

# **10<sup>th</sup> European Country of Origin Information Seminar**

1-2 December 2005, Budapest

---

## **China**

The views and opinions stated in this report do not necessarily reflect the views of the organisers of the workshop. This paper is not, and does not purport to be, fully exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. The statements in the report do not represent an opinion of the Austrian Red Cross on the political situation in the country.

	page
<b>I. China Country Profile</b>	<b>2</b>
<b>II. Important Aspects on Human Rights in the People's Republic of China</b>	<b>5</b>
<b>III. Selected documents</b>	<b>27</b>
<b>IV. Maps</b>	<b>29</b>

Report published: 17 March 2006

## I. China Country Profile

**Country name:**

*conventional long form:* People's Republic of China

*conventional short form:* China

*local long form:* Zhonghua Renmin Gongheguo

*local short form:* Zhong Guo

*abbreviation:* PRC



**Capital:** Beijing

**Area:** 9'596'960 sq km

**Population:** 1'306'313'812 (July 2005 est.)

**Ethnic Groups:** The largest ethnic group is the Han Chinese, who constitute about 91.9% of the total population. The remaining 8.1% are Zhuang (16 million), Manchu (10 million), Hui (9 million), Miao (8 million), Uygur (7 million), Yi (7 million), Mongolian (5 million), Tibetan (5 million), Buyi (3 million), Korean (2 million), and other ethnic minorities.

**Religions:** Daoist (Taoist), Buddhist, Muslim 1%-2%, Christian 3%-4%

*note:* officially atheist (2002 est.)

**Languages:** Standard Chinese or Mandarin (Putonghua, based on the Beijing dialect), Yue (Cantonese), Wu (Shanghaiese), Minbei (Fuzhou), Minnan (Hokkien-Taiwanese), Xiang, Gan, Hakka dialects, minority languages (see Ethnic groups entry above)

**Executive branch:**

**chief of state:** President HU Jintao (since 15 March 2003) and Vice President ZENG Qinghong (since 15 March 2003)

**head of government:** Premier WEN Jiabao (since 16 March 2003); Vice Premiers HUANG Ju (since 17 March 2003), WU Yi (17 March 2003), ZENG Peiyan (since 17 March 2003), and HUI Liangyu (since 17 March 2003)

*Government's website:* [www.gov.cn](http://www.gov.cn)

**cabinet:** State Council appointed by the National People's Congress (NPC)

**elections:** president and vice president elected by the National People's Congress for five-year terms; elections last held 15-17 March 2003 (next to be held mid-March 2008); premier nominated by the president, confirmed by the National People's Congress

*election results:* HU Jintao elected president by the Tenth National People's Congress with a total of 2'937 votes (four delegates voted against him, four abstained, and 38 did not vote); ZENG Qinghong elected vice president by the Tenth National People's Congress with a total of 2'578 votes (177 delegates voted against him, 190 abstained, and 38 did not vote); two seats were vacant

**Legislative branch:**

**Parliament:**

The National People's Congress (Quanguo Renmin Daibiao Dahui, [www.lianghui.org.cn](http://www.lianghui.org.cn)) has 2'979 members, elected for a five year term. Deputies are elected (over a three months period) by the people's congresses of the country's 23 provinces, five autonomous regions and four municipalities directly under the Central Government, the special administrative region and the armed forces, the size of each college of delegates being related to the number of electors in the constituency. 36 deputies are elected in Hong Kong. Candidates need the approval of the Chinese Communist Party (Zhongguo Gongchandang, ZG).

**elections:** No other parties than the ZG and the 8 so-called 'democratic' parties (see below) - all member of the China People's Political Consultative Conference - were allowed at the last elections, October 2002 to March 2003. Next elections to be held late 2007-February 2008)

**Judicial branch:**

Supreme People's Court (judges appointed by the National People's Congress) [www.court.gov.cn](http://www.court.gov.cn)

Local People's Courts (comprise higher, intermediate and local courts)

Special People's Courts (primarily military, maritime, and railway transport courts)

**Main political parties:**

**-Chinese Communist Party** (Zhongguo Gongchandang, ZG) [www.ccponline.net](http://www.ccponline.net), 66.35 million members

Theoretically, the party's highest body is the Party Congress, which is supposed to meet at least once every 5 years. The primary organs of power in the Communist Party include:

The Politburo Standing Committee, which currently consists of nine members;

The Politburo, consisting of 24 full members, including the members of the Politburo Standing Committee;

The Secretariat, the principal administrative mechanism of the CCP, headed by the General Secretary;

The Central Military Commission;

The Discipline Inspection Commission, which is charged with rooting out corruption and malfeasance among party cadres.

*The following 8 registered minor parties are accepting the Communist Party's leadership. Together with the Communist Party, they are united under the front organisation China People's Political Consultative Conference ([www.cppcc.gov.cn](http://www.cppcc.gov.cn)):*

-Jiu San Xuehui (September 3 Association)

-Taiwan Minzhu Zizhi Tongmeng (Taiwan Democratic Self-Government League)

-Zhongguo Guomindang Geming Weiyuanhui (Chinese Nationalist Party Revolutionary Committee)

-Zhongguo Minzhu Cujin Hui (Chinese Association for Promoting democracy)

-Zhongguo Minzhu Jianguo Hui (Chinese National Democratic Construction Association)

-Zhongguo Minzhu Tongmeng (Chinese Democratic League)

-Zhongguo Nonggong Minzhudang (Chinese Peasants' and Workers' Democratic Party)

-Zhongguo Zhi Gong Dang (Chinese Party for Public Interest)

**Illegal parties/parties in exile:**

China Democracy Party <http://www.freechina.net/cdp/>

Chinese Workers-Labor Party <http://www.freechina.net/cwp/>

Green Party of China <http://www.green-web.org/>

Party for Freedom and Democracy in China <http://www.freechina.net/pfdc/>

**Ethnic minorities' illegal parties/parties in exile:**

Inner Mongolian People's Party <http://www.innermongolia.org/>

National Democratic Party of Tibet <http://members.tripod.com/~Wangchuk/NDPT.html>

Southern Mongolian Freedom Federation <http://members.aol.com/yikhmongol/smff.htm>

Xerqiy Turkistan Jumhuryiti Milli (East Türkistan (Uyghuristan) National Congress) <http://www.eastturkistan.com/> (website defunct as of 7. November 2005)

**Social and economic data:**

Age structure: *0-14 years*: 21.4%, *65 years and over*: 7.6%

Population growth rate: 0.58% (2005 est.)

Life expectancy at birth: *male*: 70.65 years, *female*: 74.09 years (2005 est.)

GDP (purchasing power parity): \$7.262 trillion (2004 est.) // per capita: \$5,600 (2004 est.)

GDP - real growth rate: 9.1% (official data) (2004 est.)

Currency (code): yuan (CNY), also referred to as the Renminbi (RMB)

**Sources:**

CIA World Factbook, 1. November 2005

<http://www.cia.gov/cia/publications/factbook/geos/ch.html>

Electionworld.org, 21. October 2004

<http://www.electionworld.org/china.htm>

US Department of State: Background Note: China, March 2005

<http://www.state.gov/r/pa/ei/bgn/18902.htm>

*compiled by ACCORD*

**II.**  
**Important Aspects on Human Rights in the People's Republic of China**  
Dr. Thomas Weyrauch

10<sup>th</sup> European Country of Origin Information Seminar in Budapest  
(1<sup>st</sup> – 2<sup>nd</sup> December 2005)

<b>1. INTRODUCTION</b>	<b>6</b>
<b>2. THE POLITICAL AND LEGAL SYSTEM</b>	<b>6</b>
2.1. THE COMMUNIST PARTY OF CHINA (CCP)	6
2.2. LEGAL BACKGROUND	7
2.3. CRIMINAL LAW	9
2.3.1. RE-EDUCATION THROUGH LABOR	10
2.3.2. NUMBER OF PRISONERS	11
2.4. JUDICIAL SYSTEM	11
2.4.1. OVERVIEW	11
2.4.2. INDEPENDENCE OF THE JUDICIARY	12
2.4.3. DOUBLE JEOPARDY	12
2.4.4. WANTED LISTS	13
2.4.5. RELEASE DOCUMENTS (FOR PRISONERS)	13
2.5. RULE OF LAW	13
2.6. CORRUPTION	13
<b>3. SPECIFIC ISSUES AND GROUPS</b>	<b>14</b>
3.1. ONE-CHILD-POLICY / FAMILY PLANNING	14
3.1.1. CORRUPTION AND THE ONE-CHILD-POLICY	15
3.1.2. BLACK CHILDREN ("HEI HAIZI")	15
3.1.3. CHILDREN BORN ABROAD	16
3.1.4. OPPOSITION TO THE ONE-CHILD-POLICY	16
3.2. SINGLE WOMEN & SINGLE MOTHERS	16
3.3. FREEDOM OF MOVEMENT	17
3.3.1. EMIGRATION	17
3.3.2. INTERNAL MIGRATION	18
3.3.3. SNAKEHEADS / HUMAN TRAFFICKING	18
3.4. ETHNIC MINORITIES	18
3.5. RELIGIOUS FREEDOM	19
3.5.1. HISTORICAL BACKGROUND	19
3.5.2. REGISTERED AND UNREGISTERED GROUPS	19
3.6. FALUN GONG	21
3.6.1. PERSECUTION OF FALUN GONG ADHERENTS	21
3.6.2. RELIABILITY OF FALUN GONG SOURCES	22
3.6.3. THE NINE COMMENTARIES ON THE CHINESE COMMUNIST PARTY	22
3.6.4. CREDIBILITY ASSESSMENT OF FALUN GONG ADHERENTS	23
3.6.5. OFFICE 610 (ALSO CALLED "610 OFFICE" OR "BUREAU 610")	23
3.6.6. RETURN OF FALUN GONG ADHERENTS TO THE PRC	23
3.7. OTHER ISSUES	24
<b>4. VERIFICATION OF DOCUMENTS</b>	<b>25</b>
<b>5. RETURN TO THE PRC</b>	<b>25</b>

## 1. Introduction

Since the foundation of the Communist Party of China (CCP) in 1921, human rights have been violated in an incredible dimension. According to reliable estimations, up to 25 million people had been killed through Mao Zedong's orders before he rose to power in 1949. After having settled the People's Republic of China (PRC), Mao and his followers became responsible for further 35 million Chinese killed by democides, for nearly the same number of famine victims and for 3.4 millions of war deaths. Thus the total estimated figure of victims reaches nearly 100 million.

The situation changed in 1976. Despite the fact that Deng Xiaoping was one of the radical henchmen during the fifties and sixties, the new leadership of the People's Republic of China tried to terminate the lawless chaos. China got new institutions and the CCP-rulers re-established a legal system. So every citizen was enabled to know his rights and prohibitions.

This theoretical stipulation of granting the rule of law was doubtless a great progress in Post-Mao-China. Not only the Chinese themselves, but also foreign leaders, journalists, China-experts and even tourists were impressed by such a concept, which included the Open-Door-Policy and the transformation of economy.

While the former capitalist class, persons with foreign contacts and non-opposition bound intellectuals are not the target of the CCP anymore, there are special groups in today's China living in a situation of uncertainty, of discrimination and of persecution.

The methods of **human rights violations** are various. China has got an interesting legislation on human rights with a lot of prohibitions, but the reality is very often the opposite. In many cases of human rights violations it could be proved that the state and its political system was the cause of human rights violations, such as the persecution of Falun Gong or the disappearance of dissidents.

## 2. The political and legal system

### 2.1. The Communist Party of China (CCP)

The **political system** of the PRC is based on the leading role of the Communist Party of China (CCP). Other tolerated smaller political organizations do not oppose the leading party. So there is no legal opposition in the state. As a consequence, the party rejects every attempt to build up democratic structures or to found new parties, craft unions or farmer's associations in opposition to the CCP and persecutes their members. Furthermore, the authorities try to destroy opposition movements by force, by infiltration and by controlling information channels. A meaningful danger to the PRC and the leading CCP is the existence of the internet, which can hardly be controlled by an army of censors. If the works of cyber-dissidents are uncovered, most of their authors are given imprisonment sentences. But the communication via phone, pager or internet can't be interrupted easily, which is proved by many events reported to foreign countries and inside China.

Most of the results of grassroots elections on the countryside are settled by the local CCP-cadres, but meanwhile they became the reasons of violent unrests.

Inside the CCP there is just a little space for dissent as well, as long as the members are not regarded as an organized faction.

In the PRC it is a privilege to be a member of the Communist Party (CCP). First, one is a candidate of the Party, and then one can become a member. Members have access to so-called "guanxi"-networks, a network of people who help each other. Members are fostered through the Party; they have the chance to get a better job and money and so on.

Most of the nearly 70 million members of the Party do not want to quit the party as long as the Party exists because they have privileges. But the Party itself has a constitution that stipulates that you have the right to quit. In theory, this should not be harmful to you. So it is comparable to democratic parties in our countries. But if you quit the CCP in China you will at least be watched closely by the secret service. If you engage in propaganda in public for quitting the Party, it is very likely that you will be persecuted (that you will be detained in Re-education Through Labor Centres, for instance). This is still a great risk (see also chapter on Falun Gong, section "Nine Commentaries on the CCP").

## 2.2. Legal background

Since 1976 the People's Republic of China signed a lot of important international declarations, treaties and conventions, also concerning the matter of human rights. Those are for instance:

The **Charter of the United Nations (1945)**. In 1971 the Republic of China had to leave the UN and give its seat to the People's Republic of China. The PRC became in this way one of the five members of the UN Security Council and as a member-state of the UN she accepted the civil rights noted in the preamble of the Charter, which means the personal dignity and worth, justice as well as the commitment to international law. In the same way China is fully bound to Article 1 of the Charter in which the member states promote and encourage the respect of human rights and the fundamental freedom for all, regardless of race, gender, language or religion.

The **Universal Declaration of Human Rights (1948)** passed by the General Assembly of the UN on Dec. 10<sup>th</sup> 1948, had been accepted by the PRC after taking the seat of the Republic of China, but till today the PRC regards this legal norm as 'soft law'. The Chinese position about the legal character of the Universal Declaration of Human Rights has been accepted by many states and experts of international law, because there is – as the term shows – just a declaratory, but not a contractual character. I.e., no subject of international law can take a legal action against a state for its act of having violated the Universal Declaration of Human Rights. The Declaration protects religious (Art. 2) and political convictions (Art. 18). It prohibits torture (Art. 5) as well as arbitrary arrest (Art. 9) and demands for independent courts (Art. 10) and the presumption of innocence (Art. 11). Furthermore there is a demand for freedom of

expression, the right of assembly, the freedom to form associations and the voting right (Art. 19, 20 and 21).

### **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)**

This convention is based on its preamble on article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights of 1966. The signatory states are obliged to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under their jurisdiction and should not accept exceptional circumstances as a justification of torture.

Despite the fact that the PRC signed the Convention against Torture, it doesn't recognize the competence of the *Committee against Torture* as provided in article 20 of the Convention. The Chinese government also doesn't consider itself bound to the paragraph I of article 30 of the Convention, in which disputes between states must be referred to the *International Court of Justice*.

### **Convention relating to the Status of Refugees (1951)**

The 1951 Refugee Convention was signed together with the New York **Protocol relating to the Status of Refugees (1967)** by the PRC in 1982, but has not been ratified yet. Chinese ministries are preparing for an implementation as national law and for the ratification. After World War II the 1951 Refugee Convention and the 1967 New York Protocol became worldwide the most important legal bases of recognising and receiving foreign refugees. So China's ratification would be an important milestone in handling the refugee problem.

### **International Covenant on Economic, Social and Cultural Rights (1966)**

In 2000 China became a signatory state of the Covenant, accepting the right of self-determination of peoples as well as the guarantee of the state parties to protect the family, health and education. The Covenant fosters human rights and a democratic society. But the ratification of China excludes the duties of article 8, which allows the foundation of independent trade unions.

### **International Covenant on Civil and Political Rights (1966)**

This Covenant prohibits unlawful deprivation of liberty, torture or compulsory labour, and emphasizes the right of self-determination of peoples.

The PRC signed this Covenant in 1998, but did not ratify it yet. The ratification should be prepared by a Chinese working commission. China claims, that in preparation of the *Covenant on Civil and Political Rights* the whole Chinese legal system has to be revised. In order to reach this goal, China has sought for the cooperation and assistance of the European Union.

### **Convention on the Right of the Child (1989)**

China ratified the Convention in 1992 and accepted a lot of regulations for the benefit of children. But the PRC made reservations that it would fulfil its obligations provided by article 6



of the Convention under the prerequisite that the Convention accords with the provisions of article 25 concerning family planning of the Constitution of the People's Republic of China. So the Convention shouldn't oppose the *One-Child-Policy*.

### **Convention on the Elimination of All Forms of Discrimination of Women (1979)**

A reservation about the *One-Child-Policy* was made during China's ratification in 1980, that the PRC does not consider itself bound to the paragraph 1 of article 29 of the Convention in referring a dispute to the International Court of Justice.

Three other documents of international law on human rights of lesser importance in the view of foreign countries towards China are as follows:

### **International Convention on the Elimination of All Forms of Racial Discrimination (1966)**

Ratified by the PRC in 1981.

### **International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)**

Ratified by the PRC in 1983.

### **Convention on the Prevention and Punishment of the Crime of Genocide (1948)**

Ratified by the PRC in 1983.

Reviewing China's principles on human rights in international legal documents reveals that the country's representatives do not accept any control or legal judgment from other states or international organizations.

## **2.3. Criminal Law**

*Note: A number of laws of the PRC are available in English on <http://www.chinalaw.gov.cn/indexEN.jsp> - a website of the Chinese government. For some laws English summaries are available on that site as well.*

The Chinese national law also stipulates to respect human rights in the constitution, in the Criminal Law, in the Criminal Procedure Law, the Administration Procedure Law, the Lawyer Law and other related regulations.

The Criminal Law prohibits torture (art. 247, 248) and maltreatment as well as arbitrary arrests, but provides the death penalty for many offences (art. 48 pp.). Besides other laws the death penalty is subjected to 68 criminal acts.

Another punishment can be a limited or lifelong imprisonment (art. 45 pp.). Persons detained in confinement centres are classified in five major types of these serving in prisons and those

serving in centres for Re-education Through Labor. Persons detained in prisons, called *Jianyu*, are as follows:

- 1) inmates given death sentences with a two-year suspension,
- 2) those sentenced to lifelong imprisonment,
- 3) prisoners, who must serve at least 10 years in prison before being released,
- 4) foreign prisoners
- 5) female prisoners.

### **2.3.1. Re-education Through Labor**

According to Chinese Government sources the rest of the prisoners who are given imprisonment sentences are held in the **Reform Through Labor** or **Re-education Through Labor** Centers (RTL).

The *Re-education Through Labor* system is nearly as old as the PRC and is divided into the *Laodong gaizhao dui*, abbreviated *Laogai*, for prisoners formally given a sentence by a criminal court, and the *Laodong jiaoyang suo*, abbreviated *Laojiao*, after the sentence of an administrative body called *Committee for Re-education Through Labor* for committing minor offences such as petty theft, prostitution, and drug use for periods up to four years.

According to art. 46 § 2 prisoners have to work to accept education and reform through labour.

The **Re-education Through Labor** has been criticized since a long time as a violation against article 9 (4.) of the International Covenant on Civil and Political Rights, which provides that "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention..." But please remember: China did not ratify the International Covenant on Civil and Political Rights!

Furthermore, critics say the re-education process was arbitrary. It removes the presumption of innocence, involves no judicial officer, provides for no public trial, and makes no provision for defence against the charges.

According to governmental sources China has a total of 746 compulsory rehabilitation centres, 168 treatment and re-education-through-labor centers. Those centres officially care about criminals being mentally ill or drug addicted. Additionally there were 20 centres for psychiatric treatment of prisoners. One famous inmate of such a psychiatric treatment centre was the dissident Wang Wanxin, who has been released a few weeks ago and lives in Germany. Without having a mental illness he was given psychotropic drugs for the time between 1989 until 2005. Others belong to Falun Gong, which is labelled by the Chinese propaganda as a sign of mental illness.

A Falun Gong practitioner, Ms. Xiong Wei, now living in Germany after she was held in different Chinese detention centres, told me about her prison conditions. Having been beaten and threatened in the imprisonment on remand she was transferred to a women detention

centre, where she had to work under pressure from early morning till late after midnight and got only two meals per day, as well as corporal punishments. She was also maltreated in so-called re-education sessions outside the prison. She wasn't allowed to drink and to go to the toilet for longer times. During her menses she couldn't get sanitary pads, so her trousers were blood-stained. In the night she had to sleep on a wooden board together with other female prisoners and did not have space to move or to turn over. A special corporal punishment was to stay in a painful position for several hours or to practice a large number of knee-bends.

Instead of punishing officers responsible for torture and maltreatment, they got the privileges of impunity and rewards.

### **2.3.2. Number of Prisoners**

According to the International Centre for Prison Studies at the King's College in London (<http://www.prisonstudies.org/>) there were 1,548,498 *sentenced* prisoners in December 2003 in the PRC. In comparison to the Chinese population: 118 prisoners per 100.000 citizens. China argues that this number was far lower than the one from the USA (701 prisoners per 100.000 citizens). But human rights observers doubt the truth of this figure. They believe that the actual number of Chinese being imprisoned is much higher, because of those who are not in prisons but in Re-education Through Labor Centers (RTL).

## **2.4. Judicial system**

### **2.4.1. Overview**

At first sight the judiciary system seems to be similar to that of other countries with lower, intermediate and higher courts.

The **Lower Courts** are responsible for civil disputes and misdemeanours that do not need trials, in counties, cities without administrative districts, or administrative districts of cities. They also guide and supervise the work of the People's Arbitration Committees.

In prefectures, in cities directly under provinces and in districts of the municipalities directly under the central government, **Intermediate Courts** are responsible for cases of national security, criminal cases that may involve life imprisonment or the death penalty, criminal cases committed by foreigners or cases involving Chinese citizens violating the lawful rights and interests of foreigners. They also handle matters transferred or appealed from lower courts.

**Higher Courts** are set up in provinces, autonomous regions and municipalities directly under the central government and are responsible for criminal, civil and administrative cases that Intermediate Courts deem to be of a serious nature, after the Intermediate Court requested that the cases be transferred. They try criminal, civil and administrative cases of major proportions and complications under their jurisdiction, as provided by law, the first-hearing cases transferred by lower courts, cases appealing or protesting the verdicts and decisions made by Lower Courts. They also review first-hearing cases involving the death penalty ruled by Intermediate Courts where the accused renounces the right to appeal.

The **Supreme Court** located in the national capital Beijing as the main trial organ of the state is responsible for appeals, cases of national security, criminal cases that may involve life imprisonment or the death penalty, criminal cases committed by foreigners or cases involving Chinese citizens violating the lawful rights and interests of foreigners.

#### **2.4.2. Independence of the Judiciary**

In reality there is not only a hierarchy of **public prosecutors** analogous to the hierarchy of courts, but also an influence of different levels of the Communist Party of China to the trials and decisions of the parallel court level. So the CCP-cadres of a city may manipulate cases of an Intermediate Court in the same matter-of-course as the Polit-Bureau does in the cases of the Supreme Court.

Mo Shaoping, a notable defence attorney, criticized the **situation of lawyers** as extremely difficult during his speech when he visited the Yale Law School in October 2005. According to his information 500 lawyers had been arrested for working on criminal cases. Only 30 percent of all Chinese criminal cases had a defence lawyer at court. Mo summarized the difficulties for lawyers as difficulties in meeting the litigant, in obtaining documents, in investigating and obtaining evidence, in bringing witnesses to court, to complete the case in time, of balancing the power of certain organisations and the lack of a privilege to refuse to give evidence.

Mo said: "The chief judge of China's Supreme Court, Xiao Qiang, emphasized the strengthening of the CCP's leadership over China's legislative system and that its role is forever cemented."

Hence, even the human rights stipulations of the Chinese leadership in this context seem to be tools to control the society and to deprive it from personal and human rights.

If you want to be a judge or to work in a court it is nearly a must under the Chinese power structure that you should be a CCP member. Most of the judges are CCP members, some of them are even very powerful CCP members. This shows that there is a direct link between their work as judge and the work inside the party. If they have a job in the Party and one in the court as well, it is not necessary to tell the judge how to act: He knows how to act. But it could also happen that some powerful Party members exercise their power in interfering in legal discussions or something else in courts. The party is still more powerful than the state organs like the military or the courts. Even if they are called independent: they are just *called* independent.

#### **2.4.3. Double Jeopardy**

There were reports about Chinese citizens being prosecuted twice for crimes committed abroad. Further information on this issue would be needed to assess the situation.

#### **2.4.4. *Wanted Lists***

Like in other countries, the police in China publish posters as well as information in newspapers about people searched by police. The information published usually contains the name of the wanted person, a photo, and information on the crime they are suspected of.

#### **2.4.5. *Release documents (for prisoners)***

Prisoners receive a release document upon their release from detention. The form of these documents varies from province to province (or autonomous region).

### **2.5. Rule of Law**

Several times a year, regularly at spring festival and in autumn around October 1st, campaigns against crime are also targeted against opponents. Arrested persons have difficulties to convince the authorities of their innocence and to get in contact with lawyers. This problem carries on in the denial of fair public trial, which often occurs. Despite legal prohibitions (in the Penal Code and the Criminal Procedure Law) many arrested people are victims of torture and maltreatment. Alone in one campaign against crime like "*Yanda*" ("Strike hard"), 4.000 people were executed after summary trials. The total number of executions is estimated at 15.000 per year. Extrajudicial killings in custody due to the practice of torture by the police have been reported, but no statistics are available. Arbitrary deprivation of freedom is still very common and only very seldom investigated.

The legal system of the PRC is not like European legal systems. If something is written down in a law, it doesn't mean that a powerful person would care about. Furthermore, something that is prohibited in one province might be tolerated in another, or even in a special part of the first province – and vice versa.

Lack of the rule of law is observable not only in political cases against opponents, but also in cases of environmental protection, for instance. China might have very good regulations on the protection of the environment; it is a much polluted country nevertheless.

An American expert on China criticized this kind of ruling the people using by the tool of law. Peoples' rights are suppressed by using the law.

### **2.6. Corruption**

Huang Weiding, economist and deputy-publisher of the party-paper "Red Flag", wrote an interesting article on corruption in China published in Laurence Brahm's book "China's Century", mentioning corruption also in the judiciary. But he did not distinguish between the different parts of the judiciary system; there are no detailed statistics available. According to Xiao Yang, China's top-judge in the Supreme Court, some judges accepted bribes from litigants and lawyers behind the scenes. Some exerted power to introduce business to lawyers. Xiao said the big income gap between Chinese judges and lawyers makes corruption easier to arise. Xiao warned judges at all levels that one case of corruption may damage their whole

career prospect. Minister of Justice Zhang Fusen adds that although most of China's 100.000 professional lawyers are correct, some lawyers are still dependent on giving bribes to win lawsuits.

Criminal prosecution of corruption is dependent on the importance of the case. An officer who committed a minor crime (accepting only a small amount of bribe money) will not be criminally prosecuted. But if the amount is high enough he or she could face the death penalty, as stipulated in the Criminal Law.

Corruption (or the accusation that someone is corrupt) is also used as a tool for the leading group of the Communist Party, to fight against their own opponents inside or outside the party. For instance, Jiang Zemin used this tool against the mayor of Beijing. The mayor lost all his power, he had been punished, he served a long time in prison – of course he was corrupt, but who is not corrupt in the leadership? A general, a minister in Shanghai can be bought, if you have the money for it. And those people are powerful enough, so in general they do not face any persecution.

### 3. Specific issues and groups

#### 3.1. One-Child-Policy / Family Planning

Chinese couples have to apply for a permission to have **children**. Only in some wealthy cities, such as in Guangdong Province or on the countryside couples are exceptionally allowed to have two children. In case of a contravention, the **One-Child-Policy** discriminates parents and their children.

China has a regulation for family planning in the Constitution and also in the Marriage Law, as well as a "Populations & Family Planning Law" (for laws of the PRC, see for example <http://www.chinalaw.gov.cn/indexEN.jsp>). The two marriage partners are bound on family planning. There are national laws, but in practice there is a higher impact for people by regulations and laws of their province and autonomous region, which could be various. For instance, in wealthy cities of Guangdong Province, the regulations are applied in a less strict manner today, but this is not common in every province now.

China established these regulations to stop the rapid growth of population and the authorities tried to do what they can. Even officers could be punished if they were not successful enough in forcing the people to have only one child or even to have no child.

Every child must have permission for birth. This continues today, and in many provinces there are reports about very cruel practices on this matter. For instance, a mother who was hiding during her pregnancy could have an interruption of her pregnancy just before birth. Even if it comes to birth the child could be killed in a bucket of water. This is still done in many provinces and autonomous regions.

Children born without permission are called "black children" (see below for details).

A woman can be controlled in her working unit for her regular menses, whether she could be pregnant or not. This still happens today in factories for instance. She can also be controlled by the Street Committee women. They are women working after work maybe for a few hours per week only, controlling the security and they also check whether a woman is pregnant. And if there is no permission for a child, then the woman has to face a special procedure. Even if she has the permission, she might be persuaded to have an abortion. If she is not convinced, she will be forced to have an abortion. She will be taken to a hospital by a special committee. This committee's authority is comparable to police authority. So it is not easy to escape from the situation. In the hospital the committee will take care that the medic will give her an injection for an abortion and then the case could be over. But it is very likely that she or her husband or boyfriend could also have a treatment for sterilisation. These procedures are very likely to happen.

Parents who are held responsible for unauthorized pregnancies may be fined, or lose their job, house, or other property. The provinces Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, and Ningxia require the termination of pregnancy if the pregnancy violates the family-planning law. The regulations of Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan have other punishments for the contraventions. It is very common not only to terminate out-of-plan pregnancies, but also to sterilize one of the parents.

In some regions, however, women can have two children under special conditions. As for ethnic minorities, Uighurs in Xinjiang Autonomous Region for instance, it is often reported that they are exempt from the One-Child-Policy. Family planning regulations might be handled in a less strict manner in autonomous regions, but this is not a fixed rule. It might be the case, but they still are bound to the regulations. It might as well be a method to spread jealousy and aggressions amongst the different ethnic groups. This system has a special structure of building up hate and it still works.

### **3.1.1. *Corruption and the One-Child-Policy***

For family planning, the Roman principle 'Quod licet iovi, non licet bovi' applies. It is a matter of fact that if you have influence, if you have power and if you have money, you can do what you want – especially in China. Even in regions where the laws are enforced in a very strict way, rich and powerful persons might be able to bribe the officers responsible and to prevent punishments like sterilisation. Corruption is a serious problem for the whole administration of China.

### **3.1.2. *Black children ("Hei haizi")***

The word "hei" in the Chinese language means "black" or "illegal". "Heiren" or "black people" are those, who live in a certain place without permission. Children labelled as "hei haizi" are those from parents without the right to be citizen or born without the permission of the authorities. Their economical background is insufficient. They don't have any perspectives in education and no medical care supported by a working unit ("danwei"). Authorities often refuse to register them and to issue documents to them. This is more standard behaviour than an exception.

The measures of the government to improve their situation are still not sufficient. In October 2005 the Central Committee of the CCP discussed a new policy towards a harmonic society, among others also about increasing the income of the poor. In consequence this should also include a legal equalization – though there is no information about this new policy and its enforcement yet.

The legal question, whether black children could be considered as "particular social group" must be discussed in the context of the European legal circumstances. According to Article 10 para. 1 d of the EU Council Directive 2004/83/EC of April 29<sup>th</sup> 2004, a group shall be considered to form a particular social group, if members of that group share a common background that cannot be changed. In China the stigma of being a "black" can be reduced by marriage to a person possessing citizen's rights. So it might be hard to imagine that "blacks" can be considered as particular social group. But even if they are disadvantaged and could be regarded as a social group, there is no special persecution of them.

There is no general ill-treatment of black children: There is no reason that this undoubtedly disadvantaged group should face a higher risk of violence than others. Black children face the same problems as other groups excluded from the average society in China (migrants, poor farmers, or for instance).

In sum, the question whether black children form a particular social group (in the meaning of the 1951 Refugee Convention) is under discussion in the different countries of reception – with different answers to it.

### **3.1.3. *Children born abroad***

The consequences for asylum seekers repatriated to China who did not follow the One-Child-Policy, are different. Parents responsible for pregnancies or births without permission in China could face some of the difficulties mentioned above. But Chinese couples living abroad are not bound to the One-Child-Policy. Chinese citizens studying or working in foreign countries can return with more than one child without any serious problem.

### **3.1.4. *Opposition to the One-Child-Policy***

Voicing opposition to the One-Child-Policy publicly can be problematic. It is still a taboo to talk about it in public, or to argue that the policy should not work. However, today the leadership is thinking about this taboo, because of demographic problems China is confronted with. The Chinese leadership will have to revise the policy sooner or later – I expect later.

## **3.2. *Single women & single mothers***

Generally speaking, there is no discrimination against single women today, especially not in cities. In the countryside, discrimination is possible, but this is true for western countries, too. Certainly, the low level of social security has an impact on single women. Today millions of single women are a part of the large number of migrants in China, looking for a job, moving from one province to another. There are literally millions of young women on a journey to



another region. There is a risk especially for those young migrant women to be forced to work as prostitutes in a "hairstylist salon", or to become victim of human trafficking.

Single mothers are disadvantaged economically and legally compared to single women without children. Pregnancies of unmarried women are prohibited by different laws of different provinces or autonomous regions. Sanctions against those by means of discharge through working units ("danwei") are possible or even likely.

There is a very active group for women: the All China Women's Federation that is part of the Communist Party (<http://www.women.org.cn/english/index.htm>). They do a lot for the benefit of women in general, especially for women forced into marriage, forced into prostitution, etc. But their influence is limited by the local authorities, if the latter abuse their power. If there is, for instance, a party leader of a village, who wants to have a woman for his pleasure, then he will get her. This woman may complain, and ask the All China Women's Federation for help. But whether the complaint might be successful, or whether the Federation can help, depends on the local situation. In some village they might not be able to help. In another village the party leader might even lose his job. The outcome depends on the power of the local leader and on how good the contacts of the Women's Federation to other levels within the party hierarchy are.

It is difficult to say whether this organisation is present everywhere in the PRC. But in principle it has the same structure as the CCP, so it is probably present in every district (not in every town).

### **3.3. Freedom of movement**

#### ***3.3.1. Emigration***

The freedom of movement increased after the old *hukou*-system (the system of registration of all family members) has been relaxed with the goal of having a more mobile labour force. There are about 150 Million migrants within the borders of the country. Nevertheless, every person is still obliged to have the permission of their working unit ("danwei") or the local authorities to change the place of residence.

Today the Chinese authorities issue travel documents much easier than a few years ago. So millions of Chinese got the right to travel abroad or even to emigrate. Forced repatriation can be problematic, if the Chinese authorities do not cooperate well.

The right to leave the country seems to be improving more and more. But some groups are excluded. Some exclusions are regulated by law: for instance, persons who have been convicted or who are watched or searched by the police do not get a permission to travel abroad. Other groups may be disadvantaged: ethnic minorities still have more problems to receive a passport.

It's a matter of fact, however, that many of them cross the border illegally, especially in the Uighur border region and in the Tibetan border region. If they were free to travel abroad then it would not be necessary for them to cross the border illegally, in a very risky way.

Travelling abroad by airplane is a bit different: checks at airports are sometimes very lax, in other cases they control a lot – it seems to be arbitrary. It is impossible to find out which airport is stricter than others.

In sum, even if travelling abroad is easier now than it was before, it is still a privilege, not a right for everyone.

### **3.3.2. Internal migration**

There is a high number of internal migrants in the PRC, from Western China to the coastal regions in the East. The main target for internal migration is the city of Shanghai. The second target is Zhejiang Province, and the third destination is the Fujian Province. Another very important destination is the Province of Guangdong. The harbour of Hongkong is located near Guangdong Province, so this is very attractive. Even if migrants do not want to leave the PRC, they can find work easier in those richer regions than in their home provinces.

Internal migrants are still regarded as "blacks" ("heiren") or illegal migrants. It could happen to them that the police will arrest them and take them to detention centres for internal migrants.

### **3.3.3. Snakeheads / Human Trafficking**

Furthermore, human traffickers called "shetou", which means "snakeheads", have an excellent network for smuggling out Chinese citizens. Snakeheads are the leaders of illegal organisations involved in human trafficking. Their organisations also engage in illegal gambling, bribing, smuggling of drugs or other goods, etc. They are also engaged in trafficking of women to force them into prostitution abroad.

Emigrants have to pay a huge amount for this illegal enterprise (80.000 Renminbi Yuan, for instance – about 8.300 Euro). But this money is not sufficient. Emigrants have to agree to a contract to pay additional sums when they are working abroad. If they don't, their family has to face severe punishment.

## **3.4. Ethnic Minorities**

Ethnic minorities (like Uighurs, Tibetans, Mongols, or Zhuangs) still have difficulties in speaking Mandarin-Chinese ("putonghua") well. There is still a gap in education between the majority of Han-Chinese and minorities. Educated people in cities might speak Mandarin better than the language of their ethnicity. But the majority is not that educated, especially in rural areas. Asylum seekers from ethnic minorities often reject Han Chinese interpreters, both because they do not trust them and because of language problems.

Members of ethnic minorities who organize themselves to regain their stripped national independence or real autonomy face severe punishment. Especially Tibet, Eastern Turkistan

(Xinjiang) and Inner Mongolia are so-called Autonomous Regions without being effectively autonomous. They stand under dominance of Han-Chinese in the matters of political force and of economic strength.

The whole population of all western regions has to face the problem of overpopulation by Han Chinese. Party leaders, military leaders and every person who can make important decisions are Han Chinese. The city of Lhasa in Tibet for instance has more Chinese than Tibetans. The Chinese live downtown while the Tibetans live outside, in cheaper areas.

### 3.5. Religious Freedom

#### 3.5.1. *Historical background*

The Chinese government, especially the Communist Chinese government, has some problems in dealing especially with smaller groups of a different way of thinking. The Communist Party itself was a secret group, coming to power by violent means, and it was well known to all of their leaders that such groups, sects, cults, were able to overturn a dynasty. For instance, the Tang-Dynasty in the 8<sup>th</sup> century had problems with sects like that. After the Mongols came to power in 1279, there were many religious groups spread around the country, who were fighting in the underground against the central government of the Mongols. And so the Mongol leaders were overthrown by a secret sect that later founded the Ming-Dynasty. And this is well known to today's leaders of China. So we can understand why they want to suppress the house-churches, Falun Gong, etc.

I will soon publish a book about the group called Yiguan Dao, a Daoist sect. It is a revolutionary group, they fought against the Qing-Dynasty, and they were loyal to the Republic of China. When the Republic of China was in danger, they fought against the Japanese invaders as well as the Communists. And when the Communists rose to power, most of the leaders of the Daoist sect were arrested and killed by the Communists, if they could not escape to Taiwan. So this is still the policy of the government and of the system.

#### 3.5.2. *Registered and unregistered groups*

As long as philosophic, spiritual or religious groups are organized as religious societies and **registered** with the Offices on Religious Affairs (under the Ministry of Public Security) or with lower hierarchy levels of the Offices of Public Affairs, there is governmental control, but not necessarily persecution of their members.

On the other side, in cases of **unregistered** religious or spiritual groups, low tolerance or persecution are the guidelines of politics: persecution is very likely, especially for Catholics loyal to the Holy See, Protestant house-churches and practising Falun Gong adherents. Their groups are regarded as "evil cults" or "sects" by the authorities, watched by the police, secret services and the 'Anti-Cult-Association' and threatened to have severe punishment on their followers.

Also the media have to publish reports and comments about the dangerous character of the so-called 'cults', as it happened after a self-immolation of alleged Falun Gong-practising persons in front of Beijing's Tian'anmen-square. Despite Western journalists had research about those people, who burned to death, and found out that they had nothing to do with

Falun Gong, the Chinese media still argue that the society had to be protected against such an evil cult, which immolate own followers.

Followers of such groups defined as cults in the PRC as well as in foreign countries remain the target of persecution such as kidnapping, arrest and violence.

China has an old tradition of creating religious groups, also including sects. And those sects can become harmful for the leadership. About 150 years ago there was a Christian-Daoist sect called "Taiping" or "The Supreme Peace" (Abbreviated: "Taiping Tianguo" = Heavenly Realm of Supreme Peace) and they founded a religious kingdom. They became revolutionaries and fought against the Qing-Dynasty. This dynasty had to struggle so much with those revolutionaries that it had been shattered and became a victim to foreign powers till its collapse in the revolution of 1911. So Chinese leaders are well aware of such groups outside their control.

For a religious group, the best chance to avoid persecution is to go to an Office for Religious Affairs and apply for registration. This Office is an office of the Public Security Bureau ("Gong'anqu") under the Ministry of Public Security ("Gong'anbu"), and it can accept the group as a religious group, if they belong to one of the five recognised religious communities: Catholics, Protestants, Muslims, Buddhists or Daoists. If it is not a religious but a philosophic group, they might be organised to the philosophic organisation of Confucians.

The government monitors the five recognised religions through so-called "patriotic associations":

Catholics: "Chinese Patriotic Catholic Association"

Protestants: "Three-Self Patriotic Movement" and "China Christian Council"

Daoists: "China Taoist Association"

Buddhists: "Buddhist Association of China"

Muslims: "Chinese Patriotic Islamic Association"

But some groups who were trying to register got a lot of problems: they were persecuted and their leaders were sent to Re-education Through Labor centres for a long time. As an example: One group was successful and is now regarded as a legal group: the South China Christian Church, having many thousand adherents. But other groups under the same conditions and in other provinces were not so lucky. For instance in the eastern provinces (i.e. Zhejiang) many thousand religious groups – especially Christian groups – were founded by their followers, but were smashed by the Chinese leadership.

It's a major task of the secret services to find out who is involved in such illegal religious activities. But at the same time, you can find meetings of Christians or of Buddhists in China, in Muslim regions too, with policemen attending such conventions in uniform – not to control them and not to fight against them, but as adherents, as believers. In some regions in China the authorities may exercise strict control; in other regions such religious activities may be tolerated. But you can be very sure that most of the provinces are very strict in dealing with this matter, especially in persecuting so-called 'illegal sects and cults'.

As for Christians, there are no exact figures, but they are estimated to be more than 100 million people. This estimated number includes Catholics in the so-called "Patriotic Church" as well as Protestants controlled by the state and Protestants outside any control (the so-called "house churches").

### **3.6. Falun Gong**

#### ***3.6.1. Persecution of Falun Gong adherents***

Falun Gong was forbidden after the demonstration in the year 1999. Falun Gong adherents have been persecuted since this time in a very harsh way, many have been killed in prison, many have been tortured, and the prison terms were extremely long sometimes. In other cases there were short prison terms, but people were maltreated very often. Reports about this persecution have been published by Falun Gong in foreign countries, also in Hong Kong and Taiwan.

Falun Gong does not see itself as a religious group. It is not a religion, it is a spiritual group. Furthermore, Falun Gong adherents regarded themselves as non-political persons. They did not want to be involved in politics; they want to cultivate their personalities by making Falun Gong exercises. But as the years progressed, their publications became more and more political. It was an accusation against the system, against the leading party. So Falun Gong is changing towards something like a political group. Because they organized themselves to be anti-communist groups, first they published the "Nine Commentaries on the CCP" (see below for details on the 'Nine Commentaries'). Then they started a campaign "Quit the Party" ("Tui Dang"). Now they claim there are five million people who quit the CCP. This number can not be corroborated, but certainly a high number of members left the Party. So Falun Gong becomes more and more a group involved in politics, even if they regard themselves as a non-political group. Additionally, they now closely cooperate with the democratic opposition, like Wei Jingsheng, for instance.

Because of the intensity and the duration of persecution they could be regarded as belonging to a 'particular social group', as defined in the 1951 Refugee Convention. (If they are not regarded as religion, because, as mentioned above, they do not consider themselves as being a religious group.)

There is also a persecution for practising Falun Gong at home, if this should be uncovered. Practising Falun Gong abroad can become dangerous, too, because the 'Office 610' has a network in many countries especially to observe Falun Gong activities. There were violent attacks against Falun Gong adherents abroad, too. For instance, in South Africa several Falun Gong adherents were attacked by men from the Office 610. They were wounded by bullets, but haven't been killed. See below for details on the Office 610.

### **3.6.2. Reliability of Falun Gong sources**

As Falun Gong adherents are victims of persecution, they have an interest to report on it. So there can be a bias in reports published by Falun Gong. Furthermore, some Falun Gong sources are also infiltrated by Chinese secret service.

But their reports are not only propaganda. They offer descriptions of torture methods that are also reported by people outside the Falun Gong movement. Many cases have been checked by foreign journalists from Western media, such as Ian Johnson. Ian Johnson was in Beijing for the Wall Street Journal and is now living in Berlin.

And they publish different newspapers in the world, in different languages, in Korean, of course in Chinese, in English. In English Falun Gong's newspaper is called "Epoch Times" (<http://english.epochtimes.com/>), in German it is "Die neue Epoche", and so on. It is published in a number of languages. They are very active and spend a lot of money to publish everything about China, about the human rights situation, and especially about the persecution of Falun Gong. In Germany, for instance, they have a high number of adherents, who are of German origin. Most of them are intellectuals. For them Falun Gong is very attractive, a lot of them who did not visit China before, they have no knowledge of China, but they are very interested in those exercises. And in cooperation with foreigners, those Chinese citizens who exercise Falun Gong created many publications about Falun Gong, the aims of Falun Gong and also the persecution of Falun Gong.

### **3.6.3. The Nine Commentaries on the Chinese Communist Party**

In November 2004, the Falun Gong newspaper "Epoch Times" had a report on the Chinese Communist Party (CCP), on its history and on its aims, in nine sections. The so-called 'Nine Commentaries on the CCP' (see <http://ninecommentaries.com/>). A few months after this was published, it was reported that many Communist Party leaders read those Nine Commentaries and felt ashamed of their own party, which is not only corrupt, it is a party of a dictatorship, a very brutal party, the party is lying all the time, is forcing the people and so on. Every bad manner a party could have, could also be found in this party. And so they created a movement called "Quit the party" ("Tui dang"). There is a website where people can declare they want to quit. According to Falun Gong, there are over five million people who quit the party. It can not be proven whether this number is true or not, but certainly many did quit the party.

Now the question is: Is it possible to quit the CCP, is it allowed to quit the party? We should have a look at the constitution of the CCP first. If you want to be a member of the party, first you must have an application, you should have another person who wants to have you in the party, there must be a reason. If you have an application, you can become a candidate. In the time of being a candidate, you must be a very good Communist to become a member. After becoming a member you are also allowed, according to the constitution of the party, to quit the party. According to the party's rules, if you do not pay your fees, for instance, or if you don't agree with the party, you may quit. But note: in such a dictatorship, ruled by the party, where the party is more than the state, is more than courts, etc., how can you quit easily without any problems? So it is very sure that the people have to face cautious eyes by the secret services, by the police for instance. They will be asked some questions, this is the

minimum. But if they do this in public, in an organized way, then it is very sure that there will be a persecution.

Furthermore, the possession of the (banned) book "Nine Commentaries" will, in the eyes of the authorities, definitely be viewed as possession of Falun Gong literature.

#### **3.6.4. Credibility assessment of Falun Gong adherents**

In order to assess the credibility of Falun Gong adherents there should be some basic information about the background, the founder Li Hongzhi and his books "Zhuan Falun" and "Falun Gong". For instance, what was the occupation of Li Hongzhi, when was he born, when did he change his location from China to America, and why, and so on. There should be a basic knowledge. There should be also some knowledge about different exercises.

A very simple, primitive way to show whether a person has some knowledge or not is to ask questions like "Which knowledge do you have? How long did you practice? Can you show me an exercise?". The exercises are written and shown in the book "Falun Gong" by Li Hongzhi.

Another method is to ask about other persons practicing Falun Gong in the country of reception, like: "Do you have a person from Anhui, for instance, who is practicing Falun Gong in Hannover in Germany?" (Note: Do not mention names, as personal data has to be protected). If an applicant has contact to other Falun Gong practitioners, it is very likely he/she is Falun Gong adherent, too.

#### **3.6.5. Office 610 (also called "610 Office" or "Bureau 610")**

In 1999 the Government and the Communist leadership faced a sudden demonstration in front of their door and they were shocked. They could imagine what could happen to them if the masses of 10.000 people who practice Falun Gong and nothing more could do something, and they were reminded of the unrests in the cultural revolution or of the year 1989. So they faced the loss of their power, and reacted in a very strict way: They forbade Falun Gong, they sent out the police to arrest thousands, and so on. Different police and secret services were established especially for the persecution of Falun Gong. One result to concentrate the power in one hand was the "610 Office" (established in 1999), directly working under the CCP Politburo. The real active leader of this office is the leader of the CCP, Hu Jintao now, before him it was Jiang Zemin.

Jiang Zemin was the one who persecuted Falun Gong during his time but now it is Hu Jintao. "610" is working in China and also abroad. There was an attempt to kill nine Falun Gong adherents in South Africa by bullets, men from the 610 Office shot on them (the victims have been injured, but have not been killed). Certainly in every country where Chinese live the Chinese secret service also has a branch of "610".

The 610 Office is now a secret service on its own and is acting violently like the police, also working in Germany for instance.

#### **3.6.6. Return of Falun Gong adherents to the PRC**

There is a very interesting case in Germany: a family escaped from China and asked for political asylum in Germany. Their application was rejected. During their stay abroad, they became adherents to Falun Gong. However, this didn't seem credible to the authorities and

they were sent back to China.

In China they were checked. They were asked questions, but there was no persecution. But then they had telephone calls to Germany, to other Falun Gong adherents. They talked on the phone about their adherence to Falun Gong. The police came, the husband received an administrative sentence, for Re-education Through Labour punishment. The case became known to the German embassy, the man was released for medical treatment and the embassy will try to take the family to Germany.

In this case, there was no persecution directly upon return (because they asked for asylum, for instance), but only after the authorities got knowledge of the family's adherence to Falun Gong through the telephone calls.

### 3.7. Other issues

The **freedom of property** is limited since the communist state has been founded. Nowadays citizens of the PRC are able and allowed to become billionaires, but thousands of owners of tiny houses were expropriated or dispossessed by authorities' order and club beating mobsters to dislodge the dwellers, only because there was an announcement of fantastic investment by a real estates company earlier. In big cities as well as in the countryside forced dislocations are not unusual. Well known examples are dislocations for the Olympic Games in the capital city and in the region of the Three-Gorges-Dam.

Like some decades ago, police, army and secret services violate the constitutional **freedom of assembly** and association by using force against demonstrators and critical groups. While protests numbered a few thousands per year in the 1990ies, the number increased to 58.000 in the year 2003. The protests rose to 74.000 in 2004 with a death-toll of 1.740 people. This figure shows that the situation seems to be much worse than on the eve of the year 1989. Therefore the country cannot be regarded as a stable one.

As long as speakers in private discussions did not show opinions of the opposition in public, the **freedom of expression** continued to expand. But such controversial discussions remain under surveillance by authorities. On the one hand criticizing the political system can be tolerated; on the other hand it can be the reason for harsh persecution.

China, of course, like every other country has shelters for children who have lost their parents. The conditions were discussed in our western media a few years ago. The first information on the **situation of orphans** came by Channel 4 in Great Britain. This report was terrible: there were dying children who were underfed, without any care and without being washed and so on. The situation now seems to improve.

But there is no information about the situation in the Central region or in the Western region of the country for instance, where there is no coverage by foreign media.



#### 4. Verification of documents

Verification of Chinese documents sometimes is very difficult. Underground-factories are able to fake documents in large quantity and with high quality. It is possible to get official documents with wrong name or data through bribery, too.

#### 5. Return to the PRC

Forced repatriation can be problematic, especially if the Chinese authorities do not cooperate on this matter. There are cases in Germany, for instance, where the Chinese embassy refuses to issue travel documents to rejected asylum seekers.

One has to be cautious when assessing whether there is a risk of persecution upon return or not: basically, if the returnee (a rejected asylum seeker or a repatriated migrant) is unknown to the authorities, then persecution is not likely. There are legal regulations prohibiting illegal boarder crossing in the criminal law. But Chinese authorities didn't care so much in the last years, even if they know that this person asked for political asylum in foreign countries, because the authorities expect that they left China for economic reasons. Diplomats from Western countries monitored the situation of repatriated people, and they found out that in most of the cases there was no political persecution, nor criminal prosecution.

On the other hand, the situation differs for returnees involved in offences or actions against the Chinese government, or the CCP. Practising Falun Gong, being a member of an underground church, playing a leading role in the opposition (in exile, too) can still be a reason for persecution.

Every Chinese should know that the telephone will be controlled, the internet will be controlled, and every media is controlled by the government and by the different secret services. See the chapter on Falun Gong for an example of a returnee who did not face persecution upon return – until authorities got knowledge of his adherence to Falun Gong.

**Note: This text is based on a tape transcript of the speech and discussion**

*Mr. Thomas Weyrauch was born in Bensheim, Germany, in 1954. He completed his law studies in 1987 and graduated with LL.D. In 1988 he became China-Expert for the City of Duisburg and was sent to Wuhan in China as director of the liaison office between 1989 and 1990. In 1991 and 1992 Weyrauch worked as adviser to a German MP. Since 1993 he is acting in a high*

*federal administrative body, presently as an East Asia-Watcher. He published the following books on China:*

„Graue Stahlstadt China“ (China, Grey City of Steel), 1991, 4<sup>th</sup> edition 1993

„Fluchtziel Deutschland – Migranten aus der Volksrepublik China“ (Target Germany – Migrants from the PR China), 1995

„Wei Jingsheng – Mein Leben für die Demokratie“ (Wei Jingsheng – My Life for Democracy) 1995

„Chinesische Urkunden“ (Chinese Documents), 1999

„Gepeinigter Drache – Chinas Menschenrechte im Spätstadium der KP-Herrschaft“ (Anguished Dragon – China’s Human Rights in the Late Stage of the CCP Rule), 2005

„Yiguan Dao - Chinas Volksreligion im Untergrund“ (Yiguan Dao – China’s Underground Popular Religion), 2006

(Homepage: <http://www.dr-thomas-weyrauch.de/>)

### III. Selected documents

#### **Weblinks:**

Governments on the WWW: China (People's Republic)

<http://www.gksoft.com/govt/en/cn.html>

Internet Chinese Legal Research Center

<http://ls.wustl.edu/Chinalaw/mainland.html>

China Daily, English-language state-run publication

<http://www.chinadaily.com.cn/english/home/index.html>

China Digital Times: news website on social and political transition, by Berkeley China Internet Project, University of California, Berkeley

<http://www.chinadigitaltimes.net/>

China WWW Virtual Library: Internet Guide for Chinese Studies, by Sinological Institute, Leiden University

<http://www.sino.uni-heidelberg.de/igcs/>

Falun Dafa Information Center

<http://www.faluninfo.net/>

Human Rights in China (HRIC)

<http://www.hrichina.org/>

Xinhua News Agency (New China News Agency): the government's official press agency

<http://www.xinhuanet.com/english/>

ecoi.net: China

Focus Country China – Topics & Issues File: <http://www.ecoi.net/doc/en/CN>

All documents: <http://www.ecoi.net/documents.php?country=CN>

#### **UNHCR recommended the following reports at the seminar:**

Committee On Economic, Social And Cultural Rights: "Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant - Concluding observations of the Committee on Economic, Social and Cultural Rights People's Republic of China (including Hong Kong and Macao)", Thirty-fourth session 25 April-13 May 2005, 13 May 2005

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/a206bffcd68c76b1c125700500478168/\\$FILE/G0542245.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/a206bffcd68c76b1c125700500478168/$FILE/G0542245.pdf)

Committee On The Rights Of The Child: "Consideration of Reports Submitted by States Parties Under Article 44 of the Convention - Concluding observations: China (including Hong Kong and Macau Special Administrative Regions)", 24 November 2005

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/04186f9dc54bc087c12570ec004ef94a/\\$FILE/G0545139.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/04186f9dc54bc087c12570ec004ef94a/$FILE/G0545139.pdf)

UNHCR: "PRC Country of Origin Information from Public Domain Sources", 30 November 2005

[http://www.ecoi.net/pub/h1069\\_3\\_UNHCR-chi20051130-Bworkshop-PRC.doc](http://www.ecoi.net/pub/h1069_3_UNHCR-chi20051130-Bworkshop-PRC.doc)

China Daily: "Regulations better safeguard religious freedom in China", 20 December 2004

[http://www.chinadaily.com.cn/english/doc/2004-12/20/content\\_401537.htm](http://www.chinadaily.com.cn/english/doc/2004-12/20/content_401537.htm)

United Nations Commission On Human Rights: "Civil and Political Rights, Including the Questions of Torture and Detention - Report of the Working Group on Arbitrary Detention", Sixty-first session, 29 December 2004

<http://www.ohchr.org/english/bodies/chr/sessions/61/lisdocs.htm>

Office of the United Nations High Commissioner for Human Rights (OHCHR): "The People's Republic of China and the International Human Rights System", 16 November 2005

[http://www.ecoi.net/pub/h1961\\_FINAL\\_CHINA\\_NO\\_ANNEX\\_COUNTRY\\_PROFILE\\_REV\\_NOVEMBER\\_2005.doc](http://www.ecoi.net/pub/h1961_FINAL_CHINA_NO_ANNEX_COUNTRY_PROFILE_REV_NOVEMBER_2005.doc)

organised by ACCORD, HHC & UNHCR  
co-financed by the ERF 2004

Office of the United Nations High Commissioner for Human Rights (OHCHR): "The People's Republic of China and the International Human Rights System – Appendices", 16 November 2005  
[http://www.ecoi.net/pub/hl962\\_APPENDICES\\_COUNTRY\\_PROFILE\\_1.doc](http://www.ecoi.net/pub/hl962_APPENDICES_COUNTRY_PROFILE_1.doc)

**Other essential reports:**

Amnesty International (AI): "Annual Report 2005", 25. May 2005  
<http://web.amnesty.org/report2005/chn-summary-eng>

Congressional-Executive Commission on China (CECC): "Annual Report 2005", 11. October 2005  
<http://www.cecc.gov/pages/annualRpt/annualRpt05/CECCannRpt2005.pdf>

Freedom House: "Freedom in the World 2005", August 2005  
<http://www.freedomhouse.org/research/>

Human Rights Watch (HRW): "World report 2006", January 2006  
<http://hrw.org/wr2k6/pdf/china.pdf>

UK Home Office: "Country Report - October 2005 (revised November 2005)", November 2005  
[http://www.homeoffice.gov.uk/rds/pdfs05/china\\_091105.doc](http://www.homeoffice.gov.uk/rds/pdfs05/china_091105.doc)

US Commission on International Religious Freedom (USCIRF): "Annual Report of the United States Commission on International Religious Freedom", May 2005  
<http://www.uscirf.gov/countries/publications/currentreport/2005annualRpt.pdf>

US Committee for Refugees and Immigrants (USCRI) "World Refugee Survey 2005" 16. June 2005  
[http://www.refugees.org/uploadedFiles/Investigate/Publications\\_&\\_Archives/WRS\\_Archives/2005/algeria\\_european\\_union.pdf](http://www.refugees.org/uploadedFiles/Investigate/Publications_&_Archives/WRS_Archives/2005/algeria_european_union.pdf)

US Department of State (USDOS): "Country Report on Human Rights Practices 2005", 8. March 2006  
<http://www.state.gov/g/drl/rls/hrrpt/2005/61605.htm>

US Department of State (USDOS): "International Religious Freedom Report 2005", 8. November 2005  
<http://www.state.gov/g/drl/rls/irf/2005/51509.htm>

**Mr. Weyrauch mentioned the following weblinks during his speech:**

Laogai Research Foundation (NGO with focus on documenting human rights violations, authors of Laogai Handbook)  
<http://www.laogai.org>

Wei Jingsheng Foundation (Chinese Labour Union)  
<http://www.weijingsheng.org>

Official Government Portal  
<http://www.china.org.cn>

## IV. Maps



CIA, 2001

[http://www.lib.utexas.edu/maps/middle\\_east\\_and\\_asia/china\\_rel01.jpg](http://www.lib.utexas.edu/maps/middle_east_and_asia/china_rel01.jpg)

People's Republic of China (PRC):  
Administrative Divisions & Territorial Disputes



Wikipedia, 2004

[http://upload.wikimedia.org/wikipedia/en/c/c9/China\\_administrative.png](http://upload.wikimedia.org/wikipedia/en/c/c9/China_administrative.png)

see also Political divisions of China: [http://en.wikipedia.org/wiki/Political\\_divisions\\_of\\_China](http://en.wikipedia.org/wiki/Political_divisions_of_China)