



**Australian Government**  
**Refugee Review Tribunal**

# Country Advice China

China – CHN36335 – Kaifeng City –  
Christians – Protestant churches – *hukou* –  
Beijing – Data checking – International  
airports – Golden Shield program –  
Monitoring of international phone calls

30 March 2010

1. Where is Kai Feng City? Are there any official Protestant churches in Kai Feng city?

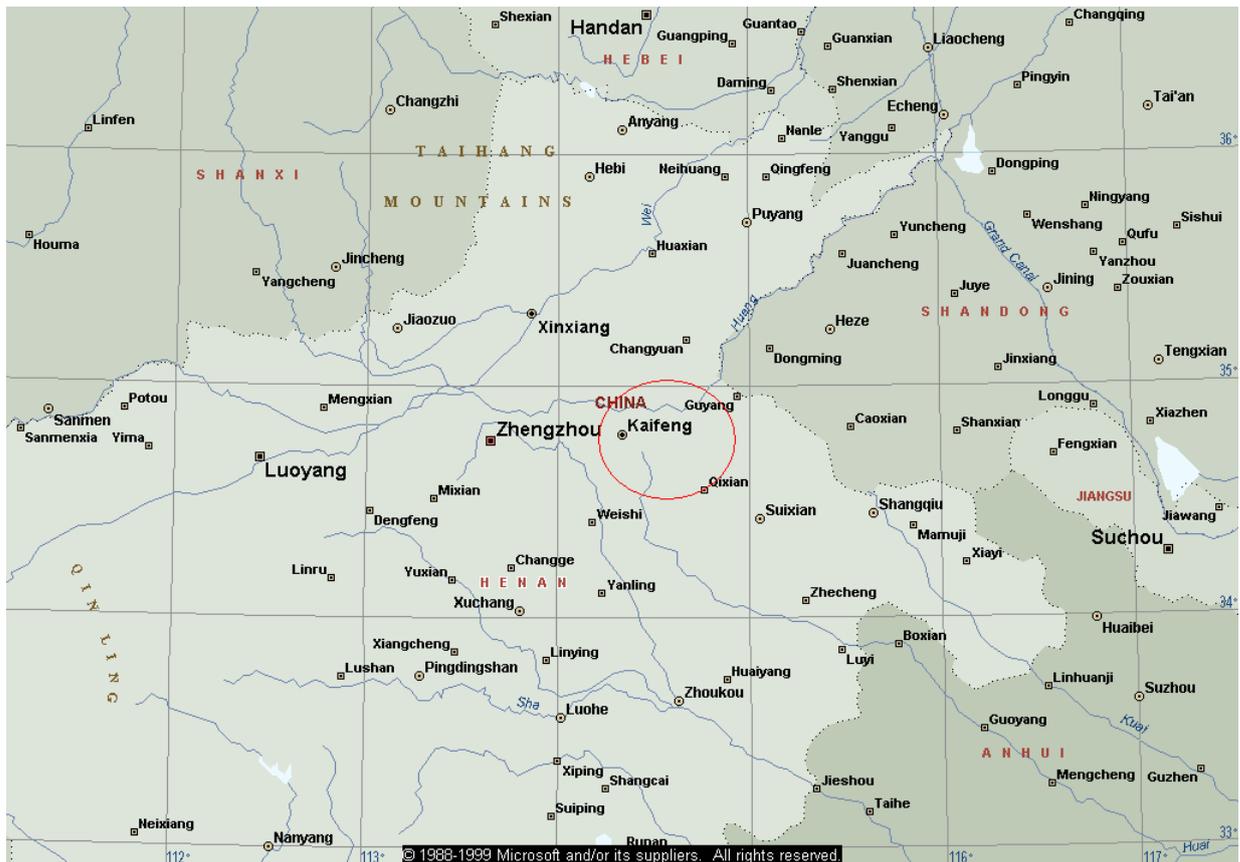
### Location of Kai Feng (Kaifeng) City

Kaifeng city is located in the east of Henan Province. It borders the provincial capital of Zhengzhou to the west. Please see maps below showing the location of Henan Province in China<sup>1</sup> and the location of Kai Feng city within Henan:<sup>2</sup>



<sup>1</sup> 'China Province Maps' (undated), *Maps of China* [http://www.maps-of-china.net/province\\_map.html](http://www.maps-of-china.net/province_map.html) – Accessed 17 March 2010 – Attachment 1.

<sup>2</sup> 'Henan: China' (2000), *Microsoft Encarta Interactive World Atlas* – Attachment 2.



### **Protestant Churches in Kai Feng City**

*Amity News Service*, a website administered by the China Christian Council (CCC), states that there are 1100 registered protestant churches in Henan province<sup>3</sup>, and lists three protestant churches in Kaifeng: Kaifeng City Nanguan Church; ‘Kaifeng City Shi’ en Church’; and ‘Kaifeng City Ximen Road Church.’<sup>4</sup> The website lists contact phone numbers and addresses for each church.<sup>5</sup> The CCC was established by the Chinese government in 1980 underneath the Three Self Patriotic Movement (TSPM), the national umbrella organisation for protestant churches. Protestant churches generally must be registered with these bodies in order to be sanctioned by the Chinese government.<sup>6</sup>

Unofficial tourism website *cheapguider.com* provides a list of churches and meeting points in China. It lists two churches in Kaifeng City: Jiaozuo City Church and Ximen Li Church. The website provides addresses and contact phone numbers for the churches.<sup>7</sup>

<sup>3</sup> ‘Church Statistics Regional Statistics: Henan’ 2001, *Amity News Service*, October  
<http://www.amitynewsservice.org/page.php?page=1230> – Accessed 17 March 2010 – Attachment 3.

<sup>4</sup> ‘Churches and Meeting Points Filtered by City/Kaifeng’ 2010, *Amity News Service*, 16 March  
<http://www.amitynewsservice.org/page.php?page=1233> – Accessed 18 March 2010 – Attachment 4.

<sup>5</sup> See: ‘Kaifeng City Nanguan Church’ 2010, *Amity News Service*, 16 March  
<http://www.amitynewsservice.org/page.php?page=1233&recordID=176> – Accessed 17 March 2010 – Attachment 5; ‘Kaifeng City Shi’ en Church’ 2010, *Amity News Service*, 16 March  
<http://www.amitynewsservice.org/page.php?page=1233&recordID=175> – Accessed 17 March 2010 – Attachment 6; ‘Kaifeng City Ximen Road Church’ (2010), *Amity News Service*, 16 March  
<http://www.amitynewsservice.org/page.php?page=1233&recordID=177> – Accessed 17 March 2010 – Attachment 7.

<sup>6</sup> US Department of State 2007, *China Profile of Asylum Claims and Country Conditions*, May – Attachment 8.

<sup>7</sup> ‘Churches and Meeting Points’ (2007), *CheapGuider* website, 29 August  
<http://cheapguider.com/a/200708/29/a4026.htm> – Accessed 29 March 2010 – Attachment 40.

Ximen Li Church has the same address listed for the 'Kaifeng City Ximen Rd Church' listed on the *Amity News Service* website and thus appears to refer to the same building.

Travel/photography blog Nangka.org contains an entry for Henan province and includes a number of photographs taken in Kaifeng, including the one below with the caption 'Kaifeng even has a church':<sup>8</sup>



The blog entry does not provide any further details about the church in the picture. Pictures of the same church, titled 'Kaifeng – Beautiful Church', were also located on a

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<sup>8</sup> Tan, Brian 2009, 'Henan Province, China: Zhengzhou, Zhoukou and Kaifeng'. *Nangka.org*, 3 October <http://nangka.org/events/archives/1731> – Accessed 29 March 2010 – Attachment 41.

travel blog on the *TravelPod* website.<sup>9</sup> *Wikimedia Commons* (a sister project of Wikipedia) also contains an image titled ‘Church Tower Kaifeng’:<sup>10</sup>



No further information about the church is provided.

Henan province is reported to have witnessed the greatest increase in Protestant Christianity in China. Tony Lambert wrote in the *China Insight Newsletter* on the OMF International website:

Henan province has seen the greatest increase in Protestant Christianity of any province in China. In 2007, according to official Three Self Patriotic Movement (TSPM) statistics, there were “more than 2.63 million” Protestants in Henan – a very conservative figure which only includes registered, baptized adults associated with the TSPM churches and meeting points. However, TSPM pastors as long ago

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<sup>9</sup> ‘Kaifeng – Beautiful Church (1)’ 2007, Eddakath Blog, *TravelPod* website, 24 July [http://www.travelpod.com/travel-photo/eddakath/life\\_in\\_china/1185272340/kaifeng\\_-\\_beautiful\\_church\\_x1x.jpg/tpod.html](http://www.travelpod.com/travel-photo/eddakath/life_in_china/1185272340/kaifeng_-_beautiful_church_x1x.jpg/tpod.html) – Accessed 29 March 2010 – Attachment 42.

<sup>10</sup> ‘Kaifeng church tower’ 2009, *Wikimedia Commons*, 23 February [http://commons.wikimedia.org/wiki/File:Kaifeng\\_church\\_tower.jpg](http://commons.wikimedia.org/wiki/File:Kaifeng_church_tower.jpg) – Accessed 29 March 2010 – Attachment 43.

as 1996 and again in 1998 estimated that there were 3-million believers, if unregistered “seekers” were also included.<sup>11</sup>

## 2. What restrictions are there, if any, on persons moving to live and work in Beijing?

The ease with which Chinese citizens are able to change their workplace or residence is limited in practice by the *hukou* or household registration system. While internal relocation to Beijing may be difficult to undertake legally, statistics regarding the numbers of migrants living in Beijing demonstrate that millions of internal migrants do so unofficially.

Research Response CHN33969 of 31 October 2008 contains a thorough overview of the *hukou* system and its relevance to internal migration to Beijing.<sup>12</sup> The Chinese government controls and monitors internal migration by requiring all citizens to register at birth according to their place of residence or household. Each person can only have one registered household and thus can only be registered in one location.<sup>13</sup> A person’s *hukou* is linked to access to employment, education, health care and other public services.<sup>14</sup> Reports indicate that changing household registration is difficult in general; obtaining local *hukou* for Beijing is especially so. Two reports illustrated the difficulty of obtaining local *hukou* in Beijing by comparing it with acquiring a US green card.<sup>15</sup>

The 2010 US Department of State Report confirms that household registration in more-economically developed urban areas is particularly difficult to obtain.<sup>16</sup> Dr Fei-Ling Wang notes in his book *Organizing Through Division and Exclusion: China’s Hukou System*, that “in places like Beijing, often even properly approved newcomers may wait for months or even years before finally receiving their permanent *hukou* in a particular zone where they have been living or working”.<sup>17</sup> Wang notes that:

...major urban centers retain their migration quotas and openly set high prices for their much sought after *hukou*. The most attractive cities such as Beijing and Shanghai have repackaged and polished their quota-based migration restrictions and have created ways to selectively grant certain migrants local urban *hukou* (the so-called blue-seal *hukou*) in a scheme nicknamed Using *Hukou* in Exchange for Talent and Investment. So far, these improvements have basically been enhanced efforts to allow the rich and the talented, educated, or skilled to move in

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<sup>11</sup> Lambert, Tony (ed.) 2008, ‘Henan: Home of the Gospel – and of Cults’, *China Insight Newsletter*, May-June, OMF International website [http://www.omf.org/omf/us/resources\\_1/newsletters/china\\_insight\\_newsletter/china\\_insight\\_2006\\_2008/may\\_june\\_2008](http://www.omf.org/omf/us/resources_1/newsletters/china_insight_newsletter/china_insight_2006_2008/may_june_2008) – Accessed 29 March 2010 – Attachment 44.

<sup>12</sup> RRT Research & Information 2008, *Research Response CHN33969*, 31 October – Attachment 10.

<sup>13</sup> Wang, F.L. 2005, *Organising Through Division and Exclusion: China’s Hukou System*, Stanford University Press, Stanford, pp. 63-67 – Attachment 11.

<sup>14</sup> Wang, F.L. 2005, *Organising Through Division and Exclusion: China’s Hukou System*, Stanford University Press, Stanford, p.67 – Attachment 11.

<sup>15</sup> Shen, S. L. 2009, ‘China’s outdated residence permit system’, *United Press International*, UPI Asia website, 20 February

[http://www.upiasia.com/Society\\_Culture/2009/02/20/chinas\\_outdated\\_residence\\_permit\\_system/3453/](http://www.upiasia.com/Society_Culture/2009/02/20/chinas_outdated_residence_permit_system/3453/) – Accessed 22 March 2010 – Attachment 15; Yuchen, Zhang 2009, ‘Shanghai looks to break the mould of nation’s household registration scheme’, *The Global Times*, 7 May [http://www.globaltimes.cn/www/english/world/In\\_Depth/2009-05/429656.html](http://www.globaltimes.cn/www/english/world/In_Depth/2009-05/429656.html) – Accessed 22 March 2010 – Attachment 16.

<sup>16</sup> US Department of State 2010, *2009 Human Rights Report: China*, 11 March – Attachment 9.

<sup>17</sup> Wang, F.L. 2005, *Organising Through Division and Exclusion: China’s Hukou System*, Stanford University Press, Stanford, p71 – Attachment 13.

permanently while keeping the poor, unskilled, or uneducated out of China's urban centers.<sup>18</sup>

While new regulations implemented from October 1, 2001 mean that any non-local can apply for Beijing's urban *hukou*, applicants must have a crime-free record and meet very restrictive conditions based on tertiary qualifications and employment:

For a set of three urban *hukou* (self, spouse, and one child) in one of the eight central districts of Beijing, one must be a private entrepreneur who pays local taxes of more than 800,000 Yuan RMB a year for at least three years (or a total three-year tax payment that exceeds three million Yuan) and must hire at least a hundred local workers (or at least 90 percent of the employees must be local *hukou* holders). If applying for the same set of three Beijing urban *hukou* in the rest of the city outside the eight central districts, the tax payments and employment requirements can be halved (400,000 Yuan a year and fifty workers or 50 percent local hires).

Such a requirement essentially means that qualified applicants must be multimillionaires, still a tiny minority in China.<sup>19</sup>

... The alternative is the housing-purchasing scheme first adopted in the mid-1990s. Any migrant may obtain a set of three Beijing urban *hukou* by purchasing a commercial housing unit, in a designated area, at a designated market price (at minimum a 100-square-meter apartment that costs at least 500,000 Yuan RMB, about fifty times the average annual income in Beijing), still subject to the available migration quota. A purchase of such high-end housing must be made with cash, since only local *hukou* holders can apply for mortgage loans and borrow from their pension plans to make the down payment. In a city that has at least 2.37 million temporary *hukou* holders, in 1999, only 715 families made such designated housing purchases in Beijing.

... Furthermore, the Chinese capital decided to offer its permanent urban *hukou* to any Chinese newcomer (along with spouse and any number of children under 18) who earned a bachelor degree or higher from any foreign college.<sup>20</sup>

Thus in reality the urban *hukou* in Beijing is only accessible to a very small, wealthy and/or talented or highly educated individuals.

A 2007 report by Amnesty International titled *Internal Migrants: Discrimination and Abuse, The Human Cost of an Economic 'Miracle'* also notes the difficulty of obtaining household registration in Beijing, stating that "it continues to be difficult to obtain a residency permit in Beijing. According to an internal migrant worker in Beijing "police don't give them out easily, you have to have "guanxi", meaning personal contacts".<sup>21</sup>

According to Zheng *et al* in their 2009 publication 'Urban Villages in China: A 2008 Survey of Migrant Settlements in Beijing', lack of permanent local *hukou* excludes most migrants from the formal housing market because they are not eligible for low-cost government-subsidised housing, and most cannot afford to purchase in the private housing

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<sup>18</sup> Wang, F.L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, pp.188-190 – Attachment 14.

<sup>19</sup> Wang, F.L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, pp.188-190 – Attachment 14.

<sup>20</sup> Wang, F.L. 2005, *Organising Through Division and Exclusion: China's Hukou System*, Stanford University Press, Stanford, pp.188-190 – Attachment 14.

<sup>21</sup> Amnesty International 2007, *People's Republic of China – Internal Migrants: Discrimination and abuse: The human cost of an economic 'miracle'*, 1 March – Attachment 17.

market. Consequently most migrants can only afford to live in employer-provided housing (e.g. factory dormitories) or rent rooms in urban villages.<sup>22</sup>

However, the difficulties of obtaining *hukou* and thus 'legal' status and all the rights that entails has not discouraged millions of Chinese citizens from relocating to Beijing to live and work. Zheng *et al.*, in their 2009 study 'Urban Villages in China', examine the proliferation of "urban villages" in Beijing. Urban villages are formerly-rural areas on the edges of cities where land has been acquired by governments but housing is owned by village collectives and allocated to residents. Many residents have ceased farming and instead opted to build or expand housing to rent to migrants,<sup>23</sup> Zheng *et al.* note that as of 2008, the Beijing Metropolitan Area (BMA) contained 867 urban villages, occupying 181 square kilometres and accounting for 49.5% of the total residential land.<sup>24</sup> Further, in the 50 urban villages the authors surveyed in Beijing, there were 5.2 migrants for every native, demonstrating the significant numbers of migrants without local *hukou* who rent in Beijing.<sup>25</sup> Indeed, the China Population and Development Research Centre reported in 2008 that Beijing's illegal migrant population constituted 23% of its total population.<sup>26</sup>

With regards to employment, Jaime FlorCruz notes in a March 2010 article for *CNN International* that in addition to limiting access to public education, health care, housing and social security, the absence of permanent local *hukou* also limits the kinds of jobs and salaries migrants can obtain.<sup>27</sup> Wang *et al.*'s study of Beijing's migrant population in urban villages found that the majority of migrants living in urban villages are male and young, with most possessing low levels of educational attainment and obtaining low-skilled employment in the tertiary sector.<sup>28</sup> Further, "Due to barriers to urban *hukou* and associated benefits, labor market discrimination, and social segregation and inferiority, most migrant workers consider the city as merely a place to work but not to live".<sup>29</sup>

A number of recent reports regarding internal relocation in China indicate that preliminary steps are being taken by the Chinese government to address the exclusion of migrants to Chinese cities from access to social services and to ostensibly make permanent urban

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<sup>22</sup> Zheng, Siqui, Fenjie Long, C. Cindy Fan & Yizhen Gu 2009, 'Urban Villages in China: A 2008 Survey of Migrant Settlements in Beijing', *Eurasian Geography and Economics*, Volume 50, Number 4, p. 426 – <http://www.sscnet.ucla.edu/geog/downloads/597/325.pdf> – Accessed 23 March 2010 – Attachment 18.

<sup>23</sup> Zheng, Siqui, Fenjie Long, C. Cindy Fan & Yizhen Gu 2009, 'Urban Villages in China: A 2008 Survey of Migrant Settlements in Beijing', *Eurasian Geography and Economics*, Volume 50, Number 4, p. 426 – <http://www.sscnet.ucla.edu/geog/downloads/597/325.pdf> – Accessed 23 March 2010 – Attachment 18.

<sup>24</sup> Zheng, Siqui, Fenjie Long, C. Cindy Fan & Yizhen Gu 2009, 'Urban Villages in China: A 2008 Survey of Migrant Settlements in Beijing', *Eurasian Geography and Economics*, Volume 50, Number 4, p. 428 – <http://www.sscnet.ucla.edu/geog/downloads/597/325.pdf> – Accessed 23 March 2010 – Attachment 18.

<sup>25</sup> Zheng, Siqui, Fenjie Long, C. Cindy Fan & Yizhen Gu 2009, 'Urban Villages in China: A 2008 Survey of Migrant Settlements in Beijing', *Eurasian Geography and Economics*, Volume 50, Number 4, p. 429 – <http://www.sscnet.ucla.edu/geog/downloads/597/325.pdf> – Accessed 23 March 2010 – Attachment 18.

<sup>26</sup> China Population and Development Research Center 2008, *Ten No.1 Documents Released After the Adoption of the Reform and Opening-up Policy by the Central Committee Of the CPC on the Issues of the Rural Areas, Farmers and Agriculture to Guide the Development of Rural Reform*, 31 December <http://www.cpirc.org.cn/en-cpdr/en-cpt/en-CPT-20081231-1.html> – Accessed 29 March 2010 – Attachment 45.

<sup>27</sup> FlorCruz, Jaime 2010, 'China's migrant restrictions stirs outcry', *CNN International*, 12 March <http://edition.cnn.com/2010/WORLD/asiapcf/03/11/china.hukou/index.html> – Accessed 22 March 2010 – Attachment 19.

<sup>28</sup> Zheng, Siqui, Fenjie Long, C. Cindy Fan & Yizhen Gu 2009, 'Urban Villages in China: A 2008 Survey of Migrant Settlements in Beijing', *Eurasian Geography and Economics*, Volume 50, Number 4, p. 425-446 – <http://www.sscnet.ucla.edu/geog/downloads/597/325.pdf> – Accessed 23 March 2010 – Attachment 18.

<sup>29</sup> Zheng, Siqui, Fenjie Long, C. Cindy Fan & Yizhen Gu 2009, 'Urban Villages in China: A 2008 Survey of Migrant Settlements in Beijing', *Eurasian Geography and Economics*, Volume 50, Number 4, p. 443 – <http://www.sscnet.ucla.edu/geog/downloads/597/325.pdf> – Accessed 23 March 2010 – Attachment 18.

*hukou* more widely available.<sup>30</sup> However, most of these reports also note that the relaxing of *hukou* restrictions has targeted better-educated and wealthier migrants rather than the predominance of migrant labourers.<sup>31</sup> Further, the reform that has occurred appears to have bypassed Beijing; Yuchen's 2009 article in the *Los Angeles Times* notes that government officials have announced that Beijing will stick to its current *hukou* policy and have no plans for any adjustment.<sup>32</sup>

### 3. Is there any information on Kung Ye Chu Police Station in Shenzhen City?

No information was located confirming the existence of a Kung Ye Chu Police Station in Shenzhen City.

Shenzhen is a sub provincial city and encompasses eight districts: Nanshan; Futian; Luohu; Yantian (which together comprise the Shenzhen Special Economic Zone); Longgang; Bao'an; Guangming, and Pingshan.<sup>33</sup> Unofficial tourist website *Shenzhen King* (<http://www.shenzhenking.com/index.htm>) includes a list of Shenzhen's police stations by district. Forty-nine police stations are listed; however none is named *Kung Ye Chu*.<sup>34</sup> Searches were also conducted for *Kung Ye Chu* to establish whether it is a suburb or region of Shenzhen, but no information was located. *Shenzhen King* does not include in its list of police stations the recently-established districts of Guangming or Pingshan, however, and information regarding any police stations in these areas was not located.

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<sup>30</sup> See: Minzner, Carl 2010, 'The system that divides China', *Los Angeles Times*, 16 March <http://www.latimes.com/news/opinion/commentary/la-oe-minzner16-2010mar16.0.6869961.story> – Accessed 22 March 2010 – Attachment 20; Junting, Lu 2010, 'Hukou reform urgent, says official', *China Daily E-Clips*, 3 March <http://www.cdeclips.com/en/nation/fullstory.html?id=40326> – Accessed 22 March 2010 – Attachment 21; Huanxin, Zhao 2010, 'Mayor vows to resolve hukou issue in two years', *China Daily E-Clips* <http://www.cdeclips.com/en/nation/fullstory.html?id=40553> – Accessed 22 March 2010 – Attachment 22; Yuchen, Zhang 2009, 'Shanghai looks to break the mould of nation's household registration scheme', *The Global Times*, 7 May [http://www.globaltimes.cn/www/english/world/In\\_Depth/2009-05/429656.html](http://www.globaltimes.cn/www/english/world/In_Depth/2009-05/429656.html) – Accessed 22 March 2010 – Attachment 16; FlorCruz, Jaime 2010, 'China's migrant restrictions stirs outcry', *CNN International*, 12 March <http://edition.cnn.com/2010/WORLD/asiapcf/03/11/china.hukou/index.html> – Accessed 22 March 2010 – Attachment 19; Shen, S. L. 2009, 'China's outdated residence permit system', *United Press International*, UPI Asia website, 20 February [http://www.upiasia.com/Society\\_Culture/2009/02/20/chinas\\_outdated\\_residence\\_permit\\_system/3453/](http://www.upiasia.com/Society_Culture/2009/02/20/chinas_outdated_residence_permit_system/3453/) – Accessed 22 March 2010 – Attachment 15; Congressional-Executive Commission on China 2009, *Annual Report 2009*, US Government, p.161-2, 10 October – Attachment 23.

<sup>31</sup> See: Human Rights Watch 2009, *Congress should end migrant discrimination: Economic crisis magnifies injustices of Hukou household registration system*, 3 March – Attachment 24; Minzner, Carl 2010, 'The system that divides China', *Los Angeles Times*, 16 March <http://www.latimes.com/news/opinion/commentary/la-oe-minzner16-2010mar16.0.6869961.story> – Accessed 22 March 2010 – Attachment 20; Yuchen, Zhang 2009, 'Shanghai looks to break the mould of nation's household registration scheme', *The Global Times*, 7 May [http://www.globaltimes.cn/www/english/world/In\\_Depth/2009-05/429656.html](http://www.globaltimes.cn/www/english/world/In_Depth/2009-05/429656.html) – Accessed 22 March 2010 – Attachment 16; FlorCruz, Jaime 2010, 'China's migrant restrictions stirs outcry', *CNN International*, 12 March <http://edition.cnn.com/2010/WORLD/asiapcf/03/11/china.hukou/index.html> – Accessed 22 March 2010 – Attachment 19; Shen, S. L. 2009, 'China's outdated residence permit system', *United Press International*, UPI Asia website, 20 February [http://www.upiasia.com/Society\\_Culture/2009/02/20/chinas\\_outdated\\_residence\\_permit\\_system/3453/](http://www.upiasia.com/Society_Culture/2009/02/20/chinas_outdated_residence_permit_system/3453/) – Accessed 22 March 2010 – Attachment 15; Congressional-Executive Commission on China 2009, *Annual Report 2009*, US Government, p.161-2, 10 October – Attachment 23.

<sup>32</sup> Yuchen, Zhang 2009, 'Shanghai looks to break the mould of nation's household registration scheme', *The Global Times*, 7 May [http://www.globaltimes.cn/www/english/world/In\\_Depth/2009-05/429656.html](http://www.globaltimes.cn/www/english/world/In_Depth/2009-05/429656.html) – Accessed 22 March 2010 – Attachment 16.

<sup>33</sup> 'Shenzhen City Administrative Divisions' 2010, *Shenzhen Government Online*, March [http://english.sz.gov.cn/gi/200911/t20091120\\_1229159.htm](http://english.sz.gov.cn/gi/200911/t20091120_1229159.htm) – Accessed 19 March 2010 – Attachment 25.

<sup>34</sup> 'Police Branches in Shenzhen City' (undated), *Shenzhen King* website <http://www.shenzhenking.com/police.htm> – Accessed 19 March 2010 – Attachment 26.

**4. Please provide the latest information on the data checking procedures taken at international airports in China (Golden Shield programme).**

The most recent information located regarding data checking procedures at international airports in China is research published by the Immigration and Refugee Board of Canada (IRB) in 2009<sup>35</sup>, which confirms that the Golden Shield database links all police departments at county-level and above and most police stations and other units under the county level. As Chinese police are responsible for the administration of exit and entry, all ports of entry including international airports have police units in charge of examination which can connect to the system. However the IRB research indicates the database is not used to track individuals who are not criminal suspects. The IRB advice states:

In 17 June 2009 correspondence with the Research Directorate, a counselor at the Embassy of the People's Republic of China in Ottawa provided the following information on Public Security Bureau (PSB) information sharing:

1. The national computer network of policing is called the Golden Shield Project.
2. The aim of the project is to improve policing. Non-policing information and information from other departments, such as family planning information, is not stored in the project. There are strict regulations on how to use the data in the project.
3. The Project has eight databases:
  - (1) Population information, mainly the information on the citizen ID;
  - (2) Criminal record information;
  - (3) Criminal fugitive information;
  - (4). Information on stolen and robbed cars;
  - (5) Information on passports and exit and entry;
  - (6) Information on registered cars and drivers;
  - (7) Information on police officers;
  - (8) Information on key fire-prevention units.
4. Now all police departments at county level and above (namely police departments at provincial, city and county levels) and most police stations and other grass-roots units (namely police under the county level) can connect to the system. Some small police stations and grass-roots units in remote areas can not connect to the system.
5. The system used by PSB in Beijing is the same national system. It is part of the national system.

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<sup>35</sup> Immigration and Refugee Board of Canada 2009, CHN103133.E 'Whether the Public Security Bureau (PSB) has set up a national computer network for information sharing; nature and extent of communication between PSB officers across the country; whether a link to a police computer network is available at international airports in China, 2 July – Attachment 32.

6. Chinese police are in charge of exit and entry administration. Just like CBSA [Canada Border Services Agency], in all ports of entry including international airports there are police units in charge of examination and they can connect to the system.

... The Embassy Counselor stated that the Golden Shield is not used to track an individual who is not a criminal suspect according to Chinese criminal law.<sup>36</sup>

In 2008 the Department of Foreign Affairs and Trade (DFAT) provided the Refugee Review Tribunal (RRT) with an English version of the 'Rules for the Implementation of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens'.<sup>37</sup> Articles 14 and 15 illustrate the requirement that citizens departing the country submit to inspection by officials and outline the categories of persons to whom departure will be refused:

Article 14

Chinese citizens shall enter or leave the country from designated ports or ports open to aliens, present to the border inspection office their passports issued by the People's Republic of China or other entry-exit certificates, fill in the entry-exit registration card, and accept inspection.

Article 15

The border inspection office shall have the right to forbid any of the following categories of persons to enter or leave the country:

- (1) those who hold no passports issued by the People's Republic of China or other entry-exit certificates;
- (2) holders of invalid passports or other invalid entry-exit certificates;
- (3) holders of forged, altered and other than their own passports and certificates;
- (4) those who refuse to produce their certificates for examination.

Persons who fall under the circumstances as stipulated in the preceding Items (2) and (3) shall be dealt with in accordance with the provisions in Article 23 of these Implementation Rules.

Advice received from DFAT in 2006 confirmed that Chinese authorities check all outgoing passengers against an 'alert' list; however, DFAT was not aware of how comprehensive the list is.<sup>38</sup> DFAT stated that Chinese citizens subject to arrest warrants would be on the alert lists, and that it was likely that people under investigation (but for whom an arrest warrant is yet to be issued) would also be on the lists. DFAT advised that alert lists are connected to Chinese identity cards as well as passports.<sup>39</sup>

The Immigration and Refugee Board of Canada (IRB) published information in October 2005 stating that Chinese airports have separate inspection barriers for Chinese citizens, foreign travellers, diplomatic staff, and airline personnel. The Frontier Defense Inspection Bureau (FDIB) controls inspection barriers. Chinese travellers must present their

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<sup>36</sup> Immigration and Refugee Board of Canada 2009, *CHN103133.E 'Whether the Public Security Bureau (PSB) has set up a national computer network for information sharing; nature and extent of communication between PSB officers across the country; whether a link to a police computer network is available at international airports in China*, 2 July – Attachment 32.

<sup>37</sup> *Rules for the Implementation of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens* (Approved 4 December 1986 & Promulgated 26 December 1986), Provided to the Refugee Review Tribunal by the Department of Foreign Affairs and Trade on 16 September 2008 – Attachment 27.

<sup>38</sup> DIAC Country Information Service 2006, *Country Information Report No.06/42 – China: Failed asylum seeker return decision*, (sourced from DFAT advice of 7 August 2006), 25 August – Attachment 28.

<sup>39</sup> DIAC Country Information Service 2006, *Country Information Report No 06/65 – China: Passport and exit arrangements*, (sourced from DFAT advice of 8 November 2008), 8 November – Attachment 29.

passports and immigration departure cards to FDIB officers; however, they do not need to present their resident identity card during the inspection. The officers conduct identity verification using a computerised system.<sup>40</sup>

The ‘computerised system’ mentioned in the IRB report likely refers to China’s ‘Golden Shield’ project, described by Greg Walton in his 2001 publication *China’s Golden Shield: Corporations and the Development of Surveillance Technology in the People’s Republic of China*, as “a nationwide digital surveillance network, linking national, regional and local security agencies with a panoptic web of surveillance”.<sup>41</sup>

### **The Golden Shield**

The Golden Shield is an information database supplied by a wide-ranging system of surveillance that incorporates monitoring citizen movements, phone conversations and online activities across the country.<sup>42</sup> At present the database mainly monitors and censors internet usage<sup>43</sup>; however, the development of a comprehensive network of surveillance cameras, face- and speech-recognition capabilities and advanced fingerprint identification is in the works.<sup>44</sup> The Chinese Government states that the database is part of a plan to strengthen police control and responsiveness and to reduce crime.<sup>45</sup> China also now has an agency called the Public Information Network Security and Monitoring Bureau which has its own network or ‘internet’ police.<sup>46</sup>

## **5. Is there any evidence that Chinese authorities are able to monitor telephone conversations made from Australia to China?**

Little detailed information was found on how the Chinese authorities monitor international phone calls, who is targeted or between what countries calls may be monitored. Reports on the level of sophistication with which the government is able to monitor phone usage domestically and on the development of speech-recognition and telephone surveillance software, however, combined with reports by journalists and political dissidents of phone tapping indicate that the government possesses the technological capability necessary to monitor international phone calls. No information was located indicating that telephone calls between Australia and China are monitored.

The US State Department’s current *Country Report on Human Rights Practices* for China states that “Former political prisoners and their families frequently were subjected to

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<sup>40</sup> Immigration and Refugee Board of Canada 2005, *CHN100513.E ‘China: Exit controls for citizens traveling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport’*, 25 October – Attachment 30.

<sup>41</sup> Walton, Greg 2001, *China’s Golden Shield: Corporations and the Development of Surveillance Technology in the People’s Republic of China*, International Centre for Human Rights and Democratic Development, p.15 – Attachment 31.

<sup>42</sup> ‘China about to complete its online ‘Golden Shield’ monitoring project’ 2008, *Taiwan News*, 12 October [http://www.etaiwannews.com/etn/news\\_content.php?id=807946&lang=eng\\_news&pg=3](http://www.etaiwannews.com/etn/news_content.php?id=807946&lang=eng_news&pg=3) – Accessed 24 March 2010 – Attachment 33.

<sup>43</sup> Committee to Protect Journalists 2010, *Attacks on the Press 2009 – China*, 16 February – Attachment 34.

<sup>44</sup> Klein, Naomi 2008, ‘China’s All-Seeing Eye’, *Rolling Stone*, Issue 1053, 29 May [http://www.rollingstone.com/politics/story/20797485/chinas\\_allseeing\\_eye/print](http://www.rollingstone.com/politics/story/20797485/chinas_allseeing_eye/print) – Accessed 24 March 2010 – Attachment 35; Walton, Greg 2001, *China’s Golden Shield: Corporations and the Development of Surveillance Technology in the People’s Republic of China*, International Centre for Human Rights and Democratic Development, pp.25-27 – Attachment 31; Laogai Research foundation 2006, ‘Internet firms grilled in Congress for China activity’, 17 February – Attachment 37.

<sup>45</sup> Walton, Greg 2001, *China’s Golden Shield: Corporations and the Development of Surveillance Technology in the People’s Republic of China*, International Centre for Human Rights and Democratic Development, p.15 – Attachment 31.

<sup>46</sup> Radio Free Asia 2008, *How China’s internet police control speech on the internet*, 24 November – Attachment 36.

police surveillance, telephone wiretaps, searches, and other forms of harassment<sup>47</sup>. The report also notes that

Authorities monitored telephone conversations, fax transmissions, e-mail, text messaging, and Internet communications. Authorities also opened and censored domestic and international mail. Security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines...Some citizens were under heavy surveillance and routinely had their telephone calls monitored or telephone service disrupted, particularly in the XUAR and Tibetan areas...<sup>48</sup>

The report does not indicate, however, whether the “telephone wiretaps” and telephone monitoring described involves domestic or international calls.

In times of domestic unrest, such as in the aftermath of the July 2009 riots in Urumqi, the government was able to shut down all text messaging and international phone calls from the region<sup>49</sup>, demonstrating that the government is at the very least able to block international phone calls both from and to China.

OpenNet Initiative, a US university-based organisation that aims to “investigate, expose and analyze Internet filtering and surveillance practices in a credible and non-partisan fashion” (<http://opennet.net/about-oni>), published a report on China in June 2009, authored by Stephanie Wang.<sup>50</sup> In the report, Wang notes that recently concerns have grown regarding the Chinese government’s ability to spy on China’s 624 million cell phone subscribers:

...in 2008, one Chinese state-run cell phone company revealed that it had unlimited access to the personal data of their customers and hands the data [sic] over to Chinese security officials upon request. Since 2004, the Chinese government has been drafting legislation to regulate personal mobile phone communication, which would require all cell phone subscribers to register for mobile phone service with their real name and identification card. In addition, Chinese police have installed filtering and surveillance systems for mobile and short message service providers to block and monitor “harmful” short message communications. Anyone who distributes “harmful” message or rumors via short message service of mobile phones can be arrested and convicted.<sup>51</sup>

This information is corroborated in Naomi Klein’s 2008 article ‘China’s All-Seeing Eye’, in which she notes that the CEO of China Mobile had “bragged to a crowd of communications executives that ‘we not only know who you are, we also know where you are’”, and had stated that his company “only” provides customer information to government authorities.<sup>52</sup> The installation of filtering and surveillance systems for mobile service providers is a further indication of the extent to which domestic telephone surveillance could potentially be carried out by the Chinese government. This is further suggested by the government’s recent (2008) decision to merge the assets of the nation’s six state-owned telecommunication companies to form only three groups.<sup>53</sup>

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<sup>47</sup> US Department of State 2010, *2009 Human Rights Report: China*, S.1e, 11 March – Attachment 9.

<sup>48</sup> US Department of State 2010, *2009 Human Rights Report: China*, S.2a, 11 March – Attachment 9.

<sup>49</sup> US Department of State 2010, *2009 Human Rights Report: China*, S.2, 11 March – Attachment 9.

<sup>50</sup> Wang, Stephanie 2009, *China*, 15 June, OpenNet Initiative <http://opennet.net/research/profiles/china> – Accessed 25 March 2010 – Attachment 38.

<sup>51</sup> Wang, Stephanie 2009, *China*, 15 June, OpenNet Initiative <http://opennet.net/research/profiles/china> – Accessed 25 March 2010 – Attachment 38.

<sup>52</sup> Klein, Naomi 2008, ‘China’s All-Seeing Eye’, *Rolling Stone*, Issue 1053, 29 May [http://www.rollingstone.com/politics/story/20797485/chinas\\_allseeing\\_eye/print](http://www.rollingstone.com/politics/story/20797485/chinas_allseeing_eye/print) – Accessed 24 March 2010 – Attachment 35.

<sup>53</sup> Wang, Stephanie 2009, *China*, 15 June, OpenNet Initiative <http://opennet.net/research/profiles/china> – Accessed 25 March 2010 – Attachment 38.

The Committee to Protect Journalists (CPJ) has reported this year that foreign journalists “have long assumed that their e-mail and telephone communications are vulnerable to government monitoring”, but does not provide any further details.<sup>54</sup>

In an article about China’s internet censorship written for *Wired* magazine in 2007, journalist Oliver August describes being tracked down and questioned by authorities wherever he went in China, when the only people who knew his travel itinerary were his editors in London, whom he contacted daily via email and phone. August comes to the conclusion that his emails and phone calls had been monitored as he was researching material deemed ‘sensitive’ by the government.<sup>55</sup>

The reports by CPJ and August indicate that monitoring of international telephone calls does occur; however, the journalists’ claims are not supported by direct evidence in these instances.

Reports suggest, however, that the Chinese government has been investing in advanced speech recognition technology focusing on telephone-based, speaker-independent speech recognition, which according to Greg Walton, “would appear to have no other purpose apart from automated surveillance of telephone communications”.<sup>56</sup>

Harry Wu, Director of the Laogai Research Foundation, an NGO which works to document and publicise human rights abuses in China ([www.laogai.org/about-us](http://www.laogai.org/about-us)), testified at a US congressional hearing in February 2006 about the international companies that provide financial and technological assistance to the Chinese government. In his testimony, Wu noted the selling of technology and software and provision of service and training to Chinese police by US company Cisco Systems. His enquiries to local managers of Cisco Systems in China confirmed that Cisco’s surveillance technology was being utilised in provincial, district and county police agencies, and that Cisco Systems’ technology “guarantees speech recognition [and] automated surveillance of telephone conversations...”.<sup>57</sup> Walton and Wu’s research thus suggests that the Chinese government is in possession of the technology necessary to monitor international phonecalls.

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