China: Civil unrest involving farmers, workers, homeowners and tenants, particularly in rural areas of Guangdong; conditions causing the unrest; government response; reports of arrests, beatings and detention (2004 - 2006)
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General Information

Chinese authorities refer to public protests as "mass incidents" (The Economist 29 Sept. 2005) or "mass group incidents" (Tanner 14 Apr. 2005, 2), a broad term encompassing various public displays of grievance such as sit-ins, group petitions, rallies, demonstrations, and riots (ibid.; see also The Economist 29 Sept. 2005) that may involve a few people or thousands (ibid.). The Ministry of Public Security (MPS) reported that in 2005, police dealt with a total of 87,000 cases of "public order disturbance" across China (BBC 19 Jan. 2006; Financial Times 19 Jan. 2006; NYT 20 Jan. 2006; People's Daily 20 Jan. 2006), or an average of 240 incidents per day (NYT 20 Jan. 2006). In 2004, 3.76 million people took part in a total of 74,000 cases of public protest (ibid.; see also The Economist 29 Sept. 2005). Since 1994, when a total of 10,000 incidents of "public order disturbance" were recorded, "the frequency and scale" of mass protests have increased significantly each year, The New York Times (NYT) observed (20 Jan. 2006; see also The Economist 29 Sept. 2005). The police also acknowledged an increase in the size and duration of public protests, as well as a rise in confrontation and violence, even though most protests were generally peaceful (Tanner 14 Apr. 2005, 3). Murray Scot Tanner, a political scientist with the non-profit RAND Corporation, told the United States (US)-China Economic and Security Review Commission that public protest was "now a daily phenomenon in China's political system" (14 Apr. 2005, 1).

A 19 January 2006 Financial Times article stated that while the MPS considered four different types of incidents to be "public order disturbances," none of them was defined in the Ministry's press release on the number of protests in 2005. According to the British Broadcasting Corporation (BBC), a spokesperson for the MPS explained that the 2005 figure captured the number of mass protests, along with "mob gatherings, obstruction of justice, fighting and trouble-making" (BBC 19 Jan. 2006).

While article 35 of the Constitution of the People's Republic of China grants citizens the right to demonstrate (China 4 Dec. 1982), those who wish to engage in public protest must first obtain an official permit (Asia Times Online 29 Oct. 2004), as stipulated in the Public Demonstrations Law of 1989 (Tanner 14 Apr. 2005, 9). In 2004, authorities denied permits, however, and demonstrations against the central leadership were prohibited (Country Reports 2004 28 Feb. 2005, Sec. 2). China Daily reported that the new Law on Public Security Administrative Penalties, which came into force in March 2006, introduced 165 new offences, including "disturbing public order at sports or cultural events," to an existing list of public behaviour deemed "illegal," and increased maximum fines associated with these offences to 5,000 yuan (US$617) from 200 yuan (US$25) (1 Mar. 2006). Further information on the new law could not be found among the sources consulted by the Research Directorate.
Causes of Unrest

Thomas Bernstein, a professor of political science at Columbia University, remarked in a paper on civil unrest in China that by the turn of the 21st century, "members of major social groups" in both urban and rural areas had become "increasingly assertive in their quest for redress of grievances" (Bernstein 2004, 1). These groups included laid-off workers, city residents whose homes were confiscated, and peasants who were affected by industrial or residential development and environmental degradation (ibid.). But although protests were held in reaction to government action or inaction, the objective of the protesters was usually to air their grievances before high-level government officials rather than to defy the political system itself (ibid.).

According to Bernstein, there are two types of protest in which Chinese citizens have engaged: legal means to seek redress for grievances, including petitioning, lawsuits and village-level election of local officials; and means considered illegal - namely, sit-ins, road blockades, demonstrations and evasion of taxes or fees (ibid., 2). The Chinese petitioning system allows citizens to present letters of complaint or to visit petition bureaus to express dissatisfaction with the actions of local officials (HRW Dec. 2005, 3). Petitioners can file complaints at the village, township, county, provincial, and national levels (ibid., 4). Human Rights Watch (HRW) reported that in a 2004 survey of petitioners, the Chinese Academy of Social Sciences (CASS) found that the most common sources of grievance were as follows: local government corruption, use of excessive force by local officials to extract fees or taxes, election fraud, land appropriation by the government, and the arrest or beating of fellow petitioners (ibid., 30-31). A report by the Central News Agency of Taiwan cited by Asia Times Online found that more than 120,000 petitioners appeared before the Supreme People's Court in Beijing in 2003 (Asia Times Online 29 Oct. 2004).

Besides the petitioning system, however, there are few other legal avenues for those with grievances to seek redress (HRW Dec. 2005, 4; see also Tanner 14 Apr. 2005, 6) and, according to legal scholars, the courts "are too weak and tightly controlled to resolve grievances that ordinary people have against the government or the party" (NYT 20 Jan. 2006). According to Tanner, the rise in civil unrest can be at least partly attributed to "the lagging development of China's political and legal institutions," particularly the absence of legal channels for airing grievances, poor implementation of the law and "pervasive corruption" (14 Apr. 2005, 6). Only two provinces have arbitration panels available for farmers who have lost their land to claim compensation, while the only option for most peasants in such cases is petitioning in Beijing (Time Asia 5 Mar. 2006). The Los Angeles Times remarked that public demonstrations "are evidence of the government's failure" to provide citizens with the means to seek redress through the courts (11 Feb. 2006).

Perceived corruption among government officials has been cause for agitation among peasants (Asia Times Online 9 Mar. 2006; Los Angeles Times 11 Feb. 2006; Washington Post 1 Aug. 2005; see also Tanner 14 Apr. 2005, 6). The Economist observed that "[w]idespread corruption and an increasingly conspicuous wealth gap fuel a contempt for officialdom" (29 Sept. 2005). According to a 24 October 2005 Time magazine article, local governments in China must secure electoral control of the townships in order to be able to sell village land (Time Asia 24 Oct. 2005). Thus, the same article explained, "[i]n China's countryside, new alliances of elites have emerged among township officials, companies, high-ranking cadres, village leaders and the hired fists they employ to do their dirty work, and whom farmers call 'the black force'" (ibid.). One former Communist party chief in the city of Dingzhou in Hebei Province, for example, was found by a court to have hired "thugs" to physically abuse peasants who had protested low levels of compensation for appropriated land (Asia Times Online 16 Feb. 2006). In Chizhou, Anhui Province, about 10,000 residents protested in the streets against what they perceived to be collusion between local officials and business interests after a local resident was attacked by the bodyguards of an investor visiting from out of town (Washington Post 1 Aug. 2005). In his testimony to the US-China Economic and Security Review Commission, Tanner argued that "failures of governance" were at the root of the most common sources of grievances, which included "predatory and illegal tax burdens on peasants, judicial corruption ... [and] fraudulent financial schemes" (Tanner 14 Apr. 2005, 6). With reduced tax revenue coming from the central government, local officials reportedly imposed taxes and fees on peasants who were often unable to afford them (Time Asia 24 Oct. 2005; see also Bernstein 2004, 2; RFE/RL 6 Sept. 2005), and used violence to extract the money (Bernstein 2004, 2). The tax "burden," according to Time magazine, was "a classic cause of rural unrest" in China (Time Asia 24 Oct. 2005).

Sources also cite the consequences of rapid economic reform and development as a major cause of public protest in China (The Economist 29 Sept. 2005; FIDH 1 Mar. 2005; Tanner 14 Apr. 2005, 5; Time Asia 24 Oct. 2005), an observation which Chinese government officials have also reportedly made (ibid.; see also Tanner 14 Apr. 2005, 5). Since the mid-1990s, when the government introduced the privatization of small- and medium-sized state-owned enterprises (SOEs), workers have been laid-off in the hundreds of thousands and faced poverty amid an inadequately reformed social security system (UN 16 Dec. 2005a, Ch. 2; 4). While income inequality has increased (Time Asia 24 Oct. 2005; Tanner 14 Apr. 2005, 5), wages, pensions, housing
allowances and other social benefits have been withheld (ibid.). In January 2006, for example, workers at a military factory that was to be sold clashed with police after a three-day protest in southwestern China over the lack of compensation for loss of jobs (AP 23 Jan. 2006). Unpaid back wages in 2004 were estimated to be around US$43 billion, according to the International Federation for Human Rights (Fédération internationale des ligues des droits de l'homme, FIDH) (1 Mar. 2005).

Since the 1990s, improvements in the income level of rural residents have been slower than those of urban residents (UN 16 Dec. 2005a, Ch. 2; 4), to the extent that the income gap between city-dwellers and peasants in China is "among the highest in the world" (UN 16 Dec. 2005b). According to The New York Times, "[p]easants, migrant workers and former employers of bankrupt state-run factories in the cities - collectively the overwhelming majority of China's 1.3 billion people - have tended to benefit far less from the prosperity than the budding urban middle class and party elite" (20 Jan. 2006). Income inequality "has undermined popular faith in economic reform and stoked widespread suspicions that those who have 'gotten rich first' did so through corruption and connections rather than hard work and innovativeness," according to police officials cited in Tanner's testimony (14 Apr. 2005, 5).

Tanner argued in his testimony before the US-China Economic and Security Review Commission that the "fastest growing source of protests" has been land seized for construction projects and the disagreements and evictions that have ensued (Tanner 14 Apr. 2005, 6). According to the Los Angeles Times, "[o]ne recent academic study found that as industrialization and urbanization increase the demand for rural land, developed coastal provinces like Guangdong are increasingly becoming the site of violent clashes over land-use rights" (11 Feb. 2006). In the 1990s, state-subsidized housing in the cities was privatized (The Economist 29 Sept. 2005), leading to a booming real estate market (HRW 25 Mar. 2004b) and disputes between property owners and developers keen to appropriate land to build shopping malls and luxury housing (The Economist 29 Sept. 2005). In Beijing, for example, demolition, eviction and construction have accelerated in anticipation of the 2008 Olympics, to be held in the city (HRW 25 Mar. 2004b). According to HRW, residents in Beijing, Nanjing and Suzhou Province reported that homes were destroyed by bulldozers in the middle of the night (ibid.). Such "violent evictions" often occurred after months of disputes and failed attempts at remedying them through legal channels (ibid.). National demolition regulations, HRW stated, require developers to pay compensation, but in some cases, that compensation has been paid to local authorities rather than to the residents, leading the latter to suspect embezzlement of funds by the officials (ibid.).

In rural areas, where 70 per cent of the Chinese population lives (Time Asia 5 Mar. 2006), peasants are able to lease farmland for between 25 and 30 years (EIU 30 Jan. 2006; see also The Economist 23 Mar. 2006a), but some local officials have broken farmers' leases in order to sell the land to developers (EIU 30 Jan. 2006). Evicted tenants and property owners often accuse government officials of colluding with developers and taking a sizable portion of profits from the land sale while the former residents receive minimal compensation (Tanner 14 Apr. 2005, 6). The Economist reported that since the early 1990s, local governments have forcibly appropriated land from 40 million peasants, "with little or no compensation" (The Economist 23 Mar. 2006b). Ninety per cent of profits from land sales since 2003 have ended up in the hands of local officials, "peasants' protests are a sign that issues of land payment have not been satisfactorily solved" (16 Feb. 2006). Evicted residents have held street protests in a number of Chinese cities, HRW stated (HRW 25 Mar. 2004a), and Asia Times Online reported that "peasants' protests are a sign that issues of land payment have not been satisfactorily solved" (16 Feb. 2006).

Environmental issues connected to rapid industrialization have also fuelled public protests (Los Angeles Times 11 Feb. 2006; RFE/RL 6 Sept. 2005). Factories in rural areas have been a source of problems for peasants, Radio Free Europe/Radio Liberty (RFE/RL) reported, but these problems have not been properly remedied (ibid.). In Meishan township, Zhejiang Province, for example, Radio Free Asia reported that about 10,000 villagers protested in the streets after failed attempts to alert authorities and the media of suspicions that pollution from one of the factories in the area was linked to high lead content in their children's blood (ibid.).

**Unrest in Guangdong**

The Economist observed that Guangdong Province has been "the scene of some of the most violent peasant protests reported recently" (23 Mar. 2006a) while a Beijing-based activist told the BBC that "[p]rovincial governments are getting stronger and more corrupt ... [a]nd Guangdong is strongest and most corrupt of all" (BBC 17 Jan. 2006). According to experts cited in a 19 April 2006 Los Angeles Times article, more protests over land rights have been reported in the "wealthier coastal provinces" partly because economic development in those provinces has driven the value of land higher than in other parts of the country, and officials there have thus been more eager to appropriate land.
In Dongzhou village, protests occurred over allegations of inadequate compensation for land appropriated to build a power plant (Straits Times 25 Feb. 2006; see also The Economist 14 Dec. 2005; NYT 14 Dec. 2005). Villagers reportedly began to petition the government in June 2005 but in early December 2005, hundreds of them took to the streets and clashed with police over the course of two days (Straits Times 25 Feb. 2006). While local officials claimed that three people died during the confrontation, villagers told the foreign media that as many as 20 people were killed (The Economist 14 Dec. 2005). After the deadly confrontation between villagers and the police, officials from the Shanwei City government, which is responsible for Dongzhou village, were reportedly sent to deal with the protesters' grievances (Straits Times 25 Feb. 2006).

Protests over the issue of land sales, unfair compensation and official corruption also took place in 2005 in Taishi village (Asia Online 9 Mar. 2006; Reuters 27 Dec. 2005), where attempts by residents to remove the elected village chief from office culminated in sit-ins, blockades and clashes with riot police (Asia Times Online 9 Mar. 2006). More than 400 of the 1,500 registered voters in Taishi village signed a petition to throw the chief out of office and hold new elections, but auditors chosen by the government did not find any evidence of wrongdoing by the village committee, and no new elections were held (ibid.). Asia Times Online, however, reported that in the weeks following the protests in Taishi, similar demonstrations broke out in nearby villages (ibid.). In the city of Guangzhou, forced evictions were the most common source of civil unrest in 2003 and 2004, according to a police report cited in Murray Scot Tanner's testimony (Tanner 14 Apr. 2005).

Days-long demonstrations over compensation for seized communal farmland, staged by residents of Panlong village in January 2006, ended with police intervention and the death of a 13-year-old girl (Time Asia 5 Mar. 2006; see also Straits Times 25 Feb. 2006). Villagers told Time magazine that they twice sent representatives to Beijing to have their complaints about the land acquisition heard, but nothing came of their efforts (Time Asia 5 Mar. 2006). Similarly, peasants in Aoshi village told The Straits Times that they had filed a number of petitions with various government offices over what they felt was inadequate compensation for land appropriated by the local government, but had received no redress (25 Feb. 2006). Farmland in Aoshi was bulldozed in the middle of the night for what officials said was the construction of a new fire station (Straits Times 25 Feb. 2006). Hundreds of police officers were reportedly present during the night-time operation (ibid.). Officials threatened to cut the proposed amount of compensation if peasants protested against the land deal, according to villagers who spoke to The Straits Times (ibid.).

Government Response

Chinese state media reported on a message issued by Premier Wen Jiabao in late 2005, warning local officials they may lose their jobs if they did not properly handle land disputes, and singling out the land issue as a potentially destabilizing one for the country (AFP 21 Jan. 2006; see also Asia Times Online 16 Feb. 2006; Reuters 13 Feb. 2006). Narrowing the rural-urban income gap was a top priority for the Chinese government in 2006 (Globe and Mail 9 Feb. 2006), and delegates at the 2006 session of the National People's Congress (NPC) approved a plan to augment spending on services such as health care and education in the rural areas (Asia Times Online 28 Mar. 2006a; Time Asia 5 Mar. 2006) and to eliminate agricultural taxes and other fees paid by peasants (Asia Times Online 9 Mar. 2006; see also The Economist 16 Mar. 2006). Education and health costs borne by peasants would be partly funded by the government through subsidies and insurance schemes, while roads and safe drinking water would be introduced in the rural areas (Reuters 13 Feb. 2006). The commitment to "build .... a new socialist countryside" included the central government pledging a total of US$42.4 billion for rural development, a 14 per cent increase from similar spending in 2005 (Asia Times Online 9 Mar. 2006).

Local governments are responsible for providing services such as health care, education and social security; however, the central government is rarely able to monitor implementation of policies in all the provinces (Time Asia 5 Mar. 2006). An 11 February 2006 Los Angeles Times article argued that funding for rural development is unlikely to reach the peasants, "given the endemic state of official corruption" and experts' doubts about the willingness of the central government to put an end to alliances between business interests and local officials. The Chinese Communist Party, however, reported in late 2005 that overall, corruption among party members was falling, while government figures reportedly showed that close to 50,000 party officials had been prosecuted on corruption-related charges in 2004 and 2005 (Reuters 18 Dec. 2005). Between 2001 and 2005, at least 25 officials were sentenced to death for corruption offences (Globe and Mail 28 May 2005). Yet, according to The Globe and Mail, "the epidemic of corruption continues to flourish," at the local and higher levels of party rule (ibid.). Other media sources were sceptical of the usefulness of cutting rural taxes without alternative funds being made available to local officials, who have instead relied on the sale of farmland, among other things, for revenue (The Economist 23 Mar. 2006a; Time Asia 5 Mar. 2006).
The government decided not to table a new draft law on property rights at the 2006 session of the NPC (The Economist 16 Mar. 2006). Proponents of the bill argued that had it been approved, the law would have protected private property rights as well as rights to compensation when land is taken away (Asia Times Online 28 Mar. 2006b). Property rights are a pivotal factor in rural unrest, according to Asia Times Online, which quoted a Chinese economist as saying that, "[u]nless farmers are empowered to be the masters of their own domain, they will continue to be bullied by local governments and business interests" (28 Mar. 2006a).

### Police Response: Arrests, Beatings and Detention

Authorities have tended to respond to peasants' protests with force, rather than address their complaints, according to RFE/RL (6 Sept. 2005). Special police squads were reportedly set up in 36 cities in August 2005 to deal specifically with public disturbances (RFE/RL 6 Sept. 2005; see also The Economist 13 Dec. 2005). The Financial Times reported that in late 2005, the Chinese government announced it would strengthen the paramilitary People's Armed Police to tackle public protests (19 Jan. 2006). According to Chinese analysts cited by the Los Angeles Times, the central government has "intimidated and imprisoned protest leaders," and attempted to prevent peasants from colluding with activists and intellectuals (19 Apr. 2006).

Murray Scot Tanner, the senior political scientist at the RAND Corporation, pointed out that, cases of violence aside, official police directives instruct officers to avoid incitement of protesting crowds and to instead focus on managing and containing the demonstrations (14 Apr. 2005, 8). In an effort to limit publicized reports of the public disturbances, police must also prevent any unauthorized reporting (Tanner 14 Apr. 2005, 8). Arrests of protest leaders should be made after the crowds have been dispersed (ibid.). Tanner noted, however, that there have been reports of violent tactics being used by police when attempting to defuse protests (ibid.).

In Taishi village, Guangdong Province, where residents had attempted to force an elected official out of office, dozens of protesters and their legal advisers were arrested after launching a petition in July 2005 (BBC 10 Oct. 2005). Some of the protesters were released after they pledged to not push for new village elections (ibid.). Guo Feixiong, an activist who had assisted villagers in their protest and was among those arrested, was released after more than three months in detention (Reuters 27 Dec. 2005). Guo, also known as Yang Maodong (Asia Times Online 9 Mar. 2006), was initially charged with "disturbing social order" and was accused of being a "ring-leader" of the protests in Taishi, a charge he denied (Reuters 27 Dec. 2005). After holding a month-long hunger strike, he alleged he was force-fed by authorities before being taken to a hospital and released from custody (ibid.). Police also reportedly seized documents that protesters alleged showed evidence of embezzlement inside the village committee (Asia Times Online 9 Mar. 2006), while Lu Banglie, one of the legal advisers, was beaten by "hired thugs" (Asia Times Online 9 Mar. 2006; see also Guardian 17 Oct. 2005; ibid. 10 Oct. 2005). In September 2005, hundreds of riot police reportedly broke up a sit-in at the village committee office, using truncheons and water canons to disperse the protesters (Asia Times Online 9 Mar. 2006; see also Reuters 27 Dec. 2005), a common means used to break up protests, according to The Economist (13 Dec. 2005). Video footage circulated on the Internet reportedly showed police beating up protesters during one of the demonstrations (Reuters 27 Dec. 2005).

Elsewhere in Guangdong, protesters in Dongzhou village who clashed with police claimed that close to 20 people were killed in the December 2005 confrontation, but authorities argued that the protesters were armed with knives and gasoline bombs, causing police to respond forcefully (Asia Times Online 9 Mar. 2006; see also Xinhua 12 Dec. 2005). According to The Economist, Amnesty International (AI) stated that it was the first time since the 1989 Tiananmen Square incident that protesters in China were reported to have been killed by police (13 Dec. 2005). The New York Times reported that authorities first responded by preventing all media from reporting on the incident and banned keywords associated with the Dongzhou confrontation from Internet search engines (14 Dec. 2005). A report by the official Chinese news agency, Xinhua, issued a week after the incident, stated that the confrontation was instigated by over 300 armed villagers, and that police were forced to open fire, killing three people (Xinhua 12 Dec. 2005). The report also claimed that protest leaders had used discontent over land acquisition in the village as an excuse for the confrontation (ibid.). The Guangdong provincial authorities, however, criticized the head of the paramilitary forces unit involved in the incident and subsequently detained him (The Economist 13 Dec. 2005). The officer, according to a government statement cited by The Economist, was to face criminal charges (ibid. 14 Dec. 2005). Tension in villages like Dongzhou was high following the protests, according to The Straits Times, which cited rural experts and peasants as saying that local authorities had tightened control over the villages and that residents were fearful of officials and "local thugs" who were collaborating with the authorities (25 Feb. 2006).

In Huaxi village, Zhejiang Province, peasant protests in 2005 turned into a riot after residents put up roadblocks to prevent the construction of chemical factories, which were built on land appropriated by local
officials and which the peasants claimed were poisoning their water and causing health problems (Asia Times Online 9 Mar. 2006). But while the factories were subsequently closed down, Asia Times Online reported that the riot was followed by "massive arrests" and "allegations of torture in detention" (ibid.). Further information on the arrests in Huaxi village could not be found among the sources consulted by the Research Directorate.

HRW reported that in 2004, a number of advocates for farmers' rights were detained by police (23 Dec. 2004). Those arrested included Li Guozhu, who volunteered with a farmers' advocacy group outside Beijing and was detained by police after he went to investigate reported clashes in Henan Province, and Zhao Yan, a researcher and journalist who had assisted farmers with their petition to local and central authorities (HRW 23 Dec. 2004). In 2005, police in Beijing rounded up more than 400 people, including at least 100 petitioners, in advance of the annual NPC session (AFP 1 Mar. 2005). Agence France-Presse (AFP) reported that some of the petitioners were beaten by police (ibid.). Hundreds of petitioners were also reportedly arrested in the days preceding the 2006 session of the NPC, in an attempt to prevent them from airing their grievances (Irish Times 9 Mar. 2006). Petitioners surveyed for a 2004 Chinese Academy of Social Sciences study on the petitioning system, however, said they experienced beatings and kidnappings by plainclothes security officers simply while waiting for their petitions to be heard (HRW Dec. 2005, 5). Some of them were taken back to their home province, in an effort by local officials who hired plainclothes security officers to prevent petitioners from lodging their complaints in Beijing (ibid., 6). Beijing police also played a role by destroying the shantytowns where petitioners stayed during the waiting period and rounding them up "by the thousands" (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection.

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