Freedom of Residence and Movement

Freedom of Residence

The Chinese government continued to largely enforce the household registration (hukou) system established in 1958. The hukou system classifies Chinese citizens as either rural or urban, and confers legal rights and access to public services based on the classification. While the hukou system has become less restrictive than in the past, it still acts as a “mechanism determining one’s eligibility for full citizenship, social welfare, and opportunities for social mobility.” The implementation of these regulations discriminates against rural hukou holders who migrate to urban areas by denying them equal access to social benefits and public services enjoyed by registered urban residents. The hukou system conflicts with international human rights standards guaranteeing freedom to choose one’s residence and prohibiting discrimination on the basis of “national or social origin[,] . . . birth or other status.”

During the Commission’s 2014 reporting year, the Chinese government made uneven progress toward reforming the hukou system. In March 2014, Premier Li Keqiang reported to the National People’s Congress on the government’s plan for “people-centered urbanization,” saying that the government “will grant urban residency . . . to rural people who have moved to cities” and “will reform the household registration system . . . .” The State Council and Central Committee of the Chinese Communist Party issued a plan in March 2014 that lays out the urbanization process from 2014 to 2020 and calls for, among other things, 100 million people to “settle in urban areas” by 2020. Although the plan calls for increasing the proportion of Chinese living in urban areas to 60 percent of the total population by 2020, according to the plan, only 45 percent of the population will hold urban hukou status by that time. Chinese state media reported that while 53.7 percent of China’s population lived in urban areas at the end of 2013, approximately 36 percent held an urban hukou. A November 2013 Tsinghua University study, however, found the percentage of China’s population with urban hukous to be 27.6 percent.

It remains unclear what steps the central and local governments will take to implement the urbanization plan. Government agencies and officials have said that relaxation of hukou restrictions will depend on city size, with the smallest cities “relax[ing] overall hukou restrictions,” while cities of over five million people will “strictly control the scale of population.” In March 2014, Vice Minister for Public Security Huang Ming told reporters that restrictions on obtaining urban hukous in China’s largest cities will remain high to mitigate growing pressure on city resources. In an opinion on hukou reform, the State Council announced that it would “[e]liminate the distinction between rural and non-rural household registration,” although it did not provide details on what steps authorities would take to do so. Similar reforms, previously implemented in several provinces and counties, have not completely eliminated the disparities between rural- and urban-registered residents.

This past year, authorities continued to implement reforms of the hukou system in select areas, including Guangzhou, Beijing, and
Shanghai municipalities. In 2013, the Guangdong provincial government began to implement provisions allowing the children of migrants lacking urban hukou to enroll in vocational schools, and in 2016 these children will be eligible to take university entrance exams in Guangdong. In 2014, Beijing began allowing, with some qualifying conditions, migrant workers’ children to enroll in secondary vocational schools. In 2014, the Shanghai municipal government continued to implement a points-based residential permit system in which migrants’ children can enjoy the same educational opportunities as urban hukou holders if the parents meet several conditions, including age, education, and employment conditions. These limited reforms, however, have not removed the connection between hukou status and access to education. Moreover, the conditions for obtaining urban hukous are reportedly too onerous for many migrants to meet, given their levels of education and income.

International Travel

Chinese officials continued to deny citizens who criticize the government, those citizens’ relatives, and ethnic minority groups, their internationally recognized right to leave the country. Article 12 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed and committed to ratify, guarantees that “[e]veryone shall be free to leave any country . . . .” Under Article 12, countries may restrict this right only in narrow circumstances to protect national security and certain other public interests. Chinese law allows authorities to bar those who threaten state security from leaving the country, but in practice Chinese authorities blocked rights defenders, advocates, and critics from leaving the country.

Uyghurs and Tibetans in particular continued to face heavy restrictions on obtaining passports. According to the U.S. State Department, Uyghurs “were frequently denied passports to travel abroad,” while authorities in Tibetan areas showed “unwillingness . . . to issue or renew passports for ethnic Tibetans.” Some Uyghurs reported that despite a new passport regulation in the Xinjiang Uyghur Autonomous Region (XUAR) intended to simplify the passport application process, they still faced discrimination and, in many cases, had to pay bribes in order to obtain passports.

Article 12 of the ICCPR provides that “[n]o one shall be arbitrarily deprived of the right to enter his own country,” while Article 13 of the Universal Declaration of Human Rights (UDHR) guarantees “[e]veryone . . . the right . . . to return to his country.” The Chinese government, including authorities in the Hong Kong Special Administrative Region, continued to deny the right to leave the country and the right of return to those expressing views the government perceives to be threatening, in violation of international standards. The Commission observed the following representative cases during the 2014 reporting year:

- In September 2013, Chinese authorities prevented human rights defender Cao Shunli from traveling to Geneva to attend a human rights training at a meeting of the UN Human
Rights Council. Chinese authorities criminally detained Cao, reportedly in connection with her advocacy for public participation in China's human rights reports to the United Nations. Human rights organizations linked Cao's March 2014 death in a military hospital to Chinese authorities’ denial of medical care while she was in detention. [For more information on Cao Shunli, see Section II—Criminal Justice and Section III—Institutions of Democratic Governance.]

- In November 2013, Hong Kong authorities refused entry to Wu'er Kaixi, a 1989 student leader and democracy advocate who fled China after the 1989 Tiananmen protests, when he attempted to enter China through Hong Kong. Authorities repeatedly have denied Wu'er entry into China, despite having previously issued an arrest warrant for him. Wu'er sought to visit his elderly parents, who he claims have been denied passports by authorities, in violation of China's international treaty obligations.

- In April 2014, Hong Kong authorities reportedly blocked rights advocate Yang Jianli from entering Hong Kong. Yang reportedly holds a valid Chinese passport, although mainland Chinese authorities repeatedly have prevented him from entering China. Yang was invited to visit Hong Kong by the pro-democracy organization Hong Kong Alliance in Support of Patriotic Democratic Movements in China to visit a new museum commemorating the 1989 Tiananmen protests. Yang claimed that the Chinese central government directed Hong Kong authorities to refuse Yang entry to Hong Kong.

- In June 2014, authorities in Shenzhen municipality, Guangdong province, sentenced rights advocate Yang Kuang to eight months' imprisonment for “illegally crossing the border.” Yang, a Hong Kong resident, was returning to Hong Kong in December 2013 after visiting his wife in Henan province when Shenzhen authorities detained him. Chinese authorities previously detained Yang and canceled his home-return permit after he attempted to visit the artist and poet Liu Xia at her home in Beijing municipality in March 2013.

- During the reporting year, Chinese authorities prevented HIV/AIDS advocates from leaving the country to attend international AIDS conferences. In November 2013, Chinese authorities prevented Yuan Wenli from traveling to Thailand, reportedly by canceling her passport. In July 2014, officials refused to allow Ye Haiyan to travel to Australia; Ye reported that a government employee told her she was on a “red list” of those prohibited from leaving China.

**Domestic Movement**

During the 2014 reporting year, the Commission continued to observe Chinese authorities restricting the freedom of movement of rights advocates and their families as a form of harassment. Article 12 of the International Covenant on Civil and Political Rights provides that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement...”
Xinjiang Uyghur Autonomous Region (XUAR) authorities reportedly restricted XUAR residents’ freedom of movement by requiring those 16 years and older to obtain a document known as a “convenient contact card” if they move from the county-level jurisdiction in which they hold household registration to elsewhere in the XUAR for work, school, or medical treatment, among other reasons, and “rent a home in their new location of residence.”

Authorities increased restrictions on freedom of movement during politically sensitive periods in the 2014 reporting year, including the March meetings of the National People’s Congress and Chinese People’s Political Consultative Conference and the 25th anniversary of the 1989 Tiananmen protests. Representative cases of restrictions on freedom of movement follow:

- Chinese authorities continued to detain Liu Xia, an artist and poet, and the wife of imprisoned dissident Liu Xiaobo, at her home in Beijing municipality. Although Chinese authorities have not convicted Liu Xia of any crime, she reportedly has been detained at home since October 2010, with no access to the Internet or telephone. Liu Xia’s detention is illegal under both Chinese law and international standards. In February 2014, a Beijing hospital refused to admit Liu Xia, who was suffering from heart disease and severe depression, due to “political factors,” after which she unsuccessfully sought to leave China for treatment.

- Chinese authorities reportedly continued to detain Bishop Thaddeus Ma Daqin due to his public resignation from the Chinese Catholic Patriotic Association during his ordination as auxiliary bishop of the Shanghai diocese. Authorities reportedly have held Ma in “soft detention,” a form of extralegal detention, at the Sheshan Regional Seminary near Shanghai municipality.

- In July 2014, public security authorities placed Tibetan writer and activist Tsering Woeser and her husband, writer Wang Lixiong, under extralegal “soft detention” at their home in Beijing. Woeser received an invitation to visit the U.S. Embassy during the U.S.-China Strategic and Economic Dialogue, but “state security” reportedly prevented her from attending. Chinese authorities previously refused to issue Woeser a passport, blocking her from leaving China to accept a U.S. State Department award.

- In April 2014, public security authorities reportedly prevented Mo Shaoping, a human rights lawyer, from meeting with the German vice-chancellor in Beijing. Mo said that police told him they had orders “from above” to keep him from attending the event at the German embassy. Political cartoonist Wang Liming said he attended the meeting but was the only attendee, as police had detained the other four invited guests.

Notes to Section II—Freedom of Residence and Movement

1 PRC Regulations on Household Registration [Zhonghua renmin gongheguo hukou dengji tiaoli], issued and effective 9 January 58.
3 Ibid.
4 Ibid.
5 International Covenant on Civil and Political Rights, adopted and proclaimed by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 2(1), 12(1), 12(3), 26; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217 A (III) of 10 December 48, arts. 2, 13(1).


10 Tsinghua University Investigation Shows China’s Household Registration Urbanization Rate Only 27.6 Percent” [Qinghua daxue diacai yanwu de xinru (2014–2020 nian)], China Youth Daily, reprinted in Xinhua, 5 November 13; Hu Jianhui, “Tsinghua Professor: China’s Hukou Urbanization Rate Only 27.6 Percent, Hukou Reform Lagging Behind” [Qinghua jiaoshou: zhongguo huji chengzhenhua lu jin 27.6% huji gaihe zhijiao], Legal Daily, reprinted in People’s Daily, 28 October 13.


16 Guangdong Provincial Department of Education et al., Implementing Measures for the Participation in Entrance Exams in Guangdong by Children Accompanying Migrant Workers (Trial) [Jincheng wugong renyuan suiqian zinu zai guangdong sheng canjia gaoxiao zhaoxiao de shishi yijian], issued and effective 27 November 13, reprinted in Education Examinations Authority of Guangdong Province.


18 Shanghai Municipal People’s Government et al., Implementing Opinion Concerning the Enrollment of Children Accompanying Migrant Workers Who Migrate to Shanghai in Different Types of Local Schools at Various Levels [Guowuyuan guanyu jin yi bu tuijin huji chengzhenhua de yijian], reprinted in People’s Daily, 31 July 14, paras. 4–7.

19 Beijing Education Examinations Authority, “Questions and Answers on the 2014 Higher Vocational School Entrance Examination Policy for Children Accompanying Migrant Workers in Beijing” [2014 nian jincheng wugong renyuan suiqian zinu zai jing canjia gaoxiao de shishi yijian], reprinted in China News Service, 19 March 14; Shanghai Municipal People’s Government, Trial Measures on Administering the Accumulation of Points for Shanghai Residential Permits [Shanghai shi juzhu zheng jifen guanli shixing banfa], issued 13 June 13, effective 1 July 13.


21 International Covenant on Civil and Political Rights, adopted and proclaimed by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(2).

22 Ibid., art. 12(3).

23 PRC Passport Law [Zhonghua renmin gongheguo huzhao fa], issued 29 April 06, effective 1 January 07, art. 13(7); PRC Exit and Entry Control Law [Zhonghua renmin gongheguo chujiang ruju guanli fa], issued 30 June 12, effective 1 July 13, art. 12(3).


27 International Covenant on Civil and Political Rights, adopted and proclaimed by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12(4).

28 Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 13(2). Article 2 of the UDHR states that “[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as . . . national or social origin . . . birth or other status.” Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution of 10 December 48, art. 2.

29 For more information on Cao Shunli, see the Commission’s Political Prisoner Database record 2009-00195.


35 Clifford Coonan, “Wu’er Kaixi: The Chinese Dissident Who Can’t Get Himself Arrested—Not Even To Go Home and See His Sick Parents,” Independent, 25 November 13; International Covenant on Civil and Political Rights, adopted and proclaimed by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 12. Although Chinese law allows authorities to deny passports to those whose “leaving China will do harm to the state security or result in serious losses to the benefits of the state,” article 12(3) of the ICCPR only permits narrow restrictions on the right to leave the country. For more information, see PRC Passport Law [Zhonghua renmin gongheguo huzhao fa], issued 29 April 06, effective 1 January 07, art. 13(7); PRC Exit and Entry Control Law [Zhonghua renmin gongheguo huzhao guan zheng liancai], issued 30 June 12, effective 1 July 13, art. 12(5).

36 For more information on Yang Jianli, see the Commission’s Political Prisoner Database record 2004-04961.

37 “Holding Valid Chinese Passport, Dr. Yang Jianli Again Refused Entry to Hong Kong” [Chi youxiao zhengzheng huzhao de yang jianli boshi zai jin ban gang’an jichang], Radio Free Asia, 20 April 14; Nora Boustan, “Hong Kong Bars Chinese Dissident,” Washington Post, 7 August 08; Jeffie Lam, “Tiananmen Square Activist Refused Entry to Hong Kong To Attend June 4 Museum Opening,” South China Morning Post, 21 April 14; CECC, 2009 Annual Report, 10 October 09, 164.

38 “Holding Valid Chinese Passport, Dr. Yang Jianli Again Refused Entry to Hong Kong” [Chi youxiao zhengzheng huzhao de yang jianli boshi zai jin ban gang’an jichang], Radio Free Asia, 20 April 14.

39 Jeffie Lam, “Tiananmen Square Activist Refused Entry to Hong Kong To Attend June 4 Museum Opening,” South China Morning Post, 21 April 14.

40 For more information on Yang Kuang, see the Commission’s Prisoner’s Political Prisoner Database record 2014-00138.

41 “Yang Kuang Sentenced to Eight Months in Prison” [Yang kuang bei pan ruyu 8 ge yue], Radio Free Asia, 12 June 14; “Yang Kuang Sentenced by Shenzhen to Eight Months in Prison
for Crossing Border" (Yang kuang yin yuejing bei shenzheng quan jian ban da ye jue), Ming Pao, 12 June 14; "Yang Kuang's Case of 'Illegally Crossing the National Border' To Be Scheduled for Sentencing, Supporters Intercepted En Route" (Yang kuang "touyue biaojian jui" tiansheng jishi), Radio Free Asia, 14 April 14.

42 Rights Defense Network, "Court Record for Hong Kong Democracy and Human Rights Activist Yang Kuang, Accused of 'Illegally Crossing Border'" (Xianggang minzhu weiquan renshi yang kuang biaokong "touyue biaojian jui" tiansheng jishi), 14 April 14; He Huifeng, "Hong Kong Activist Pledges To Continue Human Rights Fight at Trial in Shenzhen," South China Morning Post, 15 April 14.

43 Ibid.


45 See, e.g., "Sentence Completed and After Two Weeks of Soft Detention, Tan Zuoren Returns to Chengdu To Continue Work on His Investigative Report of the Sichuan Earthquake" (Tan zuoren xinjiang bei ruanjian liang hou fang rong, jian xiu wancheng shuan ding daojuan baogao), Radio Free Asia, 16 April 14; Rights Defense Network, "Hangzhou Rights Lawyer Wang Cheng and Family Forcibly Expelled From Hangzhou by State Security" (Hangzhousheng renquan lushi wang cheng xiajia bei guobao xingzheng "quzhi" chu hangzhoushi), 13 April 14; Rights Defense Network, "Before Trial of Liu Ping and Two Others Begins, Many Xinyu Rights Defenders Under Soft Detention" (Liu ping san junzi an kaiting qian xinyu duong ming weiquan renshi bei ruanjian), 16 April 13; Rights Defense Network, "Petitioner Min Xianguo Held in Soft Detention for 11 Hours by Wanggou Public Security Bureau Because of Xi Jinping Visit to Linyi" [Fangmin min xianguo yin xi jingping dao linyi bei wanggou paichusou ruanjian 11 xiaohui], 26 November 13; Rights Defense Network, "With Xu Zhiyong Trial About To Begin, Many Have Personal Freedom Restricted" [Xu zhiyong an kaiting zai, dao ren bei xianzhi renshi ziyi], 21 January 14.

46 International Covenant on Civil and Political Rights, adopted and proclaimed by UN General Assembly resolution 2200 (XXI) of 16 December 66, entry into force 23 March 76, art. 12(1).


46 International Covenant on Civil and Political Rights, adopted and proclaimed by UN General Assembly resolution 2200 (XXI) of 16 December 66, entry into force 23 March 76, art. 12(1).

50 See, e.g., Civil Rights and Livelihood Watch, "CRLW Founder Liu Feiyue Confirmed Detained" [Minsheng guancha zuoren feiyue xinbian zai jiu], 3 March 14; Rights Defense Network, "Shandong Petitioner Min Xianguo Has Freedom Restricted Due to 'Two Sessions'" [Shandongmin xianguo xingman bei ruanjian "lianghui" bei xianzhi], 3 March 14; Rights Defense Network, "Because of 'Two Sessions' June Fourth Victim Qi Zhiyong Held in Soft Detention by Police at Home in Beijing" [Yin "lianghui" beijing liu xianzhi zui qi xiaonian zao zhiyong zao zhangfeng ruanjian 11 xiaohui], 2 March 14; Andrew Jacobs, "Chinese Artist Detained Before Tiananmen Anniversary," New York Times, Sinosphere (blog), 9 May 14; "Pu Zhijiang and Others Incommunicado After Fourth June Discussion Forum; Ding Zilin Prohibited From Returning to Beijing" (Pu zhijiang deng ren liu xianzhi zui qi xiaonian zao zhiyong zao zhangfeng ruanjian 11 xiaohui), 2 March 14; Sophie Richardson, "Dispatches: Clipping a Sparrow's Wings in China," Human Rights Watch, 15 July 14; Patrick Boehler, "Sex Worker Rights Activist Ye Haiyan Says She Is Barred From Leaving China," South China Morning Post, 16 July 14.

51 Ibid.

52 Rights Defense Network, "Court Record for Hong Kong Democracy and Human Rights Activist Yang Kuang, Accused of 'Illegally Crossing Border'" (Xianggang minzhu weiquan renshi yang kuang biaokong "touyue biaojian jui" tiansheng jishi), 14 April 14; He Huifeng, "Hong Kong Activist Pledges To Continue Human Rights Fight at Trial in Shenzhen," South China Morning Post, 15 April 14.

53 Ibid.


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56 For more information on Thaddeus Ma Daqin, see the Commission’s Political Prisoner Database record 2013-00336.

57 “New Shanghai Bishop To Leave CPA Posts,” UCA News, 7 July 12.


59 “Woeser Released From House Arrest” [Weise bei jiechu ruanjin], Voice of America, 10 July 14.


63 Rights Defense Network, “German Vice-Chancellor Visits China, Invites Five Citizen Representatives To Meet, Four of Whom Have Freedom Hindered” [Deguo fu zongli lai hua yuehao huijian 5 wei gongmin daibiao, si wei bei xianzhi ziyou], 24 April 14.