



Australian Government
Refugee Review Tribunal

Country Advice

China

China – CHN36460 – Chinese Communist Party – Membership cards – Expulsion from CCP – Official churches – Illegal departure – Illegal documents

13 April 2010

1. Do CCP members in the PRC receive documentation of their membership?

Chinese Communist Party (CCP)¹ members do receive some documentation of their membership, although sources disagree on whether it takes the form of a membership card or membership fees booklet. CCP membership cards are mentioned in a number of news sources², though no mention of the cards could be found in CCP or government reports. No information was found on when and how the cards/booklets are issued, but the document can be lost when a person resigns from or is expelled from the Party.³

Two China specialists contacted on 12 April 2010 on this matter were, however, unaware of any CCP membership cards. Dr Chongyi Feng⁴, a former member of the CCP, states that he is “not aware of any documentation [held by CCP members], except for a booklet used to keep the records of paying membership fee”.⁵ It could be that this booklet was used as a membership document and is referred to as a “membership card” in news reports.

¹ Also called the Communist Party of China (CPC).

² Wu, Huaiting 2009, ‘Black sheep damage Party’s reputation’, *Global Times*, 9 November <http://opinion.globaltimes.cn/observer/2009-11/483503.html> – Accessed 8 April 2010 – Attachment 1; Oster, Shai 2009, ‘China’s rich youth spark bitter divide’, *Wall Street Journal*, 23 September <http://online.wsj.com/article/SB125357000531429127.html> – Accessed 2 October 2009 – Attachment 2; Garnault, John 2009, ‘Twenty years on – legacy of a massacre’, *The Age*, 20 May <http://www.theage.com.au/world/twenty-years-on--legacy-of-a-massacre-20090529-bq92.html> – Accessed 8 April 2010 – Attachment 3; Spencer, Richard 2009, ‘Wife of Chinese dissident escapes over mountains’, *Telegraph (UK)*, 13 March <http://www.telegraph.co.uk/news/worldnews/asia/china/4986527/Wife-of-Chinese-dissident-escapes-over-mountains.html> – Accessed 8 April 2010 – Attachment 4; Fullbrook, David 2006, ‘Democracy with Chinese characteristics’, *Asia Times*, 27 October <http://www.atimes.com/atimes/China/HJ27Ad01.html> – Accessed 8 April 2010 Attachment 5; ‘China’s communist party expels more than 24,000 members in 2005’ 2006, *Agence France Presse*, 13 February – Attachment 6; O’Neill, Mark 2005, ‘How China’s Presbyterians are growing’, *Belfast Telegraph*, 28 November <http://www.belfasttelegraph.co.uk/imported/how-chinas-presbyterians-are-growing-13730201.html> – Accessed 25 November 2008 – Attachment 7; Chu, Henry 2002, ‘The World Chinese Capitalists Cool to Party Invite Politics’, *Los Angeles Times*, 3 August – Attachment 8; Eckholm, Erik 1998, ‘At China’s Colleges, a Rush To Party, as in Communist’, *The New York Times*, 31 January – Attachment 9.

³ ‘China’s communist party expels more than 24,000 members in 2005’ 2006, *Agence France Presse*, 13 February – Attachment 6; Garnault, John 2009, ‘Twenty years on – legacy of a massacre’, *The Age*, 20 May <http://www.theage.com.au/world/twenty-years-on--legacy-of-a-massacre-20090529-bq92.html> – Accessed 8 April 2010 – Attachment 3; Spencer, Richard 2009, ‘Wife of Chinese dissident escapes over mountains’, *Telegraph (UK)*, 13 March <http://www.telegraph.co.uk/news/worldnews/asia/china/4986527/Wife-of-Chinese-dissident-escapes-over-mountains.html> – Accessed 8 April 2010 – Attachment 4.

⁴ Associate Professor in China Studies and Deputy Director of the China Research Centre at the University of Technology, Sydney <http://datasearch2.uts.edu.au/crc/members/detail.cfm?StaffID=2343>.

⁵ Feng, Chongyi 2010, Email to RRT Country Advice ‘RE: Information Request from RRT, Sydney (Ref:CHN36460)’, 12 April - Attachment 12.

Other news sources mention the existence of party cards from at least 1937 to 2009: for example, a longtime Communist Party member held a party membership card for 54 years from 1937 to 1989 (before threatening to resign) according to John Garnault⁶; 68 million CCP members carried cards in 2006 according to David Fullbrook of the *Asia Times*⁷; and a young Party member used a CCP membership card to avoid a fine in November 2009.⁸

2. Can and do CCP members join patriotic churches in the PRC? If it is not looked well upon in China, what kind of thing might happen?

Many millions of CCP members are practising Christians, despite Party rules against membership. Although Party members may be expelled from the Party for being Christians, only one report of such an expulsion was found. This report related to the use of Party facilities for Bible study. Other reports note that religious practice may harm the careers of Party members.

The US Department of State presents a mixed picture of this issue stating that “the CCP has stated that party members who belong to religious organizations are subject to expulsion” while claiming that “nonetheless, some Communist Party officials engage in religious activity, most commonly Buddhism or a folk religion, and a growing number of Communist Party members have become Christians” and further that 10 million of the 60 million CCP members “are believed to participate regularly in religious services”.⁹

Similarly the US Congressional-Executive Commission on China’s most recent report affirms that “the Party also maintained prohibitions on Party members’ belief in or practice of religion, thereby cutting off religious adherents from career opportunities, including high-level government and enterprise jobs, contingent on Party membership”.¹⁰ However the Commission’s 2006 annual report indicated that many Party members were practising Christians:

According to some reports, Protestants constitute a significant proportion of the religious practitioners within the Communist Party. An internal Party study found that of some 60 million Party members, 20 million engage in religious activities (9 million do so regularly), and that a majority of them are Christians. In October 2005, Party leaders concluded that this high level of religious practice will “change the ideology of Party members and lead to the disintegration of their political belief . . . and this will create all kinds of social and political crises in the Party and in the country.” The same leaders also called for all religious adherents to be expelled from the Party. Party members in Liaoning province and certain members of the Party Central Committee in

⁶ Garnault, John 2009, ‘Twenty years on – legacy of a massacre’, *The Age*, 20 May <http://www.theage.com.au/world/twenty-years-on--legacy-of-a-massacre-20090529-bq92.html> – Accessed 8 April 2010 Attachment 3.

⁷ Fullbrook, David 2006, ‘Democracy with Chinese characteristics’, *Asia Times*, 27 October <http://www.atimes.com/atimes/China/HJ27Ad01.html> – Accessed 8 April 2010 Attachment 5.

⁸ Wu, Huaiting 2009, ‘Black sheep damage Party’s reputation’, *Global Times*, 9 November <http://opinion.globaltimes.cn/observer/2009-11/483503.html> – Accessed 8 April 2010 Attachment 1.

⁹ US Department of State 2009, *International Religious Freedom Report 2009 – China*, October 29 – Attachment 10.

¹⁰ US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, pp.110-111 – Attachment 11. Likewise a 2005 *Belfast Telegraph* news article states “While the constitution provides for ‘freedom of religion’, an ambitious person who wants to succeed in the army, civil service, teaching and other state-controlled professions is best advised to stay away from religion and hold on to his Communist Party card” O’Neill, Mark 2005, ‘How China’s Presbyterians are growing’, *Belfast Telegraph*, 28 November <http://www.belfasttelegraph.co.uk/imported/how-chinas-presbyterians-are-growing-13730201.html> – Accessed 25 November 2008 – Attachment 7.

Beijing reportedly expressed their disagreement with this policy, and said that it is time to permit Party members to believe in and practice a religion.¹¹

Only one example was found of the expulsion of a CCP member for practising Christianity and this was in the context of using CCP facilities for religious instruction; in 2007 a Communist Party official was expelled from the party and lost her job at a party training school for hosting a Bible study session inside the school itself.¹²

3. Does sacking from the CCP always come with some kind of additional repressive action or can people just be expelled?

Expulsion from the CCP is does not necessarily come with any additional repressive action, although CCP members who are expelled for corruption or breaking the criminal law (which are the most common reasons for expulsions reported in the media) are subject to loss of public employment and criminal sanctions.

The Constitution of the Chinese Communist Party calls for the expulsion of Party members who violate party discipline or “seriously” violate the criminal law.¹³ Articles 38-41 of the CCP Constitution outline the extensive procedures for expulsion, which include criticism, education, warnings, probation, interviews, a vote by the local Party committee, approval by a higher Party body and an appeal mechanism. The constitution does not call for any other measures to be taken against those expelled and Article 38 notes that all measures against a member must comply with the Party Constitution and the laws of the state:

It is strictly forbidden in the Party to take any measures against a member that contravene the Party Constitution or the laws of the state, or to retaliate against or frame a member. Any offending organization or individual must be dealt with according to Party discipline and the laws of the state.

Article 9 of the Constitution also notes that a Party member “who lacks revolutionary will” or “fails to fulfill the duties of a Party member” can be asked to withdraw from the Party or can be expelled. It further notes other reasons for expulsion, including prolonged absence or inactivity:

A Party member who fails to take part in regular Party activities, pay membership dues or do work assigned by the Party for six successive months without good reason is regarded as having given up membership. The general membership meeting of the Party branch concerned shall decide on the removal of such a person’s name from the Party rolls and report it to the next higher Party organization for approval.¹⁴

A recent paper on Communist Party membership also notes that CCP members continue to be scrutinised and can be expelled if they fail to attend meetings for six months without

¹¹ Congressional – Executive Commission on China 2006, *Annual Report*, Congressional – Executive Commission on China, 20 September, p.94. <http://www.cecc.gov/pages/annualrpt/annualrpt06/religion.php> – Accessed on 11 January 2006 – Attachment 13.

¹² ‘Communist official fired from job, expelled from Party, because she is Christian’ 2007, *AsiaNews*, 2 March <http://www.asianews.it/news-en/Communist-official-fired-from-job,-expelled-from-Party,-because-she-is-Christian-8633.html> – Accessed 9 April 2010 – Attachment 14.

¹³ Communist Party of China 2002, *Party Constitution* (Amended & Adopted 14 November 2002), Communist Party of China website, Articles 38, 39 <http://english.cpc.people.com.cn/65732/4446148.html> – Accessed 19 May 2009 – Attachment 15.

¹⁴ Communist Party of China 2002, *Party Constitution* (Amended & Adopted 14 November 2002), Communist Party of China website, Article 9 <http://english.cpc.people.com.cn/65732/4446148.html> – Accessed 19 May 2009 – Attachment 15.

good reason.¹⁵ The authors note that “Individuals’ decisions to join are essentially irreversible, with loss of Party membership being seen as very serious”.

Criminal charges or loss of state employment may accompany expulsion from the CCP¹⁶, but there is no indication that this occurs in all cases. For example, when the Communist Party has expelled 500 of its members in the central province of Hubei for defying the country’s one-child policy, only 395 were also dismissed from their posts.¹⁷ Another example is that of Sun Xiaohong, former director of the People’s High Court of Yunnan, who was expelled from the CCP for having pocketed 10 million yuan, but a few months later found work as vice-director of Yunnan’s Department of Commerce.¹⁸

Dr Chongyi Feng of the China Research Centre at the University of Technology, Sydney noted that expulsion from the CCP sometimes replaced other punishment. He states “Sometimes expulsion from the CCP can be used as a substitute for other administrative punishment. If criminal offence is involved, expulsion from the CCP will be followed by procuratorial investigation”.¹⁹

4. What are the penalties for travelling out of the PRC on false documents, if discovered?

The penalties for illegally departing China, including departing on false documents range from ten days detention to one year’s detention or surveillance and a fine in serious cases. There is no agreement amongst observers over whether these penalties are always applied.

Article 322 of *The Criminal Law of the People’s Republic of China 1997* provides a penalty of up to one year’s imprisonment for illegal emigration:

Article 322. Whoever, in violation of laws and regulations of national boundary (borderline), secretly crosses the national boundary (borderline) shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than one year, criminal detention or public surveillance, and concurrently be sentenced to a fine.²⁰

¹⁵ Appleton, S., Knight, J., Song, L., Xia, Q., 2008, ‘The Economics of Communist Party Membership: The Curious Case of Rising Numbers and Wage Premium during China’s Transition’, IZA DP No.3454, Forschungsinstitut zur Zukunft der Arbeit Institute for the Study of Labor website, April <http://ftp.iza.org/dp3454.pdf> – Accessed 17 December 2009 – Attachment 16.

¹⁶ There are countless examples of this: for example Wang Xuebing, president of the China Construction Bank, expelled from the CCP on charges of taking bribes and breaking financial rules and sent for investigation and prosecution http://news.xinhuanet.com/english/2002-11/05/content_619396.htm (not attached); A top provincial political in Guizhou was expelled from the CCP and his public office for corruption, his case has been referred for prosecution http://www.china.org.cn/china/2010-02/25/content_19475915.htm (not attached).

¹⁷ ‘More than 500 people expelled from the Communist Party for violating one-child policy’ 2008, *AsiaNews*, 7 January <http://www.asianews.it/news-en/More-than-500-people-expelled-from-the-Communist-Party-for-violating-one-child-policy-11180.html> – Accessed 12 April 2010 – Attachment 17

¹⁸ ‘Nearly 15,000 “corrupt” communist party members escape abroad’ 2004, *AsiaNews*, 10 February <http://www.asianews.it/index.php?l=en&art=353> – Accessed 12 April 2010 – Attachment 18

¹⁹ Feng, Chongyi 2010, Email to RRT Country Advice ‘RE: Information Request from RRT, Sydney (Ref:CHN36460)’, 12 April - Attachment 12.

²⁰ Chinese Government 1997, *Criminal Law of the People’s Republic of China*, (Adopted on July 1, 1979 and amended on March 14, 1997, Effective 1 October 1997) AsianLii website <http://www.asianlii.org/cn/legis/cen/laws/clotproc361/> – Accessed 12 April 2010 – Attachment 19.

Article 14 of the *Law of The People's Republic of China on the Control of the Exit and Entry of Citizens* (1986) provides for a ten day period of detention or punishment under the Criminal Law (above) in serious circumstances:

Article 14 Any person who, in violation of the provisions of this Law, leaves or enters the country illegally, forges or alters an exit or entry certificate, uses another person's certificate as his own or transfers his certificate may be given a warning or placed in detention for not more than ten days by a public security organ. If the circumstances of the case are serious enough to constitute a crime, criminal responsibility shall be investigated in accordance with the Law.²¹

DFAT provided advice on this matter in 2009.²² DFAT confirmed the punishments above and added that Article 62 of the *Law of the People's Republic of China on Public Security Administration Punishments* also provides that “[a]nyone who illegally crosses the national border (frontier) shall be detained for not more than 5 days or shall [be] fined not more than 500 yuan.” The advice also provides the example of Mr Xu, who reportedly exited China illegally three times and was subject only to fines. Only on the fourth attempt was Mr Xu subject to an unspecified sentence. DFAT was unable to comment on what penalties are usually applied to people who depart China illegally using false passports.

Since 1 January 2007 citizens of the People's Republic of China who have left China illegally face the additional punishment of being denied a passport for a period of time. Article 14 of *The Passport Law of the People's Republic of China* (2006) states that a person having left China illegally shall not have a passport issued to him “within 6 months to 3 years as of the day when he completes the criminal punishment or he is repatriated to China”.²³

Somewhat dated opinions (given in 2000²⁴ and confirmed in 2003²⁵) from Canadian, Australian, American and Japanese immigration officials as well as other sources, indicated that there was disagreement amongst observers over whether or not returning illegal departees would be detained for more than a few days or whether a fine would be imposed. Most observers indicated that the penalties would be light unless the person was a recidivist or the Chinese authorities had a particular interest in the case.

²¹ People's Republic of China Government 1986, *Law of the People's Republic of China on the Control of the Exit and Entry of Citizens*, UNHCR Refworld <http://www.unhcr.org/refworld/docid/3ae6b57718.html> – Accessed 16 November 2009 – Attachment 20.

²² DIAC Country Information Service 2009, *Country Information Report No. 09/35 – China: Update on treatment of failed asylum seekers*, (sourced from DFAT advice of 16 April 2009), 16 April – Attachment 21.

²³ Chinese Government 2006, *The Passport Law of the People's Republic of China* (Adopted at the 21st Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on 29 April 2006), Asian Legal Information Institute website <http://www.asianlii.org/cn/legis/cen/laws/tplotproc436/> – Accessed 16 November 2009 – Attachment 22.

²⁴ Immigration and Refugee Board of Canada 2000, *CHN34770.E – China: Update to CHN32869.EX of 22 September 1999 regarding treatment of illegal emigrants repatriated to China: particularly information regarding treatment of those repatriated from Canada in May 2000*, 9 August – Attachment 23.

²⁵ Immigration and Refugee Board of Canada 2003, *CHN39883.E – China: Update to CHN34770.E of 9 August 2000 regarding the treatment of illegal emigrants repatriated to China, especially the treatment of those repatriated from Canada in May 2000*, 3 April – Attachment 24.

5. Upon return to the PRC, would a CCP member be penalised far more onerously than other citizens for having travelled out of the PRC on false documents? Would this be seen as betraying the CCP? Would the authorities simply warn him upon return, or would this be viewed more seriously due to their CCP membership?

No information was found to indicate that harsher penalties would apply to CCP members than other citizens. The laws in the previous question contain no extra penalties for CCP members, although a state employee can be charged with defection if “during the time when he is on duty, leaves his post and flees the country and turns traitor, or flees and turns traitor outside China, and endangers the state’s security of the People’s Republic of China”.²⁶ This would only apply CCP members who are state employees.

Dr Chongyi Feng of the China Research Centre at the University of Technology, Sydney gave the opinion that a CCP member who departed the PRC on a false passport would not necessarily be penalised upon return to the PRC more harshly than other citizens. He noted the unpredictable nature of the application of penalties in China: “Law enforcement in China is far from transparent and there is no certainty. Personal connections can play a key role.”²⁷

Attachments

1. Wu, Huaiting 2009, ‘Black sheep damage Party’s reputation’, *Global Times*, 9 November <http://opinion.globaltimes.cn/observer/2009-11/483503.html> – Accessed 8 April 2010.
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8. Chu, Henry 2002, ‘The World Chinese Capitalists Cool to Party Invite Politics’, *Los Angeles Times*, 3 August. (Factiva)

²⁶ Chinese Government 1997, *Criminal Law of the People’s Republic of China*, (Adopted on July 1, 1979 and amended on March 14, 1997, Effective 1 October 1997), Art.109 AsianLii website <http://www.asianlii.org/cn/legis/cen/laws/clotproc361/> – Accessed 12 April 2010 – Attachment 19.

²⁷ Feng, Chongyi 2010, Email to RRT Country Advice ‘RE: Information Request from RRT, Sydney (Ref:CHN36460)’, 12 April - Attachment 12.

9. Eckholm, Erik 1998, 'At China's Colleges, a Rush To Party, as in Communist', *The New York Times*, 31 January. (Factiva)
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11. US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October.
12. Feng, Chongyi 2010, Email to RRT Country Advice 'RE: Information Request from RRT, Sydney (Ref:CHN36460)', 12 April.
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<http://www.cecc.gov/pages/annualrpt/annualrpt06/religion.php> – Accessed on 11 January 2006.
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to China: particularly information regarding treatment of those repatriated from Canada in May 2000, 9 August. (REFINFO)

24. Immigration and Refugee Board of Canada 2003, *CHN39883.E – China: Update to CHN34770.E of 9 August 2000 regarding the treatment of illegal emigrants repatriated to China, especially the treatment of those repatriated from Canada in May 2000, 3 April. (REFINFO)*