



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

---

**Country Advice**  
**China**

China – CHN36823 – Falun Gong – Non-practitioners who assist Falun Gong members – Dalian City  
12 July 2010

---

1. **Is there any country information regarding treatment by officials of those associated with Falun Gong practitioners in Dalian City/ Liaoning province, including:**
  - a) **whether persons accused of harbouring Falun Gong practitioners are breaching a particular criminal/other law; and**
  - b) **whether such persons are detained administratively or sentenced through an official process; and**
  - c) **whether such persons would have a criminal record which may impact on their ability to leave China and/or obtain official documentation?**

Although Falun Gong encounters strong opposition from authorities in Dalian City and Liaoning province, no information was found regarding city or provincial officials' treatment of people associated with Falun Gong who were not themselves practitioners.<sup>1</sup> Other sources, however – reports on the treatment of people who helped Falun Gong elsewhere in China, Chinese legal documents, and information on the situation of Falun Gong more widely – are instructive on these questions.

### **Harbouring Falun Gong**

Persons accused of harbouring Falun Gong practitioners may be considered to have breached Article 310 of the Criminal Law of the People's Republic of China, which states:

Whoever provides a person who he clearly knows to be a convict with a hiding place, financial and material support, assists him to escape, hides, or protects him by falsifying evidence is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; when the circumstances are severe, to not less than three years but not more than ten years of fixed-term imprisonment.

Whoever commits a crime as stated in the previous paragraph and conspires in advance is to be punished as committing a joint crime.<sup>2</sup>

---

<sup>1</sup> On opposition to Falun Gong in Dalian City and/or Liaoning province, see: US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, Attachment 1, p 124; Falun Gong Human Rights Working Group n.d., "Female Falun Gong practitioners tortured and sexually abused in the Dalian Labor Camp in Liaoning Pr", <http://www.falunhr.org/index.php?option=content&task=view&id=104&Itemid=0> – Accessed 30 June 2010 – Attachment 2; "Torture in Dalian City Forced Labor Camp" 2010, *Clearwisdom.net*, 8 April, <http://www.clearwisdom.net/html/articles/2010/4/23/116274.html> – Accessed 30 June 2010 – Attachment 3; "The recent persecution of Falun Gong practitioners in Liaoning Province Women's Prison" 2010, *Clearharmony.net*, 1 March, <http://www.clearharmony.net/articles/201002/52350.html> – Accessed 30 June 2010 – Attachment 4.

<sup>2</sup> *Criminal Law of the People's Republic of China* (Adopted on July 1, 1979 and amended on March 14, 1997), Chinalaw website, <http://www.qis.net/chinalaw/prclaw60.htm> - Accessed 20 May 1999 – Attachment 5.

Only one report was found regarding a person who had allegedly harboured Falun Gong members.<sup>3</sup> A Jilin City resident and Falun Gong follower herself, she was sentenced to five years in prison for “sheltering fellow practitioners”.<sup>4</sup> The source, a Falun Gong website, did not specify which law she had broken,<sup>5</sup> but Article 310 was applied in another case in which individuals were accused of harbouring a criminal.<sup>6</sup> In 2010, the *New York Times* reported that five Tibetans were sentenced to prison terms ranging from three to seven years for sheltering another Tibetan who was convicted for taking part in riots in Lhasa in March 2008.<sup>7</sup> According to a Chinese news story reproduced in translation by the International Campaign for Tibet, the men had violated “Article 310, Clause 1...constituting the crime of harboring a criminal”.<sup>8</sup>

### **Administrative detention versus legal processing**

A person accused of harbouring a Falun Gong member could be dealt with either administratively or in a court of law. As noted above, two reports were found of people accused of harbouring a criminal, and only one of these concerned Falun Gong. In both instances, the accused were sentenced judicially, but this should not be taken as a typical outcome because these cases were of a serious nature. Wider reporting suggests that a minor, first-time offender would be more likely to encounter an administrative penalty.

The *Law of the People’s Republic of China on Penalties for Administration of Public Security Law (Administration of Public Security Law)*, which is administered by departments of public security (police), allows officials considerable flexibility in detaining and punishing offenders without trial.<sup>9</sup> Article 2 of the *Administration of Public Security Law* clarifies that criminal acts that are “not serious enough for criminal punishment” shall incur an administrative penalty, of which there are four types (Article 10):

- (1) warning;
- (2) fine;
- (3) administrative detention; and
- (4) revocation of licenses issued by public security organs.<sup>10</sup>

---

<sup>3</sup> “Musician Yu Zhou’s remarkable wife Xu Na” 2008, Friends of Falun Gong website, 7 May, [http://www.fofg.org/persecution/persecution\\_story.php?doc\\_id=1489](http://www.fofg.org/persecution/persecution_story.php?doc_id=1489) – Accessed 30 June 2010 – Attachment 6.

<sup>4</sup> “Musician Yu Zhou’s remarkable wife Xu Na” 2008, Friends of Falun Gong website, 7 May, [http://www.fofg.org/persecution/persecution\\_story.php?doc\\_id=1489](http://www.fofg.org/persecution/persecution_story.php?doc_id=1489) – Accessed 30 June 2010 – Attachment 6.

<sup>5</sup> “Musician Yu Zhou’s remarkable wife Xu Na” 2008, Friends of Falun Gong website, 7 May, [http://www.fofg.org/persecution/persecution\\_story.php?doc\\_id=1489](http://www.fofg.org/persecution/persecution_story.php?doc_id=1489) – Accessed 30 June 2010 – Attachment 6.

<sup>6</sup> Jacobs, A 2010, “Tibetan Gets Suspended Death Sentence in China”, *New York Times*, 27 May, <http://www.nytimes.com/2010/05/28/world/asia/28tibet.html> – Accessed 28 June 2010 – Attachment 7; “Tibetan sentenced to death after March 14, 2008 protests; other Tibetans sentenced for protecting him” 2010, International Campaign for Tibet website, 27 May, <http://www.savetibet.org/media-center/ict-news-reports/tibetan-sentenced-death-after-march-14-2008-protests-other-tibetans-sentenced-protecting-h> – Accessed 28 June 2010 – Attachment 8.

<sup>7</sup> Jacobs, A 2010, “Tibetan Gets Suspended Death Sentence in China”, *New York Times*, 27 May, <http://www.nytimes.com/2010/05/28/world/asia/28tibet.html> – Accessed 28 June 2010 – Attachment 7.

<sup>8</sup> “Tibetan sentenced to death after March 14, 2008 protests; other Tibetans sentenced for protecting him” 2010, International Campaign for Tibet website, 27 May, <http://www.savetibet.org/media-center/ict-news-reports/tibetan-sentenced-death-after-march-14-2008-protests-other-tibetans-sentenced-protecting-h> – Accessed 28 June 2010 – Attachment 8.

<sup>9</sup> *Law of the People’s Republic of China on Penalties for Administration of Public Security Law* 2006, Asian Legal Institute website, <http://www.asianlii.org/cn/legis/cen/laws/pfaops1501/> – Accessed 4 March 2010 – Attachment 9. See Article 7.

<sup>10</sup> *Law of the People’s Republic of China on Penalties for Administration of Public Security Law* 2006, Asian Legal Institute website, <http://www.asianlii.org/cn/legis/cen/laws/pfaops1501/> – Accessed 4 March 2010 – Attachment 9.

According to Article 5 of the *Law*, the harshness of the penalty should reflect the “nature and circumstances of the act committed and the extent of harm done to the society”.<sup>11</sup> In the case of administrative detention, “non-judicial panels” can sentence persons to up to three years in detention.<sup>12</sup> Thus, although administrative penalties are intended to punish lesser crimes, they can still be severe and are meted out at the discretion of local security officials without judicial oversight. Taking a case to court requires more steps and stronger adherence to criminal procedure law.<sup>13</sup>

Administrative detention has been a key weapon in the Chinese Government’s arsenal against Falun Gong. Most practitioners are punished administratively, with judicial sentencing typically reserved for core leaders and organisers and “largescale publishers and distributors”.<sup>14</sup> In the previously mentioned case of a woman who was sentenced in court for sheltering Falun Gong members, the offender was herself a practitioner who was accused of harbouring multiple members.<sup>15</sup> Reports indicate that people who have provided other forms of assistance to Falun Gong have been punished administratively or judicially, with the latter option more common for recurrent and/or high-profile offenders. Some of these reports come from Falun Gong organisations without corroboration from independent sources.

For example, a Falun Gong Human Rights Working Group (FGHRWG) newsletter reported on cases in which people who had attempted to assist Falun Gong – whether by collecting or publicising evidence of abuse, speaking out against mistreatment of members, or “refusing to persecute” Falun Gong.<sup>16</sup> These individuals were reportedly punished harshly: two people (one of whom was a government official) were sentenced to prison, while others were sent to labour camps, a form of administrative detention.<sup>17</sup>

Several reports concerned lawyers who have helped Falun Gong. In 2005, *Reporters Without Borders* said that a lawyer who had defended a Falun Gong practitioner had had his legal licence suspended.<sup>18</sup> The revoking of a license is an administrative penalty.<sup>19</sup> More recently, the US Congressional-Executive Commission on China’s (CECC) 2009

---

<sup>11</sup> *Law of the People’s Republic of China on Penalties for Administration of Public Security Law* 2006, Asian Legal Institute website, <http://www.asianlii.org/cn/legis/cen/laws/pfaops1501/> – Accessed 4 March 2010 – Attachment 9.

<sup>12</sup> US State Department 2010, *2009 Human Rights Report – China*, 11 March, Section 2(d) – Attachment 10.

<sup>13</sup> For the processes involved in taking a case to trial, see *Criminal Procedure Law of the People’s Republic of China* 1996, United Nations High Commission for Refugees website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=3ddbcd4e7&skip=&query=criminal%20procedure%20china> – Accessed 29 May 2008 – Attachment 11, section “Part three trial”.

<sup>14</sup> US State Department 2010, *2009 Human Rights Report – China*, 11 March, Section 2(c) – Attachment 10; Human Rights Watch 2002, *Dangerous Meditation: China’s Campaign Against Falungong*, January, p 54, 55, 58 – Attachment 12.

<sup>15</sup> “Musician Yu Zhou’s remarkable wife Xu Na” 2008, Friends of Falun Gong website, 7 May, [http://www.fofg.org/persecution/persecution\\_story.php?doc\\_id=1489](http://www.fofg.org/persecution/persecution_story.php?doc_id=1489) – Accessed 30 June 2010 – Attachment 6.

<sup>16</sup> Falun Gong Human Rights Working Group 2004, “Falun Gong Human Rights Newsletter Issue 6: the Courage Stories”, <http://www.falunhr.org/index.php?option=content&task=view&id=395&pop=1&page=0> – Accessed 24 June 2010 – Attachment 13.

<sup>17</sup> Falun Gong Human Rights Working Group 2004, “Falun Gong Human Rights Newsletter Issue 6: the Courage Stories”, <http://www.falunhr.org/index.php?option=content&task=view&id=395&pop=1&page=0> – Accessed 24 June 2010 – Attachment 13. On labour camps being a form of administrative detention, see: Hualing, F 2005, “Re-education through Labour in Historical Perspective”, *The China Quarterly*, Issue 184, pp 811-830 – Attachment 14, p 811.

<sup>18</sup> Reporters Sans Frontieres 2005, “Lawyer for several journalists and cyberdissidents banned from practising for one year”, Reporters Sans Frontieres website, <http://en.rsf.org/china-lawyer-for-several-journalists-and-04-03-2005,12756.html> – Accessed 24 June 2010 – Attachment 15.

<sup>19</sup> *Law of the People’s Republic of China on Penalties for Administration of Public Security Law* 2006, Asian Legal Institute website, <http://www.asianlii.org/cn/legis/cen/laws/pfaops1501/> – Accessed 4 March 2010 – Attachment 9.

*Annual Report* noted that “Chinese officials harassed, detained, and in some cases, physically abused attorneys who defended practitioners of the banned spiritual movement called Falun Gong”<sup>20</sup>. The CECC report noted the disappearance of human rights lawyer Gao Zhisheng, who had worked to raise awareness of the government’s mistreatment of Falun Gong practitioners.<sup>21</sup>

Chinese authorities have sometimes resorted to legal measures to punish lawyers who supported Falun Gong. In 2009, *AsiaNews* reported the arrests of three such persons.<sup>22</sup> At least two – Ruping Liu and Wang Yonghang – were subsequently sentenced to prison in courts of law.<sup>23</sup> Both were vocal and repeat offenders. Liu had reportedly been detained on multiple occasions before being tried, while Yonghang, a Dalian City resident, had his law licence revoked in 2008.<sup>24</sup> He continued to provide legal advice and representation to Falun Gong members until his formal arrest in July 2009.<sup>25</sup>

### **Criminal records and restrictions on travel**

A person accused of harbouring Falun Gong would only have a criminal record if s/he were convicted of a criminal offence. Such a person would *not* have a criminal record if s/he were detained but not convicted, or if s/he had only served a period of administrative detention.<sup>26</sup> In itself, a criminal record may not prevent a person from obtaining a passport and exiting China.

The current *Passport Law of the People’s Republic of China* does not explicitly prohibit the issue of passports to individuals with criminal records; rather, it stipulates that criminal suspects, those who are currently serving a criminal sentence, and those who are awaiting a civil trial may not be granted a passport.<sup>27</sup> Conditions under which a passport would not be approved are listed at Article 13 of the *Passport Law*:

Under any of the following circumstances, the passport issuance departments shall not issue any passport to the applicant:

- (1) He does not have the nationality of the People’s Republic of China;

---

<sup>20</sup> US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, Attachment 1, p 15.

<sup>21</sup> US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, Attachment 1, p 97-98.

<sup>22</sup> “China: three lawyers arrested for defending the rights of Falun Gong members” 2009, *Asianews*, 15 July, <http://www.asianews.it/news-en/China:-three-lawyers-arrested-for-defending-the-rights-of-Falun-Gong-members-15786.html> – Accessed 16 June 2010 – Attachment 16.

<sup>23</sup> “The ongoing persecution of lawyer Liu Ruping from Jinan City, Shandong Province” 2010, Clearharmony.net, 11 February, <http://www.clearharmony.net/articles/201002/52176.html> – Accessed 24 June 2010 – Attachment 17; “Document – China: Further information: Wang Yonghang formally arrested” 2009, Amnesty International website, 28 August, <http://www.amnesty.org/en/library/asset/ASA17/050/2009/en/5c347790-81e8-4de8-a9c0-f885ada8fb76/asa170502009eng.html> – Accessed 24 June 2010 – Attachment 18; “Urgent action (follow-up): Wang Yonghang jailed for defending human rights” 2009, Amnesty International, 7 December, <http://www.isavelives.be/en/node/4536> – Accessed 24 June 2010 – Attachment 19.

<sup>24</sup> “The ongoing persecution of lawyer Liu Ruping from Jinan City, Shandong Province” 2010, Clearharmony.net, 11 February, <http://www.clearharmony.net/articles/201002/52176.html> – Accessed 24 June 2010 – Attachment 17; “Urgent action (follow-up): Wang Yonghang jailed for defending human rights” 2009, Amnesty International, 7 December, <http://www.isavelives.be/en/node/4536> – Accessed 24 June 2010 – Attachment 19.

<sup>25</sup> “Urgent action (follow-up): Wang Yonghang jailed for defending human rights” 2009, Amnesty International, 7 December, <http://www.isavelives.be/en/node/4536> – Accessed 24 June 2010 – Attachment 19.

<sup>26</sup> Department of Foreign Affairs and Trade 2007, *DFAT Report 612*, 16 March – Attachment 20.

<sup>27</sup> *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 April 29, 2006), Asian Legal Information Institute website <http://www.asianlii.org/cn/legis/cen/laws/tplotproc436/> – Accessed 16 November 2009 – Attachment 21.

- (2) He is unable to prove his identity;
- (3) He cheats during the process of application;
- (4) He has been sentenced to any criminal punishment and is serving the sentence at present;
- (5) He is not permitted to leave China because the people's court has notified him of any pending civil case;
- (6) He is a defendant or criminal suspect of a criminal case; or
- (7) The competent organ of the State Council believes that his leaving China will do harm to the state security or result in serious loss to the benefits of the state.<sup>28</sup>

This is not to deny that a person with (or without) a criminal record could face difficulty obtaining a passport. Under Article 13, officials may refuse to issue a passport to anyone they deem to satisfy criteria number seven – that is, a person whose departure could harm the state.

DFAT has indicated that the *Administrative Law on the Border Exit and Entry of Citizens of the People's Republic of China (Border Law)* offers similar flexibility to officials in determining who may leave China.<sup>29</sup> Much like Article 3 of the *Passport Law*, Article 8(v) of the *Border Law* stipulates that officials can refuse to allow a person to exit China “[i]f [they] believe that, after departing the country, that person might cause danger to national security or cause extreme harm to national interests”.<sup>30</sup> DFAT commented that:

the broad wording of the last point could be interpreted to include Falun Gong practitioners, given the Chinese Government's extreme sensitivity to vocal campaigning by Falun Gong [practitioners] abroad.<sup>31</sup>

This comment would almost certainly apply to Article 13.7 of the *Passports Law* as well.

While no reports were found regarding the experiences of non-practitioner friends of Falun Gong in trying to obtain passports and leave China, information about practitioners themselves suggests that officials would probably permit a low-profile Falun Gong “helper” or supporter to depart the country. The Chinese government has been known to deny travel documents and departure rights to activists and other persons perceived to be threats,<sup>32</sup> but reports indicate that a number of Falun Gong practitioners have obtained passports and left China. In 2008, DFAT advised that only those who were considered to be Falun Gong “leaders” would be refused passports outright – though some members had been prevented from obtaining a passport through indirect means, for example officials' confiscation of their identity documents.<sup>33</sup> The US State Department's latest *International Religious Freedom Report* noted that a Falun Gong

---

<sup>28</sup> *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 April 29, 2006), Asian Legal Information Institute website <http://www.asianlii.org/cn/legis/cen/laws/tplotproc436/> – Accessed 16 November 2009 – Attachment 21.

<sup>29</sup> Department of Foreign Affairs and Trade 2006, *DFAT Report No. 540 – RRT Information Request: CHN30682*, 28 September – Attachment 22.

<sup>30</sup> Department of Foreign Affairs and Trade 2006, *DFAT Report No. 540 – RRT Information Request: CHN30682*, 28 September – Attachment 22.

<sup>31</sup> Department of Foreign Affairs and Trade 2006, *DFAT Report No. 540 – RRT Information Request: CHN30682*, 28 September – Attachment 22.

<sup>32</sup> US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, Attachment 1, p 162; US State Department 2010, *2009 Human Rights Report – China*, 11 March, Section 2(d) – Attachment 10.

<sup>33</sup> Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December – Attachment 23.

practitioner who had served two-and-a-half years of re-education through labour managed to leave the country afterwards, and Falun Gong sources have also reported that members have been able to depart China.<sup>34</sup>

## 2. Would records of a person's 30 day detention in Liaoning province be accessible by the authorities of Shandong province?

While it was not possible to confirm that authorities in Shandong province would be able to access records of a person's claimed arrest and 30-day detention in Liaoning province, this scenario is conceivable. China has a national digital network that connects all police departments at county level and above and most police stations and other units under the county level to a central database (or group of databases) containing information on Chinese citizens.<sup>35</sup> The database is known to include criminal records,<sup>36</sup> but it is not clear whether it also contains records of administrative detention.

### Golden Shield and Policenet

Since the early 2000's, China has been developing and implementing a national censorship and surveillance project known as "Golden Shield".<sup>37</sup> In 2006, *Legal Affairs* magazine reported that:

[a] new technology called Policenet is part of Golden Shield and currently operates in all but one of China's 22 provinces. [Sichuan being the exception.] It connects officials of the Public Security Bureau – a national agency with local branches that handle security, immigration, "social order", and law enforcement – to each other and to electronic records that store a wealth of information on every citizen in China.<sup>38</sup>

Sources are mixed regarding the nature and use of the information in the Golden Shield database (or databases). A Chinese diplomat in Ottawa recently advised the Immigration and Refugee Board of Canada (IRBC) that the aim of the project was to improve policing and Golden Shield had eight databases, as follows:

- (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;

---

<sup>34</sup> See Falun Gong spokesperson advice in: Immigration and Refugee Board of Canada 2005, "CHN100726.EX – China: Situation of Falun Gong practitioners and treatment by state authorities (2001 – 2005)", 31 October – Attachment 24.

<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 25.

<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 25.

<sup>37</sup> Immigration and Refugee Board of Canada 2007, "CHN102493.E – Whether a person detained at an underground church meeting would have his or her name placed in the Public Security Bureau (PSB) database", 8 May, [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?l=e&id=451178](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?l=e&id=451178) – Accessed 6 July 2010 – Attachment 26; Gutmann, E 2006, "Congressional Testimony: Human Rights in China – Ethan Gutmann, Author [of] *Losing the New China*", 19 April, *CQ Transcriptions* – Attachment 27.

<sup>38</sup> Bambauer, D 2006, "Cool tools for tyrants", *Legal Affairs*, January/February, <http://www.legalaffairs.org/printerfriendly.msp?id=964> – Accessed 24 June 2010 – Attachment 28. On Sichuan being the exception, see Immigration and Refugee Board of Canada 2007, "CHN102493.E – Whether a person detained at an underground church meeting would have his or her name placed in the Public Security Bureau (PSB) database", 8 May, [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?l=e&id=451178](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?l=e&id=451178) – Accessed 6 July 2010 – Attachment 26.

- (6). Information on registered cars and drivers;
- (7). Information on police officers;
- (8). Information on key fire-prevention units.<sup>39</sup>

The diplomat told the IRBC that “[n]on-policing information and information from other departments, such as family planning information, is not stored in the project” and there were “strict regulations on how to use [Golden Shield] data”.<sup>40</sup>

However, some commentators have raised concerns about Golden Shield and suggested that the system includes information that is not strictly of a policing nature. For example, China expert Ethan Gutmann testified in a 2006 US congressional hearing that a systems engineer from the Shanghai branch of Cisco, the company that sold Policenet to China, told him that Chinese police could use the database to access information on a person’s “political behaviour, family history...[and internet] surfing history for the last 60 days” as well as his or her email account.<sup>41</sup> In 2008, leftist journalist and activist Naomi Klein claimed that:

With political unrest on the rise across China, the government hopes to use the surveillance shield to identify and counteract dissent before it explodes into a mass movement like the one that grabbed the world’s attention at Tiananmen Square.<sup>42</sup>

### **Records of administrative detention**

The majority of reporting on Policenet references Ethan Gutmann without corroboration from other sources. The lack of further information on the content of Golden Shield databases makes it difficult to assess whether the system contains records of administrative detention. Country Advice has contacted the Department of Foreign Affairs to request further information on this matter. The reply is due on 3 August 2010. In the meantime, reading disparate reports together indicates that it is conceivable that such records would be included in one or more Golden Shield databases.

In 2007 DFAT advised that individuals who had spent time in administrative detention were “likely...[to] have a record of their detention placed on their personal file”, the *dang’an*.<sup>43</sup> The *dang’an* or “personal dossier” is

[a] collection of papers containing personal comments by teachers, records of marks, official commendations or records of disciplinary offences. [Beginning from primary school,] [i]t is passed through high school and on to university authorities. The dossier takes on real significance after university, when it can be used by potential employers in place of a personal resume or references to determine employment opportunities and promotion prospects.<sup>44</sup>

---

<sup>39</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 25.

<sup>40</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 25.

<sup>41</sup> Gutmann, E 2006, “Congressional Testimony: Human Rights in China – Ethan Gutmann, Author [of] *Losing the New China*”, 19 April, *CQ Transcriptions* – Attachment 27.

<sup>42</sup> Klein, N 2008, “China’s all-seeing eye”, *Rolling Stone*, 14 May, reproduced on Naomi Klein’s official website, <http://www.naomiklein.org/articles/2008/05/chinas-all-seeing-eye> – Accessed 29 June 2010 – Attachment 29.

<sup>43</sup> Department of Foreign Affairs and Trade 2007, *DFAT Report No. 612 – RRT Information Request: CHN31404*, 16 March – Attachment 20.

<sup>44</sup> DIAC Country Information Service 2003, *Country Information Report 82/03 Personal Files*, (sourced from DFAT advice 10 June 2003), 17 June – Attachment 30.

A 2001 report from the International Centre for Human Rights and Democratic Development stated that the Chinese government planned to digitise *dang'an*, and every citizen's personal dossier would be contained in a second-generation citizen ID card with an embedded microchip.<sup>45</sup> No further information was found to verify that this happened – though China did begin to begin to replace paper-based ID cards with digital ones in 2004, and the new cards can reportedly be “read electronically and checked with databases kept by China's security authorities”.<sup>46</sup> If *dang'an* were digitised and included in citizens' ID card information, it is probable that the contents of *dang'an* – including any records of administrative detention – would be in Golden Shield's first database, “population information, mainly the information on the citizen ID”.

## Attachments

1. US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October.
2. Falun Gong Human Rights Working Group n.d., “Female Falun Gong practitioners tortured and sexually abused in the Dalian Labor Camp in Liaoning Pr”, <http://www.falunhr.org/index.php?option=content&task=view&id=104&Itemid=0> – Accessed 30 June 2010.
3. “Torture in Dalian City Forced Labor Camp” 2010, *Clearwisdom.net*, 8 April, <http://www.clearwisdom.net/html/articles/2010/4/23/116274.html> – Accessed 30 June 2010.
4. “The recent persecution of Falun Gong practitioners in Liaoning Province Women's Prison” 2010, *Clearharmony.net*, 1 March, <http://www.clearharmony.net/articles/201002/52350.html> – Accessed 30 June 2010.
5. *Criminal Law of the People's Republic of China* (Adopted on July 1, 1979 and amended on March 14, 1997), Chinalaw website, <http://www.qis.net/chinalaw/prclaw60.htm> - Accessed 20 May 1999.
6. “Musician Yu Zhou's remarkable wife Xu Na” 2008, Friends of Falun Gong website, 7 May, [http://www.fofg.org/persecution/persecution\\_story.php?doc\\_id=1489](http://www.fofg.org/persecution/persecution_story.php?doc_id=1489) – Accessed 30 June 2010.
7. Jacobs, A 2010, “Tibetan Gets Suspended Death Sentence in China”, *New York Times*, 27 May, <http://www.nytimes.com/2010/05/28/world/asia/28tibet.html> – Accessed 28 June 2010.
8. “Tibetan sentenced to death after March 14, 2008 protests; other Tibetans sentenced for protecting him” 2010, International Campaign for Tibet website, 27 May, <http://www.savetibet.org/media-center/ict-news-reports/tibetan-sentenced-death-after-march-14-2008-protests-other-tibetans-sentenced-protecting-h> – Accessed 28 June 2010.
9. *Law of the People's Republic of China on Penalties for Administration of Public Security Law* 2006, Asian Legal Institute website, <http://www.asianlii.org/cn/legis/cen/laws/pfaopsl501/> – Accessed 4 March 2010.

---

<sup>45</sup> Walton, Greg 2001, *China's Golden Shield: Corporations and the Development of Surveillance Technology in the People's Republic of China*, Rights & Democracy (NGO) – Attachment 31.

<sup>46</sup> Batson, A 2004, “Creating China's New Identity – Beijing Looks to Foreign Technology for Electronic ID Cards”, *The Asian Wall Street Journal*, 4 May – Attachment 32.

10. US State Department 2010, *2009 Human Rights Report – China*, 11 March.
11. *Criminal Procedure Law of the People’s Republic of China* 1996, United Nations High Commission for Refugees website, <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=3ddbcd4e7&skip=&query=criminal%20procedure%20china> - Accessed 29 May 2008..
12. Human Rights Watch 2002, *Dangerous Meditation: China’s Campaign Against Falungong*, January.
13. Falun Gong Human Rights Working Group 2004, “Falun Gong Human Rights Newsletter Issue 6: the Courage Stories”, <http://www.falunhr.org/index.php?option=content&task=view&id=395&pop=1&page=0-> Accessed 24 June 2010.
14. Hualing, F 2005, “Re-education through Labour in Historical Perspective”, *The China Quarterly*, Issue 184, pp 811-830.
15. Reporters Sans Frontieres 2005, “Lawyer for several journalists and cyberdissidents banned from practising for one year”, Reporters Sans Frontieres website, <http://en.rsf.org/china-lawyer-for-several-journalists-and-04-03-2005,12756.html> – Accessed 24 June 2010.
16. “China: three lawyers arrested for defending the rights of Falun Gong members” 2009, *Asianews*, 15 July, <http://www.asianews.it/news-en/China:-three-lawyers-arrested-for-defending-the-rights-of-Falun-Gong-members-15786.html> – Accessed 16 June 2010.
17. “The ongoing persecution of lawyer Liu Ruping from Jinan City, Shandong Province” 2010, Clearharmony.net, 11 February, <http://www.clearharmony.net/articles/201002/52176.html> - Accessed 24 June 2010.
18. “Document – China: Further information: Wang Yonghang formally arrested” 2009, Amnesty International website, 28 August, <http://www.amnesty.org/en/library/asset/ASA17/050/2009/en/5c347790-81e8-4de8-a9c0-f885ada8fb76/asa170502009eng.html> – Accessed 24 June 2010.
19. “Urgent action (follow-up): Wang Yonghang jailed for defending human rights” 2009, Amnesty International, 7 December, <http://www.isavelives.be/en/node/4536> – Accessed 24 June 2010.
20. Department of Foreign Affairs and Trade 2007, *DFAT Report 612*, 16 March.
21. *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 April 29, 2006), Asian Legal Information Institute website <http://www.asianlii.org/cn/legis/cen/laws/tplotproc436/> – Accessed 16 November 2009.
22. Department of Foreign Affairs and Trade 2006, *DFAT Report No. 540 – RRT Information Request: CHN30682*, 28 September.
23. Department of Foreign Affairs and Trade 2008, *DFAT Report No. 943 – China: RRT Information Request: CHN34077*, 16 December.

24. Immigration and Refugee Board of Canada 2005, “CHN100726.EX – China: Situation of Falun Gong practitioners and treatment by state authorities (2001 – 2005)”, 31 October. [http://immibelweh03/NXT/gateway.dll/cisnet\\_bacis/cisnet\\_bacis\\_chn\\_frame/bacis\\_cx145448?fn=document-frameset.htm\\$f=templates\\$3.0](http://immibelweh03/NXT/gateway.dll/cisnet_bacis/cisnet_bacis_chn_frame/bacis_cx145448?fn=document-frameset.htm$f=templates$3.0).
25. Immigration and Refugee Board of Canada 2009, “CHN103133.E – Whether the Public Security Bureau (PSB) has set up a national computer network for information sharing; nature and extent of communication between PSB officers across the country; whether a link to a police computer network is available at international airports in China”, 2 July. [http://immibelweh03/NXT/gateway.dll/cisnet\\_ogr/cisnet\\_ogr\\_folder\\_835/cisnet\\_ogr\\_folder\\_1515/cisnet\\_ogr\\_1726?f=templates\\$fn=document-frameset.htm\\$q=chn103133\\$x=server\\$3.0#xml=http://immibelweh03/NXT/gateway.dll/cisnet\\_ogr/cisnet\\_ogr\\_folder\\_835/cisnet\\_ogr](http://immibelweh03/NXT/gateway.dll/cisnet_ogr/cisnet_ogr_folder_835/cisnet_ogr_folder_1515/cisnet_ogr_1726?f=templates$fn=document-frameset.htm$q=chn103133$x=server$3.0#xml=http://immibelweh03/NXT/gateway.dll/cisnet_ogr/cisnet_ogr_folder_835/cisnet_ogr)
26. Immigration and Refugee Board of Canada 2007, “CHN102493.E – Whether a person detained at an underground church meeting would have his or her name placed in the Public Security Bureau (PSB) database”, 8 May, [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?l=e&id=451178](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?l=e&id=451178) - Accessed 6 July 2010.
27. Gutmann, E 2006, “Congressional Testimony: Human Rights in China – Ethan Gutmann, Author [of] *Losing the New China*”, 19 April, *CQ Transcriptions*. (Factiva)
28. Bambauer, D 2006, “Cool tools for tyrants”, *Legal Affairs*, January/February, <http://www.legalaffairs.org/printerfriendly.msp?id=964> – Accessed 24 June 2010.
29. Klein, N 2008, “China’s all-seeing eye”, *Rolling Stone*, 14 May, reproduced on Naomi Klein’s official website, <http://www.naomiklein.org/articles/2008/05/chinas-all-seeing-eye> – Accessed 29 June 2010.
30. DIAC Country Information Service 2003, *Country Information Report 82/03 Personal Files*, (sourced from DFAT advice 10 June 2003), 17 June. [http://immibelweh03/NXT/gateway.dll/cisnet\\_bacis/cisnet\\_bacis\\_chn\\_frame/bacis\\_cx79779?f=templates\\$fn=document-frameset.htm\\$q=%5Bborderedprox,0%3Apersonal%20files%5D%20\\$x=server\\$3.0#LPHit1](http://immibelweh03/NXT/gateway.dll/cisnet_bacis/cisnet_bacis_chn_frame/bacis_cx79779?f=templates$fn=document-frameset.htm$q=%5Bborderedprox,0%3Apersonal%20files%5D%20$x=server$3.0#LPHit1)
31. Walton, Greg 2001, *China’s Golden Shield: Corporations and the Development of Surveillance Technology in the People’s Republic of China*, Rights & Democracy (NGO).
32. Batson, A 2004, “Creating China’s New Identity – Beijing Looks to Foreign Technology for Electronic ID Cards”, *The Asian Wall Street Journal*, 4 May. (Factiva)