



China - Researched and compiled by the Refugee Documentation Centre of Ireland on 24 September 2009

Information on local government corruption and persecution of citizens. Connections between various local governments in China regarding corruption and defrauding the State.

In the section titled “Summary” a *Human Rights Watch* report on forced evictions in China states:

“Residents in many cities say the process of ‘demolition and eviction’ (chaiqian 拆?) is arbitrary, marred at all levels by a lack of due process for those evicted from their homes. They point out that China lacks basic property rights protections, so homeowners are just as vulnerable as renters to sudden eviction with minimal compensation. Many point to widespread corruption and other deep-rooted conflicts of interest in local government that tie the interests of powerful developers to those of local officials.” (Human Rights Watch (25 March 2004) *Demolished: Forced Evictions and the Tenants’ Rights Movement in China*, p.3)

In a section titled “Forced Evictions: The Source of the Conflicts” this report states:

“Many national, provincial, and municipal regulations and policies cover the process of forced evictions, but these regulations are flawed, and often violated in practice.” (ibid, p.7)

This section of the report also states:

“Even the limited rights protections contained in these regulations are often violated in practice. In many cases, tenants are given little or no notice of their evictions, are mired in arbitrations procedures handled by government officials with an interest in their eviction, never receive their promised compensation, and are denied justice in local courts. In the worst cases, some who refused to move have been injured and even killed during forced evictions.” (ibid, p.8)

In a section titled “Arbitration and judicial remedies” this report states:

“At the heart of many residents’ complaints about the demolition and eviction process is frustration with the lack of meaningful redress. Arbitration and legal remedies, when available, are poorly implemented, and are often rife with official corruption. As Ji, a Chinese lawyer with experience defending the rights of residents in forced eviction cases, explained to Human Rights Watch: “There are two reasons for demolition and eviction: national development and individual

benefit. Big corruption is a serious cause behind demolition and eviction problems.” (ibid, p.15)

In a section titled “Government Responses” a report published by the *Congressional Research Service* states:

“The PRC government’s efforts to address social unrest have been hampered by tensions between the central and local governments, institutional weaknesses, inconsistent policies, and the inability or unwillingness to undertake fundamental political reforms. The central government has acknowledged that the grievances of many citizens have been legitimate, and occasionally has corrected local policies that have violated the law or punished local officials for employing excessively violent tactics against protesters. However, the state has reserved the authority to arbitrarily determine which protest activities are acceptable. It has not developed adequate institutions that protect human rights, cede political power to social groups, ensure judicial independence, and resolve social conflict. Many small demonstrations have been tolerated, but marching, organizing, and talking to reporters have brought harassment and repression by government authorities. At the end of 2005, the central government pledged a number of additional reforms aimed at rural unrest, including better management of land use, strengthening the legal system, protecting farmers’ land, raising rural incomes, increasing social spending on health care and education, and abolishing the national tax on farmers. However, these policies will likely be resisted by local officials whose power remains unchecked and who are desperate to attract investment and prone to corruption.” (Congressional Research Service (8 May 2006) *Social Unrest in China* Lum, Thomas, p.8)

A *Washington Post* article states:

“Government officials in a rural area near Beijing have backed off plans to seize land in a dispute with local farmers that resulted in a violent confrontation last month, state media reported Thursday. The clash, involving hundreds of armed thugs, left six villagers dead, and part of it was captured on video and broadcast around the world. The official New China News Agency announced the government’s about-face, saying authorities in Hebei province had decided to give up plans to take the farmland from the residents of Shengyou village, about 100 miles southwest of Beijing, after concluding that local officials had not paid the villagers proper compensation.” (Washington Post (22 July 2005) *Chinese Officials Retreat in Farmland Dispute* Pan, Philip P.)

The Summary of a *Human Rights Watch* report on the treatment of petitioners in China states:

“Yet the government and Party display a highly contradictory and inconsistent attitude towards petitioners. While in some cases national authorities encourage local authorities to resolve a petitioner’s problems, if for no other reason than to prevent petitioners from clogging Beijing’s streets, such success carries its own risks, as the very officials ordered to ‘resolve’ these cases may be the same people who committed the original abuses.” (Human Rights Watch (December

2005) *"We Could Disappear At Any Time" – Retaliation and Abuses Against Chinese Petitioners*, p.5)

This report also states:

"However, the worst aspect of the system is the retaliation that many petitioners experience. Petitioners are often beaten, intimidated, and even kidnapped for airing their grievances. Professor Yu's report states that over 50 percent of respondents reported that they had been beaten by state actors or agents. The report noted:

It is publicly known that some local governments use violence to stop petitioners from making their case to central government departments. The retaliation by some local governments against the petitioners is appalling and outrageous." (ibid, p.5)

In a paragraph headed "Central government has lost control" an article published by the Hong Kong newspaper *Apple Daily* states:

"Obviously Premier Wen's words were not powerful enough. Millions of corrupt officials at all levels are still at large. For instance, corrupt officials who participated in a series of illegal land seizures in Guangdong not only colluded with the property developers, but even arranged the armed police force to crack down on the ensuing protests by shooting demonstrators on the spot. The officials still appear smug and complacent, whereas the lawyers who safeguard the rights of the victims are being persecuted." (Apple Daily (12 July 2006) *China's natural resources plundered by corrupt officials - Hong Kong article*)

A *New York Times* article on corruption in China states:

"In other countries, a range of independent, bottom-up channels help monitor and check the behavior of local officials. A free press exposes government corruption. Independent judicial institutions evaluate whether the actions of the local authorities accord with national law. Open elections allow citizens to remove officials engaged in unethical behavior. These channels don't exist under China's one-party system. Local Chinese party secretaries exercise sweeping control over the local media, legislatures and courts. Naturally, this breeds corruption and abuse of power. It also means that local party officials can effectively choke off information to Beijing, blinding the central authorities as to exactly how their mandates are carried out. Some localities have degenerated into private fiefdoms run by local party officials. This has serious consequences for people whose rights have been violated by local officials. Citizens are far from passive. They resort to any and all channels to get redress - lawsuits, petitions, foreign media. But these often don't work." (New York Times (29 May 2007) *Corruption in China: The anger boils over* Minzner, Carl)

A *Washington Post* article states:

"Kang Xiaoguang, a sociologist at People's University of China, noted that local leaders have resisted rule from Beijing for centuries, "maybe since the founding

of China." But the problem has become particularly acute in recent years, he added, because of a proliferation of illegal moneymaking schemes by dishonest businessmen in collusion with corrupt local officials. 'One of the main reasons the central government's policies are not put into practice well at the local level is that the policies damage the interests of those local officials and businessmen, Kang said.'" (Washington Post (22 June 2007) *Chinese Raise Outcry Over Local Officials' Perpetual Corruption* Cody, Edward)

A *Radio Free Asia* report states:

"Hundreds of Chinese people are taking their grievances to the streets as meetings of local parliaments kick off ahead of the National People's Congress in March. Rights activists said they expect tighter controls on China's growing army of petitioners with grievances against the ruling Communist Party and local government officials. The majority have lost homes or farmland to development, while others are pursuing complaints about official corruption or violence against family members." (Radio Free Asia (26 January 2009) *Luoyang teen's death 'unexplained'*)

See also *Radio Free Asia* report which states:

"He said authorities wanted to acquire farmland from Yushu residents to build a road. 'They said they would compensate us villagers with farmland that is more than 50 kms away, so no one would take it,' Yu said. 'As for monetary compensation, they could only give 5,200 yuan (about U.S. \$760) per hectare. Many villagers came out to protect their land regardless of age and gender,' Yu's grandfather said. Local police confirmed some villagers were injured. An officer who answered the phone at the Yushu township police station said: 'We are still investigating the case, and so we are not obliged to say if any suspects have been arrested.' Yu Bin's grandfather said local government officials had made no public statement on the dispute, which is similar to thousands across China as local governments try to acquire land from farming communities to push forward often highly lucrative property and infrastructure developments." (Radio Free Asia (17 June 2009) *Villagers injured in land clash*)

A *Xinhua News Agency* report states:

"According to a document jointly issued by the general offices of the Communist Party of China (CPC) Central Committee and the State Council on Wednesday, the authorities voiced the resolution in combating corrupt officials in charge of the country's booming construction projects. 'Corruption has been restricted to a certain extent with the market economy getting more mature and supervision further enhanced,' the document said. But corruption cases still occur continually in some sectors as some officials abused their powers to acquire personal gains, and some local governments even wasted taxpayer's money to build lavish buildings. 'Such slack behavior severely harms public interests and damages the relations between officials and the public,' the document said." (Xinhua News Agency (19 August 2009) *China vows to clean up corruption in construction business*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre 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. Please read in full all documents referred to.

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