakeholders and by putting the trust in the school sponsoring authorities and the individual schools." Hong Kong officials say schools may adopt the curriculum voluntarily with the scheme not to become mandatory until 2015. The protests are a continuation of demonstrations that first flared on Saturday [1 September], with many pledging to fight on including a small band of hunger strikers... While the curriculum touches on some negative aspects of contemporary Chinese history including unfair land grabs by corrupt officials and a toxic milk powder scandal, it makes no mention of the June 4, 1989, crackdown on pro-democracy protesters in Beijing's Tiananmen Square.' [25a]

- 25.57 The China Daily reported in January 2012 that from autumn 2012 Tibetan children would be entitled to free preschool education, making it the first place in China to offer 15 years of free education, including three years of preschool, six years of primary school, three years of junior high school and three years of senior high school. [14m]

HEALTH AND WELFARE

This Section should be read in conjunction with Section 25: [Disability](#) for further information about the treatment of people with disabilities.

- 25.58 The Save the Children's Profile on China, undated, accessed on 19 July 2012, stated: 'Although the standard of living in China has risen over the past 30 years, there are

widening gaps between rich and poor, and urban and rural areas. Two-thirds of China's 367 million children live in rural areas. Many of them, especially those from minority ethnic groups, live in remote areas and lack access to good quality health services and education.' [79a]

- 25.59 The United Nations Children's Fund (UNICEF) background information on Child Welfare Systems in China, undated, accessed on 20 July 2012, noted:

'Over the last thirty years, China has made enormous progress in raising living standards. Nonetheless, according to World Bank estimates, 100 million children in China remain in poverty...

'In recent years, China has launched new programs to promote child welfare, including financial assistance to poor families, free vaccinations, expanded free education, and aid to China's orphans. These programs are already having an impact. Nonetheless, they are implemented unevenly across the country, vary in different population groups, and still do not address adequately the needs of poor and vulnerable children.

'To improve this situation, China is developing an integrated child welfare system to help vulnerable children in all essential areas of their lives. This challenging undertaking requires new budget allocations, an effective mechanism to coordinate the wide range of agencies that work with children, and trained social workers capable of monitoring vulnerable children's wellbeing and protecting them from abuse and exploitation.' [29b]

- 25.60 With regards to healthcare insurance for children, the US Library of Congress (Loc) Profile on human rights in China, updated on 25 July 2012, accessed on 26 July 2012, stated:

'The labor insurance was replaced by "the employee's basic medical insurance" in 1998. The State Council of China issued The Decision on Establishing the Urban Employees' Basic Medical Insurance System at the end of that year. Children's health care is not covered in this decision, which actually pushes them out of the state's medical insurance system. The State Council is now considering a new medical insurance system, aiming to cover children and other citizens who are not eligible to join the employees' basic medical insurance. Local governments, especially those in developed areas, are establishing local medical insurance systems for the children residing in those areas.' [11b] (Child health and social welfare)

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

(See also Section 2: Economy [Poverty](#))

(See also Section 20: [Ethnic groups](#))

(See also Section 28: [Medical issues](#))

26. FAMILY PLANNING (“ONE CHILD POLICY”)

26.01 The Freedom House (FH) report, *Freedom in the World 2012*, China, covering events in 2011, published on 22 March 2012 stated: ‘Despite increasing discussion of potential reforms, China’s population controls remain in place. In urban areas, only one child per couple is permitted, while many rural families are limited to two children. Compulsory abortion and sterilization, though less common than in the past, still occur fairly frequently.’ [26a]

26.02 The US State Department (USSD) Background Note for China, updated 6 September 2011, accessed on 26 April 2012, noted:

‘With a population officially over 1.3 billion and an estimated population growth rate of 0.593% (2011 est.), China is very concerned about its population growth and has attempted with mixed results to implement a strict birth limitation policy. China’s 2002 Population and Family Planning Law and policy permits one child per family, with allowance for a second child under certain circumstances, especially in rural areas, and with guidelines looser for ethnic minorities with small populations. Enforcement varies and relies largely on “social compensation fees” to discourage extra births. Official government policy prohibits the use of physical coercion to compel persons to submit to abortion or sterilization, but in some localities there are instances of local birth-planning officials using physical coercion to meet birth limitation targets. The government’s goal is to stabilize the population in the first half of the 21st century, and 2009 projections from the U.S. Census Bureau were that the Chinese population would peak at around 1.4 billion by 2026.’ [2g] (Population Policy)

26.03 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that: ‘According to government statistics, the average fertility rate for women nationwide was 1.8 (representing the number of children each woman of child-bearing age has); in the country’s most populous and prosperous city, Shanghai, the fertility rate was 0.8.’ [2c] (Section 6 – Women – Reproductive Rights)

26.04 Article 25 of the State Constitution (adopted on 4 December 1982) states, ‘The State promotes family planning so that population growth may fit the plan for economic and social development.’ Article 49 states, ‘Both husband and wife have the duty to practise family planning.’ [98a] However, ‘The PRC [People’s Republic of China] Population and Family Planning Law and provincial implementing guidelines...limit couples’ freedom of reproductive choice by stipulating if, when, and how often they may bear children.’ [28a] (p110 – Population Planning – International Standards)

26.05 China would continue to adhere to its family planning policy to maintain a low reproduction rate, according the country’s family planning chief on 30 October 2011. A Xinhua news report stated:

“Over-population remains one of the major challenges to social and economic development,” said Li Bin, director of the State Population and Family Planning Commission in an exclusive interview with Xinhua, adding that the population of China will hit 1.45 billion in 2020. Li said maintaining and improving the existing family planning policy and keeping a low reproduction rate, along with addressing the issues of gender imbalance and an aging population, will be the major tasks in the future. Li’s words came just one day before Oct. 31, the day on which the United Nations estimates the world’s population will reach seven billion. Zhai Zhenwu, a leading Chinese demographer, said earlier in the past week that China’s family planning policy had

postponed this day for at least five years, as it prevented 400 million people from being added to the country's population, which is 1.34 billion at present. "The population of China would have hit 1.7 billion had it not been for the family planning policy, and it would have created more difficulties for society," said Li.' [13a]

26.06 The Guardian online reported in April 2011 on China's One Child Policy, noting:

'The description of the system as a "one-child policy" is misleading. Most married women in China have the chance to bear two offspring, but the entitlement to breed beyond a solitary child is determined by a complex set of rules that vary from province to province and are often applied differently from village to village.

'Broadly speaking, urban couples are allowed one child, rural families can try for a second if the first is a girl and women from ethnic minorities are permitted to give birth two or three times in their lifetime. But there are close to a dozen exceptions, including if a baby has disabilities or if the mother and father are both single children. Communist cadres and government officials can be fired for procreational transgressions because they are supposed to set an example. By contrast, Tibetans have the fewest restrictions.

'Money is another key factor. The rich in Shanghai and Beijing can easily afford the penalties for a second or third child. The poor in Gansu and Yunnan, by contrast are at risk of having their meagre property confiscated if they fail to remain within birthing quotas.' [41a]

The Center for Reproductive Rights report, [Women of the World: Laws and Policies Affecting their Reproductive Lives East and Southeast Asia](#), 7 January 2011 provides further information on China's family planning Policies and Laws. [38a] (p39-44)

(See also Section 24: [Women](#))

(See also Section 25: Children - [Child abduction and trafficking](#) and ["Black" children or "hei haizi"\(unregistered children\)](#))

FAMILY PLANNING LAW AND OTHER REGULATIONS

26.07 The USSD Report 2011, stated: 'The 2002 National Population and Family-planning Law standardized the implementation of the government's birth limitation policies; however, enforcement varied significantly. The law grants married couples the right to have one birth and allows eligible couples to apply for permission to have a second child if they meet conditions stipulated in local and provincial regulations.' [2c] (Section 6 Women – Reproductive Rights)

26.08 Article 1 of the [Population and Family Planning Law \(2002\)](#) states, 'This law is enacted, in accordance with the Constitution, so as to bring population into balance with social economic development, resources, and the environment: to promote family planning; to protect citizens' legitimate rights and interests; to enhance family happiness, and to contribute to the nation's prosperity and social progress.' [68a]

26.09 Article 2 states:

'China is a populous country. Family planning is a fundamental state policy.

The State shall adopt a comprehensive approach to controlling population size and improving socio-economical and public health characteristics of population.

‘The State shall rely on publicity and education, advances in science and technology, comprehensive services and the establishment and improvement of the incentive and social security systems to carry out the family planning program.’ [68a]

26.10 Article 4 of the Population and Family Planning Law states, ‘The People’s Governments and staff at all levels implementing the family planning program shall act strictly within the law, enforcing it in a civil manner, and must not infringe on citizens’ legitimate rights and interest. The family planning administrative departments and their staff acting within the law are protected by law.’ [68a]

26.11 In January 2007 the National Population and Family Planning Commission issued new regulations. They reaffirmed the family planning policy and the eugenics goal of promoting population quality, and again linked these with economic and social development. The regulations stated, ‘Without exception, all substantial issues that China encounters in its efforts to achieve better and faster economic and social development are closely related to quantity, quality, structure and distribution of the population... Vigorous efforts are required to disseminate scientific knowledge about prevention of birth defects... Scientific premarital medical checkups should be advocated.’ [5f]

26.12 The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, published in April 2012, stated:

‘In his 2011 Work Report to the Nation, Premier Wen announced that China would progressively improve the basic state policy on family planning and promote balanced population growth. We believe this was the first time that senior Chinese leaders had publicly announced plans to improve family planning policy. Although sex-selective abortion is illegal in China, reports suggest that the practice of aborting female foetuses continues to be widespread, particularly in rural areas. In August [2011], the Chinese government launched an eight-month nationwide campaign to curb nonmedical foetal gender determination and sex-selective abortion. Department of Health Minister Anne Milton raised our concerns regarding these aspects of the One Child policy with Vice-Chairperson Cui Tuili of the Chinese National Population and Family Planning Commission, during her visit to China in November [2011].’ [31e] (p200 – Women’s rights)

26.13 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, reported:

‘During the Commission’s 2011 reporting year, central and local authorities continued to implement population planning policies in a manner that interferes with and controls the reproductive lives of Chinese citizens, especially women. Population planning policies limit most women in urban areas to bearing one child, while permitting slightly more than half of Chinese women - located in many rural areas - to bear a second child if their first child is female. The Commission notes continued debate in the Chinese media about possible reform of these policies, but has not observed government action to introduce national reform measures.

‘Local officials continue to monitor the reproductive cycles of Chinese women in order to prevent unauthorized births. The Chinese government requires married couples to obtain a birth permit before they can lawfully bear a child and forces them to employ

contraceptive methods at other times. Although Chinese law prohibits officials from infringing upon the rights and interests of citizens while promoting compliance with population planning policies, reports during this reporting year [2011] indicate that abuses continue. Mandatory abortion, which is often referred to as a “remedial measure” (bujiu cuoshi) in government reports, is endorsed explicitly as an official policy instrument in the regulations of at least 18 of China’s 31 provincial-level jurisdictions. This past year, the Commission found that local officials continued to coerce women with unauthorized pregnancies to undergo abortions in both urban and rural areas across China.’ [28a] (p110 – Population Planning)

- 26.14 In some areas authorities introduced population planning enforcement campaigns known as ‘spring family planning service activities’ (chunji jisheng fuwu xingdong). The campaigns were reported in the US-CECC report 2011, to employ:

‘... coercive measures to prevent or terminate “out-of-plan” pregnancies. For example, in March 2011, the Yangchun city government in Guangdong province reported that one such campaign had commenced and that the “focal points” of the campaign were the sterilization of mothers with two daughters and the implementation of “remedial measures” for out-of-plan pregnancies. Yangchun family planning officials were directed to adopt “man-on-man military tactics,” “launch meticulous ideological work,” and “storm the fortifications of ‘nail households’ (dingzi hu) and ‘flight households’ (waitao hu) in a targeted manner.”’ [28a] (p111 – Population Planning - Official Campaigns)

- 26.15 Adding to this the US-CECC report 2011 stated:

‘The Commission noted that this year, in official speeches and government reports from a wide range of localities, authorities also used the phrase “spare no efforts” (quanli yifu) to signify intensified enforcement measures and less restraint on officials who oversee coercive population planning implementation measures. Between November 2010 and June 2011, county and township governments in at least eight provincial-level jurisdictions (Shandong, Anhui, Gansu, Guangdong, Hunan, Guangxi, Hubei, and Jiangxi) urged officials to “spare no efforts” in implementing family planning campaigns including, in some cases, the “two inspections and four procedures” (liangjian sishu) - or intrauterine device (IUD) inspections and pregnancy inspections (the two inspections), IUD implants, first-trimester abortions, mid- to late-term abortions, and sterilization (the four procedures).

‘Reports surfaced in May 2011 regarding official implementation of population planning policies which resulted in the illegal abduction and sale of children by local officials. From 2000 to 2005 in Hunan province, family planning officials reportedly took at least 16 children – allegedly born in violation of population planning policies – from their families and sold them to local orphanages. In many of the reported cases, officials took the children because their families could not pay the steep fines levied against them for violating population planning regulations.’ [28a] (p111-112 - Population Planning - Official Campaigns)

(See also Section 25: Children - [Child care and protection](#))

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ETHNIC MINORITIES

- 26.16 A Report published by Tibettruth, *Coercive Birth Control In Occupied Tibet: An examination and exposé of China's coercive population program as operated inside occupied Tibet*, January 2011, stated:

'A degree of confusion exists over precise descriptions of Chinese birth control policy in occupied Tibet, probably born of the fact that central policies may be modified at "province" and local level by local authorities. Thus the actualities of the policy may vary slightly from place to place...

'Whilst local policies vary slightly from region to region, they must all adhere to the central policy set down by the communist Chinese government. While responsibility is to at least some degree devolved to local officials acting through regional governments, the strength of central guidance on policy and practice is clearly detectable in the official statements of national and local governments. Regional birth control offices appear to control a number of local offices with the job of monitoring the population to ensure strict adherence to the policy and issuing permission for state sanctioned births.

'It appears that virtually ALL AREAS of Tibet are subject to birth quota policies. Tibetan officials seem to be either allowed or under considerable pressure to have only one child. Urban dwelling Tibetans appear to be allowed only two children with three being allowed in "special circumstances". Rural Tibetans appear to be allowed between two and four children. There appear to be age limits for birth, at least in some areas where women may have to be 25 or between 25 and 35 to bear children. Couples may have had to have been married for at least four years.

'Unmarried women appear to be universally denied the right to bear children. In addition to this, restrictions on the number of births in a year are imposed by the restricted issue of birth permits. Thus whilst couples may be eligible to have children, permission can be denied if the quota of birth permits to be issued for that region is already used.' [22a] (p3-4)

FAMILY PLANNING IN RURAL AREAS

- 26.17 The Freedom House (FH) report, *Freedom in the World 2012, China*, covering events in 2011, published on 22 March 2012 stated: 'Despite increasing discussion of potential reforms, China's population controls remain in place. In urban areas, only one child per couple is permitted, while many rural families are limited to two children. Compulsory abortion and sterilization, though less common than in the past, still occur fairly frequently.' [26a]
- 26.18 The USSD Report 2011 noted, 'In most rural areas, the policy was more relaxed, with couples permitted to have a second child in cases where the first child was a girl. Ethnic minorities were subject to less stringent rules.' [2c] (Section 6 – Women – Reproductive Rights)

ENFORCEMENT

- 26.19 The USSD Report 2011, noted that:

'The 2002 National Population and Family-planning Law standardized the implementation of the government's birth limitation policies; however, enforcement varied significantly. The law grants married couples the right to have one birth and allows eligible couples to apply for permission to have a second child if they meet

conditions stipulated in local and provincial regulations. The one-child limit was more strictly applied in urban areas, where only couples meeting certain conditions were permitted to have a second child (e.g., if each of the would-be parents was an only child). In most rural areas, the policy was more relaxed, with couples permitted to have a second child in cases where the first child was a girl. Ethnic minorities were subject to less stringent rules. Countrywide, 35 percent of families fell under the one-child restrictions, and more than 60 percent of families were eligible to have a second child, either outright or if they met certain criteria. The remaining 5 percent were eligible to have more than two children.’ [2c] (Section 6 – Women – Reproductive Rights)

26.20 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, observed:

‘Chinese authorities continued to use various methods of punishment and reward to manage citizens’ compliance with population planning policies. For example, in accordance with national policy, local governments continued to direct officials to levy fines, termed “social compensation fees” (shehui fuyang fei), against couples who give birth to an unauthorized child. These fines force many couples to choose between undergoing an unwanted abortion and incurring financial hardship. Often with court approval, family planning officials are permitted to take “forcible” action against families who are unwilling or unable to pay the fines. These “forcible” actions are in violation of the PRC [People’s Republic of China] Population and Family Planning Law and include the confiscation of family belongings and the destruction of violators’ homes.

‘In some cases officials not only levy fines against violators but also threaten or impose other punitive measures, including job loss, demotion, denial of promotion, expulsion from the Communist Party, destruction of personal property, arbitrary detention, and, in some cases, violence. Some children may go without household registration (hukou) in China because they are born “out-of-plan” and their parents do not pay the necessary fines. According to sources cited in a December 2010 Chinese Human Rights Defenders report, family planning officials in some cases also reportedly withhold a hukou from an otherwise eligible child whose mother refuses to undergo sterilization or IUD insertion after the child’s birth. Lack of a valid hukou raises barriers to access to social benefits typically linked to the hukou, including government-subsidized healthcare and public education.

‘Some local governments offer rewards to informants who report population planning violations. Local government reports during the 2011 reporting year mentioned rewards for informants in amounts ranging from 100 yuan (US\$15) to 6,000 yuan (US\$926) per case for verified information on violations by either citizens or officials, including concealment of out-of-plan births, false reports of medical procedures, and falsified family planning documents. Conversely, authorities in one neighborhood in Chifeng city, Inner Mongolia Autonomous Region, offered a reward of up to 20,000 yuan (US\$3,085) for information regarding non-medically necessary prenatal sex determination examinations or performance of a sexselective abortion.

‘Local governments similarly incentivized family planning officials to ensure strict implementation of population planning policies. For example, in March 2011, the Maojing township government in Qingyang city, Gansu province, issued a report on the “outstanding results” of the government’s “rectification activities.” The report calls for officials to “spare no efforts” (quanli yifu) in implementing population policies and notes that village cadres face a penalty of 1,500 yuan (US\$230) for each woman with two

daughters whom they fail to sterilize. Conversely, they are promised a reward of 500 yuan (US\$77) for each tubal ligation that they see through to completion. A March 2011 directive from the Yangchun city government in Guangdong province indicated a goal of fostering “friendly one-upmanship” and “keen competition” among family planning cadres, calling for daily progress reports and participation in “information sharing meetings” in which they are publicly praised or criticized based on their reports.’ [28a] (p113-114, Population Planning - Punishments and Rewards)

26.21 An article by Radio Free Asia (RFA) in September 2011, stated:

‘China’s strictly enforced One-Child Policy has led to increased gender discrimination and violence and could destabilize the world’s most populous country, experts warned this week at a U.S. congressional hearing.

‘Chinese authorities have also become more “brutal” in implementing the controversial three-decade-old one-child-per-couple law, fueling abortions and increasingly skewing birth sex ratios in favor of males due to the traditional Chinese preference for a son, the experts testified.

‘This has led to millions of girls being “culled” from the population through abortion, said Brigham Young University political scientist Valerie Hudson, speaking... at a hearing called by the House of Representatives Foreign Affairs subcommittee on human rights.

‘And for each of these girls, someone else’s son will become “surplus” or unmarried - “or in colloquial Chinese, a “bare branch on the family tree,” Hudson said.

‘By 2020 the number of these unmarried young men will be in excess of 30 million, or approximately one in every five young Chinese men, Hudson said, adding that it will be mainly young men without the advantages of education, skills, or money - a group already “aggrieved with the existing social order” - who will find themselves unable to form families.

‘This will lead to an unstable China “marked by increases in crime, violent crime, crimes against women, substance abuse, and the formation of gangs that profit from these behaviors,” and to meet this challenge, China will likely become “more authoritarian,” Hudson said.

‘And in the future, Hudson added, a more “masculinized” China could be susceptible to political campaigns focused on national pride and hostility toward competing nations.’ [73j]

26.22 Chinese authorities routinely forced women to ‘terminate “unauthorized” pregnancies’, according to experts; despite President Hu Jintao’s denial that the practice existed. President Hu Jintao insisted that such a policy did not exist when he met with Ros-Lehtinen, the chairwoman of the U.S. House of Representatives Foreign Affairs Committee on a state visit to the United States in January 2011. (RFA, 3 February 2011) [73k]

26.23 On 10 May 2011 the BBC reported that authorities in China were investigating reports that about 20 babies had been seized under the country’s one-child-per-family policy and put up for international adoption. The article noted:

‘Chinese media say family planning officials in Hunan province took the children from poor homes unable to pay fines for having more than one child. The children were

allegedly listed as orphans and adopted by foreigners for fees of about \$3,000 (£1,800) each. Xinhua news agency said some were now in the US, the Netherlands and Poland. The reports first appeared in Caixin magazine and caused such outrage that the Hunan provincial government has launched a formal investigation... Caixin reported that when some families in poorer parts of Hunan were unable to pay their fines, authorities would tear down their houses. Then - about 10 years ago - officials started confiscating their children, it is claimed.' [9g]

(See also Section 25: Children - [Child abduction and trafficking](#))

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COERCION (FORCED ABORTION/STERILISATION)

26.24 The USSD Report 2011, stated:

'The government restricted the rights of parents to choose the number of children they have. National law prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations resulted in instances of local family-planning officials using physical coercion to meet government goals. Such practices included the mandatory use of birth control and the abortion of unauthorized pregnancies. In the case of families that already had two children, one parent was often pressured to undergo sterilization.' [2c] (Section 6 Women – Reproductive Rights)

26.25 The Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, published in April 2012, noted that there had been reports of continued use of forced abortions and sterilisations in China, noting:

'In his 2011 Work Report to the Nation, Premier Wen announced that China would progressively improve the basic state policy on family planning and promote balanced population growth. We believe this was the first time that senior Chinese leaders had publicly announced plans to improve family planning policy. Although sex-selective abortion is illegal in China, reports suggest that the practice of aborting female foetuses continues to be widespread, particularly in rural areas. In August [2011], the Chinese government launched an eight-month nationwide campaign to curb nonmedical foetal gender determination and sex-selective abortion.' [31e] (p200 – Women's rights)

26.26 There were fewer than five million abortions a year up until 1979. According an article in the Huffington Post, dated 25 June 2012 '...the numbers jumped to 8.7 million in 1981, a year after the one-child policy was launched. It peaked in 1983 at 14.4 million before coming down as China relaxed the policy to allow rural couples a second child if their first was a girl.' [43c]

26.27 A woman in Shaanxi province was reportedly forced into having an abortion after breaching the One Child Policy, the British Broadcasting Corporation (BBC) reported on 14 June 2012. The news article stated that:

'Feng Jiamei, from Shaanxi province, was made to undergo the procedure in the seventh month of pregnancy, local officials said after investigating. Ms Feng was forced into the abortion as she could not pay the fine for having a second child, US-based activists said...

'Unnamed local officials in Zhenping county - where the incident took place - denied forcing Ms Feng to have the abortion, local media reports say. But a preliminary investigation by the Shaanxi Provincial Population and Family Planning Commission confirmed the forced abortion had taken place. Without naming Ms Feng, it said in a statement that the woman had been seven months pregnant.' [90] Radio Free Asia reported that 'Feng told RFA at the time that she had been forced to have the procedure by local family planning bureau officials after she failed to pay a 40,000 yuan (U.S. \$6,300) fine for an "excess birth" under China's draconian population control policies.' [73n]

26.28 Following the news of the abortion Radio Free Asia said in an article that 'A rare official reaction over the recent forced abortion of a Shaanxi woman's seven-month-old f[et]us is unlikely to herald any change in China's draconian family planning regime, where such practices have been the norm for nearly three decades, Chinese commentators said.' [73n]

26.29 Two top local family planning officials and the head of the township government were suspended over the case which attracted high media attention after graphic photos of the mother and her dead baby appeared on the internet. (Huffington Post, 15 June 2012) [43c]

26.30 On 12 January 2012 Radio Free Asia reported that Family Planning officials in the southeastern Chinese province of Fujian attempted to carry out a forced sterilization on a woman, but according to the woman they gave up the attempt after she continued to struggle against them holding her down on the operating table. The article reported:

'Huang Yongchun, of Huyang village in Fujian's Shanghang county, said that officials from her local village first tried to insist she submit to a pregnancy test, before putting her onto an operating table at a local family planning clinic and holding her down. "They took me over there this morning, and about eight of them held me down on the operating table," said Huang, who has already given birth to two children, one more than is commonly allowed under China's draconian "one-child" policy, aimed at curbing rapid population growth among its 1.3 billion people. "There were men and women doing this." She said the doctor had eventually refused to carry out the procedure because of her state of agitation. "The doctor didn't want to do the operation because I was terrified," Huang said. "I was shuddering there on the operating table because I felt so helpless.'" [73m]

26.31 In December 2011 Chinese family planning officials detained a local woman and her baby son hostage in the eastern Chinese province of Shandong for allegedly exceeding local birth quotas. Authorities demanded 40,000 yuan (U.S.\$6,300) according to her husband. Radio Free Asia (RFA) reported:

'The authorities detained Wu Donghui last week, according to her husband Liu Zhi, from the city's Xiaolizhuang district.

"Last Friday they managed to lure her into detention through false pretenses," Liu said. "They told me my wife was going to the family planning committee for a check-up, and then they took her away."

'Liu said the couple first fell foul of family planning restrictions in August 2010, when they had their second child, exceeding urban birth quotas.

“Our second child, a boy, was born without permission or certification,” he said. “But they never contacted us to tell us how we were to pay the fine.” [73i]

The Chen Guangcheng Report: [Coercive Family Planning in Linyi, 2005](#), written by Teng Biao, published in December 2011 by Womens Rights Without Frontiers, focused on Chen Guangcheng’s 2005 investigation into coercive family planning in Linyi County, Shandong Province, where he exposed that there were 130,000 forced abortions and sterilizations in Linyi in 2005. [36a]

(See also Section 23: [Disability](#))

(See also Section 24: Women - [Violence against women](#))

(See also Section 25: Children - [Female infanticide](#))

EVASION

26.32 On 12 August 2011 The Telegraph reported, ‘Hong Kong has now introduced a quota of 3,400 spaces at its public hospitals and 31,000 more at its private hospitals... Additional measures to calm the situation include the team of doctors at the border, who have managed to stop 1,200 women so far this year. Any woman they spot who is more than seven months pregnant and does not have a previous medical record in Hong Kong is refused entry.’ [25c]

26.33 On 11 November 2010 Reuters reported:

‘They give birth in Hong Kong to escape the mainland’s one-child policy and to secure a Hong Kong passport for their children. The problems begin when they return home. The law on coming to Hong Kong to give birth is a grey area. Under mainland regulations, their babies are considered Hongkongers and are excluded from all social welfare and education benefits... The phenomenon can be traced to 2001 when Hong Kong’s High Court and Court of Final Appeal handed down landmark rulings giving local residency to children born in Hong Kong to mainland parents. As a result, the number of mainland couples coming to the city to give birth exploded. From 2003 to 2009 the numbers increased 15-fold. Nearly half the babies born here have mainland parents. “Going to Hong Kong to give birth now is something fashionable and proof of your status,” said a Chongqing woman... Unlike a decade or two ago, when most mainland mothers coming to Hong Kong were illegal immigrants looking for a better life and social benefits, the majority of those today are from the affluent middle class attracted by the city’s top-class medical facilities and the prospect of a Hong Kong passport for their child. The market has created a new business; many travel agencies provide tailor-made services for mainland mothers to come to Hong Kong. “It only costs around HK\$50,000 [to sign up for a package], which includes the operation fees as well as a three-day stay in hospital”... In the past, mainland mothers were mostly from Guangdong. Today they are from a much more diverse background, mainly affluent professionals or business owners from big mainland cities.’ [34d]

26.34 On 31 January 2007 the BBC reported that in 2001 Hong Kong’s highest court ruled that a child born in Hong Kong to parents who came from China had the right to residency in Hong Kong. Since then numerous Chinese women have travelled there to give birth to avoid the penalties for breaking China’s one-child policy. The report stated, ‘After an influx of about 20,000 non-local women to Hong Kong’s hospitals last year, the government has taken a series of measures to help stem the flow. Mainland mothers

who look heavily pregnant will have to show immigration officers a hospital booking confirmation alongside their visitor's visa. If they do not have the booking, they will not be allowed in.' [9ac]

(See also Section 24: [Women](#))

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RETURNED OVERSEAS CHINESE NATIONALS

26.35 As noted by the Canadian IRB on 25 August 2005, a report by The Economist dated 18 December 2004 stated that some Chinese nationals, especially from among the urban population, choose to have a second child abroad so that the child can obtain foreign citizenship and therefore not be included in the count. The Canadian IRB added that corroborating information could not be found. [3i] On 21 January 2004 the US Citizenship and Immigration Services also noted, 'Relatively little information is available to the Resource Information Center (RIC) within time constraints on the treatment of rural Chinese women who return to China with children born outside the country. For this reason, it is unclear whether the fact that the children are U.S. citizens makes any difference.' [84a]

26.36 The same source stated:

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

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

FAMILY PLANNING REGULATIONS IN FUJIAN

26.38 Article 2 of the Population and Family Planning Regulations of Fujian Province 2002 (effective from 1 September 2002) states, 'Both husband and wife are under the obligation to practice family planning and citizens' legitimate rights and interests to reproduction are protected by law.' [51]

26.39 Article 11 states:

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

- 'Those who have already become pregnant at the time when they return to settle down;
- 'Both husband and wife are returned overseas Chinese for less than six years and have only one child;
- 'All of their children reside overseas and the returned couple have no children inside interior China;

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

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

'If either of the couple is a Taiwan resident, the preceding paragraph shall apply with reference.' [51]

FAMILY PLANNING REGULATIONS IN GUANGDONG

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

'Contraception shall be the primary component of family planning. Operations for the purpose of contraception and birth control shall be conducted in such a way as to ensure the safety of the person being operated upon. In order to prevent and decrease the number of unwanted pregnancies, the family planning administrative department at each level of government shall create the prerequisite conditions and advise couples of child-bearing age in how to make an informed choice about contraceptive measures. The first choice for a woman of child-bearing age who has given birth to one child shall be an intrauterine device. Where there are already two or more children, the first choice shall be a ligation for either the husband or wife.' [51]

26.41 Article 49 states:

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

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

‘Where a migrant gives birth in a matter that contravenes these Regulations, the collection of the social support fee shall be done in accordance with national regulations. Payment to the national treasury of social support fees and late payment fines shall be managed under a two-track revenue and expenditure control system. No entity or individual shall retain, divert, embezzle or pocket said funds.’ [5j]

FAMILY PLANNING REGULATIONS IN BEIJING AND SHANGHAI

26.42 On 24 July 2009 the BBC reported, ‘A public information campaign has been launched [in Shanghai] to highlight exemptions to the country’s one-child policy. Couples who were both only children, which includes most of the city’s newly-weds, are allowed a second child. The move comes as China’s most populous city becomes richer and older, with the number of retired residents soaring... the current average number of children born to a woman over her lifetime was less than one.’ [9z]

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SINGLE WOMEN

26.43 As reported by the Canadian IRB on 6 September 2005, information on the treatment of unmarried women who bear children was difficult to find, except in provincial family planning regulations. [3h] A further report by the same source on 23 June 2009 stated:

‘Article 55 (d) of the Population and Family Planning Regulations of the Province of Guangdong states that “[i]n the case of a first birth out of wedlock, a social support fee shall be imposed that is twice the amount” of the fee imposed on married couples who have one more child than is permitted (China 25 July 2002). When an unwed mother has a second child, the fee imposed is between three to six times the amount levied on married couples who have one more child than is permitted... According to Article 14 of the Population and Family Planning Regulations of the Province of Fujian, a woman is not allowed to give birth out of wedlock (China 30 July 2002). In the case of an unmarried woman who bears a child, Article 39 sets out the application of a social maintenance fee equivalent to four to six times the average annual disposable income of the residents of the county where the woman resides... The fine is higher for a second or subsequent child born out of wedlock...’ [3k]

26.44 The USSD Report 2011 noted:

‘From February to April 2010, Xuzhou in Jiangsu Province was the site of a high-profile court proceeding in which a 30-year-old female plaintiff sued the local family-planning bureau, claiming that she had been barred from a civil service position in the county government for giving birth to a child before marriage. Although she married the father soon after the child’s birth, the court ruled that the family-planning bureau’s original decree citing the birth as out of wedlock held, which made her ineligible for the government position. In December 2010 in Taizhou, Jiangsu, in a similar case involving a male plaintiff, the court ruled that the male plaintiff also was ineligible for a civil service position. [2c] (Section 6, Discrimination, Societal Abuses, and Trafficking in Persons – Reproductive Rights)

(See also Section 24: Women - [Position of women in society](#) and [Marriage](#))

(See also Section 25: Children – [“Black”children or “hei haizi”\(unregistered children\)](#))

(See also Section 29: Freedom of movement - [Household registry \(hukou\)](#))

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27. TRAFFICKING

This Section should be read in conjunction with Section 24: Women – [Trafficking](#) and Section 25: Children – [Child abduction and trafficking](#)

OVERVIEW

27.01 The US State Department’s (USSD) Trafficking in Persons Report 2012 (USSD TiP Report 2012), published on 19 June 2012, stated that ‘China is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking.’ [2f] (p118 - china) Adding that, trafficking was ‘... most pronounced among China’s internal migrant population, which is estimated to exceed 221 million people.’ [2f] (p118 - China) The report also observed that China was placed in the Tier 2 Watch List. The Tier 2 Watch List is defined as:

‘Countries whose governments do not fully comply with the TVPA’s [Trafficking Victims Protection Act] minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

- a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.’ [2f] (Tier Placements)

27.02 The USSD TIP Report 2012, stated:

‘Women and children from neighboring countries including Burma, Vietnam, Laos, Mongolia, Russia, and North Korea, and from locations as distant as Europe and Africa are reportedly trafficked to China for commercial sexual exploitation and forced labor. While the majority of trafficking occurs within China’s borders, there are numerous reports that Chinese men, women, and children may be subjected to conditions of forced prostitution and forced labor around the world...

‘Forced labor remains a problem, including in brick kilns, coal mines, and factories, some of which operate illegally and take advantage of the lax labor supervision.’ [2f] (p118 - China)

27.03 On 11 March 2012 the BBC reported that according to the same Public Security Ministry report, China’s police had rescued around 24,000 abducted women and children in raids against 3,195 trafficking gangs during 2011. Some of whom had been kidnapped were sold for adoption or forced into prostitution. The total number of women and children abducted last year however, was not revealed although the report stated that of those rescued in raids, 8,660 were children and 15,458 were women. [9h]

27.04 The United Nations Inter-Agency Project (UNIAP) on Human Trafficking, on its country page for China, accessed on 3 August 2012, noted:

‘Due to the nature of the definition in national legislation the majority of the official victims are clearly women and children, however there are many cases involving men who have been trafficked into forced labour, not meeting the official definition of trafficked persons. The reported trafficking cases identified girls and young women between 14 and 20 years as most likely to be trafficked. Information from the Ministry of Public Security shows that cases of people being trafficked to work in the entertainment industry has now risen to 50-60% of the total reported trafficking cases, and 16-20 year-old girls are becoming the main targets for such exploitation.’ [27a]

The US State Department’s (USSD) [Trafficking in Persons Report 2012](#), published on 19 June 2012, provided additional information on trafficking in China. [2f] (p118 – China – Country Narratives A-C)

PREVENTION

27.05 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, observed:

‘The Chinese government acceded to the UN [United Nations] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) in December 2009, but it has not revised current domestic legislation to come into full compliance. The PRC Criminal Law prohibits the trafficking of persons, which it defines as “abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.” The law does not provide definitions for these concepts. The PRC [People’s Republic of China] Criminal Law separately prohibits forced prostitution, but it does not make clear whether minors under 18 years of age who are engaged in prostitution may be considered victims of trafficking, regardless of the use of force.’ [28a] (p126 - Anti-Trafficking Challenges)

27.06 The USSD TIP Report 2012, stated:

'The Chinese government made minimal efforts to prevent trafficking in persons during the reporting period. The government undertook significant efforts to improve interagency and other internal coordination among those involved in combating trafficking throughout the country. The State Council's Inter-Ministerial Meeting Office against Human Trafficking held quarterly working-level meetings with the ministries and departments involved to gather information for research and analysis. This information was used to shape and guide next steps in China's efforts to combat human trafficking. The Labor Contract Law Enforcement Inspection Team of the National People's Congress Standing Committee met for the first time in July 2011 and issued instructions on conducting inspections of non state-owned enterprises to ensure enforcement of the Labor Contract Law...

'The government continued to disseminate some anti-trafficking messages in train and bus stations and through media such as cell phones, television, and the internet. ACWF [All-China Women's Federation] continued to work with an international organization to incorporate messages on avoiding human trafficking situations into school curricula. The Ministry of Public Security convened a meeting of the Inter-Ministerial Meeting Office against Human Trafficking in April 2011 to coordinate the government's anti-trafficking efforts with the 31 government ministries and agencies involved.' [2f] (p120-121, China - Prevention)

27.07 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated that:

'On August 16 [2011] the Chinese government announced it would tighten rules to prevent illegal adoptions and child trafficking. Revised Registration Measures for the Adoption of Children by Chinese Citizens were expected to be introduced by the end of 2011 and would restrict the source of adoptions to orphanages, rather than hospitals or other institutions. The planned rule change follows revelations in May 2011 that members of a government family planning unit in Hunan had kidnapped and trafficked at least 15 babies to couples in the United States and Holland for US\$3,000 each between 2002 and 2005. A subsequent police investigation determined there had been no illegal trafficking, despite testimony from parents who insist their children were abducted and subsequently trafficked overseas.' [7b] (p323-324)

PROSECUTION

27.08 On 4 September 1991 the Standing Committee of the NPC (National People's Congress) adopted the following decree regarding the Severe Punishment of Criminals who abduct and Traffic in or Kidnap Women or Children. Article One of this decree is as follows:

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

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

27.09 The USSD TiP Report 2012, stated:

'The government's anti-trafficking efforts continued to focus on transnational trafficking of foreign women and girls to China and the forced prostitution of Chinese girls and women within the country. The amount and degree of complicity by government officials in trafficking offences remained difficult to ascertain. The government did not report efforts to combat trafficking facilitated by government authorities.

'Article 240 of China's criminal code prohibits "abducting and trafficking of women or children," but does not adequately define these concepts. Article 358 prohibits forced prostitution, which is punishable by five to 10 years' imprisonment. Prescribed penalties under these statutes range from five years' imprisonment to death sentences, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, including rape. Article 244 of the Chinese Criminal Code prohibits "forcing workers to labor," punishable by three to 10 years' imprisonment and a fine, and expands culpability to those who also recruit, transport, or assist in "forcing others to labor." However, it remains unclear whether, under Chinese law, children under the age of 18 in prostitution are victims of trafficking regardless of whether force is involved.' [2f] (p119 - China)

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PROTECTION

27.10 The (US-CECC), Annual Report 2011, observed that, 'The government's limited capacity restricts the number of trafficking victims that can access official protection, services, and care.' [28a] (p126 - Human Trafficking - Introduction)

27.11 The USSD TiP Report 2012, stated:

'It is unclear what efforts the Chinese government made to protect trafficking victims in the reporting period. The government did not provide data on how many trafficking victims the government rescued or identified, and did not disaggregate data on trafficking from other statistics. The Chinese government did not release information on what funds were dedicated to provide protective services for trafficking victims. During the reporting period, the Chinese government claimed that, out of the 1,400 government-run and funded shelters, five were dedicated to care for victims of human trafficking, although victims also had access to basic services at China's general shelter network. It is unclear what guidelines, if any, the government used to identify trafficking

victims formally, but the government did begin to provide training to law enforcement officers on identifying such victims. The lack of effective victim identification measures in China causes victims to be punished for crimes committed as a direct result of being trafficked. Law enforcement and judicial officials continued to punish forced prostitution victims rather than their traffickers.

'The government continued to instruct local women's federation organizations to refer victims of trafficking to one of two phone numbers to report cases of suspected human trafficking. The quasi-governmental All-China Women's Federation (ACWF) continued to allocate an unknown amount of funds to operate "women's homes" where female victims have access to a variety of protective services. It is unclear how many trafficking victims, if any, reported their cases or if there were any instances in which the government provided assistance based on calls to the hotlines. In some instances, child trafficking victims were placed in child welfare centers run by the Ministry of Civil Affairs; those centers were linked with hospitals and professionals that provide specialized care. Chinese diplomatic staff overseas did not typically intervene in labor disputes, some of which may have involved trafficking. While there were some instances in which the Chinese government assisted their citizens found in trafficking abroad, there were a number of instances in which it did not. During the reporting period, China worked with an international organization to develop appropriate investigation protocols to prevent potential trauma to juvenile crime victims. The government did not provide foreign victims with legal alternatives to removal to their native countries, even if they might face hardship or retribution. NGOs [non-governmental organisations] along the southern border reported some improvements in Chinese official rescue and rehabilitation support to trafficking victims, particularly with the establishment of cross-border anti-trafficking liaison offices.' [2f] (p120 - China)

- 27.12 In one particular incident in December 2011 Nurgul Tohti, a Uyghur woman in China's northwestern Xinjiang region told Radio Free Asia (RFA) that she believed her child was sexually abused by human traffickers when he was the victim of human trafficking committed by an illegal group two years ago. She is now seeking intervention from the United Nations after accusing local officials of discrimination because they would not take on her case. She told RFA that: "This past summer, I was also the victim of "human trafficking" committed by Aksu officials. I am now facing a similar fate, so I am hiding in Beijing'. ' RFA added:

'She said that on Dec. 24, authorities from Aksu prefecture in mid-western Xinjiang had visited her sister and said they wanted Tohti to return "so that they can help me." "They told her that seven police officers from Aksu had already headed to Beijing to meet with me and they asked that I cooperate with them," she said. "I won't do it because I already cooperated with them in the past and ended up spending 39 days in jail because of it." Tohti said she had traveled to Beijing for the second time since June to appeal to relevant central departments about her son Abbas Tayir's situation, to demonstrate in front of the United Nations office at the Chinese capital as well as to highlight her case to the foreign media.' [73i]

DEBT BONDAGE AND RISK OF RE-TRAFFICKING

- 27.13 The (US-CECC), Annual Report 2011, observed that, 'Chinese law does not clearly prohibit non-physical forms of coercion-including debt bondage and threats-or the recruitment, provision, or attainment of persons for forced prostitution,⁵ which are covered under Article 3 of the Palermo Protocol.' [28a] (p126 - Anti-Trafficking Challenges)

27.14 The USSD TIP Report 2012 stated:

'Human trafficking of Chinese nationals has been reported in over 70 countries, including every populated continent. Low- and medium-skilled Chinese workers migrate voluntarily to other countries for jobs, but some subsequently face conditions indicative of forced labor, such as withholding of passports and other restrictions on movement, nonpayment of wages, physical or sexual abuse, and threats. High recruitment fees, sometimes as much as \$70,000, compound Chinese migrants' vulnerability to debt bondage and other situations of trafficking.' [2f] (p118 - China)

27.15 The Cable News Network (CNN) reported on 13 March 2012, that according to a Ministry of Public Security report '... the Chinese government halted 10,680 abduction cases of women and children, while busting 3,195 trafficking gangs last year. One case included 19 women forced into prostitution in Angola last year, after being deceived of a promised high-paid hotel job there.' [95b]

(See also Section 8: Security forces – [Organised crime](#))

(See also Section 24: [Women](#))

(See also Section 25: Children - [Child abduction and trafficking](#))

(See also Section 32: Exit/entry procedures - [Treatment of returnees](#))

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28. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

28.01 The World Health Organisation (WHO) (Regional Office for the Western Pacific), in its undated Profile on China's health sector development, accessed on 14 September 2012, noted:

'With limited resources, China has made significant strides in healthcare over the past half a century. But it still has a long way to go.

'Large disparities in healthcare exist across geographical localities and socio-economic groups - and these disparities are growing at a time of significant transition and transformation, as China's economic boom benefits millions but also leaves millions behind. China's poor and vulnerable, particularly in rural areas, benefit little from public spending on health. In poor regions, the authorities provide fewer and lower quality services, and individuals end up paying a higher share of the costs out of their own pockets. For many, healthcare is not even an option - it is simply unaffordable.

'Indeed illness is often a ticket to financial ruin. Surveys estimate that between 30 to 50 per cent of China's poor are driven into entrenched poverty by costs related to illness and injury. Many simply refuse treatment. Some 75 per cent of rural residents and 56 per cent of urban residents cite being unable to afford the bills as the reason why people refuse hospital care following a doctor's referral.

'Health-related responsibilities are spread across many ministries and government agencies in China, in addition to the China's Ministry of Health. This creates a health

system with broad political foundations. But it also makes it difficult and costly to develop policies on health that are consistent from ministry to ministry and based on common principles. In addition, health financing in China, both public and private, is biased towards treatment rather than the more cost-effective approach of prevention.

'WHO China's Health Sector Development team works with the Chinese government to improve China's health system. Specifically, this work emphasizes the benefits of adopting health policies that are based on evidence and capable of giving China's poor fairer access to essential health services.' [53a]

28.02 The World Health Organisation (WHO) (Regional Office for the Western Pacific), in its 2011 Country Profile for China, accessed on 9 October 2012, noted:

'In 2010, 126.8 billion Yuan (US\$ 19.9 billion) was allocated to implement the health reform. After two years of implementation, the Government has announced a series of achievements by end of 2010, including:

- 'The new rural cooperative medical system: 96% of the rural population (836 million people) covered by health insurance.
- 'The pharmaceutical system: about 86% of government-run primary-level health care facilities adopting the essential medicines list.
- 'The public health system: 30 million children aged below 15 receiving free hepatitis B vaccine, 8.85 million rural women subsidized for hospital delivery, 473 thousand million rural women screened for breast cancer, 4.89 million rural women screened for cervical carcinoma.
- 'Primary-level health care: 32 700 township health centres, 37 800 urban community health centres and 648 400 village clinics built.
- 'The public hospital reforms pilot: 16 national-level and 31 provincial-level pilot cities have carried out public hospital reforms; and nearly 100 hospitals in 22 provinces have launched an electronic medical record (EMR) pilot test.' [53c] (Section 3, Health System - Ministry of Health's mission, vision and objectives)

28.03 On 9 April 2009 The Telegraph reported:

'Public health care in China has been underfunded for years, and the high cost and poor availability of services are among the biggest complaints of the Chinese public. China is pumping in 850 billion yuan (\$124 billion) to reform the ailing system in the next three years as part of an ambitious – and still only hazily outlined – plan to provide basic medical coverage and insurance to all of China's 1.3 billion people... A serious illness can wipe out a family's life savings... Though mostly state-owned, public hospitals currently rely on profits from the sale of drugs and expensive treatments and tests to cover their operating expenses. The facilities have been accused of aggressively prescribing expensive and sometimes unnecessary drugs and treatment, creating a heavy burden on patients and a waste of medical resources.' [25d]

(See also Section 2: Economy - [Poverty](#))

(See also Section 25: Children - [Health and welfare](#))

HIV/AIDS

28.04 The 2012 China AIDS Response Progress Report, by the Ministry of Health of the People's Republic of China, in association with a joint United Nations Programme on HIV/AIDS (UNAIDS), published in March 2012, stated:

'China's HIV epidemic exhibits five major characteristics: 1) National prevalence remains low, but the epidemic is severe in some areas; 2) the number of PLHIV [people living with HIV] continues to increase, but new infections have been contained at low level; 3) gradual progression of HIV to AIDS resulting in an increase of the AIDS-related deaths; 4) sexual transmission is the primary mode of transmission, and continue to increase; 5) China's epidemics are diverse and evolving.

'Case reporting data shows that from 2007 to 2011, the number of reported HIV and AIDS cases (including people living with HIV who have developed AIDS) has increased each year, with the figures for each year standing at 48,161, 60,081, 68,249, 82,437 and 92,940 respectively. The numbers of newly diagnosed cases and deaths also increased each year, with the figures standing at 10,742, 14,509, 20,056, 34,188 and 39,183, as well as 5,544, 9,748, 12,287, 18,987 and 21,234 respectively.

'In recent years, the proportion of reported cases accounted for by homosexual and heterosexual transmission has increased year on year. The proportion of cases resulting from sexual transmission increased from 33.1% in 2006 to 76.3% in 2011. The proportion arising from homosexual transmission increased from 2.5% in 2006 to 13.7% in 2011.

'Sentinel surveillance data show that while HIV prevalence amongst MSM [men who have sex with men] showed a clear increasing trend, the numbers of people who use drugs testing positive for HIV showed a falling trend after 2005. Amongst sex workers, men visiting STI [sexually transmitted infection] clinics and pregnant women, numbers testing positive for HIV remained at a relatively low level.

'Epidemic estimates show that at the end of 2011, the estimated number of PLHIV in China stood at 780,000 people. Of these, 28.6% were women; there were 154,000 cases of AIDS; overall prevalence stood at 0.058%. The estimated number of new infections in 2011 was 48,000 and the estimated number of deaths 28,000. Of the 780,000 people estimated to be living with HIV, 46.5% were infected through heterosexual transmission, 17.4% through homosexual transmission, 28.4% through injecting drug use, 6.6% were former blood donors or transfusion recipients, and 1.1% were infected through mother-to-child transmission.' [54a] (p5-6 - II. Overview of the AIDS epidemic)

28.05 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, observed:

'Individuals living with infectious diseases such as HIV/AIDS continue to face difficulties accessing medical care. Reports emerged during this past year indicating that people living with HIV/AIDS are, in some cases, refused medical treatment at "mainstream hospitals" and instead forced to seek treatment at separate infectious disease facilities referred to as "HIV/AIDS hospitals." A joint study published in May 2011 by the International Labour Organization and the STD [sexually transmitted diseases] and AIDS Prevention and Control Center of the Chinese Center for Disease Control and Prevention found that underlying reasons for the denial of treatment included perceived

risks to other patients, lack of resources, potential loss of profit, and “poor feasibility of policies and mechanisms”.’ [28a] (p136 - Discrimination in Healthcare)

- 28.06 The International Gay & Lesbian Human Rights Commission (IGLHRC) Research Paper, China: The Legal Position and Status of Lesbian, Gay, Bisexual and Transgender People in the People’s Republic of China, by Tom Mountford, published 24 March 2010, stated:

‘LGBT people continue to have difficulty in accessing accurate information on HIV/AIDS. Sufferers of HIV have difficulty accessing adequate medical and personal support. HIV/AIDS has become associated with homosexuality in the public mind in China. Discrimination continues in many contexts of Chinese life against HIV/AIDS sufferers, despite the express prohibitions against discrimination in the Regulation on Aids Prevention and Treatment 2006. There is a general prohibition against the donation of blood by homosexual people of either sex in China.’ [104a] (p6 - Health and HIV/AIDS)

- 28.07 According to an article by the Associated Press, dated 18 February 2009:

‘AIDS was the top killer among infectious diseases in China for the first time last year, with 6,897 people dying in the nine months through September, a state news agency said. Though the report by the Xinhua News Agency, citing the Ministry of Health, did not explain the jump, a possible factor is the Chinese government’s improved reporting of HIV/AIDS statistics in recent years as it slowly acknowledged the presence of the disease... China long denied that AIDS was a problem, accounting in part for the low number of reported deaths. But leaders have shifted in recent years, confronting the disease more openly and promising anonymous testing, free treatment for the poor and a ban on discrimination against people with the virus. Nevertheless, many Chinese are still reluctant to be tested. The government and UNAIDS estimate the number of people living with HIV in China is actually about 700,000 – much higher than the confirmed number of infections. The government estimates that 85,000 of those have AIDS... The HIV virus that causes AIDS gained a foothold in China largely due to unsanitary blood plasma-buying schemes and tainted transfusions in hospitals. But last year, health authorities said sex had overtaken drug abuse as the main cause of HIV infections. The government remains sensitive about the disease, regularly cracking down on activists and patients who seek more support and rights.’ [44a]

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Anti-retroviral therapy

- 28.08 The 2012 China AIDS Response Progress Report, by the Ministry of Health of the People’s Republic of China, in association with a joint United Nations Programme on HIV/AIDS (UNAIDS), published in March 2012, stated:

‘At the end of 2011, there were a total of 3124 facilities providing antiretroviral treatment, based in 2082 counties (or districts) within 31 provinces (or autonomous regions, municipalities). Nationally, the cumulative total numbers of people ever having received treatment, and currently receiving [sic] treatment increased from 81,739 and 65,481 respectively in 2009 to 155,530 and 126,448 respectively in 2011.’ [54a] (p41-42 - 2.2.2 Progress and achievements of treatment)

28.09 In a report dated 8 December 2008, Human Rights Watch stated:

‘China has won increasing praise for its aggressive response to the HIV/AIDS epidemic. Among other efforts, the Chinese government has sharply expanded HIV prevention programs and increased the availability of “first line” HIV treatment medicines. Particularly promising have been community-based programs targeting drug users that have increased the availability of methadone therapy to address opioid drug dependency. Yet, despite these advances, harsh law enforcement practices and extended confinement of drug users in detox and RTL [re-education through labour] centers continue, impeding efforts to provide effective drug dependency therapy and ignoring the HIV prevention and treatment needs of drug users.’ [7f]

28.10 A Reuters report dated 30 October 2008 stated:

‘Chinese AIDS victims are dying needlessly because a “tragic stigma” prevents them seeking help in a country where one fifth of people think the disease can be passed on by sharing a toilet, a top activist said on Thursday. The government has promised to hand out free, Chinese-made drugs to anyone infected with the disease and the country’s leaders have met those living with HIV/AIDS but there is still widespread ignorance about how it is spread... “Everywhere I have gone... they have reported to me the high levels of stigma, ostracism and discrimination that people with HIV/AIDS experience in China,” said Edwin Cameron, a South African Supreme Court judge who is HIV positive. “This is a tragedy because the Chinese government has a very good treatment program,” he added during a visit to China to help raise awareness. Cameron said that while 35,000 to 40,000 people with AIDS were on treatment, more than double that number needed drugs and were scared to be tested, or even to pick up the results of blood tests because of the result of being labeled HIV positive... Last year China officially had 700,000 people living with HIV/AIDS and expected 50,000 new infections this year.’ [34a]

28.11 On 19 April 2009 Reuters reported:

‘Chinese children with AIDS, especially from rural families, are going without treatment because their families are too poor to afford it, despite a government policy of free treatment... Many children with AIDS die before the age of five, often undiagnosed. Some live too far from hospitals and others have been turned away from hospitals and schools that fear contagion from AIDS patients. China guarantees free drug treatment for AIDS, but many poor families cannot afford the associated fees or treatment for other diseases which may strike the weakened children. The government provides generic versions of four drugs for front-line treatment, but many patients have developed resistance. Asia Catalyst called for the Chinese government to “fill in the gaps” by extending coverage for additional medical costs, and providing cheaper second-line drugs.’ [34b]

(See also Section 25: Children - [Health and welfare](#))

Discrimination against people with HIV/AIDS

28.12 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated that: ‘People with HIV/AIDS continued to face discrimination. In September an HIV positive female burn victim was denied treatment at three hospitals in Guangdong province due to stigma about her status. On September 8 an HIV positive school teacher launched a wrongful dismissal suit against

the Guizhou provincial government after it refused to hire him on April 3 due to his HIV status.’ [7b] (p320)

28.13 The IGLHRC Research Paper, published 24 March 2010 stated:

‘Although there is no major discrimination on the face of the law between HIV positive heterosexual and LGBT people in China, HIV and AIDS have become associated in the public mind with homosexuality. As such many Chinese people see the infection as a “gay problem”. Not only does this have the effect of hindering HIV and AIDS education for the heterosexual Chinese population but it also stigmatizes LGBT people within the country...

‘In 2006 the State Council issued the Regulation on AIDS Prevention and Treatment. This Regulation provides broadly framed protections against discrimination in areas such as education, employment and medical treatment. However in practice there are still many instances where discrimination continues, for example with medical staff finding other ostensible reasons not to treat an HIV positive patient...

‘Furthermore any HIV or AIDS sufferer in China may be subject to a number of indirect restrictions. For example for many jobs in the Chinese civil service candidates are required to pass a medical examination. A person who has HIV or AIDS will often be deemed by the medical institution carrying out the tests to have failed the medical examination on account of his or her HIV positive status. As such they will be unable to take up a position working for the government on account of failing the medical examination in what amounts to a form of indirect discrimination.’ [104a] (p34-35 - Health and HIV/AIDS)

28.14 A Reuters report dated 30 October 2008 stated:

‘It is officially illegal to discriminate against those with the disease but ignorance means signs banning victims from places like gyms and bathhouses are common and blood tests sometimes required for jobs or hospital operations. The government has also sent out mixed messages, with sporadic crackdowns on domestic activists and visa bans on most foreigners infected with the disease. But Wang Longde, head of the Chinese Preventative Medicine Association, said he hoped the visa rule will go by the end of the decade and overall things had improved from a few years ago when police would wait outside his office to arrest patients on the grounds that they must be infected if they were visiting him.’ [34a]

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DISCRIMINATION AGAINST PEOPLE WITH HEPATITIS B

28.15 An article in the China Labour Bulletin, on 2 December 2009, reported:

‘Despite government moves to eradicate employment discrimination against people with HBV, the virus that causes Hepatitis B, employers still routinely refuse to hire HBV-positive job candidates, and there is still a widespread fear and misunderstanding of the disease in Chinese society, according to a new research report by the HBV activist and support group...

‘There are an estimated 130 million people living with HBV in China, the vast majority of whom keep their condition secret so as avoid social prejudice and discrimination at work

and school. As many of those interviewed in Yirenping's report pointed out "the look on someone's face changes the instant you talk about hepatitis." [24a]

28.16 In October 2011 the China Labour Bulletin cited an incident of discrimination, reporting:

'A job applicant is suing a Chongqing subsidiary of Taiwanese electronics giant, Foxconn, after the company allegedly rescinded an offer of employment in its purchasing department when a medical test indicated the applicant had a tuberculosis infection. The Legal Daily said it is believed to be China's first case of employment discrimination based on tuberculosis.

'The applicant told the human resources department at Foxconn Hongfujin Precision Electronics that she had suffered from tuberculosis as a child but had fully recovered and that the calcification in her lung shown up in her medical check was simply a non-contagious residue or scarring from that disease. Regardless, she was refused employment by the company.

'On 21 September [2011], two months after she was denied employment, the plaintiff filed a lawsuit in the Shapingba District Court in Chongqing, alleging employment discrimination against Foxconn Hongfujin.' [24b]

MENTAL HEALTH

28.17 An estimated 173 million Chinese are thought to suffer from mental disorders and only one in 12 of those in need of psychiatric care are ever seen by a professional, according to a recent survey. Very few receive care, due to lack of 'financing, practitioners and esteem'. Aljazeera reported in February 2012:

'Most Chinese psychiatrists lack a university degree in any subject, much less mental health, while chronic shortages of doctors and facilities is leading families to either lock up or abandon mentally ill relatives. The government has pledged to invest more in mental healthcare, pouring billions of dollars into new and renovated psychiatric hospitals, many of which are old and purposely located far from cities. Meanwhile, mental disorders are rising rapidly. Although some of the increase is from greater awareness and reporting, local experts argue that stress-disorders have shot up as Chinese society changes too fast for people to adapt.' [80d]

28.18 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, observed:

'In 2001, China ratified the International Covenant on Economic, Social and Cultural Rights and in doing so committed itself to ensuring "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." As the Commission reported in its 2010 Annual Report, cases of mental illness are prevalent in China, and the burden these cases place on the country's under-resourced mental healthcare system is significant. The rate of treatment is low, and officials reportedly continue to abuse their power over psychiatric institutions and medical professionals by using them as "tools for detaining people deemed a threat to social stability." Against the backdrop of these concerns, in October 2010, a court in Shandong province ordered compensation for the plaintiff in China's first case of misdiagnosed mental illness and compulsory psychiatric treatment, and in June 2011, the central government took steps that could improve the legislative framework for regulating the mental healthcare system.' [28a] (p136-137 - Mental Health)

28.19 On 17 June 2009 the official China Daily referred to 'the growing problem of mental illness across a country that lacks national legislation to deal with it.' The report stated further:

'At least 56 million patients with mental ailments across the country have not received any treatment and only one in four patients with serious mental disorders are hospitalized... "Lack of money is a problem not only for patients, but also hospitals," Zhang Zhaoping, vice-director of Huidong county federation for disabled persons, told Nanfang Daily... Mental illness covers a wide range of ailments, from depression to schizophrenia. The affliction accounts for 20 percent of all diseases in the country and has become a serious threat to public health, with the rate expected to rise to 25 percent by 2020, the Ministry of Health said. Latest figures show there are 11 hospital beds and less than two psychiatrists for every 100,000 patients, far below the world's average of more than 43 beds and nearly four doctors for the same number of patients. The country's health budget last year was 5.5 percent of gross domestic product, while the investment in mental health services took up 2.3 percent of the health budget in 2008.' [14a]

28.20 On 12 June 2009 The Wall Street Journal reported:

'Rates of mental illness in the China are higher than previously estimated, according to a new study... Over a one-month period, those with a mood disorder such as depression totaled 6.1% of the population while 5.6% suffered from an anxiety disorder and 5.9% from a substance abuse disorder. The study found 1% suffered from a psychotic disorder, meaning some condition that involves having a distorted sense of reality. Overall, 17.5% of the population surveyed had some mental disorder. Seventy percent of Chinese individuals with psychotic disorders had received professional help at some point, according to the Lancet study. But, among those with non-psychotic disorder, only 12% had ever received treatment, and nearly half who said they sought help had received it from non-mental health professional... "Projection of our results to all of China suggests that 173 million adults in the country have a mental disorder and 158 million of these have never received any type of professional help for their condition," wrote the authors... "A major redistribution of societal and health resources is needed to address a problem of this size and will only happen with the active participation (or, at least, concordance) of powerful political, economic, social, and professional stakeholders in the community," they said.' [17a]

28.21 The WHO Mental Health Atlas 2005 (a project of the Department of Mental Health and Substance Abuse, WHO, Geneva) recorded in its Country Profile for China, 'Among all the cities of China, Shanghai has the most developed psychiatric setup... Services at each of the three levels – municipal, district and grass-root level are available' [53b] (China, p136)

(See also Section 26: [Women](#))

(See also Section 27: [Children](#))

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29. FREEDOM OF MOVEMENT

This Section should be read in conjunction with Section 32: [Exit-Entry procedures](#)

- 29.01 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

'Authorities heightened restrictions on freedom of movement periodically, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries and visits of foreign dignitaries, and to forestall demonstrations. Freedom of movement continued to be very limited in the TAR [Tibet Autonomous Region] and other Tibetan areas. Police maintained checkpoints in most counties and on roads leading into many towns, as well as within major cities such as Lhasa.' [2c] (Section 2d – In-country Movement)

- 29.02 The USSD Report 2011 also noted: 'In April 2010 the country eliminated a 20-year travel ban that barred individuals with HIV/AIDS from entering the country. The State Council posted a statement on its Web site announcing that the government had passed amendments in April 2010 revising the Border Quarantine Law, as well as the Law on Control of the Entry and Exit of Aliens; the changes were effective immediately.' [2c] (Section 6 – Other Societal Violence or Discrimination)

(See also Section 28: Medical issues - [HIV/AIDS](#))

HOUSEHOLD REGISTRY (HUKOU)

- 29.03 In February 2010, an article by China.org described how the household registry system, known as Hukou, evolved:

'The current system can be dated back to the planned economy period (1949-1978), when all economic activities were controlled by the central government. A hukou is a residential permit that is linked to one's parents' hometown. It determines where a Chinese citizen is allowed to live and work. However, with China's development, more and more people now travel the country in search of new residences and jobs. Thus, a series of social and political problems are created under the existing system.

'Typical examples include the hundreds of millions of farmers working along the coast and the tens of millions of white-collar workers living in big cities. These workers contribute a great deal of tax revenues to the cities they live in, yet they cannot enjoy the public services offered in those cities because their hukous are linked to their parents' hometowns.

'On the other hand, the governments of their hometowns refuse to manage people who are working outside their hukou-designated area. This allows local governments to evade the responsibilities of offering them social welfare, therefore leaving a huge gap in the distribution and administration of public services.' [74b]

- 29.04 An article by Bloomberg on 15 March 2012 provided a physical description of a Hukou, noting:

'The hukou, a small red passbook, contains key information on every family, including marriages, divorces, births, and deaths, as well as the city or village to which each person belongs. What comes attached to the hukou are benefits including health care, a pension, and free education for one's children. These benefits are only available if a Chinese citizen lives where he or she is registered. Not having a hukou for where one

lives makes it more difficult to get a driver's license, buy a house, or purchase a car.' [83a]

29.05 A Goldman Sachs February 2011 report on the Chinese Hukou system stated:

'China's hukou (household registration) system, separating urban and rural citizens, continues to determine a significant portion of eligibilities and benefits relating to employment, education, and societal protections today. Reforms that would relax some of the restrictions and gradually equalize rights and benefits may play a major role in facilitating key objectives like income equality and greater social safety nets; faster urbanization and improved productivity. Better resource allocation and more geographically balanced development may also result.' [82a] (p1)

29.06 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, stated:

'In January [2011] a government survey of migrant workers indicated that the hukou (household registration) system continued to impose systemic discrimination on migrants. Survey respondents blamed the hukou system, which the government has repeatedly promised to abolish, for unfairly limiting their access to housing, medical services, and education. In August 2011 the Beijing city government ordered the closure of 24 illegal private schools that catered to migrant children. Most found alternate schools, although an estimated 10 to 20 percent had to be separated from their parents and sent to their hukou-linked rural hometowns due to their parents' inability to secure suitable and affordable schooling in Beijing.' [7b] (p322)

29.07 As reported by the Canadian IRB on 19 April 2002:

'A hukou does not expire so there is no need for it to be renewed. There are occasions when a hukou required amending, i.e.: if the person moves, if there is an addition to the family, if the person gets married, etc. The information that we have been able to obtain is that amendments to the hukou are made by the local government, [at the] local police station, [which is] responsible for issuing and maintaining the hukou.' [3m] (Based on information supplied by an official at the Chinese Embassy in Canada, 11 April 2002)

29.08 In February 2012 the British Broadcasting corporation (BBC) online news provided a round-up of the Chinese media reporting on the [household registration reform](#). [9c]

(See also Section 25: Children – [“Black” children or “hei haizi” \(unregistered children\)](#))

(See also Section 33: Official documents - [Forged and fraudulently obtained documents](#))

RESTRICTIONS ON FALUN GONG PRACTITIONERS

29.09 The 2010 Annual Report on Falun Gong stated:

'While some Falun Gong practitioners are able to leave China via normal channels due to previous possession of a valid passport or via their employers, less fortunate adherents have routinely been denied their applications to obtain valid travel documents by the government. As such, in many cases, if Falun Gong adherents wish to leave China, they must escape through China's relatively porous border with Burma, eventually making their way to Thailand and filing for refugee status. Many of the persecution victims now residing overseas escaped precisely through this channel.

'In addition to being subjected to international travel restrictions, Falun Gong adherents are sometimes placed under a state of virtual house arrest by 6-10 Office agents. This is especially true during "sensitive" dates or events. Meanwhile, the majority of Chinese Falun Gong practitioners living outside of China continue to be barred from returning to their homeland. Thus they are rarely able to visit family in mainland China, including elderly parents on their deathbeds.' [46a] (Chapter 12 - Restrictions on Freedom of Movement)

(See also Section 19: Banned spiritual groups – [Falun Gong](#))

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30. FOREIGN REFUGEES

30.01 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

'The law does not provide for the granting of refugee or asylum status, and the government has not established a system for providing protection to refugees. Although the government does not grant refugee or asylum status, it allowed the UNHCR [United Nations High Commissioner for Refugees] more latitude in assisting non-North Korean refugees. UNHCR Beijing recognized approximately 100 non-North Korean refugees in China (from Pakistan, Iraq, Somalia, and Eritrea) and was processing approximately 100 additional individuals who have requested refugee status. However, because these individuals were not officially recognized as refugees by the PRC, they remained in the country as illegal immigrants unable to work, with no access to education, and deportable by the host government at any time.

'The government officially acknowledged that 37,000 residents of Kokang, in northeastern Burma, fled across the border into Yunnan during the Burmese army crackdown in 2009; they were not officially designated as refugees. The government did not respond to UNHCR requests for access to the border areas in 2009 or during the year. There is no official government estimate of how many refugees fled across the border as result of fighting during the year.' [2c] (Section 2d – Protection of Refugees)

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NORTH KOREAN REFUGEES

30.02 The US Commission on International Religious Freedom (USCIRF), Annual Report 2012, covering the period from 1 April 2011 – 29 February 2012, published March 2012, stated:

'Over the past decade, hundreds of thousands of people fled to neighboring China and South Korea to escape persecution and famine in North Korea. Should famine conditions return, the number of North Korean refugees in China may spike. Repatriation, trafficking, forced labor, and generally poor social conditions in China are issues of international concern. The Chinese government continually labels North Korean refugees as "illegal" economic migrants and routinely repatriates them, despite China's international obligation to offer protection to asylum-seekers and the documented proof that repatriated refugees suffer mistreatment and imprisonment in North Korea when returned. According to the concluding observations of the UN [United Nations] Committee Against Torture's (CAT) 2008 review of China, repatriation of North

Koreans may violate Article 3 of the Convention Against Torture, to which China is a party. Article 3 provides that no “State should expel, return or extradite” anyone to another country where there is “substantial grounds for believing” that they would be subjected to torture. The Committee urged China to halt forced repatriations, adopt legislation to protect asylum seekers consistent with Article 3, and provide precise data to the CAT. Although North Korean asylum-seekers continue to flow into China, no such actions have been taken.’ [70a] (p45 - North Korean Refugees in China)

- 30.03 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

‘In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion, especially as regards North Korean refugees. The government continued to consider all North Koreans “economic migrants” rather than refugees or asylum seekers, and the UNHCR [UN High Commissioner for Refugees] continued to have no access to North Korean refugees inside China. The lack of access to durable solutions and options, as well as constant fear of forced repatriation by authorities, left North Korean refugees vulnerable to human traffickers. Reports of various exploitation schemes targeting North Korean refugees, such as forced marriages, labor, and prostitution, were common. The government continued to deny the UNHCR permission to operate along its border with North Korea.

‘Some North Koreans who entered diplomatic compounds in the country were permitted to travel to third countries after waiting periods of up to two years.’ [2c] (Section 2d – Protection of Refugees)

- 30.04 The US Congressional-Executive Commission on China (US-CECC), Annual Report 2011, published 10 October 2011, observed:

‘During the Commission’s 2011 reporting year, central and local authorities continued policies of classifying all North Koreans in China as “illegal” economic migrants and repatriating North Korean refugees in China, amid rising concerns over humanitarian crises and political instability in the Democratic People’s Republic of Korea (DPRK). In 2011, the Chinese government reportedly increased the presence of public security officials in northeastern China and erected new barricades along the Chinese-North Korean border.’ [28a] (p28-29 - North Korean Refugees in China)

- 30.05 The USSD Report 2011 noted:

‘The intensified crackdown begun in 2008 against North Korean refugees reportedly extended to harassment of religious communities along the border. The government arrested and detained individuals who provided food, shelter, transportation, and other assistance to North Koreans. According to reports, some activists or brokers detained for assisting North Koreans were charged with human smuggling, and in some cases the North Koreans were forcibly returned to North Korea. There were also reports that North Korean agents operated clandestinely within the country to forcibly repatriate North Korean citizens.’ [2c] (Section 2d – Protection of Refugees)

30.06 According to Article 7 of the Nationality Law of the People's Republic of China:

'Foreign nationals or stateless persons who are willing to abide by China's Constitution and laws and who meet one of the following conditions may be naturalized upon approval of their applications: (1) they are near relatives of Chinese nationals; (2) they have settled in China; or (3) they have other legitimate reasons. (China 10 Sept. 1980) However, according to Human Rights Watch (HRW), since the Chinese government considers North Koreans "illegal" economic migrants and "regularly arrests and repatriates them," North Korean wives and half-North Korean children of Chinese citizens may be precluded from obtaining citizenship...' [69f]

(See also Section 20: Ethnic groups - [Koreans](#))

(See also Section 25: [Children](#))

(See also Section 29: Freedom of movement - [Household registry \(hukou\)](#))

(See also COI Report: [Democratic People's Republic of Korea](#))

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31. CITIZENSHIP AND NATIONALITY

- 31.01 The Constitution states, 'All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China. All citizens of the People's Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law. The State respects and preserves human rights.' [98a]
- 31.02 According to Article 5 of the Nationality Law of the People's Republic of China: 'Any person born abroad whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality.' [69f]
- 31.03 Article 4 of the Nationality Law of the People's Republic of China, dated 10 September 1980, states, 'Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality.' [69f] The United States Office of Personnel Management Investigations Service in its paper entitled, Citizenship Laws of the World (March 2001), stated that if at least one parent is a Chinese citizen and the child has not acquired the citizenship of another country then that child is considered a citizen of China. [23a] (p 51)

RESTORATION OF NATIONALITY

31.04 The Chinese Nationality Law states:

'Article 3 The People's Republic of China does not recognize dual nationality for any Chinese national...

'Article 9 Any Chinese national who has settled abroad and who has been naturalized as a foreign national or has acquired foreign nationality of his own free will shall automatically lose Chinese nationality...

'Article 13 Foreign nationals who once held Chinese nationality may apply for restoration of Chinese nationality if they have legitimate reasons; those whose applications for restoration of Chinese nationality have been approved shall not retain foreign nationality.

'Article 14 Persons who wish to acquire, renounce or restore Chinese nationality, with the exception of cases provided for in Article 9, shall go through the formalities of application. Applications of persons under the age of 18 may be filed on their behalf by their parents or other legal representatives.

'Article 15 Nationality applications at home shall be handled by the public security bureaus of the municipalities or counties where the applicants reside; nationality applications abroad shall be handled by China's diplomatic representative agencies and consular offices.

'Article 16 Applications for naturalization as Chinese nationals and for renunciation or restoration of Chinese nationality are subject to examination and approval by the Ministry of Public Security of the People's Republic of China. The Ministry of Public Security shall issue a certificate to any person whose application has been approved.

'Article 17 The nationality status of persons who have acquired or lost Chinese nationality before the promulgation of this Law shall remain valid.' [69f]

31.05 On 15 November 2002 the Canadian Immigration and Refugee Board (IRB) stated:

'It is possible to recover Chinese nationality after it has been lost. To recover Chinese nationality, a person must first renounce the other nationality they are holding and provide a report – for example, proof of renunciation of other nationality and request for reinstatement of Chinese nationality – to Chinese authorities. Acquisition, loss or recovery of Chinese nationality can be requested or processed through Chinese consulates or embassies outside China, or inside China through the Public Security Ministry. Besides holding another country's nationality, there is no general reason why a person who originally held Chinese nationality would be denied its reinstatement. However, each case is different and must be evaluated on its specific circumstances and merits by the authorities.' [3j] (Based on a telephone interview with the PRC Embassy in Ottawa, Canada)

31.06 The Hong Kong government's website, accessed on 5 August 2011, provided guidance for those wishing to apply for [restoration of Chinese nationality](#). [86b]

(See also Section 26: Family planning ('one child policy') - [Returned overseas Chinese nationals](#))

(See also Section 29: [Freedom of movement](#))

(See also Section 36: [Hong Kong \(SAR\)](#))

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32. EXIT-ENTRY PROCEDURES

This Section should be read in conjunction with Section 29: [Freedom of movement](#)

- 32.01 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

'The government permitted legal emigration and foreign travel for most citizens. There were reports that some academics and activists continued to face travel restrictions around sensitive anniversaries, such as the awarding of Liu Xiaobo's Nobel Peace Prize in October 2010. The government exercised exit control for departing passengers at airports and other border crossings and utilized this exit control to deny foreign travel to dissidents and persons employed in sensitive government posts. Throughout the year lawyers, artists, authors, and other activists were at times prevented from freely exiting the country. Border officials and police cited threats to "national security" as the reason for refusing permission to leave the country. Most were stopped at the airport by authorities at the time of the attempted travel. On April 3 [2011], the government detained Ai Weiwei at the airport as he attempted to board a flight. Writer Liao Yiwu repeatedly faced travel bans preventing his attendance at international literary festivals; in July [2011] he left the country and traveled to Germany declaring himself "in exile."

'Most citizens could obtain passports, although those whom the government deemed potential threats, including religious leaders, political dissidents, petitioners, and ethnic minorities, reported routinely being refused passports or otherwise prevented from traveling overseas. Uighur residents of the XUAR reported difficulties at the local level in getting a passport application approved. Some residents of the XUAR and other citizens reportedly had valid passports seized. In Tibetan regions of Qinghai, Gansu, and Sichuan provinces, in addition to the TAR [Tibet Autonomous Region], ethnic Tibetans experienced great difficulty receiving passports. The unwillingness of the PSB [Public Security Bureau] in Tibetan areas to issue or renew passports for ethnic Tibetans created, in effect, a ban on foreign travel for a large segment of the Tibetan population. Han residents of Tibetan areas did not experience the same difficulties.' [2c] (Section 2d – Exile)

- 32.02 The USSD Report 2011 added:

'The law neither provides for a citizen's right to repatriate nor addresses exile. The government continued to refuse reentry to numerous citizens who were considered dissidents, Falun Gong activists, or "troublemakers." Although some dissidents living abroad were allowed to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled. Activists residing abroad were imprisoned upon their return to the country.' [2c] (Section 2d – Exile)

- 32.03 On 25 October 2005 the Canadian IRB recorded, 'The Frontier Defense Inspection Bureau (FDIB) is in charge of the inspection barriers, and FDIB officers examine the passports and immigration departure cards of Chinese travellers. The officers also verify the identity of the person through a "computerised record system." Chinese travellers do not need to present their resident identity card during the inspection.' (Based on information supplied by a representative of the Canadian Embassy in Beijing) [3e]

(See also Section 8: Security forces - [Police](#))

(See also Section 36: [Hong Kong \(SAR\)](#))

TREATMENT OF RETURNEES

- 32.04 Article 322 of the Criminal Law covers the penalties for illegal emigration. It states, 'Whoever violates the laws and regulations controlling secret crossing of the national boundary (border), and when the circumstances are serious, shall be sentenced to not more than one year of fixed-term imprisonment and criminal detention or control.' [69a] As reported by the Canadian IRB on 9 August 2000, 'Leaving China without exit permission or a passport is a criminal offence in China punishable of [sic] up to one year in prison.' [3b]
- 32.05 Articles 52 and 53 of the Criminal Law cover financial penalties for returnees. They state:
- 'Article 52. In imposing a fine, the amount of the fine shall be determined according to the circumstances of the crime.
- 'Article 53. A fine is to be paid in a lump sum or in installments [sic] within the period specified in the judgment.
- 'Upon the expiration of the period, one who has not paid is to be compelled to pay. Where the person sentenced is unable to pay the fine in full, the people's court may collect whenever he is found in possession of executable property.
- 'If a person truly has difficulties in paying because he has suffered irresistible calamity, consideration may be given according to the circumstances to granting him a reduction or exemption.' [69a]
- 32.06 The Passport Law of the People's Republic of China came into force on 1 January 2007. Article 14 provides that where an applicant has been "repatriated to China due to his illegal exiting China, illegal dwelling or illegal employment overseas", the passport issuance departments shall not issue a passport "within six months to three years as of the day when he completes the criminal punishment or is repatriated to China." [5a]

Fuzhou detention centre (Fujian)

- 32.07 As reported by the Canadian IRB on 9 August 2000:

'The detention centre [in Fuzhou] is a rectangular, four storey building with a large enclosed courtyard. It can accommodate a maximum of 100 detainees. The cells are all around the building with recreation facilities such as a ping pong table in the courtyard. On the first floor, there are several rooms for questioning deportees. Those rooms are fairly small with a plexiglass divider separating the detainee and the interviewer. We recognized one of the deportees of the previous day being questioned as we walked by. Each cell can accommodate up to 10-12 people. The cells are large rectangular rooms with an elevated floor on each side where mattresses are set at night and rolled up during the day. Each cell has its own bathroom, television, and window. From what we could see most of the inmates were sleeping, watching television or playing cards. A larger room is used as a cafeteria and "re-education" room. The whole detention centre is very clean and the living conditions did not appear to be particularly harsh, almost comparable to the equivalent in Canada.' [3b]

Treatment of Tibetans

32.08 The USSD Report 2011 noted, 'The government continued to try to prevent many Tibetans from leaving and detained many who were apprehended in flight (see Tibet Addendum). By the end of 2010, 874 Tibetans had arrived at the UNHCR reception center in Kathmandu. Flows to Nepal increased slightly during the year but were lower than the levels prior to the 2008 Lhasa crackdown. For the first time since 2003, there was a confirmed forcible return of three Tibetans from Nepal in June 2010.' [2c] (Section 2d - Emigration and Repatriation)

32.09 Radio Free Asia (RFA) reported on 30 August 2012:

'In what appears to be a growing trend, Chinese border police have deported to Nepal two groups of Tibetans who had sought to re-enter Tibet, some in hopes of reuniting with family members, according to Tibetan and Nepalese sources. One group of 11 men was forced over the border to Nepal on Aug. 29 [2012], while a second group of four men and one woman was sent back on Aug. 23. All had been held by Chinese police at a detention center in Shigatse, Tibet, after being detained at border crossings with Nepal at Dram, Nangpa La, and Nyalam. Six of the men in the first group are married and have children living in Tibet, sources said. On their return to Nepal, both groups were taken to the Tibetan Refugee Reception Center in Kathmandu with the assistance of United Nations refugee workers. After a short stay at the refugee center, the group of five who were sent back to Nepal on Aug. 23 paid fines and were released, and have now traveled into India, sources said.' [73o]

(See also Section 21: [Tibet](#))

Treatment of Uighur(s)

32.10 The USSD Report 2011 noted, 'During the year there were reports of Uighur asylum seekers being forcibly returned from Malaysia, Pakistan, and Thailand. Of a group of 21 Uighurs returned from Cambodia in 2009, three persons, a woman and two children were reportedly freed, 16 others were given prison sentences ranging from 16 years to life, and the fates of two remained unknown at year's end.' [2c] (Section 2d - Emigration and Repatriation)

(See also Section 18: Freedom of religion - [Uighurs](#))

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33. OFFICIAL DOCUMENTS

IDENTITY CARDS

33.01 The Immigration and Refugee Board of Canada (IRB) research response on the 'Appearance of the second-generation Resident Identity Card (RIC), including personal information represented on the card; procedure for testing cards for authenticity', 7 July 2011, stated:

'The second-generation Resident Identity Card (RIC) measures 85.6 millimetres by 54 millimetres (Xinhua 28 Jan. 2004). The new card is covered with a "special coating" (China 18 Dec. 2003), described by one source as a "hard wearing" polyester plastic (Xinhua 28 Jan. 2004). The second-generation card is reportedly the same colour for both men and women, and the text on the card is written horizontally rather than

vertically (China Daily 30 Mar. 2004; People's Daily 21 May 2004). The colour of the second-generation card was not identified in the sources consulted by the Research Directorate.

'According to Article 3 of the Law of the People's Republic of China on Resident Identity Cards, the following information is registered on the RIC:

'[N]ame, sex, nationality, date of birth, address of permanent residence, citizen's identity number, the bearer's photograph, term of validity of the card and the issuing authority. (China 2003)

'An official at the Embassy of China in Ottawa noted, in correspondence with the Research Directorate, that the names of the cardholder's parents are not included on the card (China 19 May 2011).

'Article 4 of the RIC law, which addresses the languages found on the card, states the following:

'Standard Chinese characters and numerals and symbols conforming to national standards shall be used in filling out a resident identity card.' [93a]

33.02 The same source added:

'The Chinese news agency Xinhua indicates that the back of the second-generation RIC includes the cardholder's name, sex, nationality, date of birth, residence, ID number and photograph... Sources state that the cardholder's photograph appears on the right-hand side of the card... while the ID number appears at the bottom... In the upper left-hand corner of the front cover of the card is a design of China's national emblem... The front cover also has decorative patterns and an image of the Great Wall of China... This side of the card also identifies the card's validity period and the issuing authority... Two samples of RICs are attached to this Response.

'According to Shenzhen Daily, the ID number comprises 18 digits:

- * Digits 1 to 6 represent the county or district in which the cardholder is registered;
- * Digits 7 to 14 represent the cardholder's birth date;
- * Digits 15 to 17 are a sequence of numbers for persons who have the same birth date and are registered within the same county or district (odd numbers represent males and even numbers represent females); and
- * The 18th digit is a number that is calculated using the previous 17 digits in a formula (25 May 2005).

'Information on the formula used to determine the eighteenth digit could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

'The second-generation RIC, referred to as a "smart card," has an embedded digital microchip... The microchip contains cardholder information, such as name, sex, birth date, address and household registration location... Fingerprints were initially intended to be stored in the microchip; however, the inclusion of fingerprints has reportedly not occurred...

'The new ID card's embedded microchip can apparently only be read by "special" card readers... According to an article in the April 2006 issue of CardTechnology, information on the chip can be read in eight-tenths of a second...' [93a]

- 33.03 The Regional Organized Crime Information Center Special Research Report, Law Enforcement Guide to International Names, published in 2010, described the Chinese Commercial Code (CCC) Identity Card:

'The Chinese Commercial Code (CCC) is a system of numbers based on the phonetic combinations in the Chinese language. As Chinese language contains more than 10,500 characters (each containing four Arabic numerals) the code was created to better identify and record Chinese citizens accurately. Additionally, the code was created to assist law enforcement to identify, organize, and classify Chinese names and suspects. The code is also used in China and Hong Kong by immigration authorities to identify criminal suspects.

'Citizens of Singapore, Hong Kong, and Malaysia are required to hold an ID card, which contains the CCC for their name. For example, an individual by the name Zhang Sum (Zhang= CCC# 1728, Sum= CCC# 2450) would be identified by the CCC# 1728/2450. An individual named Wong Yin (Wong= CCC# 7806, Yin= CCC# 3185) would be identified by the CCC# 7806/3185. Police in Hong Kong have said that it is vital to list these numbers accurately, as "apart from fingerprints, the (Chinese Commercial Code) is the only means of establishing an identity in Hong Kong."' [64a] (p13 – Chinese names - Chinese Commercial Code)

- 33.04 An IRB research response, dated 11 July 2011, on whether state authorities used second-generation Resident Identity Cards (RICs) to track citizens, stated: 'Chinese media sources report that second-generation identity card readers have been installed at hotels..., daily rental houses (a type of small unlicensed hotel)..., Internet cafes ..., and train stations...' [93b] IRB cited the following sources, documenting incidents where second-generation Resident Identity Cards (RICs) were used to track citizens:

'The Changsha Evening News reports of an instance in which a man was registered as a guest at a hotel in the Xiangya Road subdistrict of Changsha with the second-generation card reader and his information was forwarded to the police... In comparing the card information with their own records, the police recognized the guest as a suspected narcotics trafficker and arrested him at the hotel..., a Washington-based broadcaster, reports that all hotels and guesthouses in the Tibetan capital Lhasa are required to install the second-generation card readers, and that the police will be monitoring the information from the card readers...

'The Shanxi Evening News reports that in the city of Taiyuan, 1,644 [translated by Translation Bureau] "Fast Pass" processors have been installed in "daily rental houses" to manage the migrant population... The Fast Pass [translated by Translation Bureau] "information management systems" are reportedly able to read information on the second-generation RICs directly... According to the article, the police apprehended 14 fugitives in Taiyuan by using this system...

'The New York-based newspaper Epoch Times, which is affiliated with the Falun Gong spiritual group, reports that a man from Zhengzhou, Henan province, found that when he used his second-generation RIC, such as to go to a bath centre or hotel, police would show up to investigate him... The police claimed that when conducting a background identity check, the "public security network" indicated that he had a "bad history" or was a "high-risk petitioner," even though he claimed that he had never

petitioned... According to the article, the police had made a data entry mistake and eventually corrected his record...

'RFA reports that Internet cafés in the province of Sichuan also require all users to register with their second-generation RICs before going online... Local Chinese media source Daye Today reports that Internet café users in the city of Daye face the same requirement... According to one Internet café patron in Daye, when users register with their second-generation RICs, the computer displays their name, date of birth, place of origin, address, photograph, and other information... The article claims that the use of the second-generation RICs to access the Internet will help the police in their investigations...

'RFA reports of a 2010 case in which a citizen using a second-generation RIC at a railway station found that the card linked him to a dissident watch list... The man in question is reportedly a blogger from Zhejiang who often criticizes China's Communist Party on social media sites (ibid.). He claims that when swiping his card at the railway station, a reference to "stability protection" and a contact name, as well as a cell phone number, at his local police station appeared at the bottom of the official screen (ibid.). When he inquired about it, he was reportedly told that it meant that the local police station had a file on him (ibid.). In March 2011, RFA reported that this same blogger was detained by police on suspicion of "incitement to subvert state power" as part of a "crackdown on political activists and petitioners" after calls for a fourth day of "Jasmine" protests...

'In a 2009 case reported by the Epoch Times, a former Falun Gong practitioner was reportedly travelling by train with her son en route to his college... When transferring trains in Beijing, police allegedly accessed her background information from her identity card through the "public-security network system" and sent her back to her hometown, presumably because of her former affiliation with the Falun Gong... This incident could not be corroborated among the sources consulted by the Research Directorate.' [93b]

(See also Section 19: Banned spiritual groups – [Falun Gong](#))

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PASSPORTS

33.05 On 13 April 2011 the Canadian Immigration and Refugee Board (IRB) recorded:

'Since 1 January 2007, regular passports issued to Chinese citizens, whether in China or abroad, are valid for ten years for passport holders sixteen years of age and older and five years for passport holders under sixteen years of age... According to an online version of an article published in the English-language newspaper the *China Daily*, the Passport Law of the People's Republic of China, which established these validity periods, was "the first passport law since the founding of the People's Republic of China in 1949"... According to the Xinhua News Agency, the law "replaced a two-decade-old regulation governing passport management" and aimed "to standardize the application, issuance and management of passports"...

'Prior to 1 January 2007, regular passports issued by China were valid for five years with the possibility of renewal for another five years... In 29 March 2011 correspondence with the Research Directorate, an official with the Document Integrity

Unit of the Canada Border Services Agency (CBSA) stated that the five-year passports were renewable for up to two periods of five years... The *China Daily* likewise states that passports with a five-year validity period were extendable to a maximum of ten years... In a 24 March 2011 telephone interview with the Research Directorate, the Consul General of the Embassy of the People's Republic of China in Canada explained that due to the possibility of extending their validity periods, some older passport versions are still in use...

'Specific information on whether the validity periods for passports issued by embassies were consistent prior to January 2007 was not found among the sources consulted by the Research Directorate. According to the *China Daily*, the ten-year passports, which have been issued since January 2007, are not renewable... The Consul General stated that even in the case of the replacement of a lost or stolen passport, a new passport is issued with a validity period of ten years...' [3ag]

FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

33.06 As reported by the Canadian IRB on 8 September 2005, 'A professor of criminal justice at Rutgers University, who has written on Chinese human smuggling, told the Research Directorate that, in his opinion, "it is pretty easy to obtain all kinds of fake documents in China," including identity documents, birth certificates, university diplomas and hospital documents.' Citing a 2002 report by the Australian Institute of Criminology the IRB reported that '... corrupt officials provide "both genuine and fraudulent documents in exchange for money, or... for the migrant smuggler's promise to smuggle a member of the corrupt official's family abroad".' [3g]

33.07 On 14 June 2007 the Canadian IRB reported:

'... a representative of the New York-based Human Rights in China (HRIC) states that "[i]t is completely conceivable that corrupt officials could be involved in the illegal production and sale of fraudulent [identity] documents. Reports to this effect circulate regularly, sometimes involving passports as well... The fake documents would be most useful to people with active arrest warrants trying to evade police notice, or for obtaining employment or housing"... In an effort to reduce fraud and to correct Resident Identity Card mistakes, the general public in China reportedly now has access to the country's Public Security Bureau (PSB) database, which contains information on 1.3 billion citizens... according to the PSB, about 90 percent of criminals make use of fraudulent identity cards.' [3d]

33.08 On 3 July 2007 the Canadian IRB reported, 'Unlike the old laminated paper ID card, the second-generation ID card is designed with a technology that is difficult to counterfeit... A 28 January 2005 Taipei Times article notes that the new card has 21 features that are "duplication-proof;" however, the article does not identify these features... second-generation ID cards can be verified for authenticity through the use of card readers.' [3i]

33.09 On 24 June 2009 the Canadian IRB reported:

'In 12 June 2009 correspondence, a professor of law at George Washington University Law School, who specializes in the Chinese legal system, stated that "just about any document can be forged in China, and many are." A 2007 briefing paper published by the Economist Intelligence Unit (EIU) indicates that a United States (US) consular official based in southern China reported that fake passports in China are rare, while the ability to screen other documents is inhibited by "widespread fraud" ... According to the

official, “you can’t trust any [personal] documents in China”, and the market for fraudulent documents is rapidly expanding... The official further indicated that documents are assumed to be fraudulent unless proven otherwise, and that the verification of documents is a “labour-intensive and time-consuming process” ... A 2009 Vancouver Sun article reports that it is possible to “buy any kind of document you want” in China... In 9 June 2009 correspondence, a professor of international affairs at the Georgia Institute of Technology, who has published on the hukou system in China, stated that both hukou forgery and acquiring a genuine hukou by fraudulent means “have been observed for a long time” in China. The Professor also noted that “while it is hard to ascertain which type of counterfeiting is more common in a given place, obtaining a genuine document by fraudulent means (such as bribery) appeared to be the preferred kind of fraud” ... A 16 March 2009 South China Morning Post article reports that two employees of Beijing’s labour and security bureau produced fake documents that allowed 26 people to obtain city residence permits; the two employees were jailed for 10 to 12 years. Specific information on fraudulent summonses could not be found among the sources consulted by the Research Directorate.’ [3c]

(See also Section 29: Freedom of movement - [Household registry \(hukou\)](#))

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34. EMPLOYMENT RIGHTS

34.01 Article 42, Chapter II of the Constitution, The Fundamental Rights and Duties of Citizens, states:

‘Citizens of the People’s Republic of China have the right as well as the duty to work.

‘Through various channels, the State creates conditions for employment, enhances occupational safety and health, improves working conditions and, on the basis of expanded production, increases remuneration for work and welfare benefits.

‘Work is a matter of honour for every citizen who is able to work. All working people in State-owned enterprises and in urban and rural economic collectives should approach their work as the masters of the country that they are. The State promotes socialist labour emulation, and commends and rewards model and advanced workers. The State encourages citizens to take part in voluntary labour.

‘The State provides necessary vocational training for citizens before they are employed.’ [98a]

Article 43 states:

‘Working people in the People’s Republic of China have the right to rest.

‘The State expands facilities for the rest and recuperation of the working people and prescribes working hours and vacations for workers and staff.’ [98a]

34.02 The Government White Paper, China’s Employment Situation and Policies (Section II), published in April 2004, stated, ‘Chinese law stipulates that workers must not be discriminated against in the matter of employment because of ethnic identity, race, sex or religious belief. Chinese law strictly prohibits the employment of people under the age

of 16. The state strictly investigates and deals with the illegal use of child laborers and the recommendation of children for work.’ [5g] (p7 of Section II)

(See also Section 25: Children - [Child labour](#))

- 34.03 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that:

‘The Employment Promotion Law, which went into effect in 2008, improves protection against discrimination in employment, and local governments continued their regulations to reflect the law. Under the law and adopted regulations, employment discrimination against persons carrying an infectious disease is prohibited, and provisions allow such persons to work as civil servants. While the law improves protection against discrimination in employment, it does not address some common types of discrimination in employment, including discrimination based on height, physical appearance, or place of origin.’ [2c] (Section 6 – Other Societal Violence or Discrimination)

(See also Section 14: Political affiliation – [Freedom of association and assembly](#))

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35. DISPUTED TERRITORIES

TAIWAN

- 35.01 In its Country Profile for Taiwan, dated 28 June 2012, accessed on 29 June 2012, the Foreign and Commonwealth Office (FCO) noted that: ‘The island of Taiwan is found 100 miles across the Taiwan Strait from mainland China. It is 250 miles long and 88 miles across at the widest point. A high and rugged mountain range runs north to south along the island's entire length. This range covers more than half the area of the island, and is the second highest in Asia after the Himalayas.’ [31b] (Geography)
- 35.02 The population of Taiwan was estimated in July 2012 to be 23,113,901, made up of 93 percent Taoist, 4.5 percent Christian and 2.5 percent from other religions. (CIA World Factbook, updated 15 August 2012) [30b] (People and Society)
- 35.03 The FCO Country Profile described the volatile relationship between Taiwan and mainland China:
- ‘Despite the establishment of the People's Republic of China in 1949, the Nationalists, though confined to Taiwan and a few smaller islands, still claimed to be the legitimate government of China, as the “Republic of China”. Both sides considered the civil war not to have ended and continued an exchange of fire and later propaganda leaflets between the mainland and the offshore islands of Kinmen and Matsu into the 1970s. In 1991, the Taiwan authorities declared that the “Period of Communist Rebellion” had come to an end, signalling that they considered the civil war to be over.
- ‘From 1979, the PRC developed the concept of “one country, two systems” and put forward a series of proposals for reunification. Taiwan refused to respond to these overtures, but in the 1980s began to relax restrictions on contacts with the mainland. In 1986, the first direct talks between the two sides were held in Hong Kong, to discuss

how to deal with the hijacking to the mainland of a China Airlines (the Taiwanese “national” carrier) flight. Taiwan allowed family visits to the mainland in 1987.

‘The level of political contact between China and Taiwan was raised in 1993 when representatives of non-official liaison bodies - China's Association for Relations Across the Taiwan Strait (ARATS) and Taiwan's Strait's Exchange Foundation (SEF) met in Singapore. This was the highest level contact between China and Taiwan since the end of the civil war and marked a significant new stage in the relationship. While the meetings did not result in a political breakthrough, they did show incremental progress in practical issues. Reports of a consensus on the “One China” principle later proved difficult to sustain. Talks broke off in June 1995 when President Lee Teng-hui visited the United States. China believed that the United States had reneged on a promise not to let the visit go ahead. Tensions further increased when the PRC conducted military exercises in the Taiwan Strait and launched unarmed missiles off the coast of Taiwan in 1996 in advance of the island's first direct elections for President. Formal cross-Strait dialogue between the heads of ARATS and the SEF resumed in October 1998, but it was again broken off in July 1999 following Lee's statement that Taiwan-China relations were “state-to-state” in nature.

‘From mid-2000 until mid-2002 there was a gradual lessening of tensions across the Taiwan Strait, but no new formal talks. In July and August 2002, the new “President”, Chen Shui-bian spoke of Taiwan “going its own way” and of the existence of “one country on each side of the Taiwan Strait”. This angered the Chinese who saw these remarks as a repetition of Lee Teng-hui's “state to state” pronouncement.

‘China has sought reunification through negotiation; however, the Chinese have not renounced the threat of military action against Taiwan. China enacted its anti-secession law on 14 March 2005, to “oppose and check” Taiwanese independence. The anti-secession law reiterates the “one-China” policy and sets out certain measures to maintain peace and stability in the Taiwan Strait and to promote cross-Strait relations. But it also authorises the use of “non-peaceful” means if peaceful reunification fails.

‘Despite political differences, economic and people-to-people links have continued to develop at an impressive rate. As have trade and investment. In 2011, two-way trade totalled USD 160bn. Taiwan is a major investor on the Mainland. In July 2009, Taiwan started limited easing of restrictions on Mainland investment. Although direct trade is still restricted, Taiwanese investment in China is substantial.

‘Ma Ying-jeou's inauguration as “President” in May 2008 created new opportunities for improving the relationship. The Chinese President, Hu Jintao, spoke in April 2008 of a “golden opportunity in history” and stressed that peaceful development of cross-Strait relations was a shared wish and interest for both sides. The Kuomintang and the Chinese Communist Party met subsequently in mainland China and agreed, on the basis of the “1992 consensus”, to resume unofficial talks which began in June 2008. A second round was held in November 2008 and led to the launch of direct shipping links across the Taiwan Strait on 18 December 2008 and the start of daily charter flights. High-level talks with Mainland China have resulted in the signing of 16 cross-Strait agreements. The most significant was the Economic Cooperation Framework Agreement (ECFA) in June 2010. There are now 558 weekly direct flights between Taiwan and the Mainland. Ma Ying-jeou was re-elected as “President” in January 2012.

[31b] (Politics)

35.04 The British Broadcasting Corporation (BBC) noted in its Country Profile Overview on Taiwan, updated on 17 July 2012, accessed on 29 August 2012, that:

‘Despite its diplomatic isolation, Taiwan has become one of Asia's big traders. It is considered to have achieved an economic miracle, becoming one of the world's top producers of computer technology. And past tensions notwithstanding, Taiwan and China enjoy healthy trade links. China is Taipei's number one export market. For decades, the island was an authoritarian one-party state ruled by the Nationalist Party (Kuomintang or KMT), which under Chiang Kai-shek controlled much of China before the Communists' rise to power in 1949. In the early 1990s, however, Taiwan made the transition to democracy and the KMT's monopoly on power ended completely in 2000, with the election of President Chen Shui-bian of the opposition Democratic Progressive Party (DPP). Unlike the KMT, which seeks a united, non-Communist China, Mr Chen was a passionate supporter of formal independence, straining relations with Beijing. Corruption allegations undermined Mr Chen's popularity and contributed to the DPP's loss to a resurgent KMT in the 2008 presidential election.’ [9d] (Taiwan Country Profile – Overview)

35.05 The FCO Country Profile observed that:

‘The Taiwanese sense of identity has varied greatly. During the years of KMT [Chinese Nationalist Party] single party rule, 75% of the people in Taiwan identified themselves as Chinese, despite only 15% having direct contact with the mainland. Since the 1990s and democratisation in Taiwan a sharp shift led to a small minority (8%) declaring themselves Chinese, with most accepting a dual Chinese/Taiwanese identity (22%). At the same time those who previously accepted a dual identity have increasingly seen themselves as just Taiwanese (62%).

‘In the same way as the KMT promoted a China-centric ideology in the period of single party rule, so the DPP pushed a Taiwan-centric consciousness during its eight years in power. This meant increasing the use of “Taiwan” in the names of state-owned enterprises and applying to the UN in the name of Taiwan as well as changes to the focus of teaching and an increased emphasis on local cultures.’ [31b]

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36. SPECIAL ADMINISTRATIVE REGIONS (SARs)

HONG KONG (SAR)

36.01 In its Country Profile for the Hong Kong Special Administrative Region (SAR) of China, updated on 27 March 2012, accessed on 29 June 2012, the Foreign and Commonwealth Office (FCO) noted that:

‘The Hong Kong Special Administrative Region of China (SAR) covers an area of 1,098 square kilometres (424 square miles) on the southern coast of China. It comprises Hong Kong Island, Kowloon and the New Territories, and about 235 outlying islands. Hong Kong's harbour, strategically located on the primary Far Eastern trade routes, facilitated Hong Kong's development as one of the greatest trading ports in the Asia-Pacific Region.’ [31c] (History)

36.02 The population of the Hong Kong Special Administrative Region (SAR) of China as of July 2012 was estimated to be 7,153,519, with Chinese making up the largest ethnic group at 95 percent. (CIA World Factbook, updated 12 September 2012, accessed on 3 October 2012) [30c] (People and Society)

36.03 The FCO Country Profile observed that:

'Hong Kong was occupied by the British in 1841. A year later Hong Kong Island was ceded by China to Britain under the Treaty of Nanking (Nanjing). In 1860, other territories such as Kowloon and Stonecutters Island were ceded under the Treaty of Peking. In 1898, China leased the New Territories to Britain for 99 years...

'In 1982 Britain and China entered negotiations over Hong Kong's future, which eventually led two years later to the signing of the Sino-British Joint Declaration on the Question of Hong Kong (the "Joint Declaration").

'The Joint Declaration outlined the "One Country, Two Systems" model for the Hong Kong SAR under which Hong Kong would return to Chinese sovereignty. It provided that Hong Kong's capitalist system and way of life would remain unchanged for at least 50 years; and that Hong Kong would have a high degree of autonomy, except in foreign affairs and defence, which would be the responsibility of the Chinese Government.

'A "mini-constitution", known as the Basic Law, was established and promulgated in 1990. It sets out, among other things, the relationship between the Chinese Government and the Hong Kong SAR Government, the fundamental rights and duties of the Hong Kong people and the SAR's political structure. It also contains provisions on the interpretation and amendment of its Articles.

'On 1 July 1997, in accordance with the Joint Declaration Hong Kong was handed over to Chinese sovereignty. Hong Kong then became the Hong Kong Special Administrative Region of the People's Republic of China.' [31c] (History)

36.04 The British Broadcasting Corporation (BBC) noted in its Country Profile Overview on Hong Kong, updated on 10 July 2012, accessed on 29 August 2012, that:

'Hong Kong's constitution, the Basic Law, provides for the development of democratic processes. However, Beijing can veto changes to the political system and pro-democracy forces have been frustrated by what they see as the slow pace of political reform. China controls Hong Kong's foreign and defence policies, but the territory has its own currency and customs status. Hong Kong's economy has moved away from manufacturing and is now services-based. The region is a major corporate and banking centre as well as a conduit for China's burgeoning exports. Its deepwater port is one of the world's busiest. Companies based in Hong Kong employ millions of workers in the neighbouring Chinese province of Guangdong.

'China ceded Hong Kong island to Britain in 1842 after the First Opium War. Britain later added parts of the Kowloon peninsula and the many smaller islands surrounding Hong Kong to its holdings. In the 19th and 20th centuries Hong Kong's population was boosted by the arrival of hundreds of thousands of migrants from China, many of whom were fleeing domestic upheavals. Industrialisation gathered pace, and by the 1970s Hong Kong had become an "Asian tiger"; one of the region's economic powerhouses. With little room for expansion across its hilly terrain, high-rise Hong Kong has among the highest population density in the world; some 6,300 people per square kilometre.

Skyscrapers and temples, shopping malls and traditional markets sit cheek-by-jowl.’
[9ad] (Overview)

36.05 On 1 July 2012 Leung Chun-ying was inaugurated as Hong Kong’s third Chief executive, marking the ‘15th anniversary of the handover of the former British colony to China.’ (BBC Country Profile – Leaders, updated 1 July 2012) [9aj]

36.06 The same source stated:

‘Mr Leung has the weakest mandate of any chief executive so far, and took office amid major public protests and some clashes at lack of democracy and growing inequality. He has pledged to fight poverty and build affordable housing, but enjoys little of the public support he will need to confront Hong Kong’s property tycoons.

‘Persistent rumours that he is a clandestine member of the Chinese Communist Party, and therefore ineligible to stand for the nominally non-partisan post of chief executive, have also harmed his reputation.’ [9aj]

36.07 The US State Department’s 2011 Country Report on Human Rights Practices (USSD Report 2011), China (Hong Kong), published on 24 May 2012, highlighted the human rights issues in Hong Kong:

‘The three most important human rights problems reported were the limited ability of citizens to participate in and change their government; an increase in arbitrary arrest or detention and other aggressive police tactics hampering the freedom of assembly; and a legislature with limited powers in which certain sectors of society wield disproportionate political influence.

‘Other areas of reported concern include increasing limitations on freedom of the press and self-censorship; increasing denial of visas for political reasons; alleged election fraud; trafficking in persons; and societal prejudice against certain ethnic minorities.’ [2c] (Hong Kong - Executive Summary)

36.08 The Human Rights Watch (HRW) World Report 2012: China, covering events of 2011, published 22 January 2012, reported:

‘Hong Kong immigration authorities’ refusal in 2011 to grant entry to several visitors critical of the Chinese government’s human rights record raised concerns that the territory’s autonomy was being eroded. Concerns about police powers also continue to grow following heavy restrictions imposed on students and media during the visit of a Chinese state leader in September 2011. The status of migrant domestic workers in Hong Kong was strengthened in September when a court judged that rules excluding those workers from seeking the right of abode were unconstitutional. However, the Hong Kong government suggested it would appeal to Beijing for a review, further eroding the territory’s judicial autonomy.’ [7b] (p326)

36.09 The Amnesty International (AI) Annual Report 2012: The state of the world’s human rights: China (AI Report 2012), published on 24 May 2012, covering events in 2011, cited the following incidences where security forces and police were reported to have used excessive force against peaceful protesters in Hong Kong:

‘During a peaceful demonstration on 15 May [2011], the International Day Against Homophobia and Transphobia, police threatened to arrest protesters unless they stopped dancing. Police argued that organizers – including Amnesty International Hong

Kong – had not obtained a “temporary public entertainment license”. Critics considered this harassment, having no legal basis.

‘On 2 July [2011], police arrested 228 participants in the annual 1 July pro-democracy march, for causing an obstruction in a public place and unlawful assembly. The Hong Kong Journalists Association said that 19 journalists were attacked with pepper spray and one journalist was arrested during the 10,000-strong march. Police also attempted to arrest Law Yuk Kai, Director of Hong Kong Human Rights Monitor, while he observed them removing and arresting protesters who were blocking traffic. All those arrested were released later the same day. Several were subsequently charged with disturbing public order.’ [6a] (Hong Kong)

The US State Department’s 2011 [Country Report on Human Rights Practices \(USSD Report 2011\), China \(Hong Kong\)](#), published on 24 May 2012 provides further detailed information, including cited incidences of human rights issues in that region. [2c] (Hong Kong)

- 36.10 With regards to nationality the Hong Kong government’s website, accessed on 29 August 2012, noted, ‘You are regarded as a person of Chinese nationality if you are a Hong Kong resident: (a) of Chinese descent who was born in Hong Kong or other parts of China; or (b) who fulfils the criteria of Chinese nationality in the Nationality Law of the People’s Republic of China. If you have declared a change of nationality and are no longer a Chinese national, you are not eligible for a HKSAR Passport.’ [86a]

Further information on nationality of the people of Hong Kong can be located in the [Explanations of Some Questions by the Standing Committee of the National People’s Congress Concerning the Implementation of the Nationality Law of the People’s Republic of China in the Hong Kong Special Administrative Region](#), (Adopted at the 19th Session of the Standing Committee of the 8th National People’s Congress on 15 May 1996). [86c]

Reports providing additional details documenting human rights issues specific to Hong Kong include:

The Freedom house, [Freedom in the World 2012: Hong Kong](#), 7 September 2012. [26c]

The US State Department (USSD), [2011 Report on International Religious Freedom - China \(Includes Tibet, Hong Kong, and Macau\)](#), published on 30 July 2012. [2a] (Hong Kong)

The US State Department’s (USSD) [2012 Trafficking in Persons Report – Hong Kong](#), published on 19 June 2012. [2f] (Country Narratives D-I, p118)

(See also Section 31: [Citizenship and nationality](#))

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MACAO/MACAU (SAR)

- 36.11 The Foreign and Commonwealth Office (FCO) Country Profile for Macao Special Administrative Region (SAR) of China, updated on 26 March 2012, accessed on 29 June 2012, noted that:

'The Macao Special Administrative Region (SAR) of China covers an area of just 29.5 square kilometres on China's South East coast, to the west of the Pearl River Delta. Bordering Guangdong Province, it is 60km from Hong Kong and 145km from the mainland city of Guangzhou. Macao has been growing as a result of land reclamation: in the 19th century it covered only 10.28 square kilometres. The territory is made up of the peninsula of Macao, and the two islands of Taipa and Coloane, linked by 5.2sq km of reclaimed land known as Cotai. The island area is connected to the mainland peninsula by three bridges.' [31d] (History)

36.12 The population of the Macao Special Administrative Region (SAR) of China as of July 2012 was estimated to be 578,025, with the majority of the population being Chinese. (CIA World Factbook, updated 18 September 2012, accessed on 3 October 2012) [30d] (People and Society)

36.13 The British Broadcasting Corporation (BBC) noted in its Country Profile Overview on Macao, updated on 24 January 2012, accessed on 29 August 2012, that:

'The former colony reverted to Chinese sovereignty in 1999 after 400 years of Portuguese rule. Beijing promised to uphold Western-style freedoms for at least 50 years. Although it is part of China, Macau is governed under the "one country, two systems" principle, under which it has a large degree of autonomy. Pro-reform forces are less vocal in Macau than in Hong Kong. A new state security law came into effect in 2009 with very little opposition, whereas attempts by the Chinese government to introduce a similar law in Hong Kong in 2003 triggered mass protests.' [9ae] (Overview)

36.14 The FCO Country Profile for Macao stated:

'The Macao Special Administrative Region (SAR) operates under the same "one country, two systems" principle as Hong Kong. It enjoys a high degree of autonomy in all areas except defence and foreign affairs which are the responsibility of the People's Republic of China (PRC).

'The Joint Declaration and Basic Law of the Macao SAR (Basic Law) provide that Macao's capitalist system and way of life will remain unchanged for 50 years. The Basic Law serves as a mini-constitution for Macao and was promulgated in March 1993 by the National People's Congress of the PRC. It confers independent executive legislative, judicial and economic powers on the Macao SAR and guarantees the rights and freedoms of its residents.' [31d] (Politics)

36.15 The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China (Macao), published on 24 May 2012 highlighted the human rights issues in Macao:

'Three prominent human rights abuses reported during the year included limits on citizens' ability to change their government, concerns over press freedom, and concerns over workers' rights

'Although trafficking in persons remained a problem, there was a lack of prosecutors to pursue trafficking cases. Moreover, national security legislation, passed in 2009 in accordance with Article 23 of the Basic Law, remained a source of concern, but by year's end no cases had been brought under the law.' [2c] (Macao - Executive Summary)

Reports providing additional details documenting human rights issues specific to Macao (Macao) include:

The US State Department (USSD), [2011 Report on International Religious Freedom - China \(Includes Tibet, Hong Kong, and Macau\)](#), published on 30 July 2012. [2a] (Macau)

The US State Department's (USSD) [2012 Trafficking in Persons Report – Hong Kong](#), published on 19 June 2012. [2f] (Country Narratives J-M, p228)

The US State Department's 2011 [Country Report on Human Rights Practices \(USSD Report 2011\), China \(Macau\)](#), published on 24 May 2012 [2c] (Macau)

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Annex A1

CHRONOLOGY OF MAJOR EVENTS - CHINA

A chronology of major events in China can be located on the British Broadcasting Corporation ([BBC](#)) [China Profile](#) webpage, updated 25 September 2012, accessed on 3 October 2012. [9a]

See also Section 3: [History](#)

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Annex A2

CHRONOLOGY OF MAJOR EVENTS – TIBET

A chronology of major events in Tibet can be located on the British Broadcasting Corporation ([BBC](#)) [Tibet Profile](#) webpage, updated 28 August 2012, accessed on 17 September 2012. [9f]

See also Section 3: [History](#)

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Annex B

POLITICAL ORGANISATIONS

Source – Europa World, Country Profile: China, Government and Politics – Other Political Organizations, accessed on 17 September 2012 [11], unless otherwise stated.

China Association for Promoting Democracy

Founded in 1945; 103,000 members, drawn mainly from literary, cultural and educational circles; 45-member Central Committee.

Chair of Central Committee - Yan Junqi.

Secretary General - Zhao Guanghua.

China Democratic League

Founded 1941; formed from reorganization of League of Democratic Parties and Organizations of China. 196,000 members, mainly intellectuals active in education, science and culture

Chair: Jiang Shusheng.

Secretary General - Gao Shuanping.

China National Democratic Construction Association

Founded 1945; 112,698 members, mainly industrialists and business executives

Chair: Chen Changzhi.

Secretary General - Zhang Jiao.

China Zhi Gong Dang (Party for Public Interests)

Founded 1925; reorganised in 1947; 15,000 members, mainly returned overseas Chinese and scholars.

Chair: Wan Gang.

Secretary General - Qiu Guoyi.

Chinese Communist Youth League

Founded 1922;

68.5m. members

First Secretary of Central Committee -Lu Hao.

Chinese Peasants' and Workers' Democratic Party

Founded 1930; established as the Provisional Action Committee of the Kuomintang; took present name in 1947; more than 102,000 members, active mainly in public health and medicine.

Chair: Sang Guowei.

Jiu San (3 September) Society

Founded 1946; formerly the Democratic and Science Society. More than 105,000 members, mainly scientists and technologists.

Chair: Han Qide.

Secretary General - Xu Guoquan.

Revolutionary Committee of the Chinese Kuomintang

Founded 1948; over 53,000 members, mainly former Kuomintang members, and those in cultural, educational, health and financial fields.

Chair: Zhou Tienong.

Secretary General - Qi Xuchun.

Taiwan Democratic Self-Government League

Founded 1947; 1,600 members; recruits Taiwanese living on the mainland.

Chair: Lin Wenyi.

Secretary General - Zhang Ning.

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Annex C

PROMINENT PEOPLE

Chiang Kai-shek

Nationalist (KMT-Kuomintang) leader who lost civil war. Fled to Taiwan 1949. Died 1975. (FCO Country Profiles: Taiwan, updated 28 June 2012, accessed on 29 August 2012) [31b]

Dalai Lama

Spiritual leader to whom most Tibetans look for guidance; left Tibet in 1959; headed government-in-exile based in Dharamsala (northern India). In March 2011 decided to relinquish political responsibilities, but confirmed his intention to retain role of spiritual leader. (Europa World, accessed on 17 September 2012) [1j] (Events in Tibet)

Deng Xiaoping

Paramount leader for most of 1980s and early 1990s. Architect of economic reforms. Also ordered troops into Tiananmen Square. Died 1997. (Europa World, accessed on 14 August 2012) [1d]

Fernando Chui Sai-On

Chief Executive of Macao SAR (Special Administrative Region). (FCO Country Profiles: Macao, updated 26 March 2012, accessed on 29 August 2012) [31b] [31d]

Hu Jintao

President of China since March 2003. Also General Secretary of the Chinese Communist Party (CCP) and head of the military. (FCO Country Profiles: China, updated 28 February 2012, accessed on 26 April 2012) [31a]

Hu Yaobang

Liberal party leader whose death sparked Tiananmen Square protests. Died 1989. (Europa World, accessed on 17 September 2012) [1k] (Contemporary Political History)

Jiang Zemin

Succeeded Deng Xiaoping as core leader. Stepped down as head of the army in September 2004, having already relinquished the Presidency and leadership of the CCP to Hu Jintao. (Europa World, accessed on 17 September 2012) [1k] (Contemporary Political History)

Ma Ying-jeou

President of Taiwan. was re-elected in January 2012. (FCO Country Profiles: Taiwan, updated 28 June 2012, accessed on 29 August 2012) [31b] [31b]

Mao Zedong

Founded People's Republic of China (PRC) on 1 October 1949. Presided over disastrous "Great Leap Forward" and instigated Cultural Revolution. Died in 1976. (Europa World, accessed on 17 September 2012) [1k] (Contemporary Political History)

Panchen Lama

Next most senior Lama after the Dalai Lama (see above). There are two Panchen Lamas: Gendun Choekyi Nyima, selected by the Dalai Lama as the 11th reincarnation of the Panchen Lama, and Gyalsten Norbu (also known as Bainqen Erdini Qoigyijabu), selected by Beijing also as the 11th reincarnation of the Panchen Lama. (IRFR 2011, 30 July 2012) [2a] (Tibet)

Leung Chun-ying

Chief Executive of Hong Kong SAR, inaugurated on 1 July 2012. (BBC, Updated 1 July 2012, accessed on 10 September 2012) [9aj] (Hong Kong Country Profile - Leaders)

Wen Jiabao

Premier of China since 2003. (FCO Country Profiles: China, updated 28 February 2012, accessed on 26 April 2012) [31a]

Wu Bangguo

Chairman of the Standing Committee of the National People's Congress (NPC) since 2003. (FCO Country Profiles: China, updated 28 February 2012, accessed on 26 April 2012) [31a]

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Annex D

LIST OF ABBREVIATIONS

AI	Amnesty International
CCP	Chinese Communist Party
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign & Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins Sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NPC	National People's Congress
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
PRC	People's Republic of China
RSF	Reporteurs Sans Frontières
SAR	Special Administrative Region
STD	Sexually Transmitted Disease
STC	Save The Children
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Annex E

KNOWN DISSIDENT GROUPS

Source – Amnesty International (AI), accessed on 17 September 2012 [60], unless otherwise stated.

This is not an exhaustive list.

The Liberal Democratic Party of China

'The Liberal Democratic Party of China (LDPC, Zhongguo Ziyou Minzhu Dang) first became known through an appeal signed in its name which was posted in November 1991 at Beijing University and distributed to foreign journalists in Beijing. The appeal, entitled 'Statement on the Question of Human Rights in China', was issued shortly after the government published a "White Paper on Human Rights in China" to defend its human rights record. The LDPC statement criticized the authorities for violating human rights and called for the release of all political prisoners, an end to political repression and the convening of a national assembly representative of different sectors of society and parties. Another statement in the name of the LDPC, also calling for the release of political prisoners, was circulated in March 1992, just before the opening session of the National People's Congress in Beijing.' [60]

The China Progressive Alliance

'The China Progressive Alliance (CPA, Zhonghua Jinbu Tongmeng) was reportedly founded in mid-1991 by people who had participated in or supported the 1989 pro-democracy movement. In May 1992, members of the group reportedly held a meeting and adopted an 11-point programme which later circulated outside China. The programme stressed the need for a "radical transformation of the existing social, political and economic systems, and the setting up of a new society based on humanism, justice, freedom, democracy and solidarity". According to the programme, China was in a political, economic and moral crisis precipitated by totalitarianism and the one-party dictatorship. It dealt with political and economic issues in practical terms. It proposed a variety of solutions to economic problems, for example that a market economy be introduced; that a social security system be installed to defend minimum living standards; that the state's role in guiding economic activities be respected. It strove to fight without violence against the one-party dictatorship, but also aspired to cooperate with democratic progressive forces within the Chinese Communist Party and other groups, so as to achieve strength through unity in the long term. [60]

The Free Labour Union of China

'A Preparatory Committee of the Free Labour Union of China (FLUC, Zhongguo Ziyou Gonghui) is reported to have been set up in late 1991. In January 1992, leaflets publicizing the existence of the FLUC Preparatory Committee were distributed, encouraging workers to form free labour unions. After some of its members were secretly arrested in June 1992, the group sent a letter of appeal to the International Labour Organisation in Geneva, to publicise the grievances of workers in China. It documented the way in which workers were deprived of their rights to speech, assembly, strike and employment in China. It also spoke of the deterioration of workers rights since the start of the economic reforms in the late 1970s, including the lack of

provisions to defend the rights of workers in the new private sector. It included a commitment to “building an economic and political system of justice and human rights”.’ [60]

The Social Democratic Party of China

‘The Social Democratic Party of China (SDPC, Zhongguo Shihui Minzhu Dang) is said to have been one of the largest underground dissident organizations founded in China after the suppression of the pro-democracy movement in 1989. It was reportedly founded in 1991 and had its base in Lanzhou, Gansu province, with local groups in several provinces and cities, including Beijing. It claimed to have over 100 members, including students, workers, intellectuals and government cadres, most of whom had participated in the 1989 democracy movement. The SPDC publicised its existence in April 1992, while the National People's Congress (NPC) was meeting in Beijing, by distributing a manifesto setting up its political programme. It called on the NPC to implement democratic reforms and urged the release of political prisoners and an end to the one-party dictatorship. The group expressed support for all forms of advances in democratic reforms and stated its wish to join forces with other groups and individuals committed to democratization, including from within the Chinese Communist Party. Arrests of suspected members of the group immediately followed. By May 1992, some 50 people had reportedly been apprehended in various places in China, 10 of whom have been identified. For months after their arrest, their relatives were denied information about their detention.’ [60]

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Annex F

GLOSSARY OF CHINESE TERMS

danwei	work unit
Fei Ch'ien	"flying money", underground banking system
Getihu	family-run business
Guanxi	social connections, used to obtain favours
hei haizi	"black children" – children born contrary to the "one child policy"
huafeng	"Chinese ways"
Huayi	"dependants of overseas Chinese"
Huaqiao	"people abroad" = overseas Chinese
hukou	household registration document
hutong	"alley(s)" or "street(s)" in Beijing
jiefang	"to liberate" or "to release"
Lai see	money envelopes given as gifts during Chinese New Year
laodong jiaoyang	"re-education through labour" (RTL); main form of administrative detention
Laogai	labour camps
mingong	Chinese migrant peasant
Mianzi	"face", prestige or respect
Nongzhuan fei	hukou conversion, i.e. from rural to urban resident
qigong	modern syncretic blend of ideas and beliefs regarding energy cultivation/relaxation technique
renshe	the "customers" of Snakeheads (people smugglers)
Shuang gui	similar to house arrest but used to punish CCP members for breaches of Party discipline
shourong shencha	"Custody and Investigation", form of administrative detention now abolished
shourong qiansong	"Custody and Repatriation", another form of administrative detention now abolished
Tiananmen	"gate of heavenly peace"
Tianming	"Mandate of Heaven"
tongxianghui	association of people with the same birth place
wai shi	system used for managing foreigners in China
Xinfang	petitioning system
xiangang	"off post" redundant state workers
Xinjiang	"New Frontier" also see XUAR (Xinjiang Uighur Autonomous Region)
Xiaokang	relatively prosperous
xiejiao	"evil cult"
Xizang	Chinese name for Tibet
Zanzhu Zheng	Temporary Resident's Permit
Zhonghua Renmin Gongheguo	People's Republic of China, official name of the country
Zhongnanhai	Headquarters of the Chinese Communist Party (CCP) in Beijing

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Annex G

GLOSSARY OF ENGLISH TERMS

Basic Law	Hong Kong's mini-constitution
'Bare Branches'	Term used to denote unattached males
CCP	Chinese Communist Party
Executive Council	Hong Kong's top decision-making body
HK	Hong Kong
IMAR	Inner Mongolia Autonomous Region
LegCo	Hong Kong and Macao Legislative Councils
MPS	Ministry of Public Security
'Mixing Sand' Name	given to Han migration to Xinjiang
NHAR	Ningxia Hui Autonomous Region
Procuracy	Responsible for investigating and prosecuting criminal cases
PRC	People's Republic of China
PSB	Public Security Bureau, local police force
ROC	Republic of China, official name for Taiwan
SAR	Special Administrative Region – Hong Kong and Macao
SARG	Special Administrative Region Government
Snakeheads	People smugglers
TAR	Tibet Autonomous Region
'Three Represents'	Perplexing personal philosophy of former President Jiang Zemin
XUAR	Xinjiang Uighur Autonomous Region

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Annex H

GLOSSARY OF TIBETAN TERMS

Democratic Management Committees (DMC)	Committees which oversee the running of Buddhist temples in Tibet
Geshe	Monk or lama who has completed the highest form of monastic studies
Lamas	“superior ones”, most revered Tibetan Monks, reincarnation of the Buddha
Lamaseries	monasteries
Lhasa	Tibetan capital
Potala Palace	Official residence of the Dalai Lama in Lhasa
Rinpoche	honorific title given to monks
Tibet	“rooftop of the world”

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Annex I

GUIDE TO TIBETAN NAMES

Name	Pronunciation	Meaning
Chodak	CHO-dak	Dharma Spreader
Choden	CHO-den	One who is devout, religious
Choegyal	CHO-gyal	Dharma king
Chophel	CHO-pel	The flourishing of the Dharma
Dhargey	DAR-gye	Progress, development, spreading
Dorje	DOR-je	Vajra, which means indestructible
Gyaltzen	GYEL-tsen	Victory banner
Jampa	JAM-pah	Loving kindness
Jamyang	JAM-yang	Gentle voice
Kalsang	KAL-sang	Good fortune
Karma	KAR-ma	Action, deed
Kunchen	KUN-chen	All-knowing
Lhundup	LUN-d(r)oop	Spontaneously accomplished
Lobsang	LOB-sang	Noble-minded
Ngawang	NAR-wang	Powerful speech
Ngodup	NOD-oop	Attainment, accomplishment
Norbu	NOR-bo	Jewel
Palden	PAL-den	Glorious
Pema	PEM-a	Lotus
Phuntsok	Poon-tsok	Excellence
Rabten	RAB-ten	Steadfast
Rinchen	RIN-chen	Precious, gem (great value)
Samdup	SAM-d(r)oop	Fulfilment (of one's wishes)
Sangye	SANG-gye	Buddha
Sonam	SON-am	Merit
Tenzin	TEN-zin	Holder of the teachings
Thekchen	TEK-chen	Mahayana
Thokmay	TOK-me	Unobstructed, unhindered
Thubten	TOOB-ten	The Buddha's teaching
Tinley	T(R)IN-ley	Enlightened activity
Tsering	TSER-ing	Long life
Tseten	TSET-en	Stable life
Tsewang	TSE-wang	Life empowerment
Wangchuk	WANG-chook	Lord, mighty
Wangdue	WANG-doo	Subduer
Yonten	YON-ten	Good qualities

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Annex J

REFERENCES TO SOURCE MATERIAL

The Home Office is not responsible for the content of external websites.

Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

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