

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number: CHN30346
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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Background

The applicant states that he is an Associate Member of the Chinese Democratic Party (Min Zhu Dang) in Luoyang and that the leader of the CDP is Mr Liu Hening. Three of the applicant's fellow members have been arrested by PRC Police.

Questions

1. Is there a record of the Chinese Democratic Party?
2. Is Liu Hening its leader?
3. What is its platform?
4. Is there a branch in Luoyang?
5. Have any demonstrations been organised by it generally, and specifically in Luoyang?
6. Is the applicant a member?
7. Is the CDP illegal?
8. How widespread is it?

RESPONSE

1. Is there a record of the Chinese Democratic Party?

7. Is the CDP illegal?

Country Research has prepared numerous responses on the Chinese Democratic Party (CDP) (also known as the China Democracy Party, *Zhongguo minzhu dang*). These are listed on the CHINA: INDEX TO RRT RESEARCH RESPONSES. The most commonly cited source on the party in the responses is a Human Rights Watch report from 2000, *China Nipped in the Bud: The Suppression of the China Democracy Party*. The report provides the following record of the party:

The China Democracy Party (CDP), a loosely linked group of political activists, operating nationwide, emerged in mid-1998. It was significant because it was the first time since the establishment of the People's Republic of China in 1949 that an attempt was made to obtain the formal legal registration of an opposition political party. Over the next eighteen months,

however, it was systematically crushed. Known members of the CDP were summarily arrested and detained, and though most were held for relatively brief periods, at least thirty-four of them were sentenced to prison terms of up to thirteen years on charges of attempted subversion. At least four others fled into exile abroad. Others, who remain in China but are not in prison, live under close police surveillance and have ceased to be openly active.

The CDP called for multiparty democracy in China and respect for human rights...

Three of the group's founders, Wang Youcai, Wang Donghai and Lin Hui, seized the opportunity presented by U.S. President Bill Clinton's state visit to China in June 1998 to announce the formation of the CDP's first local preparatory committee in Hangzhou, Zhejiang province. Then, taking advantage of the relatively relaxed political atmosphere at the time, CDP activists sought to register preparatory committees in other provinces...

At first, local authorities to whom CDP members applied to register their preparatory committees appear to have been uncertain how to react. But when the CDP announced that it planned to create a national structure, the central government, led by National People's Congress chairman Li Peng and President Jiang Zemin, denounced the fledgling party, and CDP leaders were arrested and imprisoned. The first wave of arrests took place in November and December 1998, but neither it nor a subsequent series of arrests in May 1999 deterred the remaining CDP members from continuing their efforts to build the party, issue public statements, or hold discussion groups. It was only in late 1999 that the CDP was effectively silenced.

CDP members stressed during their efforts to obtain legal recognition that they were seeking to do so in accordance with existing laws. In the absence of regulations specifically governing the registration of political parties, they sought to register with the relevant provincial branches of the Civil Affairs Ministry in view of its responsibility for the registration of "social groups." They also invoked the Chinese constitution and official regulations on social groups issued in October 1989 and pointed to China's stated commitment to the rights enshrined in the International Covenant on Civil and Political Rights. Finally, when all else had failed, they tried to go directly to the State Council, China's equivalent of an executive cabinet, to register. The end result, however, was that the embryonic party was declared an "illegal organization."

The main regulation used to try and sentence CDP leaders was Article 105 of the 1997 Penal Code, which penalizes "those involved in organizing, scheming or acting to subvert the political power of the state and overthrow the socialist system"...

After the CDP was formally launched in Hangzhou, Wu Yilong, one of the founding members and author of its "Guidelines for Activities," made a sixteen-day nationwide tour and was instrumental in the formation of other local preparatory committees... By December 1998, his efforts had contributed to the formation of some twenty-four provincial preparatory committees...

For all practical purposes, CDP activities had been silenced by January 2000. In December 1999, foreign news organizations had received a lengthy declaration in which the CDP's program for the new millennium was set out. But from January onwards, to the extent that there were pamphlets or protests, they were mainly issued by CDP members living abroad. The resistance was effectively broken. One of the few remaining active members, He Depu, was stripped of his position at the Academy of Social Sciences on March 28, 2000 and as of this writing remains under close surveillance (Human Rights Watch 2000, *China Nipped in the Bud: The Suppression of the China Democracy Party*, September, Vol. 12, No. 5 – Attachment 1).

RRT *Research Response CHN17536*, dated 22 September 2005, provides recent information on the position of the CDP in China. Citing a number of sources, the response indicates that the CDP remains a banned organisation and that the Chinese government continues to surveil, detain and imprison current and former members (RRT Country Research 2006, *Research Response CHN17536*, 22 September 2005 – Attachment 2).

The US Department of State also provides the following information on the position of the CDP in its latest report on human rights practices in China for 2005:

Dozens of CDP leaders, activists, and members have been arrested, detained, or confined, including over 40 CDP leaders imprisoned for subversion. In 1998 CDP founders Xu Wenli, Wang Youcai, and Qin Yongmin were sentenced to prison terms of 13, 12, and 11 years, respectively. Xu Wenli and Wang Youcai were released on medical parole to a foreign country in December 2002 and March 2004, respectively. Qin remained in prison at year's end, as did others connected with a 2002 open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre signed by 192 activists. In May former CDP member Xu Wanping of Chongqing was arrested on charges of subversion. Shandong's Ren Ziyuan reportedly was charged with subversion for attempting to organize an opposition group called the "Mainland Democratic Front." More than 40 current or former CDP members remained imprisoned or held in reeducation-through-labor camps during the year, including Zhang Lin, Zhao Changqing, Sang Jiancheng, He Depu, Yao Zhenxiang, Han Lifa, Dai Xuezhong, Yang Tianshui, Wang Rongqing, and Jiang Lijun (US Department of State 2006, *Country Reports on Human Rights Practices – 2005: China (includes Tibet, Hong Kong, and Macau)*, 8 March – Attachment 3).

RRT *Research Response CHN17662*, dated 14 December 2005, provides more information on imprisoned CDP members, including an incomplete list of CDP prisoners (RRT Country Research, *Research Response CHN17662*, 14 December – Attachment 4).

2. What is its platform?

When it was founded, the CDP was based on the principles of "openness" (*gongkai*), "peace" (*heping*), "reason" (*lixing*) and "legality" (*an falu*) and "called for multiparty democracy in China and respect for human rights" (Human Rights Watch 2000, *China Nipped in the Bud: The Suppression of the China Democracy Party*, September, Vol. 12, No. 5 – [Attachment 1](#)). In a letter sent to the Department of Immigration and Multicultural and Indigenous Affairs by an Australian branch of the China Democracy Party in 2000, the party advised that it stood for the following:

The principles and policies of the CDP are to terminate the one-party dictatorial rule of the Chinese Communist Party and to establish a democratic China through multiparty elections, checks and balance of political powers, and to protect the fundamental freedoms and minority interests. The CDP calls for adequate legal protection for private properties and extensive privatization of the Chinese economy and dismantling the central planning system. The CDP is also a peaceful organisation and against violent revolution (CDP China Democracy Party Australia Committee 2000, 'CDP China Democracy Party Australia Committee', 9 May Attachment 5).

8. How widespread is it?

Given that the CDP was effectively silenced and driven underground by the end of 1999, it is difficult to determine the current position of the CDP in China. At the height of its popularity, however, it claimed extensive support throughout China; and reports of its presence indicated that CDP supporters set up and attempted to register “preparatory committees” (and later branches) in most if not all parts of the country, except Tibet (Human Rights Watch 2000, *China Nipped in the Bud: The Suppression of the China Democracy Party*, September, Vol. 12, No. 5 – Attachment 1; ‘August 3, 1999 Dissidents Questions US Support: Party leader’s sentencing fuels debate’ 1999, Free China website, sourced from *The Washington Times*, 3 August <http://www.freechina.net/fcmreview2000.htm> – Accessed 17 July 2006 – Attachment 6; ‘The New Century Declaration of China Democracy Party’ 2000, China Affairs website, 1 January <http://www.chinaaffairs.org/english/01/01cdp.htm> – Accessed 17 July 2006 – Attachment 7; ‘More Chinese dissidents try to register new Party’ 1998, *Reuters News*, 24 October – Attachment 8).

While the CDP may well have had a presence throughout China, it was nonetheless “tiny” by Chinese standards; and, according to Human Rights Watch (HRW), it probably never numbered “more than 200 activists at its height”. HRW also notes that:

Most had a history of openly challenging official policy, with some 70 percent having been active during the 1989 pro-democracy movement. A smaller group, including many of the leaders, had been active during the 1979 Democracy Wall movement. They were represented in all but three of China’s twenty-seven provinces, with a particularly strong presence in Hangzhou (at least seventy members) and Shanghai (at least twenty members). But in part because of the risks involved in overt confrontation with the authorities, the CDP was never likely to attract a mass following (Human Rights Watch 2000, *China Nipped in the Bud: The Suppression of the China Democracy Party*, September, Vol. 12, No. 5 – Attachment 1).

Among the sources consulted, Wang Xizhe of the CDP provides the following information on the extent of the party’s presence in China in 2000:

On June 25, 1998 the Zhejiang Preparatory Committee of the Chinese Democratic Party led by Wang Youcai applied for registration to the Civil Administration of Zhejiang Provincial Government and began the preparation of establishing the Chinese Democratic Party. After September 6, activists of the democratic movement in Shandong and other provinces and cities applied for registration of their CDP preparatory committees to the civil administration of their respective provinces and cities.

On November 8, activists of the democratic movement of 24 provinces, autonomous regions and centrally administered cities jointly submitted the public notice of registration of the National Preparatory Committee of the Chinese Democratic Party to the related organ of the State Council. By the end of April 1999, membership of the Chinese Democratic Party included all provinces, regions and cities except Tibet. The CDP’s provincial level preparatory committees are established in Zhejiang, Shandong, Hubei, Liaoning, Jilin, Heilongjiang, Shanghai, Beijing, Henan, Sichuan, Guizhou, Nei Menggu, Chongqing, Fujian, Hong Kong, and Taiwan; CDP’s city level preparatory committees are established in Hunan University and Zhansha. Also established are: CDP Beijing-Tianjin Region General Headquarter; provincial level party organs of Hubei, Hebei, Henan, Liaoning, Shandong, Shanxi, Anhui; city level party organs at Xi-an in Shaanxi province and Huanggang in Hubei province; CDP Oversea [*sic*] Working Committee led by Mr. Wang Xizhe, and CDP European Committee with Wang Xizhe and Hu Anning as Honorary Chairmen, and Wu Fan as Advisor. The Chinese Democratic Party is now the mainstream force challenging the autocratic system of the Chinese Communist Party (‘The New Century Declaration of China Democracy Party’ 2000,

China Affairs website, 1 January <http://www.chinaaffairs.org/english/01/01tcdp.htm> - Accessed 17 July 2006 – Attachment 7).

A CDP list of Secondary Independent Branches from 2000 also lists 62 branches of the party in 19 provinces ('China Democracy Party (CDP) Secondary Independent Branches', Published on May 15th, 2000 by CDP Secondary Organization Developing & Coordinating Center – http://cdjp.org/cdponline/organization/branch_new.html – Accessed November 2005 – Attachment 9).

The CDP remains active in China. Information compiled by the UK Home Office in its October 2005 (revised November 2005) report on China indicates as follows:

- 6.395 As reported by the official *People's Daily* newspaper on 10 May 2003, the Intermediate People's court in Lianoyang City [in Liaoning province] sentenced two former steel workers to seven and four years imprisonment for attempting to overthrow state power and trying to set-up the Lianoyang branch of the China Democratic Party. [12e]
- 6.396 According to the report, "The court ruled that evidence proved that the two [Yao Fuxin and Xiao Yunliang] were guilty of crimes of subversion in accordance with articles 105 and 106 of the Criminal Law." [12e]
- 6.397 As reported by AI in their January 2004 report, *Controls tighten as Internet activism grows*, of the 54 people detained and sentenced for Internet activism eight were CDP members/sympathisers (figures accurate up to 7 January 2004) [6h] (Home Office Science and Research Group 2005, 'Country of Origin Information Report October 2005 China', UK Home Office website, November http://uk.sitestat.com/homeoffice/homeoffice/s?rds.china_091105_doc&ns_type=clickout&ns_url=%5Bhttp://www.homeoffice.gov.uk/rds/pdfs05/china_091105.doc%5D – Accessed 15 November 2005 – Attachment 10).

4. Is there a branch in Luoyang?

Information was not found among the sources consulted on the existence of a CDP branch in Luoyang City, Henan Province. Information was however found indicating the presence of CDP branches in Henan Province. The information includes the above mentioned CDP list of Secondary Independent Branches, which lists but does not appear to provide the exact locations of eight branches in the province. The document is in Chinese ('China Democracy Party (CDP) Secondary Independent Branches, Published on May 15th, 2000 by CDP Secondary Organization Developing & Coordinating Center – http://cdjp.org/cdponline/organization/branch_new.html – Accessed November 2005 – Attachment 9; 'More Chinese dissidents try to register new Party' 1998, *Reuters News*, 24 October – Attachment 8).

5. Have any demonstrations been organised by it generally, and specifically in Luoyang?

The political activities of the CDP were more or less moderate during its brief existence aboveground. In public statements, the party's leadership also indicated that the "CDP did not want to organise people to demonstrate or cause trouble for the Beijing authorities". Human Rights Watch (HRW) similarly indicates that the activities of the CDP were largely limited to going public and exercising the rights of expression and association. This took the form of issuing letters and declarations; publishing material on the internet; signing petitions; putting

up posters; holding, or attempting to hold, meetings and seminars; and attempting to register the party with government authorities. As expressed by HRW: the “weapons” of the party “were faxes, e-mails, and public declarations” (‘Third jailing swells anti-China tide’ 1998, *The Australian*, 23 December – Attachment 11; Human Rights Watch 2000, *China Nipped in the Bud: The Suppression of the China Democracy Party*, September, Vol. 12, No. 5 – Attachment 1).

The CDP did however stage some demonstrations. In 1999, for instance, the Beijing branch staged a low key “commemoration of the tenth anniversary of [the Tiananmen Square massacre]” According to HRW, the party instructed that:

People could go to Tiananmen Square but not interrupt the construction work, which the government had begun in late 1998, conveniently restricting access through the period of the anniversary. “One can stand or sit still for a while,” CDP instructions went, “but definitely not paste posters or shout slogans.” Protests remained low key but there was a new wave of detentions, indictments, and formal arrests (Human Rights Watch 2000, *China Nipped in the Bud: The Suppression of the China Democracy Party*, September, Vol. 12, No. 5 – Attachment 1).

Reports were not however found of the party having staged a demonstration in Luoyang City. Advice from Anne Xu, the Chinese Librarian at the National Library of Australia, indicates that the party did stage a demonstration in Zhengzhou city, which involved two thousand people. Zhengzhou city is the capital of Henan province. Ms. Xu notes that the information is dated 30 November 1998 (Xu, A. 2006, Email – Re: ‘Information on the Chinese Democratic Party’, 17 July – Attachment 12)

3. Is Liu Hening its leader?

6. Is the applicant a member?

Information was not found in the sources consulted addressing either of these questions.

Anne Xu conducted an internet search in Chinese on behalf of the Tribunal and advised that she could not find any references to Liu Hening. However, she notes that the person’s name in Chinese characters is required for a more thorough check. Similar advice is provided in RRT *Research Response CHN17662* (XU, A. 2006, Email – Re: ‘Information on the Chinese Democratic Party’, 17 July – Attachment 12; RRT Country Research, *Research Response CHN17662*, 14 December – Attachment 4).

List of Sources Consulted

Internet Sources:

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

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

List of Attachments

1. Human Rights Watch 2000, *China Nipped in the Bud: The Suppression of the China Democracy Party*, September, Vol. 12, No. 5. 9
2. RRT Country Research 2006, *Research Response CHN17536*, 22 September 2005.
3. US Department of State 2006, *Country Reports on Human Rights Practices – 2005: China (includes Tibet, Hong Kong, and Macau)*, 8 March.
4. RRT Country Research, *Research Response CHN17662*, 14 December. 9
5. CDP China Democracy Party Australia Committee, 2000, 'CDP China Democracy Party Australia Committee', 9 May. (CISNET China CX43412)
6. 'August 3, 1999 Dissidents Questions US Support: Party leader's sentencing fuels debate' 1999, Free China website, sourced from *The Washington Times*, 3 August. (<http://www.freechina.net/fcmreview2000.htm> - Accessed 17 July 2006)
7. 'The New Century Declaration of China Democracy Party' 2000, China Affairs website, 1 January. (<http://www.chinaaffairs.org/english/01/01tcdp.htm> - Accessed 17 July 200)
8. 'More Chinese dissidents try to register new Party' 1998, *Reuters News*, 24 October. (FACTIVA)
9. 'China Democracy Party (CDP) Secondary Independent Branches, Published on May 15th, 2000 by CDP Secondary Organization Developing & Coordinating Center. (http://cdjp.org/cdponline/organization/branch_new.html – Accessed November 2005)
10. Home Office Science and Research Group 2005, 'Country of Origin Information Report October 2005 China', UK Home Office website, November. (http://uk.sitestat.com/homeoffice/homeoffice/s?rds.china_091105_doc&ns_type=clickout&ns_url=%5Bhttp://www.homeoffice.gov.uk/rds/pdfs05/china_091105.doc%5D – Accessed 15 November 2005)
11. 'Third jailing swells anti-China tide' 1998, *The Australian*, 23 December. (FACTIVA)
12. Xu, A. 2006, Email – Re: 'Information on the Chinese Democratic Party', 17 July.