

Review of the UK Home Office Country Information and Guidance – China: Christians (13 June 2014)

Prepared for the Chief Inspector of Borders and Immigration & the
Independent Advisory Group on Country Information (IAGCI)

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1. Introduction

1.1 Purpose of the Review

This review provides a commentary on the *Country Information and Guidance (CIG) for China: Christians from June 2014* produced by the Home Office (UK Border Agency). It also examines responses to individual Country of Information (COI) Requests. The review is commissioned by the Independent Advisory Group on Country Information, and is therefore drafted in line with instructions received through the IAGCI Chair, Dr Laura Hammond.

This review aims to assess the Country Information in terms of its accuracy and balance, with the objective of ensuring that it offers an up-to-date and comprehensive summary of the most relevant available source material reflecting the human rights situation in China, and relating to it the key issues raised in asylum claims made by Chinese nationals. It does so by checking the citations in the report as well as the original documents from which they are drawn, by evaluating their continued relevance, and by identifying more recent, alternative, readily available sources that will usefully supplement the substantive content of the report.

The scope of the review also includes a more general assessment of the report's coherence and format, commenting on the methods used in its compilation, and offering suggestions on how its structure and/or organisation might be improved to deliver the content more effectively in the context of the report's goals.

2. Overall comments

2.1 Summary of findings regarding CIG for China – Christians (June 2014)

On the whole, the country information provided is balanced, well referenced and relatively up-to-date.

The main areas of improvement relate to (1) the structure of the CIG report and the presentation of the information; and (2) the use of sources.

With regard to the report's structure, the information collected from the sources could be better structured in order to present a more clear and comprehensive text to the reader. Currently, the text does not always take into account existing links between different parts of the information provided, and a number of sections contain overlapping or repetitive information. With regard to the use of sources, the report would substantially benefit from a more varied use of sources. Currently, only a limited number of different sources are referred to. A list of additional sources is provided at the end of this review. This list focuses on sources dating from after June 2014 (publication date of the CIG).

2.2 Understanding of religious issues, content and language

The CIG demonstrates a good understanding of religious issues, in particular Christianity in China, and uses appropriate language.

2.3 Quality and balance of sources

The sources used are for the most part up-to-date, well referenced and balanced. However, the CIG would benefit from a more varied use of sources. A list of additional sources is provided at the end of this report. Furthermore, it is recommended that all of the source references in

footnotes refer to page numbers. This is currently only the case for a limited number of references.

2.4 Responses to COI Requests

On the whole the responses to COI Requests provide relevant information using up-to-date sources. Some responses explicitly state when information on a specific question has not been identified, which is good practice.

For specific comments on each response to the COI Requests, please see **section 5** below.

3. CIG: Specific comments on each section

3.1 Part 1 – Guidance

Section 1.2 (as well as section 1.3.1)

Given that the Chinese State considers Catholicism and Protestantism as two separate religions (see section 2.3.3 of the CIG) and consequently the possible different treatment of these religious groups, it is recommended that decision-makers not only ensure to determine whether the person is a Christian, but also whether the person belongs to the Protestant group or to the Catholic group.

Section 1.3.2

- See also the comments below on section 2.3.1 regarding the estimated number of Christians in China.
- The second sentence of this section (“Officially registered churches lack sufficient capacity to meet the demand; consequently illegal, unregistered churches have mushroomed.”) gives the impression that the lack of capacity of registered churches is the (only) reason for the development of unregistered churches. However, this is not what several subsections of section 2.3 seem to suggest, e.g. subsection 2.3.4: “Catholics and Protestants (...) consistently have not joined officially-sanctioned religious organisations because they refuse, amongst other things, to (...) submit leadership decisions to the government (...) or seek advance permission for all major religious activities or theological positions.” The second sentence of this section therefore should be amended in order to correctly reflect the situation.

Section 1.3.3

The rapid growth in the number of Christians in China, referred to in this section, is a continuing phenomenon. According to a Chinese sociologist, the number of Chinese Christians will reach nearly 245 million by 2030, making China the largest Christian nation in the world. This information could be taken into account. See: China Aid, ‘Interview with China Aid Vice President: China – Will it become the world’s largest Christian nation?’, 17 February 2015, available at:

<http://www.chinaaid.org/2015/02/interview-with-china-aid-vice-president.html>.

3.2 Part 2 – Information

Comments on structure:

Section 2.1

Section 2.1 provides an overview of the country of origin information. In its current form, positive developments and remaining challenges are listed in an ad hoc manner. The structure could be improved, for example by starting the overview with a brief overview of the formal situation (legal dimension), followed by the actual situation, covering both positive evolutions and remaining challenges. The following is a suggestion as to a new structure (footnotes are left out):

2.1.1 The Chinese constitution and the Regulations on Religious Affairs (in force since 2005) provide for freedom of religious belief and prohibit discrimination based on religious grounds. However, only religious groups belonging to one of the five state-sanctioned “patriotic religious associations” are permitted to register with the government and legally hold worship services. Other, unaffiliated religious groups are not permitted to register as legal entities. **[Paragraph added by author]**

2.1.2 Christianity is a fast-growing phenomenon in China, and notwithstanding a variety of official and social sanctions against it, the majority of Christians are able to worship and practice without facing serious difficulties. Millions of Chinese Christians manifest their beliefs openly, and senior government officials have praised religious communities’ positive role in society, and urged approved religious groups to promote ‘economic and social development’ and ‘socialist principles’.

2.1.3. In February 2012, the State Administration of Religious Affairs (SARA) and five other organs jointly published an opinion supporting religious organisations’ involvement in disaster relief and social service activities, ostensibly opening new avenues for faith-based organisations to provide aid to the public. Also in 2012 **[added by author]**, new directives were issued ~~in 2012~~ **[removed by author]** to allow approved religious groups to conduct some charitable activities.

2.1.4 However, many challenges remain **[added by author]**. The government emphasizes state control over religion and restricts the activities and personal freedom of religious adherents when these are perceived, even potentially, to threaten state or Chinese Communist Party (CCP) interests, including social stability. Local authorities often pressure unaffiliated religious believers to affiliate with patriotic associations and use a variety of means, including administrative detention, to punish members of unregistered religious or spiritual groups. In some parts of the country, however, local authorities have tacitly approved of or do not interfere with the activities of unregistered groups.

2.1.5 Since 1999, the US Secretary of State has designated the country as a “Country of Particular Concern” (CPC) under the International Religious Freedom Act for particularly severe violations of religious freedom. China was re-designated as a CPC in August 2011. During 2012, the government detained over a thousand unregistered Protestants, closed ‘illegal’ meeting points, and prohibited public worship activities. Unregistered Catholic clergy remain in detention or disappeared.

2.1.6 Also according to Freedom House, an American NGO researching on human rights and freedoms, religious freedom in China is sharply curtailed. Religious and ethnic minorities remained a key target of repression in 2012, with several deaths in custody reported. **[Paragraph added by author; based on current section 2.2.4]**

Section 2.3

In section 2.3, information is frequently repeated in different subsections, or information in subsections seems to overlap. Identical, similar, overlapping or related information – for example, information on the promotion of clergy, the detention of religious leaders, disappearances or violence – could be grouped together. For example, sections 2.3.5, 2.3.7 and 2.3.8 all include similar information on the detention of Protestants. Bringing this information together would render the text more coherent. In addition, discussing events in chronological order and grouping together events dating from the same year is also recommended to improve clarity.

In view of this, the global structure of sections 2.3-2.4 could be improved. The following is a suggestion for an improved structure (replacing/integrating current sections 2.3 and 2.4):

2.3 Treatment of Christians in practice

2.3.1 General

(Parts of current sections 2.3.1, 2.3.3, 2.3.4, 2.3.7, (2.4))

2.3.2 Protestant Christians

2.3.2.1 Registered versus unregistered churches

(Parts of current sections: 2.3.5, 2.3.6, 2.3.8, 2.3.10, 2.3.11, 2.3.12)

2.3.2.2 Pressure, violence, detention and disappearance

(Parts of current sections: 2.3.5, 2.3.7, 2.3.8, 2.3.9, 2.3.10, 2.4)

2.3.3 Catholic Christians

2.3.2.1 Relations between China and the Vatican

(Parts of current sections: 2.3.1, 2.3.2, 2.3.3, 2.3.14)

2.3.2.2 Registered versus unregistered churches

(Parts of current sections: 2.3.3, 2.3.11, 2.3.13, 2.3.15, 2.3.17)

2.3.2.3 Pressure, violence, detention and disappearance

(Parts of current sections: 2.3.2, 2.3.15, 2.3.16)

Comments on sources and references:

- Only a limited number of references in footnotes refer to page numbers (notes 16-19). Adding page numbers in all references is recommended, in order to ensure consistency and more accurate referencing.
- Section 2.3.7: this section refers to the US Commission on IRF's Annual Report for 2013, published in April 2014. On the other hand, footnote 18, as well as footnotes 15, 16, 17, 19, 21, 22, 25, 26, 27, 28, refer to 2013 both as the year covered by the report and as the year of publication. Similar mistakes in the references in footnotes 2, 4, 13 should be addressed.
- Only a limited number of different sources are referred to (mainly the US Department of State's IRF Reports, the US Commission on IRF Annual Reports and reports by the Freedom House). The report would substantially benefit from a more varied use of sources on the situation of Christians in China. See section below on 'additional recommendations for sources'.
- The UK Home Office Operational Guidance Note on China of October 2013 was updated on 6 December 2014. Section 3.11 deals with the 'involvement with illegal religious organisations'. Any updates in this section should be integrated in the CIG.

Comments on content:

Section 2.1.2

- Regarding: “China was re-designated as a CPC in August 2011.”

This information should be updated. China was re-designated as a country of particular concern (CPC) in 2014. See: US Department of State: International Religious Freedom Report for 2013, published on 27 July 2014, available at: <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

Section 2.2

This section (and the CIG in general) refers to ‘Christians’, ‘Catholics’ and ‘Protestants’. No reference is made to the Orthodox Church, while the UK Home Office Country of Origin Information Report for China of 12 October 2012 includes a section on the Orthodox Church (subsections 18.38 and 18.39). See:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311399/China_COI_report_2012.pdf.

A section on the Orthodox Church should be added in the CIG.

Section 2.2.1

- Regarding: “According to the US International Religious Freedom Report 2013, it is not possible to take legal action against the government on the basis of the religious freedom protections offered by the constitution.”

This sentence is not referenced. It is not clear whether the sentence refers to the US IRFR 2013 published in 2014, or to the US IRFR 2012 published in 2013. Furthermore, it would be useful to elaborate on the reasons why it is not possible to take legal action against the government.

- While this section refers to the International Covenant on Civil and Political Rights (ICCPR), the Chinese constitution and Chinese criminal law, it does refer to the Regulations on Religious Affairs (No 426) of 7 July 2004, into force since 1 March 2005, available at: <http://www.refworld.org/docid/474150382.html>. On the other hand, reference to these Regulations is made both in the Guidance (section 1.3.8) and in Annex A. These Regulations are an important facet of the applicable legal framework on religious belief in China, and therefore must be referred to and discussed in section 2.2. They set out the conditions under which religious churches and leaders may operate in China. In line with the Chinese constitution, Article 2 of the Regulations provides that “citizens have freedom of religious belief”.

Section 2.2.4

The first two sentences of this section would better fit in section 2.1 (*see above 3.2 Part 2 – Information/Comments on structure/Section 2.1/Subsection 2.1.6*). In addition, the second sentence makes reference to 2012, while more recent information is provided on the online website of Freedom House (2013, 2014 and 2015). See: <https://freedomhouse.org/report/freedom-world/2015/china#.VSUnX9ysXtE>.

The other sentences of this section overlap with section 2.2.3 and could therefore be integrated in that section.

Section 2.3.1

Regarding: “In addition, according to SARA, there are more than six million Catholic Christians on mainland China, 5.7 million of whom are affiliated with the Chinese Patriotic Association (CPA).”

This sentence lacks a reference.

For further information on the current total number of Christians in China, see:

- The Telegraph, ‘China on course to become 'world's most Christian nation' within 15 years’, 19 April 2014, available at:
<http://www.telegraph.co.uk/news/worldnews/asia/china/10776023/China-on-course-to-become-worlds-most-Christian-nation-within-15-years.html>.
This article refers to the estimate of 70 million Christians.
- The Christian Science Monitor, ‘In China, a church-state showdown of biblical proportions’, 11 January 2015, available at:
<http://www.csmonitor.com/World/Asia-Pacific/2015/0111/In-China-a-church-state-showdown-of-biblical-proportions>.
This article refers to the estimates of 70 million and 80 million Christians.
- China Aid, ‘Interview with China Aid Vice President: China – Will it become the world’s largest Christian nation?’, 17 February 2015, available at:
<http://www.chinaaid.org/2015/02/interview-with-china-aid-vice-president.html>.
This article refers to the estimate of 80 million Christians.

Sections 2.3.2 and 2.3.3

Sections 2.3.2 and 2.3.3 contain brief references to positive developments regarding the relations between China and the Vatican. This information could be further elaborated and updated.

Section 2.3.2 refers to ‘some reconciliatory action’ (first sentence). It is not clear which source is linked to this statement, or whether it refers to the previous section (2.3.1).

Section 2.3.3 refers to ‘(...) inching closer towards mutual accommodation’ (last sentence). This statement is linked to a source of 2011. Further information on ‘mutual accommodation’ could be included

More recent sources could be added. For example: S. Tiezzi, ‘Can China and the Holy See overcome their differences?’, The Diplomat, 16 August 2014, available at:
<http://thediplomat.com/2014/08/can-china-and-the-holy-see-overcome-their-differences/>:

“China does not recognize the pope’s authority over the Chinese Catholic Church. Chinese Catholics who do look to the Holy See for spiritual leadership worship in underground churches. These congregations and their leaders face the risk of imprisonment by Chinese authorities. At least eight bishops and priests from these underground churches have been arrested, much to the Vatican’s dismay. The Vatican sees a lack of religious freedom as a major stumbling block to deeper relations in China. Furthermore, the Holy See seeks unity

between China's government-sanctioned and underground Catholic churches – which would require Beijing to tacitly accept Catholic congregations who embrace papal authority.”

“Despite the impasse, there are signs that both sides are working toward some sort of compromise, perhaps involving the joint approval of new bishops. *Reuters* reports that unofficial emissaries are carrying messages between Beijing and the Vatican. Pope Francis also said that he and President Xi Jinping have exchanged letters.”

The article furthermore refers to an article published in a Chinese online newspaper (People's Daily Online), which refers to a statement by a Foreign Ministry spokesman (February 2013) on the relations between China and the Vatican. The spokesman stated that ‘China is willing to develop relations with the Vatican if the Vatican severs its diplomatic ties with Taiwan and refrains from interfering in China's internal affairs’. See: <http://en.people.cn/90883/8133520.html>

Section 2.3.3

The first sentence of this section, referring to the estimated number of Christians in China, overlaps with similar information in section 2.3.1. This sentence would therefore fit better in that section.

Section 2.3.9

The last sentence of this section refers to the arrest of Protestants in 2012 and re-education condemnations. Similar information is provided in section 2.3.5 (second sentence). It should be checked whether these sections deal with the same events, and where that is the case, the information should be merged.

Section 2.3.10

Regarding: “The government has banned at least 18 Protestants groups.”

It should be checked whether this information is related to the condemnation of 18 religious leaders, referred to in section 2.3.5 (second sentence).

Section 2.3.11

This section, on Christians belonging to registered Churches, does not specify whether the persecution referred to targeted Protestants or Catholics in particular. It would be useful to include this information if available.

Section 2.3.12

The website link referred to in footnote 24 does not work: “Al Jazeera News Agency: ‘Christianity: China's best bet?’ 1 June 2011, <http://www.aljazeera.com/programmes/101east/2011/06/2011629646319175.html>”.

The following link seems to be the correct one:

<http://www.aljazeera.com/indepth/features/2011/06/2011629646319175.html>

In addition, note that the date referred to (1 June 2011) is incorrect. The correct date is 1 July 2011.

Section 2.3.14

This section overlaps with section 2.3.1. These sections should be merged.

Section 2.3.15

The first sentence of this section overlaps with/repeats the last sentence of section 2.3.13. These sections should be linked to each other and repetitive information should be deleted.

Section 2.3.16

The abbreviation “CECC” is used here for the first time in the text, therefore it should be written in full: “US Congressional – Executive Commission on China (CECC)”.

Section 2.4

Sections 2.4.1 to 2.4.3 seems to mainly relate to Protestant Christians. In such a case, which needs to be verified, the title of section 2.4 does not fully correspond to its content. In the suggested new structure for sections 2.3 and 2.4 (see above), these sections could be integrated in (suggested) section 2.3.2.2.

3.3 Annex A: Sources and background information

- The sources are currently listed in a random order. It is recommended to list them in alphabetical order instead.
- A number of sources listed do not mention any date of publication. This is the case for information on websites (e.g. Radio Free Asia and Open Doors UK). Where possible, dates should be added.
- Only nine sources are referred to. In addition, three to four of these sources are already cited throughout the CIG (mainly the US Department of State’s IRF Reports, the US Commission on IRF Annual Reports and reports by the Freedom House). The CIG would substantially benefit from a more varied use of sources on the situation of Christians in China. See section below on ‘additional recommendations for sources’.

4. Additional recommendations for sources

The following recent sources (2014-2015) contain useful information on the situation of Christians in China.

- UK Foreign and Commonwealth Office, Corporate report, China – Country of Concern, 12 March 2015, available at: <https://www.gov.uk/government/publications/china-country-of-concern--2/china-country-of-concern#freedom-of-religion-or-belief> and <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=type&docid=54c607e94&skip=0&type=COUNTRYREP&coi=CHN&searchin=title&sort=date>.
- Amnesty International, Report 2014/2015 – The state of the world’s human rights, available at: <https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/>, page 107 and following.

- Freedom House, Freedom in the World 2015 – China, 28 January 2015, available at: <https://freedomhouse.org/report/freedom-world/2015/china#.V5aGuNysXtF> and http://www.ecoi.net/local_link/295269/416288_en.html.
- Freedom House, Special Report, The Politburo's Predicament, January 2015, available at: http://www.ecoi.net/file_upload/1226_1421142226_12222014-fh-chinareport2014-final.pdf.
- Radio Free Asia, Chinese rights lawyer's phone calls limited under house arrest, 8 January 2015, available at: http://www.ecoi.net/local_link/294548/415428_en.html.
- Radio Free Asia, Family uncertain over fate of veteran Mongolian dissident, 5 December 2014, available at: http://www.ecoi.net/local_link/296560/418774_en.html.
- Congressional-Executive Commission on China (CECC): Pastor Zhang Shaojie's harsh sentence highlights China's increasing intolerance of Christianity, 3 November 2014, available at: http://www.ecoi.net/local_link/290278/410587_en.html.
- Society for Threatened Peoples, written statement submitted to the UN Human Rights Council, 16 February 2015, available at: http://www.ecoi.net/file_upload/1930_1425473827_g1503135.pdf.
- Human Rights Watch, World Report 2015 – China, 29 January 2015, available at: http://www.ecoi.net/local_link/295449/416497_en.html.
- Immigration and Refugee Board of Canada: China – The Church of Almighty God, 16 October 2014, available at: http://www.ecoi.net/local_link/291220/411689_en.html.
- Immigration and Refugee Board of Canada: China – Treatment of “ordinary” Christian house church members by the Public Security Bureau, 10 October 2014, available at: http://www.ecoi.net/local_link/291222/411692_en.html.
- Congressional-Executive Commission on China (CECC), Annual Report 2014, available at: http://www.ecoi.net/file_upload/90_1412919632_cecc-annual-report-2014-china.pdf, page 90 and following.
- Christian Solidarity Worldwide, China, Gao Zhisheng: Update, September 2014, available at: <http://www.csw.org.uk/2014/09/01/news/2270/article.htm#>.
- BBC News, China dissident lawyer Gao Zhisheng ‘destroyed by jail’, 14 August 2014, available at: <http://www.bbc.com/news/world-asia-china-28793055>.
- BBC News, The Chinese cult that kills ‘demons’, 13 August 2014, available at: <http://www.bbc.com/news/world-asia-china-28641008>.
- Irish Legal Aid Board, Refugee Documentation Centre, Country Information Pack, China, August 2014, available at: http://www.ecoi.net/file_upload/1930_1412152977_china-august-2014.pdf, pages 9-11.
- US Department of State 2013 International Religious Freedom Report – China, 28 July 2014, available at: <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dliid=222013&year=2013#wrapper> and http://www.ecoi.net/local_link/281857/398938_en.html.
- The Guardian, China's Christians fear new persecution after latest wave of Church demolitions, 5 July 2014, available at: <http://www.theguardian.com/world/2014/jul/05/china-christianity-wenzhou-zhejiang-churches>.
- The Diplomat, S. Tiezzi, China's not anti-religion, it's anti-threat, 12 August 2014, available at: <http://thediplomat.com/2014/08/chinas-not-anti-religion-its-anti-threat/>.
- The Diplomat, S. Tiezzi, Can China and the Holy See overcome their differences?, 16 August 2014, available at: <http://thediplomat.com/2014/08/can-china-and-the-holy-see-overcome-their-differences/>.

- The Economist, Cracks in the atheist edifice, 1 November 2014, available at: <http://www.economist.com/news/briefing/21629218-rapid-spread-christianity-forcing-official-rethink-religion-cracks>.

5. Review of responses to COI requests

i. COI request – Political affiliation (01/15-152)

REQUEST:

- 1. How does the Chinese Communist Party (CCP) identify potential members at further or higher education institutions?*
- 2. What is the procedure to apply for membership of the CCP?*
- 3. What rules does the CCP have regarding members and religious beliefs?*
- 4. If a member breaches the rules on religious belief, what are the likely consequences?*
- 5. How easy is it to resign from the CCP and what are the consequences of such an action?*

The structure of the response is confusing: while five questions are raised, six answers are provided. Answers No 2, No 3 and No 4 seem to relate to question No 2, while answer No 5 seems to be relate to questions No 3 and No 4.

On the content, the questions are answered in an appropriate manner with reference to recent sources, although the answers are very brief and no list of additional relevant sources is provided.

Answer No 6 makes reference to an unclear source, in the full text instead of a footnote, and without providing an online link.

ii. COI request – Religion & ethnicity (01/15-041)

REQUEST: Can you provide information on the status of “Yiguandao” (a religion) in China and the treatment of its practitioners/followers?

The question is answered in a relatively detailed manner, with reference to various, rather recent sources. As little information is publicly available on the status of Yiguandao in China, the information provided in the response can be considered sufficient. The response explicitly states that no current information on the treatment of Yiguandao practitioners could be identified by the Country Policy and Information Team (CPIT). This approach – explicitly mentioning that attempts to locate information were unsuccessful – can be considered good practice.

While dating from December 2009, the following additional source is useful:

Immigration and Refugee Board of Canada, China: Reports of ill-treatment of Tian Dao (Yiguandao) religious practitioners, 1 December 2009, CHN103303.E, available at: <http://www.refworld.org/docid/4dd11b862.html>:

“In 30 November 2009 correspondence, an associate professor of sociology at the Center on Religion and Chinese Society at Purdue University stated that he is not aware of reports of ill-treatment of members of Yiguandao in China (30 Nov. 2009). The Professor of Chinese Studies offered the following general information: “Yiguandao like other technically illegal religious groups operate at best in an administrative grey area. Depending on local conditions, they may have to exist in total secrecy or they could openly run publicly accessible and visible premises. A lot depends on the political climate and attitudes prevailing among local, regional, and provincial authorities. There are areas of China, for example, where (again, technically illegal) Protestant house churches operate openly without much interference from local authorities, while in other regions house church leaders may end up in labour camps. Yiguandao groups, generally speaking, are given less political leeway than Christian groups, though recently there have been signs that official attitudes toward Yiguandao are shifting towards a greater tolerance.” (29 Oct.2009)”

While paragraph 1 of the response refers to “9 January 2012” as the date of response by the British Embassy in Beijing to an information request, corresponding footnote 1 refers to “9 January 2015”. Assuming that these dates should be identical, the error should be corrected.

iii. COI Request – Women & children (04/14-062)

REQUEST: Applicant claims that his daughter born in the UK (but not a British Citizen) will not be recognised by Chinese authorities and the welfare of his child cannot be safeguarded if he were to be removed back to China with the child.

Is there any information available about returning Chinese children born in the UK and their treatment upon return?

The information request is answered with reference to a 2013 China COI Report, three enquiry responses dating from 2012 and 2014 and a number of provisions of the Chinese Nationality Law.

The hyperlinks connected to the references do not work; therefore the references cannot easily be consulted. In addition, it is not clear to what extent these sources provide an answer to the question, as the titles do not specifically relate to the issue of Chinese children born abroad, and the response does not elaborate on the content of the sources. The response simply states that it should be read “in conjunction with” these sources. This answer cannot be considered sufficiently helpful for the reader.

The reference to a number of provisions of the Chinese Nationality Law is only helpful to a limited extent. Of all the provisions cited, only Article 5 seems to be particularly relevant: “Any person born abroad whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality.” It can be concluded that a daughter of Chinese parents who is born in the UK without having the British nationality, is a Chinese national. However, this information is not sufficient to conclude that the welfare of the child will be safeguarded if it were to be removed to China. Additional information is required about the treatment of children born abroad upon their return to China, in particular where the Chinese one child policy has been breached while the parents are/were living abroad.

The following additional source on Chinese children born abroad is useful: China Daily USA, To give or not to give birth abroad, 26 February 2014, available at: http://usa.chinadaily.com.cn/epaper/2014-02/26/content_17307560.htm.

iv. COI Request – Women & children (06/14-017)

REQUEST: Can you provide any information as to whether or not there is a currently a crackdown against families who have given birth to two children, in violation of the family planning scheme in Fujian province in China? In addition if there is a currently a crackdown and a risk of sterilisation for those who have given birth in violation of the scheme.

The response makes a reference to a 2013 China COI Report, section on family planning and the one child policy, and a 2012 COI response regarding the one child policy in Fujian province. While these sources are relevant, the response would be more comprehensive if the particularly relevant parts of these sources were discussed in the response. In addition, the hyperlinks connected to the references do not work.

Paragraph 2 of the response states that “CPIT did find any sources reporting that (...)”, while supposedly the author aimed to state that “CPIT did not find any sources reporting that (...)”.

Paragraph 4 is not specifically relevant to the question posed.

The list of additional sources includes the same source twice (Population and Family Planning Regulation of Fujian Province, 26 July 2002).

v. COI Request – Political affiliation (06/14-107)

REQUEST: The individual has provided evidence that she has had two articles published online in 2013 which provide her photograph and her name (the articles are in Chinese and the individual has provided a Google translation of the articles).

I have taken into account information provided in the Country of Origin Information Report for China dated 20 December 2013 and the Operational Guidance Note for China dated October 2013 regarding treatment of individuals with respect to political affiliation.

I note that there is no information specifically with respect to the UK Branch of China Democracy Party; Please could you advise if there is any information available concerning the treatment of low level members of the UK Branch of China Democracy Party?

The hyperlink connected to the 2013 China COI Report does not work.

Footnote 1 refers to the US State Department's IRF 2012 Report for "Vietnam", while the link itself provides another source, namely the China Country Report on Human Rights Practices 2013, in line with the information provided in the full text. The same applies to footnote 3.

Overall, the response provides an appropriate answer to the question posed, referring to various and for the most part sufficiently up-to-date sources.

Additional useful source: Immigration and Refugee Board of Canada, China: China Democracy Party (CDP) in Guangdong, including structure and activities; treatment of CDP members by authorities (2012-December 2013), 11 December 2013, CHN104687.E, available at: <http://www.refworld.org/docid/543ba4894.html>, in particular section (5) "Treatment of CDP Members by Chinese Authorities".

vi. COI Request – Medical issues (06/14-177)

REQUEST: Applicant is a Syrian national. He has married a Chinese national. He claims that he is not able to return to china with his wife as his passport is only valid for the next 3 months after that it will expire. In order to get visa to go to china your passport needs to be valid for 6 months. Applicant further claims that in order to get residency rights in china as a spouse of a Chinese national, the law in china states that he must have lived in china with his wife for more than 2 years.

The information that I require is as follows:

- *Can applicant go to china as a spouse/ married person of a Chinese national?*
- *What are the requirements/ criteria for applying for a spousal visa to china?*
- *What documents does applicant need to submit to enter China as a spouse of a Chinese national female?*
- *Does his passport need to be valid for 6 months in order to apply for visit visa or spousal visa?*
- *Can he go to China without a valid passport?*

Overall, the question is answered in a detailed, appropriate and straightforward manner with reference to reliable and sufficiently recent sources.

It is not clear why this request and corresponding response is considered to belong to the category of 'medical issues'.

The first sentence of the response contains a mistake: "An email from the British Embassy in Beijing, dated 10 July 2014, responded to the questions below using some ~~sourced~~ ~~some~~ [done by author] information from the Embassy of the People's Republic of China in the United Kingdom."

vii. COI Request – Trafficking (07/14-007)

REQUEST: Applicant has had a positive conclusive decision as a victim of trafficking. She has been traced and attacked in the UK by her traffickers and her mobile number is on a police immediate response list. She claims that the snakeheads have previously contacted her parents by telephone to demand further payment from them. She has not been able to contact her parents since the earthquake in Szechuan and she does not know what has happened to them. She has stated that the snakeheads were in possession of her parents passports. She has significant burns to her arms which she claims would make her easy to find in China because of her injuries. She also has a young UK born Chinese daughter.

Would she be at risk on return to China from her traffickers?

The hyperlink connected to the 2012 China COI Report does not work.

Overall, the question is answered in an appropriate manner, with reference to recent sources.

Additional useful source: Website on human trafficking in East Asia and the Pacific, providing country information in relation to human trafficking. See: <http://www.humantrafficking.org/countries/china>.

viii. COI Request – Geography, economy & history (08/14-062)

REQUEST: This applicant claims to be from the Sichuan Province in China, she has given information about the area but none of the places mentioned by her I can find any detail of, whereas the obvious places such as Chengdu and Chongqing she has failed to mention.

- *Could you please advise if there is a mountain in Sichuan called Shi Zhu Shan Mountain?*
- *Is Chang Sha (Changsha) City in Sichuan?*
- *Is there a place called Hu Nan (Hunan) in Sichuan?*

Are the following villages in Sichuan Chen:

- *Tou Village, Nan Feng, Xiang Yang Village*
- *Is there a primary school called Feng Jin Primary School in Sichuan?*

The response to the questions is incomplete. Some questions have not been addressed. In addition, the structure of the response is confusing. It is recommended that the response uses a structure that corresponds to the structure of the request.

On the other hand, the answers provided to the questions addressed are straightforward and well referenced.

ix. COI Request – Women & children (11/14-050)

REQUEST: My claimant is from the rural part of Jishou, and claims to have left following the birth of a child outside wedlock when she was 20. Her reasons for not being able to return is she fled the country after being unable to pay the fine that was imposed for having a child underage. I have not been able to find anything specific in terms of what the minimum age requirement is to have children and the fines imposed? More interestingly her partner left before her as she claims in china they impose the fine on the man not the woman and as he had fled first they started to pressure her for it? Is this correct?

Also she left in April 2007 and claims she will possibly still be of interest to the Chinese Authorities as everything is system recorded so where ever she goes, i.e. even to get onto a train she will be recognised as the system will recognise her details. To what extent is this correct? Would she still be of interest to the authorities after all this time?

Since entering the UK she has had two more children therefore she will be in breach of the one child policy as well if she is returned? Is this correct as my understanding was children born abroad are exempt. Is there any evidence of this if this is correct?

The hyperlinks connected to the 2013 China COI Report and the 2012 and 2014 COI responses do not work.

Overall, the response is detailed and refers to recent sources. While the response addresses the issue of minimum age requirement for giving birth and the issue of the one child policy in relation to children born abroad, it does not address the question of whether a recording system exists that recognises the details of a person.

With respect to answer No 6, it would be useful to explain the concept of ‘opinions’ on family planning at the start of the answer.

x. COI Request – LGBTI persons (11/14-126)

REQUEST: I am dealing with a female applicant who is a bisexual. It is stated that she cannot return to China due to treatment received by members of the church community before coming to the UK. She claims she was subjected to exorcism for being a lesbian. I would be grateful if you could provide me with any more up to date information on whether she would be protected from the police if she lived openly as a bisexual in China and faced treatment amounting to persecution as a result of this.

The COI Response provides extensive background information on homophobia towards LGBT persons in general from including from families, universities and landlords. Point 6 refers specifically to harassment from authorities of advocates and advocacy groups (reported in a USSD report), while point 7 reports of police harassment and arbitrary detention of LGBT persons (IGLHRC source).

The Response provides a cross-reference to the China COI report 12 October 2012 which is good practice.

While the information on homophobia provides useful contextual information, the response could focus more specifically on lesbians and police harassment to provide a targeted response to the request. As such, the response does not provide a clear answer on whether lesbians lack protection from the police. For example, the Response could be structured according to the following headings:

1. Police treatment of lesbians
2. Other contextual information

Suggestion of sources:

- <http://www.scmp.com/article/983351/chiefs-are-relaxed-over-lesbian-police-group>
- http://www.nytimes.com/2015/04/06/world/asia/chinese-womens-rights-activists-fall-afoul-of-officials.html?_r=0