“Beat Him, Take Everything Away”
Abuses by China’s Chengguan Para-Police
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Summary

One October morning in 2010, four Beijing “Urban Management” officers, or chengguan (城管), stopped their car next to the cart of Wang Ren (not her real name), a 32-year-old migrant from Henan province, who was selling grapes. Wang told Human Rights Watch that three of the chengguan officers got onto Wang’s cart and without explanation began confiscating her grapes. When Wang protested, they began kicking her. They then threw her from her cart into the road. While they kicked her, they cursed her, saying “Fxxx your mother. You dare ask us for a reason?” After Wang was tossed from her cart, the fourth chengguan officer, who had silently stood by during the beating, interceded and instructed her three colleagues to stop beating Wang. The chengguan officers confiscated Wang’s grapes and departed. Wang was left with deep bruising from the attack.¹

Since its founding in 1997, China’s Chengguan Urban Management Law Enforcement (城管执法), a para-police agency tasked with enforcing non-criminal urban administrative regulations, has earned a reputation for excessive force and impunity. The chengguan have become synonymous among some Chinese citizens with arbitrary and thuggish behavior including assaults on suspected administrative law violators (some of which lead to serious injury or death), illegal detention, and abuses accompanying forceful confiscation of property.

This report provides an overview of the creation and development of chengguan units over the past 15 years, details recent cases of abuse, and sets forth recommendations for ending the abuses.

In important respects, the concerns highlighted here are illustrative of problems plaguing law enforcement in China more generally: abusive behavior that often goes unpunished, failure to uphold the principle “innocent until proven guilty,” unclear legal regulation, and an obdurate bureaucracy intent on protecting itself. While China allows media coverage of chengguan abuses, regular police on some occasions intervene to protect victims, and

¹ Human Rights Watch interview with Wang Ren (a pseudonym), a Beijing street vendor, December 7, 2010.
there have been some efforts at reform, the problems persist and merit the attention of both Chinese leaders and concerned international actors.

The findings here are based on Human Rights Watch interviews with victims of chengguan abuse and other research in six Chinese cities between mid-2009 and 2011 as well as analysis of Chinese-language sources, including laws, regulations, and academic articles, and review of other published reports of chengguan abuses. An appendix provides details of more than 150 cases of chengguan abuses reported in Chinese national and local media between July 2010 and March 2012.

Victims of chengguan abuse interviewed by Human Rights Watch told us they were slapped, shoved, pushed to the ground, forcibly held down on the ground, dragged, punched, kicked, and thrown from their vehicles to the street. Many of those with whom Human Rights Watch spoke were street vendors, whose status as internal migrants puts them at particular risk of abuse.

Although chengguan personnel have no legal authority to detain suspects, several interviewees said they were detained by them. Some said they suffered physical abuses while detained or while resisting being detained. Many street vendors told us their vehicles and merchandise were confiscated. In some instances, chengguan officers conditioned the return of confiscated belongings on payment of seemingly arbitrary fines, spurring popular speculation of corruption by chengguan authorities.

Chengguan have also been implicated in abusive forced evictions of residents from their homes at a time when alleged collusion between corrupt officials and property developers has created what a Chinese human rights organization has described as a “pandemic of illegal demolition” in China. Chinese journalists who attempt to report on chengguan abuses have also been targeted with illegal detention and physical violence by chengguan.

The report builds on Human Rights Watch work published over the past five years documenting violations by Chinese police and other public security forces, including enforced disappearances, abuses in detention, torture to gain information and confessions, and lack of due process in police investigations and judicial proceedings. And while the Chinese government has launched legal reform initiatives aimed at reducing police abuses, the chengguan, as a non-criminal law enforcement organ, has not yet been
the target of such initiatives. Despite criticism of chengguan abuses by the Chinese public, state media, lawyers, and legal scholars, the Chinese government has failed to develop effective mechanisms to prevent abuses and punish perpetrators.

China’s first chengguan unit began operating on an experimental basis in Beijing in 1997 following passage of the Law of the People’s Republic of China on Administrative Penalty (hereafter, “Administrative Penalties Law”). That law gave municipalities authority to create a new mechanism for enforcing non-criminal municipal regulations and imposing fines on violators. The impetus for the chengguan’s founding included both official frustration with the effectiveness of existing administrative enforcement mechanisms and government concern about the emergence of new perceived threats to social stability in the late 1990s.

The Administrative Penalties Law permits provincial, autonomous region, and municipal governments to transfer law-enforcement duties for relatively minor infractions in areas such as traffic control, environmental regulation, and city beautification from existing municipal departments to new units tasked specifically with such duties. In response, a total of 308 Chinese municipalities formed chengguan units by the end of 2005. Beijing’s ranks of chengguan officers grew from just over 100 in 1997 to 6,200 by July 2010. Chengguan responsibilities also grew exponentially in that period. Beijing’s chengguan currently have legal enforcement power over more than 300 different infractions, extending to “almost every aspect of city residents’ lives.”

In principle, chengguan can be criminally prosecuted for abuses of power under existing Chinese law, but such charges are rarely brought. There is no overarching national regulatory framework laying out the permissible scope of chengguan duties, no uniform training requirements or code of conduct, and no systematic monitoring and investigation of alleged chengguan abuses. Ad hoc, localized regulation and control of chengguan has in at least one case resulted in a city government explicitly training its chengguan to avoid visible signs of abuse when dealing with suspects, implicitly authorizing their mistreatment: a Beijing chengguan training manual circulated online in April 2009 stipulates that in the course of enforcement operations, chengguan should, “In dealing

Concerns about *chengguan* excesses have prompted calls for reform from Chinese legal experts and scholars, with proposed remedies ranging from new, stringent laws on *chengguan* operations and conduct, to outright abolition of the units and transfer of their duties to China’s Public Security Bureau (police). Some municipalities have responded to criticism of *chengguan* abuses by imposing limitations on *chengguan* powers. Those limitations have in some cities included explicit prohibitions on *chengguan* use of “excessive force” in the discharge of their duties. However, other cities have focused on more cosmetic approaches to public criticism of *chengguan* abuses; one notable example is Chengdu city officials’ trumpeting as evidence of reform their creation of special female *chengguan* units who carry out their duties on roller-skates.

Senior Chinese government officials regularly speak of their commitment to the rule of law and their respect for people’s human rights. A 2004 constitutional amendment reads, “The state respects and preserves human rights.” Yet China’s state media continue to report on troubling instances of violent behavior by *chengguan* officers and physical confrontations between *chengguan* and street vendors on a near-weekly basis. A Google search for Chinese-language references to *chengguan* produces literally millions of entries for “*chengguan* beat people” (*城管打人*). Public resentment of *chengguan* abuses and the apparent impunity these forces enjoy have fueled a number of violent protests. Allowing these forces to continue to operate with impunity is likely to fuel greater public resentment leading to more violent confrontations.

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Recommendations

To the Government of the People’s Republic of China

- China’s leadership should publicly and unambiguously condemn chengguan assaults on and illegal detention of suspected administrative law violators, emphasizing that such malfeasance is illegal and announcing new measures to ensure rigorous investigation and, where appropriate, prosecution of chengguan officers believed responsible for such acts.

- The leadership should also establish an independent commission which includes representatives of the Public Security Bureau, the Chinese Communist Party’s Political Legal Committee, and academics and lawyers familiar with problems in the regulation and operations of chengguan to assess chengguan performance and suggest further reforms. The merits and demerits of replacing the chengguan system with other mechanisms of urban administrative law enforcement should be among the topics addressed.

- The Ministry of Public Security (MPS) should consider creating an independent investigatory taskforce with the resources necessary to investigate and bring to account Public Security Bureau personnel complicit in chengguan abuses in Beijing and other cities.

- The State Council’s Information Office should ensure that chengguan abuses are among the issues addressed in the government’s pending National Human Rights Action Plan (2012-2015).

To the Public Security Bureau

- The PSB should create a special unit dedicated to investigating criminal abuses perpetrated by chengguan officers. This special police unit should be given legal authority to conduct spot-checks on chengguan operations and have capacity to respond to reports of chengguan abuses whenever and wherever they occur.

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authority of the police to intervene to halt *chengguan* abuses, however, should be
general and not limited to a special unit.

- The PSB should create 24-hour telephone and internet hotlines for victims of
  *chengguan* abuses to report misconduct to the new police unit.
- The PSB should ensure that all victims of *chengguan* abuses receive appropriate
  medical and legal assistance and compensation for their losses.
- The PSB should also initiate a mass public education campaign on the legal rights of
  street vendors, including their right not to be physically abused or illegally detained by
  *chengguan* officers, even when they lack vending permits. Campaign targets should
  include police, *chengguan*, and all public security forces, reminding them of their
  obligations to protect the rights of all persons, including street vendors, and the
  potentially severe legal penalties that abuse of those rights entails.

To Provincial, Autonomous Region, and Municipal Governments in China
with *Chengguan* Enforcement Organs

- Publicly and unambiguously condemn *chengguan* assaults on and illegal detention of
  suspected administrative law violators, emphasizing that such malfeasance is illegal
  and announcing new measures to ensure rigorous investigation and, where
  appropriate, prosecution of *chengguan* officers believed responsible for such acts.
- Educate *chengguan* officers in the rights of all people, including street vendors, and
  the potentially severe legal penalties that abuse of those rights entails. Ensure that all
  *chengguan* training includes components on human rights and the illegality of torture,
  assault, illegal detention, and extortion.
- Review personnel records of existing *chengguan* officers and ensure that any who have
  been implicated in illegal detention, assault, or other abuses are suspended from
  active duty while allegations against them are fully investigated. In cases where there
  is evidence of potentially criminal conduct, records should be shared with police to
  facilitate investigation and possible criminal prosecution.
To Governments and International Bodies Funding Chinese Legal Reform or Concerned with Human Rights in China, including the United States, the European Union, the United Nations, the World Bank, and the Asian Development Bank

- Express strong concerns to Chinese officials about *chengguan* abuses, emphasizing that those abuses violate both Chinese and international law, that perpetrators should be punished, and that victims should be provided with reasonable compensation.
- Raise *chengguan* abuses with Chinese authorities in legal reform and security sector training programs, including relevant educational initiatives.
Methodology

Human Rights Watch conducted research on human rights abuses by chengguan authorities in the municipalities of Beijing, Shenyang, Huangshan, Kunming, Nanjing, and Qingdao from mid-2009 through 2011. Those municipalities were selected in part because state media reports of chengguan-related violence were most common in those cities.

The Chinese government does not allow independent, impartial organizations to freely conduct research or monitor human rights, particularly research related to the operations of the nation's security forces. As a result, conducting interviews and gathering credible information presents formidable challenges. Our research thus required a high level of sensitivity to the security of both researchers and interviewees. We conducted interviews only in circumstances in which they could be carried out without surveillance and possible harassment of government officials or security forces.

In all, we interviewed 25 men and women of varying socio-economic backgrounds who had been victims of chengguan abuses. The majority were street vendors and many of them reported that they had witnessed chengguan abuse of other street vendors. We also interviewed an individual whose family members were beaten by chengguan officers in the course of the forced eviction and demolition of their home and a Chinese journalist who told Human Rights Watch how he was beaten by a baton-wielding chengguan officer while covering a public protest.

Interviews were conducted in Chinese and no incentives were offered or provided to persons interviewed. All participants provided oral informed consent to participate and were assured anonymity. Because of a very real possibility of reprisals, we have withheld the names of all of the chengguan victims we spoke with and used pseudonyms in describing their cases.

The report also draws on Chinese academic research, including the 2008 *The Newest Essential Manual for Chengguan Grassroots Work* by China Land Press and a study by the organization Chinese Human Rights Defenders. The report also uses accounts published in the Chinese state media, including the *China Youth Daily, Beijing News, and the People's Daily*, and in international media, including the *Wall Street Journal, Time* magazine, and
Singapore’s *Straits Times*. Many of these reports describe *chengguan* violence and impunity and suggest that *chengguan* abuses take place across the country.

Our findings are consistent with research published in 2011 by Chinese Human Rights Defenders, a Chinese and international nongovernmental group that focuses on exposing human rights abuses and promoting human rights capacity building and advocacy.⁶

In April 2012 Human Rights Watch sent letters to the Public Security Bureau and the Chinese Communist Party’s Political and Legislative Committee detailing the findings and recommendations of this report and asking what actions they were taking or would consider taking to address the concerns raised here. Copies of those letters can be found in an appendix to this report. At the time this report went to press, Human Rights Watch had not received any replies to our letters.

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I. Background

_Chengguan_ Origin and Legal Basis

The legal basis for the creation of the _chengguan_ is the Law of the People’s Republic of China on Administrative Penalty (hereafter, Administrative Penalties Law), passed in March 1996. That law did not specifically call for the creation of the _chengguan_, nor did it use that term. Instead, the law empowered provinces, autonomous regions, and municipalities to “entrust an organization … with imposing administrative penalties” regarding matters falling outside the realm of criminal law and the authority of the Public Security Bureau (China’s police). Over the next six years, China’s State Council, or cabinet, issued a total of four directives which echoed and amplified the objectives of the Administrative Penalties Law.

The goals of the Chinese government appear to have been streamlining enforcement of local administrative regulations which were traditionally the responsibility of multiple local government departments, minimizing opportunities for corruption and abuse of power, and better controlling public unrest.

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8 Ibid., art. 16.


According to Professor Jin Guokun of the Beijing Municipal School of Administration, the government’s intention was to require local municipalities to establish “a comprehensive department for administrative enforcements instead of various departments which were previously responsible” on the rationale that “one department is always better than 10 departments handling the same issue.”\textsuperscript{11} That multi-department approach to administrative law enforcement had also created abuses of power that the central government described in its 1996 Administrative Punishments Circular as part of the motivation to create a new administrative enforcement entity free of such defects.

Some persons in the administrative law-enforcing contingent are low quality at present. Some of them abuse power for personal gain, refusing to provide service without personal gain or misusing power just for personal gain. Some of them even pervert justice for bribes and break the criminal law. Some localities and departments employ contract or temporary workers to carry out the work of law enforcement without necessary funds and other necessary conditions, resulting in a decline in the general quality of the law-enforcement personnel and damage to the image of the government. All localities and departments must pay close attention to that problem, regard the building of an efficient and honest and clean law-enforcing contingent as the key point in implementing the Law on Administrative Penalty.\textsuperscript{12}

The chengguan’s emergence also reflected official concern about potentially destabilizing socioeconomic changes underway in Chinese cities. Policymakers perceived the rising numbers of laid-off or xia-gang\textsuperscript{13} state-owned enterprise employees and the growing

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\textsuperscript{13} The Chinese government classifies former employees of struggling state-owned firms as laid-off or “xia-gang” (下岗) rather than officially unemployed because their former employers are expected to provide them with a living allowance. However, many of the laid-off workers have to fight to secure those basic benefits as struggling state-sector firms shortchange employees to stave off bankruptcy. Owen Brown, “Job Creation Emerges As Priority For China’s New Leaders,” Dow Jones Newswires, October 4, 2002.
\end{flushright}
population of migrant workers from China’s countryside coming to the cities in search of work in the late 1990s as potential threats to law and order. Those changes in China’s urban population mix overwhelmed the Chinese government’s existing urban social control mechanism, the danwei (单位) or work unit, and prompted policymakers to create a replacement, said Chinese Academy of Social Sciences scholar Zhou Hanhua.

Originally [urban social control] issues were handled by the danwei (单位), the work unit, to which Chinese employees were once closely bound. The danwei ... prevented people from engaging in [commercial] enterprises on the side. The decline of China’s state-owned enterprises in the 1990s precipitated the breakdown of the danwei system. At the same time, the country grew increasingly urbanized and millions of migrant workers poured into the cities. The traditional [urban social control] system could no longer manage [so] the chengguan were established to handle the problems of the urban environment.

The Administrative Penalties Law outlines the powers of unspecified “administrative organs” to impose administrative penalties which range from “disciplinary warnings,” “fines,” and “suspension of businesses” to “confiscation of illegal gains or ... unlawful property.” The law also seems designed to create a non-punitive law enforcement ethos, with explicit calls for penalties to be “combined with education” and to reflect “the principles of fairness and openness,” and it acknowledges the right of alleged violators to legally challenge administrative penalties and seek compensation. The Administrative

References:
17 Ibid., art. 8.
18 Ibid., art. 5.
19 Ibid., art. 4.
20 Ibid., art. 6.
Penalties Law also requires that administrative regulation enforcers obey a code of conduct which, among other things, requires that they identify themselves to alleged administrative rule violators\(^{21}\) and inform them of the relevant violation\(^{22}\) and their right to a legal defense.\(^{23}\) According to the *Newest Essential Manual for Chengguan Grassroots Work*, an academic publication, those principles and legal guarantees are routinely flouted.

In reality, *chengguan* law enforcement personnel do not produce their credentials, they confiscate goods illegally, they don’t follow legal process in carrying out their duties to inform. They don’t follow rules for a [legal] hearing either, [so] unfair law enforcement and illegal processes according to the Law of the Peoples Republic of China on Administrative Penalty occur repeatedly and are nothing new.\(^{24}\)

The Administrative Penalties Law does not specify the scope of *chengguan* enforcement powers. It was not until August 2002 that the central government published a directive outlining eight specific areas of administrative law— ranging from environmental sanitation and traffic regulations to urban beautification rules\(^{25}\)— that provinces, autonomous regions, and municipalities may delegate to *chengguan*. But even that directive does not specify permissible and prohibited means of enforcement, or set forth rules to guide the deportment and accountability of relevant enforcement personnel.

\(^{21}\) Ibid., art. 34.
\(^{22}\) Ibid., art. 31.
\(^{23}\) Ibid., art. 32.


\(^{25}\) 2002 年 8 月 22 日 国务院《关于进一步推进相对集中行政处罚权工作的决定》（国发（2002）17 号文） (Decision of the State Council on the Work of Further Promotion of Relative Centralization of Power to Impose Administrative Penalty, effective on August 22, 2002, No. 17), art. 2. The eight categories of chengguan enforcement stipulated by the State Council, China’s cabinet, are as follows: environmental hygiene, urban planning, urban beautification, city administration, environmental protection, industrial operations, traffic law enforcement, and unspecified “other administrative punishment” areas deemed appropriate by provincial, autonomous region, and municipal governments.
The Administrative Penalties Law lacunae have raised persistent concerns among lawyers and legal scholars about the chengguan’s fundamental legality.26 “The legitimacy issue is at the core of all complaints targeted at the chengguan [because] there is no official document stipulating its status as a law enforcer.”27 Beijing lawyer Hao Jinsun has argued that there is “no law or executive order formally sanctioning the existence of the [chengguan]. Its powers have simply been conferred by some municipal government departments and this is illegal.”28 A November 2011 report by the nongovernmental organization Chinese Human Rights Defenders argued that the chengguan’s ambiguous legal basis facilitates “violence, brutality, law-breaking, corruption and human rights abuses” by chengguan personnel.29

A 2007 review of academic research on chengguan duties and powers noted that in some jurisdictions chengguan have “14 functions and more than 300 kinds of power, none of which, however, is endowed by law ... [instead, chengguan functions and powers are adapted] from those of industry and commerce administrations and public security bureaus.”30 The human rights lawyer and legal scholar Teng Biao has asserted that the ambiguities of the Administrative Penalties Law fatally undermine its legal legitimacy:

Since 1997 when the chengguan came into being ... until now there is no national “Chengguan Management Law” or administrative regulations [so] chengguan “law enforcement” has no legal basis. A lack of uniformity and standardization of [chengguan] law enforcement, lack of lead [regulatory]

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agency and the absence of legal supervision has jeopardized the authority of public security.\(^3\)

To remedy that ambiguity and to give the *chengguan* a firmer legal foundation with clear duties and transparent lines of control and command, the Standing Committee of China’s parliament, the National People’s Congress, approved the Law of the People’s Republic of China on Administrative Enforcement (hereafter, Administrative Enforcement Law) on June 30, 2011,\(^3\) after six years of deliberation.\(^3\) Peking University Professor Jiang Mingan described the law as a means to rectify inadequacies in the Administrative Penalty Law which “is too ambiguous and not good enough in terms of checking and balancing the power of [chengguan].”\(^3\)

As with every other law and government directive governing the operations of the *chengguan*, the Administrative Enforcement Law, which came into effect on January 1, 2012, does not mention the *chengguan* by name but instead refers to “administrative organs.”\(^3\) Numerous specific articles of the law, however, define and clarify duties of “administrative enforcement”\(^3\) and “administrative compulsion”\(^3\) in an apparent effort to prevent

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\(^{31}\) “小贩杀死俩城管被判死刑 律师辩词催人泪下”，中国青年报 (北京) [“Vendor sentenced to death for killing two *chengguan*; A lawyer’s heartbreaking defense,” China Youth Daily, (Beijing)], May 10, 2007.


\(^{33}\) Choi Chi-yui, “NPC again considers law to rein in violent city administrators,” South China Morning Post (Hong Kong), April 22, 2011.

\(^{34}\) Ibid.

\(^{35}\) Law on Administrative Enforcement, art. 2. “Administrative enforcement refers to the performance of obligations as legally enforced by administrative organs or by the people’s courts upon applications of administrative organs against citizens, legal persons or other organizations which do not perform administrative decisions.”

\(^{36}\) Ibid. Article 12 of the Law on Administrative Enforcement lists the following “manners of administrative enforcement”:

“(1) Fines or late fees;
(2) Transfer of deposits or remittances;
(3) Auction or legal disposition of premises, facilities or properties that are seized or impounded;
(4) Removal of obstructions or restitution;
(5) Performance on behalf of the party concerned; and
(6) Other manners of enforcement.”

\(^{37}\) Ibid. “Administrative compulsory measures refer to the temporary restriction of the personal freedom of citizens or temporary control of the property of citizens, legal persons or other organizations according to law by administrative organs
chengguan abuses. They include the prioritization of “non-compulsory” enforcement measures and limitations on the power of administrative organs to seize and confiscate property. The law also stipulates a procedure for when and how administrative organs may use “compulsion,” a provision which appears designed to prevent chengguan abuses against members of the public. The law also prohibits administrative organs such as the

in the process of administration for such purposes as stopping illegal acts, preventing destruction of evidence, avoiding damage and containing expansion of danger.” Article 10 of the Law on Administrative Enforcement specifies the following administrative compulsory measures:

“(1) Restricting the personal freedom of a citizen;
(2) Seizing premises, facilities or property;
(3) Impounding property;
(4) Freezing deposits or remittances; and
(5) Other administrative compulsory measures.”

38 Ibid., art. 1. “This Law is formulated in accordance with the Constitution for the purposes of regulating the setting and implementation of administrative compulsion, guaranteeing and supervising administrative organs’ performance of duties according to law, maintaining public interests and social order and protecting the legitimate rights and interests of citizens, legal persons and other organizations.”

39 Ibid., art. 5. “The setting and implementation of administrative compulsion shall be appropriate. If the purposes of administration may be achieved by non-compulsory means, no administrative compulsion shall be set or implemented.”

40 Ibid., art. 23. “Seizure and impoundment shall be limited to the case-related premises, facilities or properties, and no premises, facilities or properties irrelevant to the illegal acts shall be seized or impounded. The daily necessities of citizens and their dependents shall not be seized or impounded. Premises, facilities or property of the party concerned, which have been seized by any other state organ according to law, shall not be seized repeatedly.”

Ibid., art. 28. “Under any of the following circumstances, an administrative organ shall timely make a decision on lifting a seizure or impoundment:

(1) The party concerned has not committed any illegal act;
(2) The seized or impounded premises, facilities or properties are irrelevant to the illegal act;
(3) The administrative organ has already made a handling decision on the illegal act, and a seizure or impoundment is no longer necessary;
(4) The term of seizure or impoundment has expired; or
(5) The measure of seizure or impoundment is otherwise no longer necessary.

Where a seizure or impoundment is lifted, the relevant properties shall be returned immediately. If the fresh goods or other perishable properties have been auctioned or sold, the proceeds from the auction or sale shall be refunded. If the selling price is obviously lower than the market price, causing any loss to the party concerned, compensation shall be made for the loss.”

41 Ibid., art. 18. “1) Before implementation, a report on implementation shall be submitted to the person in charge of the administrative organ and an approval of implementation shall be obtained.

(2) An administrative compulsory measure shall be implemented by two or more law enforcement personnel of the administrative organ.

(3) Law enforcement identity certificates shall be produced.

(4) The party concerned shall be notified to be present.

(5) The party concerned shall be notified on the spot of the reasons and basis for taking the administrative compulsory measure and the rights of and remedies available to the party concerned according to law.

(6) The statements and arguments of the party concerned shall be heard.

(7) On-site transcripts shall be made.

(8) The on-site transcripts shall be signed or sealed by the party concerned and the law enforcement personnel of the
*chengguan* from conducting administrative enforcement actions they are not empowered by law to conduct\(^42\) and reinforces the existing ban on administrative detention of suspects by *chengguan*.\(^{43}\)

A July 5, 2011 assessment of the Administrative Enforcement Law by the Beijing-based legal firm Lehman, Lee and Xu LLP described the law as an advance in Chinese government efforts to “curb the abuse of administrative powers” while providing “protection of the rights of citizens and entities.”\(^{44}\) But commentary on the law by Chinese sources has been mixed. A February 9, 2012, statement by the Urban Management Administrative Law Enforcement Bureau in Huai’an, Jiangsu province, praises the law for having a “pronounced impact on urban management and law enforcement” through the implementation of “more stringent administrative enforcement provisions.”\(^{45}\)

A February 9, 2012 editorial in the *Economic Information Daily*, however, casts doubt on its impact. The editorial describes an incident in Harbin in which *chengguan* confiscated a swing which had hung at the door of a senior citizen’s residence.\(^{46}\) The editorial argues the confiscation violates the Administrative Enforcement Law criteria for such seizure because

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\(^{42}\) Law on Administrative Penalty, art. 13. “Administrative enforcement shall be set by law. Where enforcement by administrative organs is not provided for by law, the administrative organ making the relevant administrative decision shall apply to the people’s court for enforcement.”

\(^{43}\) Ibid., art. 16. “The State Council or the people’s government of a province, autonomous region or municipality directly under the Central Government that is empowered by the State Council may decide to have an administrative organ exercise other administrative organs’ power of administrative penalty. However, the power of administrative penalty involving restriction of freedom of person shall only be exercised by the public security organs.”


the *chengguan* did not produce law enforcement identity documents, did not give legal reasons for the confiscation, and did not notify the affected citizens of their legal rights.47

Despite the confusion surrounding the *chengguan’s* responsibilities and chain of command, their numbers have grown considerably. The first *chengguan* detachment began operations on a trial basis in Beijing’s Xuanwu district in May 1997. By September 2000, *chengguan* enforcement operations had expanded under the direction and regulation of individual municipalities to a total of 65 cities. By the end of 2005, 308 Chinese cities had created *chengguan* detachments out of a total of 656 cities nationwide. Beijing’s ranks of *chengguan* officers grew from just over 100 in 1997 to 6,200 in July 2010.

**Duties and Training**

Individual municipalities define the duties and powers of their *chengguan* units. According to a Chinese academic study of *chengguan* operations, “Provincial, autonomous region and municipal governments decide the [scope of] *chengguan* law enforcement rights … [this has led directly] to local governments allowing *chengguan* duties to excessively affect [citizens] rights and has led to the limitless expansion of *chengguan* scope of duties.”48

*Chengguan* duties can extend to enforcement of municipal government property eviction and demolition orders. These actions frequently involve angry or violent protests between enforcement personnel and aggrieved property owners, situations more appropriate for better trained and qualified police officers.49

Beijing regulations, which other municipalities have adopted as a model, give *chengguan* enforcement powers in 14 areas and stipulate 300 sub-categories of violations for which *chengguan* have the power to impose punishment, including a catch-all “other administrative punishments” category.50 In the area of hygiene, for example, the

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47 Ibid.


regulations give *chengguan* authority to ensure the quality of restaurants’ cooking oil,\(^{51}\) while in the public utilities area they provide that the *chengguan* are to ensure the safety of the city’s gas pipelines.\(^{52}\) During the 2008 Beijing Olympics, the municipal government mobilized more than 5,000 *chengguan* officers to assist with ensuring good air quality during the games.\(^{53}\) In Yantai city in Shandong province, the municipality has empowered local *chengguan* with vague “emergency” law enforcement powers.\(^{54}\) Those responsibilities have allowed for extremely wide interpretation and application which have been criticized for “covering almost every aspect of city residents’ lives … [and] the vital interests of the people.”\(^{55}\)

Both the Administrative Penalties Law and the Circular of the State Council Regarding the Implementation of Administrative Punishments stipulate educational and training qualifications for *chengguan* officers.\(^{56}\) However, numerous legal scholars, lawyers, and civil society activists are skeptical about the implementation of those standards. Certain municipalities employ *chengguan* officers who have not even graduated from high school.\(^{57}\)

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\(^{56}\) Law on Administrative Penalty, art. 19 (2) stipulates that the organization which enforces administrative law should “be staffed with personnel who are familiar with relevant laws, regulations and rules.”

The Circular of the State Council Regarding the Implementation of Administrative Punishments (1) states that “All localities and departments shall, in line with the principle of combining study with practice, pay close attention to the training of administrative law-enforcing personnel, making the personnel have a good grasp of the Law on Administrative punishments.”

The Circular of the State Council Regarding the Implementation of Administrative Punishments (3) states that local governments should “Strengthen the education of law-enforcing personnel … making them enhance their sense of responsibility and consciousness of acting according to law [and] strengthen the qualifications, certifications and clothing of law-enforcing personnel.”

Yao Lifà, a democracy activist and former municipal People’s Congress representative in Qianjiang city in Hubei province, blames the education and skill deficit of many chengguan on the common municipal practice of hiring demobilized soldiers untrained in administrative law enforcement as chengguan. A Nanjing chengguan officer in May 2010 cited “lack of proper training” for frequent incidents of violence involving chengguan officers. “We don’t have enough training to effectively enforce law with manners. We are too often told about the dos and don’ts, but seldom how to work properly.”

The training that chengguan do receive has fueled concerns about chengguan commitment to the rights and safety of Chinese citizens. In April 2009, contents of the Beijing Municipal Bureau of City Administration’s Law Enforcement Training Manual were leaked onto the internet. Sections of the book, described in the preface as China’s “first professional guide to practical city administration enforcement” reportedly suggested the application of violence against citizens in the course of enforcement actions. Among them were instructions for surreptitious violence against perceived rule-breakers: “In dealing with the subject, take care to leave no blood on the face, no wounds on the body, and [ensure that] no people [are] in the vicinity.”

**Chengguan and Street Vendors**

Media reports and interviews by Human Rights Watch suggest that street vendors constitute a large proportion of the victims of chengguan violence. Xie Zhikui, deputy director of the Institute for Social Development at the Shenzhen Academy of Social Sciences, attributes the lack of formal employment opportunities for rural migrants in

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60 Ibid.


62 Ibid.
China’s cities to their participation in the “informal economy” of street vending. Street vending is illegal in most of China’s cities outside of designated outdoor market areas where vendors require government-issued permits. Those restrictions are widely ignored, bringing vendors into conflict with chengguan officers tasked to keep streets, sidewalks, footbridges, and pedestrian underpasses free of illegal vendors.

Street vendors rarely bother to apply for the necessary registration for legal outdoor vending and a senior chengguan official noted in 2008 that municipal governments lack personnel to ensure the efficient issuance of such permits. However, one chengguan official defended his agency’s focus on the activities of street vendors as a response to public complaints about their effect on the areas where they operate. “Chengguan officers … respond daily to residents’ complaints against noise, fumes and pollution caused by street vendors, [even in cases where] they have no legal basis to [sanction the street vendors],” according to Luo Yameng, secretary-general of the National Joint Meeting of the Directors of all Chengguan Bureaus in the Country.

The result is a perception that, “the main task of chengguan officers now is to drive away vendors from pavements and underpasses … [and] many city authorities resort to violent means to remove them.” A November 2011 report by the nongovernmental organization Chinese Human Rights Defenders described chengguan “basic law enforcement methods” in controlling street vendors as including: “Confiscation of goods, kicking vendors’ stands, throwing [vendors’] goods to the ground, gang [style] beatings, triad-style [gangster-like] protection fee collection.” Police statistics issued in 2009 indicate that there are 600

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66 Ibid.
violent incidents annually between illegal vendors and *chengguan* in the city of Guangzhou alone.\(^6^9\) Those statistics do not specify who provoked the violent incidents or whether injuries resulted.

A 41-year-old female street vendor, Ruan Ying, who was the victim of a *chengguan* beating in late July 2010 in Beijing, summarized the fear and confusion felt by vendors toward *chengguan*:

> No reason was given [for the beating]. They never told me what crime I had committed. In fact, up to this day, I still do not know if doing this business is legal or not. We are playing a cat-and-mouse game: the *chengguan* officers arrive, we run. We don’t even understand why they want to arrest us.\(^7^0\)

Professor Cai Dingjian of China University of Political Science and Law believes the *chengguan*’s enforcement focus on street vendors is misdirected and wasteful. Cai suggests that the government replace the *chengguan* with “a new urban service body that will be responsible for registering street peddlers, so that these self-employed people will become part of the city’s business community.”\(^7^1\) Nanjing’s municipal government announced an initiative in July 2009 which would grant vending permits for designated areas to 10,000 low-income earners.\(^7^2\) However, that initiative was limited to citizens with Nanjing household registration, or *hukou* permits,\(^7^3\) thus disqualifying migrants who

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\(^7^0\) Human Rights Watch interview with Ruan Ying (a pseudonym), a Beijing street vendor, Beijing, December 9, 2010.


\(^7^3\) The *hukou* or household registration system, which remains in force, limits many social benefits to registered residents of a particular locale. The system has traditionally imposed stringent controls on the movements of rural residents to urban areas, and continues to constitute a discriminatory barrier to rural migrants’ access to employment opportunities and social welfare benefits that are legally granted to those in possession of an urban *hukou*. International Labor Organization, “Equality at Work: Tackling the Challenges. Global Report under the Follow-up of the ILO Declaration of Fundamental Principles and Rights at Work” (Geneva: ILO 2007), www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_082607.pdf, pp. 34-35.
constitute the majority of China’s street vendors. China’s central government was reportedly mulling a directive in 2009 which would legalize street vending “as a means creating jobs and curbing a rash of violent conflicts between the sellers and the law-enforcement officials who police them.” However, no such directive has yet been issued.

Public Criticism

There are numerous expressions of public concern in China about chengguan abuses. The Wall Street Journal reported that in mid-2010 the most common Chinese-language phrase containing the term “chengguan” searched on Google was “chengguan beat people” (城管打人). In numerous recent Chinese state media editorials, the chengguan have been vilified with epithets ranging from “the epitome of the evils of public power” or derided as law-breaking “X-Men ... with only basic means of attack such an iron stick, a piece of brick, or ... only their hands.” In October 2010, a very popular video game across China was one that involved the player taking the role of a street vendor tasked with having to “defeat 10 waves of attacks by the semi-official enforcers, known as chengguan”. A Shenzhen chengguan official complained to the People’s Daily in October 2011 that he and his colleagues often encounter “verbal abuse, pushing and are sometimes even spat upon” in the course of their duties by members of the public.

In May 2011, the Chinese government released a “Chengguan Image Analysis Report,” which attributed the organization’s poor public image to harsh online commentary which

74 Ibid.
had prompted the public to “demonize” chengguan.81 The report characterized public antipathy toward chengguan as the result of unfair “public prejudice” and “incompetent public relations.”82 A Chinese state media English-language newspaper, the Global Times, ridiculed that assertion: “Chengguan’s notorious reputation is not the result of bad PR management, but a reflection of their real image. In the past few years, the public has witnessed too many violent acts by chengguan.”83

One indicator of public antipathy toward the chengguan is the rising number of protests and riots that have occurred over the past two years in response to alleged chengguan abuses. At least half a dozen such outbreaks of public violence have been reported since 2009, with several involving thousands of protesters who have attacked chengguan and police and damaged chengguan vehicles. Those outbreaks of violence prompted Asia Monitor, an Asia-based risk consultancy firm, to draw parallels in July 2011 between chengguan-related unrest in China and the protests which presaged the popular uprisings in Tunisia, Egypt, and Libya in early 2011.84

In the most recent reported public protest over alleged chengguan malfeasance, a large crowd in Qianxi, Guizhou province, overturned, burned, and smashed 10 chengguan vehicles before dispersing on August 11, 2011, in protest of chengguan operations against alleged illegal parking.85 A similar protested erupted in Anshun in Guizhou province on July 26, 2011, in response to reports that local chengguan had beaten a disabled fruit vendor to death.86 The crowd clashed briefly with city authorities before eventually dispersing.87

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82 Ibid.
83 Ibid.
87 Ibid.
Those two incidents prompted criticism of chengguan law enforcement methods at a meeting of Guizhou’s standing committee of the provincial Chinese Communist Party on August 14, 2011.\textsuperscript{88} Party cadre at the meeting attributed those incidents to inadequacies in Guizhou chengguan enforcement methods.\textsuperscript{89}

[Guizhou chengguan are] low in law enforcement qualities; employ outdated law enforcement style; lack surveillance and supervision regarding the way they enforce the law; fail to enforce the law with civility, impartiality, sensitivity, and a service-oriented and humanized attitude; and fail to adopt a low-key approach, respect the masses, or exercise patience and persuasion while enforcing the law.\textsuperscript{90}

Reform Efforts

On January 1, 2012, the Chinese government implemented the Administrative Enforcement Law,\textsuperscript{91} which the government describes as a means to improve supervision of “administrative organs.”\textsuperscript{92} The law makes no specific mention of the chengguan but certain sections stipulate that “administrative organs” have the right and duty to suspend enforcement of administrative regulations if enforcement risks “irreparable damage”\textsuperscript{93} and specifies restitution or compensation for people affected by errors in administrative regulation enforcement.\textsuperscript{94} That regulation appears designed to curb chengguan abuses and to provide legal redress for people who are victims of such abuse. It is not yet clear


\textsuperscript{89} Ibid.

\textsuperscript{90} Ibid.

\textsuperscript{91} Law on Administrative Enforcement.

\textsuperscript{92} “China enacts laws to regulate administrative power,” Xinhua News Agency, October 27, 2011, http://www.ecns.cn/2011/10-27/3346.shtml (accessed October 28, 2011). The law “provides a legal basis for the guarantee and supervision of the administrative organs’ performance of administrative functions and powers in accordance with the law, as well as the protection of the legitimate rights and interests of citizens, legal persons and other organizations.”

\textsuperscript{93} Law on Administrative Enforcement, art. 39 (3).

\textsuperscript{94} Ibid., art. 41
whether the Administrative Enforcement Law is having a substantive impact on curbing chengguan abuses.

Some municipal governments have responded to public concerns about abuses by chengguan with various measures aimed at mitigating or preventing abuses and boosting public confidence in chengguan operations. In May 2007, the Beijing municipal government issued new guidelines that prohibited “rude or barbaric methods of law enforcement,”95 while in September 2009 the Guangzhou municipal government implemented rules emphasizing non-violent “persuasion” in chengguan performance of their duties.96 The Nanjing municipal government in May 2010 prohibited chengguan personnel from drinking alcohol on duty and using “excessive force” in the course of their duties.97

In 2010, a summer training course at Tsinghua University in Beijing in Confucianism, Taoism, and Legalism for 80 senior chengguan officials aimed to improve the organization’s “comprehensive set of qualities.”98 The Chengdu municipal government’s approach to addressing chengguan shortcomings included hiring special units of female chengguan officers to patrol the city on roller-skates as a reflection of “a more moderate approach to law enforcement.”99 There is no publicly available research indicating whether these efforts have been effective in reducing violence and other abuses by chengguan authorities in these cities.

II. Chengguan Abuses

[The chengguan officers] verbally abused me and beat me. They said that sale of vegetables on the street is not allowed and this is a regulation. I was beaten up. They hit me in the head and face and my nose was bleeding. They punched me in the face until my face was swollen.100

Excessive Force and Torture

Individuals targeted by chengguan efforts are often subjected to physical violence that appears to be gratuitous or excessive in light of the circumstances. Seventeen of the 25 persons we interviewed who experienced violence at the hands of the chengguan reported having been beaten or otherwise physically abused. The violence, often inflicted in view of multiple eyewitnesses, included being slapped, shoved, pushed to the ground, forcibly held down on the ground, dragged, punched, kicked, and thrown from vehicles to the street. Those beatings resulted in injuries ranging from bruises, cuts, and bloody noses to broken bones.

Many of the persons interviewed by Human Rights Watch said that chengguan officials were extremely aggressive and uncommunicative while conducting enforcement operations. This account by Ma Lijun of an encounter between fruit vendors and chengguan in the city of Qingdao in Shandong province on September 21, 2009, is illustrative:

We sell our goods beside a supermarket. On the day of the incident, more than 10 people came out of the supermarket to tell us that we weren’t allowed to sell our goods there. We disagreed, and the supermarket staff overturned the fruit stall. The supermarket [staff] rang up the chengguan office. Six chengguan officers arrived, with a chengguan supervisor hurling verbal abuse while getting out of the car. They were swearing the minute they got out of their vehicles [and] they kicked me. Our staff member

100 Human Rights Watch interview with Wang Weiwei, a Beijing street vendor, Beijing, December 6, 2010.
holding a camera [filming the incident] is a young girl, but [the *chengguan* officers] surrounded her, held her down, and kicked her.\textsuperscript{101}

Street vendors are not the only victims of excessive force by *chengguan*. Journalists who attempt to report on such incidents have been beaten by *chengguan* officers objecting to media coverage of their activities. A group of *chengguan* forcibly dragged away and beat a reporter for Ningxia’s *New News* on the morning of July 7, 2007, while the journalist was trying to interview a local *chengguan* official.\textsuperscript{102} The official was subsequently suspended for an unspecified period of time.\textsuperscript{103} On March 17, 2009, a group of seven to eight *chengguan* officers attacked a journalist while he was filming the scene of a traffic accident in Changsha, Hunan province, with his mobile phone camera. The journalist’s wrist was injured when the *chengguan* officers forcibly confiscated his phone and his wrist later required medical treatment.\textsuperscript{104}

The account of journalist Zhang Wei, beaten by *chengguan* officers on March 26, 2010, in Kunming, Yunnan province, further highlights the risks faced by reporters who cover *chengguan*-related incidents:

A hawker had been beaten up. A conflict had erupted between the *chengguan* officers and the hawkers. After the officers hit the man, a crowd surrounded [them], refusing to let them leave. I was about to interview a little girl who was sitting on the ground crying, when [the *chengguan*] came up to me claiming that I had crossed the police cordon. About six [chengguan] used their plastic batons to hit me, and they kicked me, too. They ignored me completely when I said I was a reporter. Even when my colleague went up to them to prove [my identify using] his identification,

\textsuperscript{101} Human Rights Watch interview with Ma Lijun (a pseudonym), a street vendor, Qingdao, Shandong province, December 3, 2010.


\textsuperscript{103} Ibid.

they still refused to listen. Although there were police officers on the scene, they did not stop the chengguan officers.105

*Chengguan* officers have also used excessive force in forcible eviction operations and demolitions. Reports of such violence are common in state media coverage of such operations. Kunming policeman Zhang Jingren, for example, was beaten by *chengguan* when he resisted a December 22, 2010 operation to demolish an illegally enclosed balcony in his home. According to a local news report, “[m]ore than 20 [chengguan] officers knocked Zhang to the ground and beat him with batons,”106 breaking his right leg so badly that required surgery. Authorities announced an investigation into the attack but the results have not yet been made public.107

Zhang’s experience echoes that of Lin Ping, a 32-year-old woman in Huangshan, Anhui province, who told Human Rights Watch that her grandmother was injured in the course of a *chengguan* operation to evict her family from their home in the early morning hours of April 20, 2008.

My grandmother and parents came out when they were about to start demolishing. There were 300-400 *chengguan* officers. The officers hit and verbally abused my grandmother. My family tried to obstruct them when they came. We asked what authority they had for demolishing our house. But there were so many of them, how was it possible for us to stop them? The police were unable to apprehend [the *chengguan* officers who injured my grandmother], so the manager of the demolition company undertook compensation. *Chengguan* officers should be the poster children for civil and orderly governance. Why did they do this?108

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105 Human Rights Watch interview with Zhang Wei (a pseudonym), a journalist beaten by chengguan officers, Kunming, Yunnan province, September 10, 2010.


107 Ibid.

Of the people we interviewed who complained about chengguan actions, most said that the chengguan, who commonly work in teams of up to six individuals,\(^{109}\) provided little or no legal justification or information about what regulations they were enforcing. That failure to inform is a violation of their obligations under both the Administrative Penalties Law and Administrative Enforcement Law.\(^{110}\)

Tian Ying, a street vendor beaten by chengguan officers in Shenyang in mid-2007, told Human Rights Watch that she was given no explanation for their actions. “They did not explain [the violation] to me. They would not even talk to you, but just dash up to seize your goods.”\(^{111}\) Cui Aiping, a migrant street vendor from Henan province who sells beef kebabs in Beijing, said that the chengguan who assaulted him in July 2010 likewise failed to provide any legal justification for their actions. “No reason was given. They never told me what crime I had committed. In fact, up to this day, I still do not know if doing this business is legal or not.”\(^{112}\)

In encounters that turn violent, chengguan themselves sometimes become the victims. Our research turned up four cases in which chengguan were killed in the course of their duties in recent years.

In 2006, a Beijing street vendor named Cui Yingjie stabbed a chengguan officer, Lu Zhiqiang, during a scuffle while Lu was attempting to confiscate Cui’s cart. A Beijing court subsequently sentenced Cui to the death penalty with a reprieve of two years, a sentence that often leads to eventual commuting of the death penalty. The relatively lenient sentence was due to video footage of the incident which indicated that Cui’s actions were not premeditated. In January 2010, in Shanghai, a migrant street vendor surnamed Zhang

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\(^{109}\) Human Rights Watch interview with Zhang Wei (a pseudonym) a journalist beaten by chengguan officers, Kunming, Yunnan province, September 10, 2010.

\(^{110}\) Law on Administrative Penalty, art. 31.“Before deciding to impose administrative penalties, administrative organs shall notify the parties of the facts, grounds and basis according to which the administrative penalties are to be decided and shall notify the parties of the rights that they enjoy in accordance with the law.”

Law on Administrative Enforcement, art. 18 (5).“The party concerned shall be notified on the spot of the reasons and basis for taking the administrative compulsory measure and the rights of and remedies available to the party concerned according to law.”

\(^{111}\) Human Rights Watch interview with Tian Ying (a pseudonym), a street vendor, Shenyang, Liaoning province, August 29, 2010.

\(^{112}\) Human Rights Watch interview with Cui Aiping (a pseudonym), a street vendor, Beijing, December 9, 2010.
stabbed to death a *chengguan* officer surnamed Ju in an altercation sparked by the *chengguan* officer’s effort to get Zhang to stop selling at a subway station exit. The Chongqing municipal government recorded 86 incidents in 2010 in which *chengguan* officers were hospitalized from violence incurred in the course of their work.

In May 2011, a Shenyang court sentenced street vendor Xia Junfeng to the death penalty for the May 2009 murder of two *chengguan* officers who had detained him for illegal vending. Xia claimed self-defense and insisted that the *chengguan* officers had “beat me into a rage.” Xia’s lawyer, Teng Biao, described the two murdered *chengguan* officers as “victims of the urban management system.”

Professor Cai Dingjian at China University of Political Science and Law in Beijing has asserted that all *chengguan* use of force is unlawful: “No one is authorized to use violence in China except soldiers and police. By resorting to violence, *chengguan* have actually violated the law.” As the cases above suggest, however, there are instances in which *chengguan* themselves come under serious attack and, in such cases, the use of force in self-defense may be justified. Article 20 of China’s Criminal Law permits all Chinese citizens to use force in legitimate self-defense and may actually allow *chengguan* greater latitude than others due to their responsibility to enforce regulations aimed at protecting public health and safety. Article 20 stipulates that citizens “shall not bear criminal responsibility” in situations in which they “stop an unlawful infringement in order to prevent the interests of the State and the public, or his own or another person’s personal rights, property rights, or other rights from being infringed” to the extent the use of defensive force is “necessary” rather than excessive.

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114 Criminal Law of the People’s Republic of China, adopted on July 1, 1979 and effective on March 14, 1997, http://www.china.org.cn/english/government/207319.htm (accessed April 8, 2012), art. 20. “An act that a person commits to stop an unlawful infringement in order to prevent the interests of the State and the public, or his own or other person’s rights of the person, property or other rights from being infringed upon by the on-going infringement, thus harming the perpetrator, is justifiable defence, and he shall not bear criminal responsibility. If a person’s act of justifiable defence obviously exceeds the limits of necessity and causes serious damage, he shall bear criminal responsibility; however, he shall be given a mitigated punishment or be exempted from punishment. If a person acts in defence against an on-going assault, murder, robbery, rape, kidnap or any other crime of violence that seriously endangers his personal safety, thus causing injury or death to the perpetrator of the unlawful act, it is not undue defence, and he shall not bear criminal responsibility.”

115 Ibid.
While the cases cited immediately above illustrate that *chengguan* at times face lethal threats and can be justified in using physical force in self-defense, in most of the cases we and others have investigated, *chengguan* have used force against alleged administrative wrongdoers not in self-defense, or even as a necessary adjunct to their duties, but excessively, as a form of punishment. Such abuses cannot be justified under article 20 or other provisions of Chinese law.

**Illegal Detention**

*Chengguan* have no legal basis to detain alleged violators of administrative regulations: the Administrative Penalty Law, which is the foundation of *chengguan* law enforcement powers, explicitly limits powers of detention and arrest to China’s public security organs. But two of the 25 people interviewed by Human Rights Watch reported that they were illegally detained by *chengguan* personnel. Another two interviewees said that *chengguan* had attempted to detain them, but they had successfully resisted those efforts. In each of the four cases, the interviewees were beaten while detained or while attempting to resist detention. Prominent Chinese human rights lawyer Teng Biao argues that *chengguan* detention of suspects also violates article 238 of China’s Criminal Law, a provision that makes violators liable for severe punishment.

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116 Law on Administrative Penalty, art. 16. “The State Council or the people’s government of a province, autonomous region or municipality directly under the Central Government that is empowered by the State Council may decide to have an administrative organ exercise other administrative organs’ power of administrative penalty. However, the power of administrative penalty involving restriction of freedom of person shall only be exercised by the public security organs.”

117 Criminal Law of the People’s Republic of China, adopted on July 1, 1979, revised on March 14, 1997, http://www.unescap.org/esid/psis/population/database/poplaws/law_china/ch_record010.htm (accessed April 8, 2012), art. 238. “Whoever unlawfully detains another person or deprives another person of his personal freedom shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights. If circumstances of hitting or insulting another person exist, the offender shall be given a heavier punishment. Whoever, by committing the crime mentioned in the preceding paragraph, causes severe bodily injury to another person shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years. If he causes death of another person, he shall be sentenced to fixed-term imprisonment of not less than ten years. If another person’s deformity or death is caused by violence, the offender shall be decided a crime and punished according to the provisions of Article 234 or Article 232 of this Law. Whoever, for the purpose of extorting the payment of debts, unlawfully detains or confines another person shall be punished according to the provisions of the preceding two paragraphs. Whoever from the staff of a state organ takes advantage of his office to commit a crime mentioned in the preceding three paragraphs shall be given a heavier punishment according to the provisions of the preceding three paragraphs.”

Ma Dong, who sells pancakes from a street-cart in central Beijing, told Human Rights Watch of his detention by *chengguan* officers in November 2009:

The *chengguan* officers loaded the pushcart I used for selling pancakes, my baking pan, eggs, and other belongings into their vehicle. They also pushed and dragged me into it, too. They verbally abused me while pushing me into the vehicle, and I was also knocked into the vehicle. I couldn't get water to drink when at the [chengguan] brigade office. The *chengguan* officers did not explain the reason [for my detention]. They only said that peddling is not allowed here. They did not tell me how long I would be detained for. [My detention lasted] from around 10am to about 6pm, until my wife arrived. As I was leaving, the *chengguan* officer threatened me, saying that if he ever catches me peddling on the streets again, I will have to face heavy consequences.119

A Shenyang street sausage vendor, Liao Rong, told Human Rights Watch of the ordeal endured by her husband after he was detained by *chengguan* officers on May 16, 2009:

We had chosen to set up our stall at one end of [Shenyang's] Nanlejiao Road. We usually chose to set up our stall ... in the afternoon, because that's when the *chengguan* officers would return home for lunch, so none would be on patrol. We had never run into *chengguan* officers before that [time]. We set out at 10:30am and arrived at the road at 10:40am. Shortly after, the *chengguan* officers arrived. There were four vehicles with 12 officers. They got out and wanted to confiscate our cart. After removing the cart, they held us down [on the street] and we cried “Please show us mercy, big brother. We will definitely not peddle again.” They pinned me down, beat me, and started shoving my husband, pushing against his shoulder. They surrounded us. Whenever [one of the *chengguan* present] came up to us he would give us a kick, or even hit us. Even passersby were yelling “Stop beating them! How inhuman of you to beat a woman!” At that time, they had dragged my husband into a [*chengguan*] car—I remember the sole of his

119 Human Rights Watch interview with Ma Dong (a pseudonym), a street vendor, Beijing, June 8, 2010.
shoe had fallen off. They didn’t tell me how long he would be detained for.
The chengguan office is a street away from the road junction where we were selling fried sausages. [The chengguan] dragged my husband to the [chengguan] office and started asking him if he had an urban or rural hukou. A [second] chengguan officer entered the room and both of them started kicking my husband. That lasted between one and two minutes. My husband was kneeling on the floor ... he never once lifted his head.120

The vendors decided against filing a police report or pursuing compensation for the beating due to a belief that such efforts would be ignored by the relevant authorities. “Even when such cases [of chengguan violence] are reported, the police would not come ... [and chengguan] will never give compensation.”121

Jiang Jianguo, a 44-year-old migrant street vendor from Hebei province interviewed by Human Rights Watch, resisted chengguan efforts to detain him in central Beijing in August 2009. Although he successfully avoided detention, his resistance resulted in a beating:

I was selling watermelons. Usually no one would [bother us], the chengguan officer would drive past us several times to intimidate us, but this is merely a symbolic gesture. This time, unexpectedly, the chengguan officers drove toward us. The other vendors and hawkers with three-wheel scooters fled into an alley. But I was on a three-wheel tractor and I still had stools and tables placed around, so I wasn’t able to leave. The five or six chengguan officers who approached me were very harsh. They instructed me to follow their vehicle using my three-wheel tractor. I refused and claimed that I was waiting for someone. Before I could finish speaking, two chengguan officers flung away the cloth covering my vehicle, grabbed two watermelons, and threw them down [on the ground]. They also kicked over the tables and stools. The ground was covered in bright red watermelon bits. I scolded them, saying they were bandits robbing me. They wanted to drag me up to the chengguan vehicle but my daughter-in-law got nervous. She went to

120 Human Rights Watch interview with Liao Rong (a pseudonym), a street vendor, Shenyang, Liaoning province, August 23, 2010.
121 Ibid.
appeal to them [to release me] and then started getting into a scuffle with them. They pushed my daughter-in-law to the ground and [so] I started to fight with them, but was unable to prevail. They kicked me several times and pinned my hands behind my back as if I were a criminal. They wanted to take me to the chengguan vehicle, but I refused to get in because I’ve heard that once you get into the vehicle, they would draw the curtains and demand that you pay a fine. If you refuse to pay, they will beat you up.122

Jiang did not pursue any legal or compensation claims against the chengguan officers who assaulted him, believing that compared to more serious cases of the use of excessive force by chengguan, “my case can be considered trivial.”123 Jiang expressed anger at what he perceived as the arbitrary and unchecked power of chengguan. “The chengguan officers do whatever first comes to mind. If they are feeling happy, they will let you go. If they are not feeling good, they will take out their frustrations on the vendors and hawkers.”124

Cai Xue, a 32-year-old street vendor from Henan province, had a similar experience when chengguan officers attempted to detain her in October 2010 while she was selling grapes from the back of a cart in central Beijing.

It was around 11:30am when they drew up in a [chengguan] vehicle. Sitting in it were four people, including a man in plainclothes. Like bandits, they just came up and made a grab for my belongings. They climbed onto the vehicle and just started grabbing without any explanation. They seized my grapes. They said it was illegal to sell on the streets. I replied saying … [that] I would not set up a stall here again. The [chengguan] team leader said that’s not permissible and wanted me to get into their vehicle. Three [chengguan officers] began to kick me, with each person taking a turn. They threw me from my vehicle into the middle of the road. My body had turned black and blue where they had kicked. Three of them kept cursing, [saying to me], “Fxxx your mother. You dare ask for a reason?” The other chengguan

122 Human Rights Watch interview with Jiang Jianguo (a pseudonym), a street vendor, Beijing, December 12, 2010.
123 Ibid.
124 Ibid.
officer, a woman, did not utter a word. She came over because she wanted
to stop them from hitting me. They did not confiscate the cart, but they
seized all the grapes and threw them all around on the ground.\textsuperscript{125}

Police eventually arrived on the scene, criticized the \textit{chengguan} for “incorrect” procedures,
and advised the vendor that she could sue the \textit{chengguan} officers who had abused her if
she was “dissatisfied with their law enforcement method.”\textsuperscript{126} However, the police took no
action to interview or detain the \textit{chengguan} officers who had beaten her and destroyed her
property, and subsequently allowed the \textit{chengguan} officers to leave the scene without any
consequences.\textsuperscript{127} Like other victims of \textit{chengguan} violence, the vendor decried their
arbitrary, violent law enforcement methods. “I believe that as law enforcement officers,
[\textit{chengguan}] should enforce the law, but they should not beat people.”\textsuperscript{128}

\section*{Abuses Accompanying Confiscation of Goods}

\textit{Chengguan} frequently confiscate goods from street vendors. There is legal authority for
such confiscations, but it is vague. The Administrative Penalty Law stipulates that
“administrative organs” tasked with administrative regulation enforcement can confiscate
“illegal gains … unlawful property … or things of value,” but does not provide any specific
criteria for those categories.\textsuperscript{129} The Administrative Enforcement Law provides general criteria
for confiscations\textsuperscript{130}—\textit{chengguan} may seize premises, facilities, or properties related to the

\begin{footnotes}
\item\textsuperscript{125} Human Rights Watch interview with Cai Xue (a pseudonym), a street vendor, Beijing, December 7, 2010.
\item\textsuperscript{126} Ibid.
\item\textsuperscript{127} Ibid.
\item\textsuperscript{128} Ibid.
\item\textsuperscript{129} Law on Administrative Penalty, art. 8. Types of administrative penalty shall include (3) confiscation of illegal gains, or
confiscation of unlawful property or things of value.
\item\textsuperscript{130} Law on Administrative Enforcement, art. 23. “Seizure and impoundment shall be limited to the case-related premises,
facilities or properties, and no premises, facilities or properties irrelevant to the illegal acts shall be seized or impounded.
The daily necessities of citizens and their dependents shall not be seized or impounded.
Premises, facilities or properties of the party concerned, which have been seized by any other state organ according to law,
shall not be seized repeatedly.”
\end{footnotes}
“illegal acts” (with the exception of “daily necessities,” which may not be confiscated)—and stipulates the process by which seizure and confiscation should occur.\(^{131}\)

[According to Wang Jianping, a professor of law at Sichuan University, China’s Property Law\(^{132}\) emphasizes the inviolable nature of private property and should be interpreted to prohibit “[confiscation of] peddler’s merchandise and dealing wares.”\(^{133}\) Renmin University law professor Wang Yi has similarly argued that the Property Rights Law protects all citizens, including unlicensed street vendors, from arbitrary confiscation of their belongings.\(^{134}\)

Regardless of whether confiscation of goods is legal or appropriate in any given case, however, such confiscation should never be conducted with unnecessary violence. As detailed below, our research shows a number of instances in which chengguan confiscation of goods was accompanied by beatings and other abusive behavior.

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\(^{131}\) Law on Administrative Enforcement, art. 18. “1) Before implementation, a report on implementation shall be submitted to the person in charge of the administrative organ and an approval of implementation shall be obtained. (2) An administrative compulsory measure shall be implemented by two or more law enforcement personnel of the administrative organ. (3) Law enforcement identity certificates shall be produced. (4) The party concerned shall be notified to be present. (5) The party concerned shall be notified on the spot of the reasons and basis for taking the administrative compulsory measure and the rights of and remedies available to the party concerned according to law. (6) The statements and arguments of the party concerned shall be heard. (7) On-site transcripts shall be made. (8) The on-site transcripts shall be signed or sealed by the party concerned and the law enforcement personnel of the administrative organ, and if the party concerned refuses to do so, it shall be noted in the transcripts. (9) If the party concerned is not present, witnesses shall be invited to be present, and the witnesses and the law enforcement personnel of the administrative organ shall sign or seal the on-site transcripts. (10) Other procedures as prescribed by laws and regulations.”


\(^{134}\) Ibid.
A 36-year-old migrant vendor from Henan, Li Jiawen, suffered injury when *chengguan* confiscated her three-wheel cart loaded with corn on November 20, 2010, in Beijing.135

Around 4pm, the *chengguan* officers came over to confiscate the three-wheeler. My wife held on to the vehicle and refused to let go of it. Three or four *chengguan* officers went up to her. They twisted her arm, breaking the little finger on her left hand. We lost our vehicle and the corn in it.136

The victim’s husband said that Beijing municipal police subsequently arrived on the scene and brokered a medical compensation payment by the district *chengguan* authorities of 4,500 Yuan (US$705) for his wife.137

Wang Weiwei, a 41-year-old female migrant vendor from Hubei province who sells vegetables on the streets of central Beijing, told Human Rights Watch of the hazards she faced when resisting *chengguan* confiscation of her goods in April 2010:

I had set up my vegetable stall on the ground by the road. Three or four *chengguan* offices came over, wanting to raid my vegetable stall, but I defended it and refused to let them have it. They came up wanting to grab it by force; we got into a scuffle and started fighting. They verbally abused and beat me. They said that the sale of vegetables on the street is not allowed and that this is a regulation. I was beaten up. They hit me in the head and face and my nose was bleeding. They punched me in the face until my face was swollen.138

With police assistance Wang was subsequently able to negotiate for 500 Yuan (US$78) in medical compensation from the *chengguan* officers who beat her.

135 Human Rights Watch interview with Li Jiawen (a pseudonym), a street vendor, Beijing, December 7, 2010.
136 Ibid.
137 Ibid.
138 Human Rights Watch interview with Wang Weiwei (a pseudonym), a street vendor, Beijing, December 6, 2010.
Even compliance with a *chengguan* confiscation operation is no guarantee of immunity from physical violence. A 36-year-old female spring roll vendor in Shenyang, Liao Meihua, told Human Rights Watch that she was beaten by *chengguan* officers in mid-2007 despite her lack of resistance when they confiscated her belongings.

It was at [Shenyang’s] Southern Gate. I had gone there at noon, during lunchtime, although I’m usually afraid to do so [because of the threat of *chengguan*]. The *chengguan* officers said to me “How daring of you to come here at lunchtime.” They confiscated my belongings and though I offered to pay them [a fine], the *chengguan* officers said “We don’t want money, it’s too late for that.” Six of the seven [*chengguan* officers] surrounded me; once their leader arrived, all his junior [officers] came up and started kicking me, causing me to fall. Many passersby witnessed it and they were all asking the officers to stop hitting me.139

Wang Xiangwei, a 31-year-old migrant street vendor from Henan province who sells barbecue kebab skewers in central Beijing, described what ensued when *chengguan* officers attempted to confiscate his scooter in July 2010.

[It was] at around 9pm. There were several people around me, waiting to buy skewers. I was still grilling the skewers when the *chengguan* arrived. The other street vendors and hawkers dispersed into the alleys, but I did not run away. Two [*chengguan*] came up to me and pressed me to the ground. They wanted to confiscate my scooter, but I refused to let them do so. I started to resist, using my forearms to push away [one of the] *chengguan* officers, who then used the back of his hand to slap me so hard that my glasses fell off. When the other two *chengguan* saw us fighting, they came up together to pin me down on the ground, and [the third *chengguan* officer] ran off, pushing the scooter along.140

139 Human Rights Watch interview with Liao Meihua (a pseudonym), a street vendor, Shenyang, Liaoning province, August 29, 2010.

140 Human Rights Watch interview with Wang Xiangwei (a pseudonym), a street vendor, Beijing, December 9, 2010.
The *chengguan* officers who confiscated Wang’s scooter returned it to him later that evening after he paid a 150 Yuan (US$23.50) fine. That sum exceeded the upper limit for summary on-the-spot fines of 50 Yuan (US$7.9) and the officers failed to give a legal justification for the confiscation and fine as required by the Administrative Penalties Law.

A 31-year-old male migrant fruit vendor from Henan province, Xie Dongfeng, told Human Rights Watch that what appeared to be plainclothes “hired assistants” of *chengguan* officers beat him after he resisted *chengguan* efforts to confiscate his three-wheel vending cart for “operating without a license.”

[The *chengguan*] wanted to confiscate my three-wheel cart, but I refused to let them do so. They jumped onto the vehicle, started stomping on the fruit and making threats. Some abused me verbally, saying “Fxxx your mother. Who allowed you to peddle goods here?” I did not dare utter a word as there were so many of them. If I dared answer back, wouldn’t they beat me up? The *chengguan* officers didn’t hit me; instead they had two hired assistants beat me up. One held me down while the other hit me. I didn’t dare retaliate as there were yet more of them in the [*chengguan*] cars. I was beaten until my nose bled.

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141 Ibid.

142 Law on Administrative Penalty, art. 33. “If the facts about a violation of law are well-attested and there are legal basis and if, the citizen involved is to be fined not more than 50 yuan or the legal person or other organization involved is to be fined not more than 1,000 yuan or a disciplinary warning is to be given, such administrative penalty may be decided on the spot. The party shall carry out the decision on administrative penalty in accordance with the provisions of Articles 46, 47 and 48 of this Law.”

Ibid., art. 34. “If a law-enforcing officer decides to impose administrative penalty on the spot, he shall show the party his identification papers for law enforcement, fill out an established and coded form of decision for administrative penalty. The form of decision for administrative penalty shall be given to the party on the spot. In the form of decision for administrative penalty as stipulated in the preceding paragraph shall be clearly recorded the illegal act committed by the party, the basis for administrative penalty, the amount of fine, the time and place, and the title of the administrative organ. Such form shall also be signed or sealed by the law-enforcing officer.

Law-enforcing officers must submit their decisions on administrative penalty made on the spot to the administrative organs where they belong for the record.”

143 Human Rights Watch interview with Xie Dongfeng (a pseudonym), a street vendor, Beijing, December 7, 2010.

144 Ibid.
**Impunity**

At least 18 people were killed in the course of *chengguan* law enforcement operations between September 2000 and June 2010 according to an unofficial estimate compiled by human rights lawyer Teng Biao in July 2010. The majority of those deaths allegedly were due to injuries the victims suffered during beatings by *chengguan* personnel. Media reports suggest that in many such cases, the alleged perpetrators were not investigated or prosecuted or, if prosecuted, received light sentences.

The most notorious incident of *chengguan* violence resulting in the death of a citizen in recent years was the beating of Wei Wenhua in Tianmen, Hubei province. In the late afternoon of January 7, 2008, Wei Wenhua stopped his car to take pictures with his mobile phone camera of a roadside confrontation involving a group of at least 50 Tianmen *chengguan*. The *chengguan* were facing off with some residents of nearby Wanba village, who were attempting to block access to a waste dump site near their homes. When the *chengguan* noticed Wei filming the confrontation, 20 to 30 of them rushed over to him and began beating him. A witness said that Wei repeatedly screamed “I surrender” during the assault. Wei subsequently died of his injuries. On November 10, 2009, a Hebei court sentenced four of the *chengguan* officers implicated in Wei’s killing to prison terms of three

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146 Ibid.


The court granted leniency to Wei’s killers on the grounds that Wei had allegedly died of a heart attack triggered by the beating, rather than the beating itself.\textsuperscript{152}

Local government authorities themselves have been unwilling to make an example of chengguan personnel who have been found legally responsible for deaths or serious injuries. On July 15, 2011, a group of chengguan officers in Linhai city, Zhejiang province, attempted to detain a street vendor selling grapes. One chengguan officer chased the vendor, apprehended him, pushed him to the ground, and kicked him until he passed out. The vendor was hospitalized with a perforated intestine. A Linhai government official later defended the chengguan officer who allegedly delivered the beating, insisting that the vendor’s injuries were unintentional and occurred when a “law enforcement officer accidentally stepped on [the vendor’s] stomach.”\textsuperscript{153}

In numerous other well documented cases, chengguan implicated in unprovoked violence against citizens have been spared serious legal repercussions for their actions. On May 21, 2011, a roadside fruit vendor named Li Yong in Shenzhen resisted chengguan demands that he move his stall. Witnesses said a chengguan officer instructed his subordinates to “beat him [Li Yong], take everything away.” In plain sight of multiple witnesses, Chengguan officers proceeded to beat Li Yong on the head with their batons, resulting in head injuries. Shenzhen chengguan authorities subsequently paid Li Yong 7,000 Yuan (US$1,098) in compensation. However, no chengguan officials were arrested for the violence and the chengguan official in charge of the area where the assault occurred later insisted that Li’s injuries “were likely accidental.”\textsuperscript{154}

On July 11, 2009, a group of five Shanghai chengguan attempted to confiscate the stock of roadside watermelon vendor Peng Lin. Peng resisted and at one point allegedly brandished


\textsuperscript{152} Ibid.


a knife to try to protect his goods. The *chengguan* responded by dragging Peng to their van where they proceeded to beat him senseless. The beating left Peng with serious brain and neck injuries. Peng reportedly remains paralyzed and barely conscious. A Shanghai court sentenced the five *chengguan* officers responsible for Peng’s injuries to prison terms of between three-and-a-half and five years on April 15, 2010.

Popular perceptions that *chengguan* rarely get punished for abuses deter victims from pursuing legal action against them. Ten of the 25 victims of *chengguan* abuses interviewed by Human Rights Watch opted to not pursue legal action or civil compensation claims against their *chengguan* abusers. Their reasons for inaction ranged from perceptions that complaining to or about *chengguan* was “no use … [because the authorities] cover-up for each other” to an assessment that there are “too many such incidents” that go legally unchallenged. Liao Meihua, a Shenyang street vendor who has been a victim of *chengguan* violence “five or six times” since 2007, told Human Rights Watch that fear of retribution prevented her from attempting to seek legal action against or compensation from *chengguan* for such abuses.

I’m really afraid of applying for compensation. I still have to make a living – what am I to do the next time I run into [*chengguan*]? They will be more brutal the next time. They will beat you up and tell you: “You can sue at whatever place you wish.” They are not scared at all.

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156 “Jail for five in paralyzing beating,” *Shanghai Daily* (Shanghai), April 16, 2010.
157 Human Rights Watch interview with Xie Dongfeng (a pseudonym), a street vendor, Beijing, December 7, 2010.
158 Human Rights Watch interview with Wang Xiangwei (a pseudonym), a street vendor, Beijing, December 9, 2010.
159 Human Rights Watch interview with Liao Meihua (a pseudonym), a street vendor, Shenyang, August 29, 2010.
III. Relevant International and Domestic Legal Standards

The abuses documented in this report, including beatings, threats, arbitrary detention, and extortion, are prohibited under Chinese and international law. Some of the relevant standards and instruments include the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the United Nations’ Code of Conduct for Law Enforcement Officials, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the UN standards for Treatment of Offenders; the UN Body of Principles for All Persons under Any Form of Detention or Imprisonment; and the Constitution of the People’s Republic of China.

Excessive Force

None of the Chinese laws and directives that directly govern the operations of the chengguan regulate their use of force. Two non-binding but universally accepted international standards are relevant to regulating the use of force by chengguan. The first is the 1979 Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly. The code stipulates that in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons. Specifically, such officials may use force only when strictly necessary and to the extent required for the performance of their duty, a standard that implies the use of force should be exceptional, and strictly proportionate to the legitimate object to be achieved. Law enforcement officials are also bound to refrain from corrupt acts and oppose and combat all such acts.¹⁶⁰

The 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, a non-binding standard that is nonetheless widely recognized as articulating universal norms, enjoin governments to “adopt and implement rules and regulations on the use of force ... [and] keep the ethical issues associated with the use of force and

firearms constantly under review." The Basic Principles also commit law enforcement officials to “as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.” The Basic Principles also enumerate specific circumstances under which law enforcement officials may lawfully use force, reiterating the Code’s requirements of proportionality and necessity.

Prohibition of Cruel, Inhuman, or Degrading Treatment and Torture

The Universal Declaration of Human Rights stipulates that “No one should be subjected to torture or to cruel, inhuman or degrading treatment,” while the ICCPR prohibits “torture or ... cruel, inhuman or degrading treatment or punishment.” The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment protects detainees from “violence, threats or methods of interrogation which impair his capacity of decision or his judgment.” The UN Code of Conduct for Law Enforcement Officials also prohibits inflicting, instigating, or tolerating “any Act of torture or other cruel, inhuman or degrading treatment or punishment.”

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162 Ibid., General Provisions (4).

163 Ibid., General Provisions (5). “Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:
(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
(b) Minimize damage and injury, and respect and preserve human life;
(c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
(d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.” Ibid., General Provisions (6). “Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.”


165 Ibid., art. 7.


167 Code of Conduct for Law Enforcement Officials, art. 5.
The brutal beatings *chengguan* have inflicted on some of their victims may be severe enough to meet the definition of torture under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which China has been party since 1988. Under this treaty;

> The term torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.168

The Convention against Torture also prohibits states from inflicting “cruel, inhuman or degrading treatment.”169

Physical abuse of detainees also violates China’s constitution (article 38 guarantees the “personal dignity of citizens”), Prison Law, and Police Law.

**Due Process and Arbitrary Detention**

Due process of law requires that government officials or security forces who detain or arrest someone or impose a penalty on someone identify themselves and provide the legal basis for their actions.

The International Covenant on Civil and Political Rights (ICCPR) prohibits arbitrary arrest170 and requires that arrest and detention be “in accordance with such procedure as are

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169 Ibid., art. 16.

established by law.”171 The ICCPR also requires that any individuals arrested or detained by police or security forces have access “without delay” to a court hearing to determine the legality of their detention and that they be released if their detention is ruled unlawful.172 The UN Human Rights Committee, which documents ICCPR compliance, has interpreted this provision to apply “to all deprivations of liberty, whether in criminal cases or in other cases such as, for example, mental illness, vagrancy, drug addiction, educational purposes, immigration control, etc.”173 China has signed, but not ratified, the International Covenant on Civil and Political Rights.

The detention of people by chengguan authorities is illegal under Chinese law. Article 37 of the Constitution of the People’s Republic of China states that arrests must be conducted “with the approval or by decision of a people’s procuratorate or by decision of a people’s court and arrests must be made by a public security organ.” Article 38 of the constitution prohibits “false charge or frame-up” of any Chinese citizens. China’s Police Law limits police powers of interrogation and detention strictly to those suspected of criminal offences.174 Police powers of detention and arrest are tightly circumscribed by China’s Criminal Procedure Law, which requires approval for arrests from the People’s Procuratorate or a public court175 as well as an arrest warrant which the police must display at the time of arrest.176

**Impunity**

Police tolerance of and complicity in chengguan acts of physical violence and unauthorized detention violates provisions of China’s Police Law and Administrative Penalties Law. The Police Law obligates Chinese police to “prevent, stop and investigate illegal and criminal activities.”177 Police who fail to do so are guilty of “dereliction of duty”

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171 Ibid., art. 9 (2).
172 Ibid., art. 9 (4).
176 Ibid., art.64.
177 People’s Police Law, art. 6(1).
and face administrative sanctions and/or criminal prosecution. Detention of alleged administrative law violators is also inconsistent with the objectives of the Chinese government's National Human Rights Action Plan (2009-2010), which provides in relevant part:

The State prohibits illegal detention by law enforcement personnel. Wrongful or prolonged detention shall be prevented. The State will [provide economic compensation], legal remedies and rehabilitation to victims. Those who are responsible for illegal, wrongful or prolonged detention shall be subjected to inquiry and punished if found culpable.

178 Law on Administrative Penalty, art. 62.
Acknowledgments

This report was edited by Sophie Richardson, China director at Human Rights Watch, and reviewed by Joseph Saunders, deputy program director, and Dinah PoKempner, general counsel.

Jake Scobey-Thal and Diana Parker, Asia associates, provided administrative and technical assistance. Production assistance was provided by Grace Choi, Anna Lopriore, Rafael Jimenez, Fitzroy Hepkins, and Jose Martinez.

Human Rights Watch wishes to thank several donors for their support including David A. Jones, Jr., Mary and Michael E. Gellert, James H. Ottaway, Jr., Anita and David Keller, and The Silicon Valley Community Foundation, as well as a very generous anonymous donor.

Above all, thanks go to the victims of chengguan abuse who made this report possible by agreeing to meet and share their experiences with us at length, often at considerable personal risk.
Annex I: Letter from Human Rights Watch to China’s Public Security Bureau

April 9, 2012

Meng Jianzhu
Minister of Public Security
People’s Republic of China
Beijing, China

Via facsimile

Dear Minister Meng,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We are currently preparing a report about human rights abuses allegedly perpetrated by Urban Management Law Enforcement (城管执法) personnel.

Human Rights Watch conducted 25 interviews with victims in six cities in China between mid-2009 and 2011 to document a number of violent abuses by chengguan personnel. Our findings echo reports in China’s state media that alleged chengguan personnel have committed abuses. A Google search for Chinese-language references to chengguan produces literally millions of entries for “chengguan beat people” (城管打人). We note that public resentment toward chengguan abuses have fueled a number of increasingly violent protests by citizens angered by perceived chengguan excesses and perceptions of their impunity.

Below are some of our main findings:

Physical Violence and Torture

Chengguan personnel are accused of using excessive force against and publicly humiliating people. Seventeen of the twenty-five victims of chengguan abuse interviewed by Human Rights Watch claimed to be victims of excessive force. That excessive force, often inflicted in sight of...
multiple eye-witnesses, included being slapped, shoved, pushed to the ground, forcibly held down on the ground, dragged, punched, kicked, and thrown from vehicles to the street. Those beatings resulted in injuries ranging from bruises, cuts, and bloody noses to broken bones.

**Illegal detention**

*Chengguan* have no legal basis to detain individuals alleged to have violated administrative regulations; the Law on Administrative Penalty, which is the foundation of *chengguan* law enforcement powers, explicitly limits powers of detention and arrest to China's public security organs. But two of the twenty-five people interviewed by Human Rights Watch reported that they were illegally detained by *chengguan* personnel. Another two interviewees said that *chengguan* had attempted to detain them, but that the interviewees had successfully resisted those efforts. In each of those cases, those interviewees were victims of physical violence during their detention or while attempting to resist it. The prominent Chinese human rights lawyer Teng Biao has noted that *chengguan* violations of legal restrictions on the detention of suspects also constitute violations of article 238 of China's Criminal Law and make violators liable for severe punishment.

**Abuses accompanying confiscation of goods**

*Chengguan* frequently confiscate goods from street vendors. There is legal authority for such confiscations, but it is vague. Regardless of whether confiscation of goods is legal or appropriate in any given case, however, such confiscation should never be conducted with unnecessary violence. As detailed below, our research shows a number of instances in which *chengguan* confiscation of goods was accompanied by beatings and other abusive behavior.

**Impunity**

At least 18 people have been killed in the course of *chengguan* law enforcement operations between September 2000 and June 2010, according to an unofficial estimate compiled by the human rights lawyer Teng Biao in July 2010. The majority of those deaths have been the result of injuries allegedly inflicted by beatings by *chengguan* personnel. Media reports suggest that in numerous incidents where citizens have died following alleged *chengguan* violence, the suspected perpetrators were not investigated or sanctioned with appropriately serious penalties.

We would welcome any information or feedback the Public Security Bureau could provide regarding these issues as well as any steps it has taken or plans to take to address them. We would also appreciate your responses to the questions raised below as well as any additional information you wish to provide us.
Human Rights Watch strives to reflect all perspectives in our research and looks forward to your response. In light of our publishing schedule, we would be grateful to receive your response by Friday, April 27, 2012. Please send your response to Sophie Richardson, China director in the Asia division, by email at richars@hrw.org or by fax at +1-202-612-4333.

Thank you very much for your attention to this matter, and we look forward to hearing from you.

Sincerely,

Sophie Richardson
China Director, Human Rights Watch

1. How many cities and municipalities in China currently have *chengguan* enforcement? What is the total number of *chengguan* personnel in China?

2. What is the separation of powers of enforcement between Public Security Bureau and *chengguan* enforcement? In what ways can and do PSB personnel and *chengguan* cooperate in administrative regulation enforcement?

3. Has the PSB been recording cases of *chengguan* excessive force against street vendors and others during administrative enforcement operations? If so, could you please supply us statistics on arrest and prosecution of *chengguan* personnel in such situations between 1997-2011?

4. What is the PSB doing in order to prevent *chengguan* abuses such as those documented by Human Rights Watch’s research and to ensure that alleged perpetrators of such abuses are investigated and, where justified, prosecuted for such abuses?

5. What legal or regulatory gaps or loopholes make it difficult or impossible for the PSB to adequately address alleged abuses by *chengguan* personnel? If such gaps exist, how could they be addressed in order to improve the ability of the PSB to prevent and investigate such abuses?

6. In your opinion, is the *chengguan* actually necessary as an administrative enforcement agency? Could and/or should *chengguan* duties be fulfilled by PSB personnel?
Annex II: Letter from Human Rights Watch to the Chinese Communist Party’s Political and Legislative Affairs Committee

April 9, 2012

Zhou Yongkang
Chairman, Central Political and Legislative Committee
Communist Party of China Central Committee
People’s Republic of China
Beijing, China

Via facsimile

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victims of excessive force. That excessive force, often inflicted in sight of multiple eye-
witnesses, included being slapped, shoved, pushed to the ground, forcibly held down on
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the interviewees had successfully resisted those efforts. In each of those cases, those
interviewees were victims of physical violence during their detention or while attempting
to resist it. The prominent Chinese human rights lawyer Teng Biao has noted that
*chengguan* violations of legal restrictions on the detention of suspects also constitute
violations of article 238 of China’s Criminal Law and make violators liable for severe
punishment.

**Abuses accompanying confiscation of goods**
*Chengguan* frequently confiscate goods from street vendors. There is legal authority for
such confiscations, but it is vague. Regardless of whether confiscation of goods is legal
or appropriate in any given case, however, such confiscation should never be conducted
with unnecessary violence. As detailed below, our research shows a number of
instances in which *chengguan* confiscation of goods was accompanied by beatings and
other abusive behavior.

**Impunity**
At least 18 people have been killed in the course of *chengguan* law enforcement
operations between September 2000 and June 2010, according to an unofficial estimate
compiled by the human rights lawyer Teng Biao in July 2010. The majority of those
deaths have been the result of injuries allegedly inflicted by beatings by *chengguan*
personnel. Media reports suggest that in numerous incidents where citizens have died
following alleged *chengguan* violence, the suspected perpetrators were not investigated
or sanctioned with appropriately serious penalties.

We would welcome any information or feedback the Public Security Bureau could
provide regarding these issues as well as any steps it has taken or plans to take to
address them. We would also appreciate your responses to the questions raised below
as well as any additional information you wish to provide us.
Human Rights Watch strives to reflect all perspectives in our research and looks forward to your response. In light of our publishing schedule, we would be grateful to receive your response by Friday, April 27, 2012. Please send your response to Sophie Richardson, China director in the Asia division, by email at richars@hrw.org or by fax at +1-202-612-4333.

Thank you very much for your attention to this matter, and we look forward to hearing from you.

Sincerely,

Sophie Richardson
China Director, Human Rights Watch

1. How many cities and municipalities in China currently have chengguan enforcement? What is the total number of chengguan personnel in China?

2. What is the separation of powers of enforcement between Public Security Bureau and chengguan enforcement? In what ways can and do PSB personnel and chengguan cooperate in administrative regulation enforcement?

3. Has the PSB been recording cases of chengguan excessive force against street vendors and others during administrative enforcement operations? If so, could you please supply us statistics on arrest and prosecution of chengguan personnel in such situations between 1997-2011?

4. What is the PSB doing in order to prevent chengguan abuses such as those documented by Human Rights Watch’s research and to ensure that alleged perpetrators of such abuses are investigated and, where justified, prosecuted for such abuses?

5. What legal or regulatory gaps or loopholes make it difficult or impossible for the PSB to adequately address alleged abuses by chengguan personnel? If such gaps exist, how could they be addressed in order to improve the ability of the PSB to prevent and investigate such abuses?

6. In your opinion, is the chengguan actually necessary as an administrative enforcement agency? Could and/or should chengguan duties be fulfilled by PSB personnel?
<table>
<thead>
<tr>
<th>Date</th>
<th>Victims</th>
<th>Chengguan</th>
<th>Alleged Act</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 17, 2012³³</td>
<td>Mr. Kang Zhichang</td>
<td>7 Yan’an City Baota Unit</td>
<td>Beaten</td>
<td>Yan’an, Shaanxi</td>
</tr>
<tr>
<td>Mar 16, 2012³⁴</td>
<td>Mr. Chen (street vendor)</td>
<td>several Luohu District, East Gate Bureau</td>
<td>Brutally beaten with batons and ditched near an expressway</td>
<td>Luohu, Shenzhen, Guangdong</td>
</tr>
<tr>
<td>Mar 15, 2012³⁵</td>
<td>Mr. Chen Feng (street vendor)</td>
<td>&gt; 10 Gaochunxin District Station</td>
<td>Beaten; vehicle impounded</td>
<td>Gaochun, Nanjing, Jiangsu</td>
</tr>
<tr>
<td>Mar 10, 2012³⁶</td>
<td>Ms. Zhu and her 12 year old child</td>
<td>1 Haikou City, Xiuying District Unit</td>
<td>Confiscated goods, kicked 12 year old</td>
<td>Xiuying, Haikou, Hainan</td>
</tr>
<tr>
<td>Mar 7, 2012³⁷</td>
<td>Ms. Guo (street vendor)</td>
<td>4 Haikou Qiongshan Station</td>
<td>Beaten up, goods detained, gold necklace snatched</td>
<td>Qiongshan, Haikou, Hainan</td>
</tr>
<tr>
<td>Mar 5, 2012³⁸</td>
<td>Ms. Wen, her husband Mr. Wu, her brother, cousin, and niece (&lt;10 years old); and unnamed street vendor</td>
<td>&gt; 50 Unknown</td>
<td>Beaten</td>
<td>Guandu, Kunming, Yunnan</td>
</tr>
</tbody>
</table>

³³ In accordance with Mainland Chinese address formatting.

³⁴ Number of officers reportedly present at the scene at the time of the incident.


³⁸ “市民投诉秀英城管执法踢伤儿童小腿 负责人解释,” (“City residents lodge a complaint against Xiuying District chengguan for kicking a child’s shin in the process of law enforcement; officials provide an explanation”), 人民网海南视窗, March 12, 2012, http://news.hainan.net/newshtml08/2012w3r12/851778f0.htm (accessed March 14, 2012).

<table>
<thead>
<tr>
<th>Date</th>
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<th>Number</th>
<th>Division</th>
<th>Alleged Act</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb 5, 2012</td>
<td>Mr. Wu’s wife (street vendor)</td>
<td>1</td>
<td>Fengze District Station</td>
<td>Beaten</td>
<td>Fengze, Quanzhou, Fujian</td>
</tr>
<tr>
<td>Jan 15, 2012</td>
<td>Ms. Chen Jinhua (storeowner), her sister, Ms. Chen Jinmei, and her son, Xiao Niu</td>
<td>1</td>
<td>Hedong District Station</td>
<td>Beaten, Ms. Chen Jinhuan smashed on the head with a stool, 4 stitches required; Ms. Chen Jinmei, 2 stitches required; Xiao Niu traumatized by the violence inflicted upon his mother</td>
<td>Sanya, Hainan</td>
</tr>
<tr>
<td>Jan 9 -10, 2012</td>
<td>Ms. Liu Wuxiu (street vendor)</td>
<td>&gt; 5</td>
<td>Jingxi Street Bureau</td>
<td>Beaten up two days in a row, resulting in broken finger; offered money in exchange for signing a press release which denies that she was beaten up by chengguan</td>
<td>Baiyun, Guangzhou, Guangdong</td>
</tr>
<tr>
<td>Jan 6, 2012</td>
<td>Mr. Ma and his brother</td>
<td>&gt; 10</td>
<td>Qinhua District Station</td>
<td>Beaten</td>
<td>Qinhuaui, Nanjing, Jiangsu</td>
</tr>
<tr>
<td>Jan 2, 2012</td>
<td>Mr. Yan Jun (disabled)</td>
<td>2</td>
<td>Xiangtan City, Yuetang District Station</td>
<td>Chengguan vehicle crashed into Mr. Yan's tricycle; beaten up</td>
<td>Yuetang, Xiangtan, Hunan</td>
</tr>
</tbody>
</table>

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</tr>
</thead>
<tbody>
<tr>
<td>Dec 29, 2011</td>
<td>Mr. Lu Haojie (mistaken for a street vendor)</td>
<td>4</td>
<td>Meihuacun Street Unit</td>
<td>Dragged onto chengguan car and brutally beaten, then tossed onto the street</td>
<td>Yuexiu, Guangzhou, Guangdong</td>
</tr>
<tr>
<td>Dec 28, 2011</td>
<td>Ms. Li (street vendor selling honey)</td>
<td>1</td>
<td>Houzhou Housing and Construction Station</td>
<td>Brutally beaten, bottles of honey smashed on her head</td>
<td>Huozhou, Linfen, Shanxi</td>
</tr>
<tr>
<td>Dec 26, 2011</td>
<td>Unnamed tourist couple</td>
<td>3</td>
<td>Lijiang City, Gucheng District, Dayan Gucheng Station</td>
<td>Physical altercation</td>
<td>Gucheng, Lijiang, Yunnan</td>
</tr>
<tr>
<td>Dec 19, 2011</td>
<td>Mr. Xie (street vendor)</td>
<td>&gt; 10</td>
<td>Guandu District Unit</td>
<td>Fined by a group of chengguan, then beaten by a drunk chengguan</td>
<td>Guandu, Kunming, Yunnan</td>
</tr>
<tr>
<td>Dec 19, 2011</td>
<td>Ms. Fan (street vendor)</td>
<td>1</td>
<td>Guandu District Unit</td>
<td>Beaten by a drunk chengguan</td>
<td>Guandu, Kunming, Yunnan</td>
</tr>
<tr>
<td>Dec 14, 2011</td>
<td>Mr. Ning (street vendor)</td>
<td>2</td>
<td>Kunming City, Panlong District Bureau</td>
<td>Beaten</td>
<td>Panlong, Kunming, Yunnan</td>
</tr>
<tr>
<td>Dec 1, 2011</td>
<td>Female street vendor</td>
<td>4</td>
<td>Tongzhou District Unit</td>
<td>Chased onto the street and hit by a car</td>
<td>Tongzhou, Beijing</td>
</tr>
</tbody>
</table>


197 Ibid.


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<tr>
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<th>Victims</th>
<th>Alleged Act</th>
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</thead>
<tbody>
<tr>
<td>Nov 14, 2011</td>
<td>Mr. Wang</td>
<td>Beaten for using mobile phone to take photographs of chengguan beating up female street vendor, forced to write self-criticism apology letter, mobile phone reset</td>
<td>Baiyun, Guangzhou, Guangdong</td>
</tr>
<tr>
<td>Nov 16, 2011</td>
<td>Ms. Niu Guixiang (elderly street vendor) and her son</td>
<td>Ms. Niu brutally beaten, her son was involved in physical altercation with chengguan</td>
<td>Nangang, Harbin, Heilongjiang</td>
</tr>
<tr>
<td>Nov 8, 2011</td>
<td>Ms. Zhang</td>
<td>Beaten, detained</td>
<td>Licang, Qingdao, Shandong</td>
</tr>
<tr>
<td>Nov 7, 2011</td>
<td>Ms. Hu and husband</td>
<td>Ms. Hu beaten, her husband severely beaten, resulting in several broken bones and about a dozen stitches</td>
<td>Nanshan, Shenzhen, Guangdong</td>
</tr>
<tr>
<td>Nov 7, 2011</td>
<td>Ms. Zhang (street vendor)</td>
<td>Beaten</td>
<td>Yunyan, Guiyang, Guizhou</td>
</tr>
</tbody>
</table>

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</tr>
</thead>
<tbody>
<tr>
<td>Oct 31, 2011</td>
<td>Mr. Jiang and wife</td>
<td>several</td>
<td>Nantou Station</td>
<td>Beaten with steel bars and hacked with knives</td>
<td>Nanshan, Shenzhen, Guangdong</td>
</tr>
<tr>
<td>Oct 27, 2011</td>
<td>Unnamed elderly man and Mr. Zhang Ka (policeman)</td>
<td>&gt; 20</td>
<td>Henan, Suiping Unit</td>
<td>Elderly man beaten up, policeman who arrived on the scene to stop the beating was beaten taken away by the chengguan</td>
<td>Suiping, Zhumadian, Henan</td>
</tr>
<tr>
<td>Oct 17, 2011</td>
<td>Several store attendants</td>
<td>&gt; 12</td>
<td>Futian District Unit</td>
<td>Physical altercation</td>
<td>Futian, Shenzhen, Guangdong</td>
</tr>
<tr>
<td>Oct 7, 2011</td>
<td>Mr. Fu Guojun</td>
<td>&gt; 30</td>
<td>Dabanqiao Street Bureau</td>
<td>Beaten to death (mistaken for another person)</td>
<td>Guandu, Kunming, Yunnan</td>
</tr>
<tr>
<td>Sep 20, 2011</td>
<td>Mr. Jia and Ms. Wang</td>
<td>6 – 7</td>
<td>Rugao City Station</td>
<td>Beaten</td>
<td>Rugao, Nantong, Jiangsu</td>
</tr>
<tr>
<td>Sep 16, 2011</td>
<td>Mr. Li Fei</td>
<td>&gt; 10</td>
<td>Yiliu Street Station</td>
<td>Brutally beaten</td>
<td>Guandu, Kunming, Yunnan</td>
</tr>
<tr>
<td>Sep 2, 2011</td>
<td>Mr. Duan Guozhi (street vendor)</td>
<td>7 – 8</td>
<td>Wuhua District Station</td>
<td>Brutally beaten</td>
<td>Wuhua, Kunming, Yunnan</td>
</tr>
</tbody>
</table>


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<tr>
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<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 30, 2011</td>
<td>Mr. Tan (street vendor)</td>
<td>10 – 20</td>
<td>Wuhua Station</td>
<td>Brutally beaten, 3 stitches required, goods</td>
<td>Wuhua, Kunming, Yunnan</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>detained</td>
<td></td>
</tr>
<tr>
<td>Aug 18, 2011</td>
<td>Mr. Luo (automotive repair technician)</td>
<td>9</td>
<td>Yiliu Street Station</td>
<td>Brutally beaten</td>
<td>Guandu, Kunming, Yunnan</td>
</tr>
<tr>
<td>Aug 17, 2011</td>
<td>Unnamed elderly male street vendor</td>
<td>2</td>
<td>Yuhang District Station</td>
<td>Physical altercation</td>
<td>Hangzhou, Zhejiang</td>
</tr>
<tr>
<td>Aug 16, 2011</td>
<td>Several street vendors</td>
<td>&gt; 20</td>
<td>Volunteers for Chengfeng Street Unit</td>
<td>Physical altercation</td>
<td>Putuo, Shanghai</td>
</tr>
<tr>
<td>Aug 16, 2011</td>
<td>20 street vendors</td>
<td>70 – 80</td>
<td>Taizhou City, Luqiao Unit</td>
<td>Physical altercation, stalls and beer bottles smashed</td>
<td>Luqiao, Taizhou, Zhejiang</td>
</tr>
<tr>
<td>Aug 15, 2011</td>
<td>Mr. Sun Tianyu (street musician)</td>
<td>8 - 9</td>
<td>Xuancheng City Station</td>
<td>Beaten, electric guitar and sound system</td>
<td>Xuancheng, Anhui</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>smashed</td>
<td></td>
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<th>Alleged Act</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 11, 2011&lt;sup&gt;219&lt;/sup&gt;</td>
<td>Unnamed female motorist</td>
<td>Unknown</td>
<td>Qianxi Unit</td>
<td>Beaten, beating sparked off the smashing and flipping over one chengguan car and five police cars by the crowds which gathered</td>
<td>Qianxi, Bijie, Guizhou</td>
</tr>
<tr>
<td>Aug 11, 2011&lt;sup&gt;220&lt;/sup&gt;</td>
<td>Mr. Chen, his wife and brother-in-law</td>
<td>Unknown</td>
<td>Nanjing City, Liuhe District Unit</td>
<td>Beaten</td>
<td>Liuhe, Nanjing, Jiangsu</td>
</tr>
<tr>
<td>Aug 10, 2011&lt;sup&gt;221&lt;/sup&gt;</td>
<td>Mr. Wang (street vendor), his parents and female cousin</td>
<td>&gt; 10</td>
<td>Unknown</td>
<td>Beaten, car impounded</td>
<td>Changyi, Weifang, Shandong</td>
</tr>
<tr>
<td>Aug 9, 2011&lt;sup&gt;222&lt;/sup&gt;</td>
<td>Ms. Lan (street vendor)</td>
<td>4</td>
<td>Shishi City Station</td>
<td>Physical altercation</td>
<td>Shishi, Quanzhou, Fujian</td>
</tr>
<tr>
<td>Aug 8, 2011&lt;sup&gt;223&lt;/sup&gt;</td>
<td>Mr. Gu (street vendor with disabilities)</td>
<td>4</td>
<td>Hongshan District Station</td>
<td>Physical alteration, stall destroyed</td>
<td>Hongshan, Wuhan, Hubei</td>
</tr>
<tr>
<td>Jul 30, 2011&lt;sup&gt;224&lt;/sup&gt;</td>
<td>Mr. Wang Wenquan</td>
<td>4 - 8</td>
<td>Xinhua Street Bureau</td>
<td>Beaten; vehicle windshield smashed</td>
<td>Decheng, Dezhou, Shandong</td>
</tr>
</tbody>
</table>


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<th>Number</th>
<th>Division</th>
<th>Alleged Act</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 26, 2011²²⁵</td>
<td>Mr. Deng Qiguo (street vendor with disabilities)</td>
<td>1</td>
<td>Xixiu District Station</td>
<td>Beaten to death</td>
<td>Xixiu, Anshun, Guizhou</td>
</tr>
<tr>
<td>Jul 26, 2011²²⁶</td>
<td>Xiao Dai, his mother and grandfather</td>
<td>5–6</td>
<td>Xixia District Station</td>
<td>Physical altercation</td>
<td>Xixia, Yinchuan, Ningxia</td>
</tr>
<tr>
<td>Jul 25, 2011²²⁷</td>
<td>Mr. Yue and Ms. Pu (street vendors)</td>
<td>3</td>
<td>Jinbi Street Unit</td>
<td>Physical altercation; Ms. Pu slashed by knife</td>
<td>Kunming, Yunnan</td>
</tr>
<tr>
<td>Jul 21, 2011²²⁸</td>
<td>Mr. Zhu (street vendor)</td>
<td>2</td>
<td>Unknown</td>
<td>Brutally beaten, stall wrecked</td>
<td>Tianhe, Guangzhou, Guangdong</td>
</tr>
<tr>
<td>Jul 15, 2011²²⁹</td>
<td>Mr. Zhang Biao (street vendor) and his family of 7 and several passerbys</td>
<td>&gt;10</td>
<td>Duqiao County Unit</td>
<td>Beaten</td>
<td>Linhai, Taizhou, Zhejiang</td>
</tr>
<tr>
<td>Jul 11, 2011³³⁰</td>
<td>Mr. Yang Haibiao (street vendor's husband)</td>
<td>unknown</td>
<td>Longwan District, Zhuangyuan Unit</td>
<td>Brutally beaten, resulting in rib fractures and serious injuries</td>
<td>Longwan, Wenzhou, Zhejiang</td>
</tr>
</tbody>
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<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 7, 2011</td>
<td>Ms. Zou (supermarket owner)</td>
<td>3</td>
<td>Xishan District, Zhongshu Ying Station</td>
<td>Beaten</td>
<td>Xishan, Kunming, Yunnan</td>
</tr>
<tr>
<td>Jul 4, 2011</td>
<td>Ms. Liang and Mr. Song (storeowners trying to help diffuse a quarrel near their stores)</td>
<td>10</td>
<td>Shizhong District, Guangming Street Unit</td>
<td>Physical altercation, Ms Liang's finger bitten by a chengguan</td>
<td>Shizhong, Zaozhuang, Shandong</td>
</tr>
<tr>
<td>Jul 2, 2011</td>
<td>Mr. Gao and wife (passerby on the phone)</td>
<td>Multiple</td>
<td>Xianyang City, Weicheng District Unit</td>
<td>Beaten for being on the phone in the vicinity</td>
<td>Weicheng, Xianyang, Shaanxi</td>
</tr>
<tr>
<td>Jun 28, 2011</td>
<td>Mr. Yan (elderly street vendor)</td>
<td>4 – 5</td>
<td>Binhu Street Station</td>
<td>Bicycle detained; beaten resulting in finger dislocation</td>
<td>Jianye, Nanjing, Jiangsu</td>
</tr>
<tr>
<td>Jun 27, 2011</td>
<td>Mr. Zhang Jiyuan (street vendor)</td>
<td>3</td>
<td>Nanzheng County Dahekan Unit</td>
<td>Beaten</td>
<td>Nanzheng, Hanzhong, Shaanxi</td>
</tr>
<tr>
<td>Jun 27, 2011</td>
<td>Ms. Gao Shengmin</td>
<td>&gt; 4</td>
<td>Laohekou City Bureau</td>
<td>Physical altercation; tricycle detained</td>
<td>Laohekou, Xiangyang, Hubei</td>
</tr>
</tbody>
</table>

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</thead>
<tbody>
<tr>
<td>Jun 22, 2011</td>
<td>Mr. Zhang and wife</td>
<td>&gt; 10</td>
<td>Julu County Station</td>
<td>Beaten</td>
<td>Julu, Xingtai, Hebei</td>
</tr>
<tr>
<td>Jun 22, 2011</td>
<td>Mr. Huang Zongjian</td>
<td>5 - 6</td>
<td>Xingqing South District Station</td>
<td>Beaten</td>
<td>Xingqing, Yinchuan, Ningxia</td>
</tr>
<tr>
<td>Jun 15, 2011</td>
<td>Mr. Huang and 9 other villagers</td>
<td>&gt; 10</td>
<td>Heilinpu Bureau</td>
<td>Physical altercation resulting in injuries</td>
<td>Wuhua, Kunming, Yunnan</td>
</tr>
<tr>
<td>Jun 14, 2011</td>
<td>Ms. Du Xianju (street vendor)</td>
<td>3</td>
<td>Yuzhong District Station</td>
<td>Injured from falling down a flight of stairs as a result of physical altercation</td>
<td>Yuzhong, Chongqing</td>
</tr>
<tr>
<td>Jun 13, 2011</td>
<td>Mr. Wu Zhuang</td>
<td>4</td>
<td>Zhengxiong Unit</td>
<td>Beaten</td>
<td>Zhenxiong, Zhaotong, Yunnan</td>
</tr>
<tr>
<td>Jun 11, 2011</td>
<td>Mr. Zheng Weiming</td>
<td>1</td>
<td>Chaoyang District, Yongchang Street Bureau</td>
<td>Beaten</td>
<td>Chaoyang, Changchun, Jilin</td>
</tr>
<tr>
<td>Jun 6, 2011</td>
<td>Mr. Meng (elderly man)</td>
<td>Several</td>
<td>Sishui County Station</td>
<td>Beaten to death</td>
<td>Sishui, Jining, Shandong</td>
</tr>
</tbody>
</table>

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<th>Alleged Act</th>
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</tr>
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<tbody>
<tr>
<td>Jun 2, 2011</td>
<td>Mr. Guo Fei and Ms Guo Tian (high school children) and their unnamed aunt</td>
<td>Several</td>
<td>Brutally beaten</td>
<td>Zichang, Yan’an, Shaanxi</td>
</tr>
<tr>
<td>Jun 2, 2011</td>
<td>Ms. Li and Mr. Wang (street vendors)</td>
<td>&gt; 10</td>
<td>Physical altercation, tricycle confiscated and Ms. Li taken away in chengguan car</td>
<td>Yulin, Shaanxi</td>
</tr>
<tr>
<td>Jun 1, 2011</td>
<td>Mr. Yan Fei</td>
<td>&gt; 10</td>
<td>Brutally beaten</td>
<td>Feidong, Hefei, Anhui</td>
</tr>
<tr>
<td>May 31, 2011</td>
<td>Mr. Peng Yong</td>
<td>5 – 6</td>
<td>Beaten and verbally threatened</td>
<td>Yuxiu, Guangzhou, Guangdong</td>
</tr>
<tr>
<td>May 30, 2011</td>
<td>Ms. Luo</td>
<td>4</td>
<td>Slapped and strangled</td>
<td>Guandu, Kunming, Yunnan</td>
</tr>
<tr>
<td>May 27, 2011</td>
<td>Mr. Ji (street vendor)</td>
<td>1</td>
<td>Brutally beaten</td>
<td>Shibeil, Qingdao, Shandong</td>
</tr>
<tr>
<td>May 25, 2011</td>
<td>Mr. Guo Shenghua</td>
<td>4 – 5</td>
<td>Slapped</td>
<td>Qiaokou, Wuhan, Hubei</td>
</tr>
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</table>

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244 周鹏, “两兄妹替父看摊遭城管毒打 被迫带伤高考,” (“Siblings tending over father’s stall subject to brutal beatings, have to take high school examinations while injured”), 西安晚报, June 6, 2011, http://www.qingdaonews.com/gb/content/2011-06/06/content_8809178.htm (accessed March 14, 2012).


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<tr>
<th>Date</th>
<th>Victims</th>
<th>Number</th>
<th>Division</th>
<th>Alleged Act</th>
<th>Location</th>
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<tbody>
<tr>
<td>May 24, 2011</td>
<td>Mr. Hu (storeowner)</td>
<td>6</td>
<td>Wuxi Xishan District, Dongbeitang Street Unit</td>
<td>Beaten</td>
<td>Xishan, Wuxi, Jiangsu</td>
</tr>
<tr>
<td>May 24, 2011</td>
<td>Mr. Xu Shaohong (part of a band of four street musicians)</td>
<td>&gt; 30</td>
<td>Chenggong Bureau</td>
<td>Beaten</td>
<td>Chenggong, Kunming, Yunnan</td>
</tr>
<tr>
<td>May 17, 2011</td>
<td>Unnamed married couple (street vendors)</td>
<td>Unknown</td>
<td>Dalian Street Unit</td>
<td>Beaten</td>
<td>Shandong, Rizhao, Donggang</td>
</tr>
<tr>
<td>May 14, 2011</td>
<td>Mr. Liu Yongxi (elderly street vendor)</td>
<td>2</td>
<td>Duyuan Street Bureau</td>
<td>Beaten; wares and goods destroyed</td>
<td>Jinjiang, Chengdu, Sichuan</td>
</tr>
<tr>
<td>May 13, 2011</td>
<td>Mr. Lin Gaofeng and Ms. Cheng Yanni</td>
<td>&gt; 4</td>
<td>Tongchuan City Yaozhou District Unit</td>
<td>Brutally beaten for taking photographs of law enforcement incident</td>
<td>Yaozhou, Tongchuan, Shaanxi</td>
</tr>
<tr>
<td>May 11, 2011</td>
<td>Ms. Wang and her son (street vendors)</td>
<td>5</td>
<td>Beihai City, Haicheng District Unit</td>
<td>Physical altercation</td>
<td>Haicheng, Beihai, Guangxi</td>
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<tbody>
<tr>
<td>May 8, 2011</td>
<td>Mr. Zhao Yu (store owner) and his father</td>
<td>20 – 30 Yunlong District, Xuzhou City, Luotuoshan street Bureau</td>
<td>Beaten and store destroyed, using steel bars, fridge and vehicle confiscated</td>
<td>Yunlong, Xuzhou, Jiangsu</td>
</tr>
<tr>
<td>May 6, 2011</td>
<td>Mr. and Mrs. Li (street vendors)</td>
<td>&gt; 8 Shuangqiao District Unit</td>
<td>Car detained; Mrs. Li brutally beaten and whipped</td>
<td>Guandu, Kunming, Yunnan</td>
</tr>
<tr>
<td>May 3, 2011</td>
<td>Mr. Zhou Xiaoming, his wife Ms. Wu Suli, and their son Mr. Zhou Yang</td>
<td>6 Liaoyang Station</td>
<td>Mr. Zhou Xiaoming brutally beaten to death; Mr. Zhou Yang brutally beaten; Ms. Wu slapped</td>
<td>Hongwei, Liaoyang, Liaoning</td>
</tr>
<tr>
<td>Apr 30, 2011</td>
<td>Mr. Xu Yunqing</td>
<td>3 Daxing City Unit</td>
<td>Physical altercation; chengguan drove vehicle over and crushed his foot</td>
<td>Yinghai, Daxing, Beijing</td>
</tr>
<tr>
<td>Apr 29, 2011</td>
<td>Mr. Li Fanyong (refuse picker)</td>
<td>3 Tianyuan District North Unit</td>
<td>Pushed to the ground and injured; tricycle confiscated</td>
<td>Tianyuan, Zhuzhou, Hunan</td>
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<th>Date</th>
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<th>Division</th>
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<th>Location*81</th>
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<tbody>
<tr>
<td>Apr 28, 2011</td>
<td>Mr. Wang and his pregnant wife</td>
<td>5 - 6</td>
<td>Duqiao Unit</td>
<td>Beaten and pushed to the ground</td>
<td>Weinan, Shaanxi</td>
</tr>
<tr>
<td>Apr 27, 2011</td>
<td>Ms. Xie (street vendor)</td>
<td>6 - 7</td>
<td>Yunxiao City Station</td>
<td>Physical altercation; injured</td>
<td>Yunxiao, Zhangzhou, Fujian</td>
</tr>
<tr>
<td>Apr 26, 2011</td>
<td>Several unnamed young men</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Physical altercation</td>
<td>Changsha, Hunan</td>
</tr>
<tr>
<td>Apr 24, 2011</td>
<td>Mr. Guo Gang</td>
<td>2</td>
<td>Yichun City Station</td>
<td>Brutally beaten, permanently blinding his left eye</td>
<td>Yichun, Jiangxi</td>
</tr>
<tr>
<td>Apr 22, 2011</td>
<td>Mr. Zhan Youming, Mr. Zhan Youli, Ms. Liu Qunfang, Ms. Xu</td>
<td>&gt; 10</td>
<td>Wuhou City Committee</td>
<td>Beaten</td>
<td>Wuhou, Chengdu, Sichuan</td>
</tr>
<tr>
<td>Apr 14, 2011</td>
<td>Mr. Ye Jianguo and Mr. He Jiahong (street vendors)</td>
<td>&gt; 10</td>
<td>Jiangbei District Guanyinqiao Street Squad</td>
<td>Brutally beaten</td>
<td>Jiangbei, Chongqing</td>
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<tr>
<td>Apr 13, 2011</td>
<td>Unnamed motorist</td>
<td>5 - 8</td>
<td>Songjiang Station</td>
<td>Beaten</td>
<td>Songjiang, Shanghai</td>
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<tbody>
<tr>
<td>Apr 13, 2011⁶⁹</td>
<td>Mr. Gao and his two sons (street vendors)</td>
<td>Majibao Station</td>
<td>Beaten and wares detained</td>
<td>Fengtai, Beijing</td>
</tr>
<tr>
<td>Apr 6, 2011⁷⁰</td>
<td>Ms. Li (store owner)</td>
<td>Xuanwu District, Meiyuan Unit</td>
<td>Physical altercation</td>
<td>Xuanwu, Nanjing, Jiangsu</td>
</tr>
<tr>
<td>Apr 6, 2011⁷¹</td>
<td>Mr. Yan</td>
<td>Shushan District Bureau</td>
<td>Beaten, strangled, taken away by car</td>
<td>Shushan, Hefei, Anhui</td>
</tr>
<tr>
<td>Apr 3, 2011⁷²</td>
<td>Ms. Zhao and several other street vendors</td>
<td>Majidun District Station</td>
<td>Beaten</td>
<td>Zoucun, Zibo, Shandong</td>
</tr>
<tr>
<td>Mar 29, 2011⁷³</td>
<td>Mr. Zhang Hongwen (elderly street vendor)</td>
<td>Wuqiao Construction Bureau</td>
<td>Beaten; goods confiscated</td>
<td>Wuqiao, Cangzhou, Hebei</td>
</tr>
<tr>
<td>Mar 23, 2011⁷⁴</td>
<td>Mr. Zheng Lei (elderly street vendor)</td>
<td>Fuhua Street Bureau</td>
<td>Brutally beaten</td>
<td>Erqi, Zhengzhou, Henan</td>
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<tr>
<th>Date</th>
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<th>Alleged Act</th>
<th>Location</th>
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<tbody>
<tr>
<td>Mar 22, 2011</td>
<td>20 vendors</td>
<td>&gt; 60 Daxing Unit</td>
<td>Physical altercation, many injured from both parties</td>
<td>Daxing, Beijing</td>
</tr>
<tr>
<td>Mar 15, 2011</td>
<td>20 individuals seeking to protect their land</td>
<td>&gt; 60 Yuquan Street Bureau</td>
<td>Beaten</td>
<td>Jiyuan, Henan</td>
</tr>
<tr>
<td>Jan 27, 2011</td>
<td>Mr. Zhang and two unnamed individuals</td>
<td>&gt; 10 Yaohua Street Bureau</td>
<td>Physical altercation, many injured from both parties</td>
<td>Qixia, Nanjing, Jiangsu</td>
</tr>
<tr>
<td>Jan 16, 2011</td>
<td>Unnamed sales assistants (elderly man and pregnant woman)</td>
<td>7 - 8 Yan’an Municipal Bureau Fenghuang Unit</td>
<td>Beaten</td>
<td>Yan’an, Shaanxi</td>
</tr>
<tr>
<td>Jan 20, 2011</td>
<td>Mr. Zhang and his wife (elderly street vendors)</td>
<td>1 Songjianghe Forestry and Sanitation Bureau</td>
<td>Beaten</td>
<td>Fusong, Baishan, Jilin</td>
</tr>
<tr>
<td>Jan 19, 2011</td>
<td>Three street vendors</td>
<td>1 Longhua Unit</td>
<td>Physical altercation, one female street vendor injured</td>
<td>Bao’an, Shenzhen, Guangdong</td>
</tr>
</tbody>
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<tr>
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<th>Chengguan</th>
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<tbody>
<tr>
<td>Jan 14, 2011&lt;sup&gt;281&lt;/sup&gt;</td>
<td>Mr. Wu Shide and wife (street vendors)</td>
<td>&gt; 3</td>
<td>Beaten</td>
<td>Yubei, Chongqing</td>
</tr>
<tr>
<td>Jan 6, 2011&lt;sup&gt;282&lt;/sup&gt;</td>
<td>Mr. Zhou and wife</td>
<td>&gt;20</td>
<td>Beaten</td>
<td>Baishan, Jilin</td>
</tr>
<tr>
<td>Jan 4, 2011&lt;sup&gt;283&lt;/sup&gt;</td>
<td>5 - 6 street vendors</td>
<td>&gt; 10</td>
<td>Physical altercation, many injured from both parties</td>
<td>Zhangjiang, Pudong, Shanghai</td>
</tr>
<tr>
<td>Dec 13, 2010&lt;sup&gt;284&lt;/sup&gt;</td>
<td>Miss Gao (storeowner)</td>
<td>7 - 8</td>
<td>Store destroyed</td>
<td>Guandu, Kunming, Yunnan</td>
</tr>
<tr>
<td>Dec 24, 2010&lt;sup&gt;285&lt;/sup&gt;</td>
<td>Mr. Zhang Jin (policeman)</td>
<td>&gt; 20</td>
<td>Beaten</td>
<td>Panlong, Kunming, Yunnan</td>
</tr>
<tr>
<td>Dec 24, 2010&lt;sup&gt;286&lt;/sup&gt;</td>
<td>Mr. Zhou Jianfu</td>
<td>6</td>
<td>Beaten</td>
<td>Cangshan, Fuzhou, Fujian</td>
</tr>
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</table>


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<tr>
<th>Date</th>
<th>Victims</th>
<th>Number</th>
<th>Division</th>
<th>Alleged Act</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec 22, 2010</td>
<td>Mr. Fu Longchao (passerby)</td>
<td>20</td>
<td>Dingxiao Economic Development Zone Station</td>
<td>Beaten, taken away in the chengguan car and was abandoned in the wilderness</td>
<td>Xingyi, Qianxinan, Guizhou</td>
</tr>
<tr>
<td>Dec 19, 2010</td>
<td>Three postal staff and Mr. Bao, a passerby trying to help</td>
<td>10</td>
<td>Hongkou District Bureau</td>
<td>Beaten</td>
<td>Hongkou, Shanghai</td>
</tr>
<tr>
<td>Dec 18, 2010</td>
<td>Mr. Jing Kaiguo (elderly street vendor)</td>
<td>2</td>
<td>Bozhou Street Unit</td>
<td>Taken away by chengguan as injuries from physical altercation drew attention</td>
<td>Luyang, Hefei, Anhui</td>
</tr>
<tr>
<td>Dec 17, 2010</td>
<td>Female parking lot attendant</td>
<td>2</td>
<td>Hanzhong City Station, Second Unit</td>
<td>Dragged into chengguan car and beaten</td>
<td>Hantai, Hanzhong, Shaanxi</td>
</tr>
<tr>
<td>Dec 12, 2010</td>
<td>Mr. Zhang Chengzhi (15 year old)</td>
<td>7-8</td>
<td>Hongkou District Unit</td>
<td>Beaten</td>
<td>Hongkou, Shanghai</td>
</tr>
<tr>
<td>Dec 11, 2010</td>
<td>Ms. Yan, Ms. Li, Mr. Liu, Mr. Shi (tourists from Guizhou)</td>
<td>3</td>
<td>Sanya City, Hexi District Unit</td>
<td>Beaten</td>
<td>Sanya, Hainan</td>
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<tr>
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<th>Victims</th>
<th>Number¹⁸</th>
<th>Division</th>
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<th>Location</th>
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<tr>
<td>Dec 7, 2010²⁹³</td>
<td>Mr. Yang, his wife and son</td>
<td>&gt; 3</td>
<td>Nanxiashu Street Unit</td>
<td>Beaten, slapped; 7-8 cartons of vegetables confiscated</td>
<td>Wujin, Changzhou, Jiangsu</td>
</tr>
<tr>
<td>Nov 27, 2010²⁹⁴</td>
<td>Ms. Rao Shufen (elderly street vendor)</td>
<td>3</td>
<td>Licheng District Station Kaiyuan Unit</td>
<td>Beaten</td>
<td>Licheng, Quanzhou, Fujian</td>
</tr>
<tr>
<td>Nov 23, 2010²⁹⁵</td>
<td>Mr. Hu Tituan</td>
<td>6</td>
<td>Qianxian Station</td>
<td>Died from motorcycle crash as a result of a car chase by 6 chengguan vehicles</td>
<td>Qianxian, Xianyang, Shaanxi</td>
</tr>
<tr>
<td>Nov 17, 2010²⁹⁶</td>
<td>Mr. Huang Yingan</td>
<td>4</td>
<td>Nanchong City Yilong County Bureau</td>
<td>Beaten</td>
<td>Yilong, Nanchong, Sichuan</td>
</tr>
<tr>
<td>Nov 15, 2010²⁹⁷</td>
<td>Mr. Ge and his pregnant wife</td>
<td>5 - 6</td>
<td>Hohhot, Yuquan District Second Unit</td>
<td>Beaten</td>
<td>Yuquan District, Hohhot, Inner Mongolia</td>
</tr>
<tr>
<td>Nov 10, 2010²⁹⁸</td>
<td>Ms. Yan Chunsheng (elderly farmer)</td>
<td>2</td>
<td>Gaochun District Station</td>
<td>Finger broken off</td>
<td>Gaochun, Nanjing, Jiangsu</td>
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</table>

²⁹³ 姚斌, "商贩：城管打人了城管：被商贩扇巴掌," ("Street vendors claim they were beaten by chengguan; chengguan claim street vendors slapped them"), 现代快报, December 10, 2010, http://news.163.com/10/1210/02/6NGRO5V00014AED.html (accessed March 14, 2012).


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<tbody>
<tr>
<td>Nov 9, 2010</td>
<td>Mr. Zhang Huiquan (elderly farmer)</td>
<td>4 Jinshui District Bureau</td>
<td>Slapped</td>
<td>Zhengzhou, Henan</td>
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<tr>
<td>Nov 7, 2010</td>
<td>Ms. Xie Chunmei</td>
<td>7-8 Kuancheng District Dongguang Bureau</td>
<td>Beaten, resulting in miscarriage; goods confiscated</td>
<td>Kuancheng, Changchun, Jilin</td>
</tr>
<tr>
<td>Nov 4, 2010</td>
<td>Mr. Li Ximing</td>
<td>10 Guandu District Yiliu Street Bureau</td>
<td>Brutally beaten</td>
<td>Guandu, Kunming, Yunnan</td>
</tr>
<tr>
<td>Nov 3, 2010</td>
<td>Mr. Tai and family, Mr. Kong</td>
<td>8 Qianguo District Station</td>
<td>Beaten</td>
<td>Qian Gorlos, Songyuan, Jilin</td>
</tr>
<tr>
<td>Oct 23, 2010</td>
<td>Mr. Li Bo (tourist)</td>
<td>2 Chenggong District Unit</td>
<td>Beaten, camera confiscated for filming law enforcement process</td>
<td>Chenggong, Kunming, Yunnan</td>
</tr>
<tr>
<td>Oct 22, 2010</td>
<td>Mr. Xi Pingzhao</td>
<td>5 Qianxian Station</td>
<td>Brutally beaten</td>
<td>Qianxian, Xianyang, Shaanxi</td>
</tr>
<tr>
<td>Oct 21, 2010</td>
<td>Mr. Shi and family</td>
<td>&gt; 20 Yunyan Station</td>
<td>Beaten</td>
<td>Yunyan, Guiyang, Guizhou</td>
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<tbody>
<tr>
<td>Oct 20, 2010</td>
<td>Mr. Wang Lianggang and wife, Ms. Yu Cuiping (street vendors)</td>
<td>14 - 15</td>
<td>Erqi District Wulibao Bureau</td>
<td>Brutally beaten and stall wrecked and goods smashed</td>
<td>Erqi, Zhengzhou, Henan</td>
</tr>
<tr>
<td>Oct 17, 2010</td>
<td>Mr. Luo</td>
<td>&gt; 3</td>
<td>Xiangshan District Station</td>
<td>Beaten</td>
<td>Xiangshan, Guilin, Guangxi</td>
</tr>
<tr>
<td>Oct 16, 2010</td>
<td>Mr. Li Fujun (homeowner with physical disabilities)</td>
<td>5</td>
<td>Erqi District Huaihe Road Unit</td>
<td>Home demolished, beaten and thrown into a ditch 30km away from home in the middle of the night</td>
<td>Erqi, Zhengzhou, Henan</td>
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<tr>
<td>Oct 14, 2010</td>
<td>Unnamed street vendor, Ms. Zhao Juan (passerby who filmed the beating of street vendor)</td>
<td>&gt; 3</td>
<td>Yancheng City Bureau</td>
<td>Street vendor beaten; Ms Zhao Juan strangled, beaten, dragged by the hair, detained for several hours</td>
<td>Tinghu, Yancheng, Jiangsu</td>
</tr>
<tr>
<td>Oct 14, 2010</td>
<td>Ms. Shi (street vendor) and unnamed security guard</td>
<td>4</td>
<td>Longquan Street Bureau</td>
<td>Slapped and beaten, car tires slashed, goods smashed. Security guard taken away for using mobile phone (suspected of filming)</td>
<td>Panlong, Kunming, Yunnan</td>
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<tbody>
<tr>
<td>Oct 8, 2010</td>
<td>Street vendors and Mr. Liu Sheng (passerby trying to help)</td>
<td>7-8</td>
<td>Zhengzhou Songshan Road Bureau</td>
<td>Brutally beaten, threatened by knives</td>
<td>Erqi, Zhengzhou, Henan</td>
</tr>
<tr>
<td>Oct 2, 2010</td>
<td>Mr. Zhu Puji (part-time sales promoter, college student)</td>
<td>&gt;10</td>
<td>Wuchang District Station</td>
<td>Beaten</td>
<td>Wuchang, Wuhan, Hubei</td>
</tr>
<tr>
<td>Sep 22, 2010</td>
<td>Mr. Zhang</td>
<td>&gt;10</td>
<td>Xi'an City Station</td>
<td>Beaten</td>
<td>Weiyang, Xi'an, Shaanxi</td>
</tr>
<tr>
<td>Sep 20, 2010</td>
<td>Mr. Wang Can and father, Mr. Wang Quanwei</td>
<td>&gt;10</td>
<td>Shunping County Unit</td>
<td>Beaten</td>
<td>Shunping, Baoding, Hebei</td>
</tr>
<tr>
<td>Sep 16, 2010</td>
<td>Mr. Ji Yongqing and wife (street vendors), Mr. Chen Quanxin (sanitation worker)</td>
<td>3</td>
<td>Nanyang Xincun Bureau</td>
<td>Street vendors beaten, whipped with belth, pushed out of chengguan car, goods confiscated. Sanitation worker slapped</td>
<td>Jinshui, Zhengzhou, Henan</td>
</tr>
<tr>
<td>Sep 14, 2010</td>
<td>Mr. Wang</td>
<td>1</td>
<td>Xinkaipu Bureau</td>
<td>Beer bottle smashed on head</td>
<td>Tianxin, Changsha, Hunan</td>
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<tbody>
<tr>
<td>Sep 14, 2010</td>
<td>Ms. Han Shuqin, Mr. Li Jinfeng</td>
<td>&gt; 10 Yongji County North Unit</td>
<td>Brutally beaten</td>
<td>Yongji, Jilin</td>
</tr>
<tr>
<td>Sep 13, 2010</td>
<td>Ms. Wang (hair salon owner)</td>
<td>1 Fengtai District Xiluoyuan Unit</td>
<td>Beaten and strangled</td>
<td>Fengtai, Beijing</td>
</tr>
<tr>
<td>Sep 10, 2010</td>
<td>Female journalist</td>
<td>1 Nanning City, Xixiangtang District Unit</td>
<td>Camera snatched, beaten, strangled, pushed into chengguan car</td>
<td>Xixiangtang, Nanning, Guangxi</td>
</tr>
<tr>
<td>Sep 8, 2010</td>
<td>Mr. Li (street vendor)</td>
<td>4 - 5 Nanhua Street Bureau</td>
<td>Brutally beaten, goods confiscated</td>
<td>Jianye, Nanjing, Jiangsu</td>
</tr>
<tr>
<td>Sep 2, 2010</td>
<td>Mr. Ding Liu yi (street vendor)</td>
<td>5 - 6 Baqiao Hongqing Street Bureau</td>
<td>Brutally beaten, wares snatched</td>
<td>Baqiao, Xi'an, Shaanxi</td>
</tr>
<tr>
<td>Sep 1, 2010</td>
<td>Ms. Wang Xifen and Mr. Zhang Huiyuan</td>
<td>9 - 10 Wuxi Huazhuang Street Bureau</td>
<td>Brutally beaten, goods confiscated</td>
<td>Binhu, Wuxi, Jiangsu</td>
</tr>
<tr>
<td>Aug 28, 2010</td>
<td>Mr. Li</td>
<td>1 Zhendian Street Bureau</td>
<td>Beaten by drunk chengguan</td>
<td>Jiangxia, Wuhan, Hubei</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Date</th>
<th>Victims</th>
<th>Chengguan</th>
<th>Alleged Act</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 25, 2010</td>
<td>Ms. Guo Hongxiu and husband</td>
<td>&gt; 20 Yangluo Unit</td>
<td>Brutally beaten</td>
<td>Xinzhou, Wuhan, Hubei</td>
</tr>
<tr>
<td>Aug 24, 2010</td>
<td>Mr. Yan, wife and son</td>
<td>&gt; 10 Changzhou Wuxin Unit</td>
<td>Beaten</td>
<td>Zhonglou, Changzhou, Jiangsu</td>
</tr>
<tr>
<td>Aug 18, 2010</td>
<td>Mr. Han (passerby)</td>
<td>20 - 30 Mifeng Zhang Street Bureau</td>
<td>Beaten</td>
<td>Erqi, Zhengzhou, Henan</td>
</tr>
<tr>
<td>Aug 16, 2010</td>
<td>Ms. Xie Huaxiang (street vendor) and Mr. Jiang Bing (passerby)</td>
<td>3 Furong District Unit</td>
<td>Beaten</td>
<td>Furong, Changsha, Hunan</td>
</tr>
<tr>
<td>Aug 5, 2010</td>
<td>Mr. Qi Peng and his wife, Ms. Yan Yuqun</td>
<td>&gt; 10 Jiangan Station</td>
<td>Mr. Qi injured, Ms. Yan scalded</td>
<td>Jiang’an, Wuhan, Hubei</td>
</tr>
<tr>
<td>Aug 5, 2010</td>
<td>Mr. Zheng Kejin and an unnamed female street vendor</td>
<td>4 Xiadu Street Bureau</td>
<td>All beaten, street vendor’s melons destroyed</td>
<td>Cangshan, Fuzhou, Fujian</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
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<th>Alleged Act</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 4, 2010maj</td>
<td>Deng Chunping</td>
<td>&gt; 10 Jiaxing District Station</td>
<td>Beaten, provoked into taking poison (Dichlorvos) as a form of protest</td>
<td>Jiaxing, Wuhan, Hubei</td>
</tr>
<tr>
<td>Aug 2, 2010</td>
<td>Ms. Lin (passerby filming incident)</td>
<td>2 Shaoguan City Shixing County Unit</td>
<td>Beaten</td>
<td>Shixing, Shaoguan, Guangdong</td>
</tr>
<tr>
<td>Jul 29, 2010</td>
<td>Mr. Cheng and an unnamed woman</td>
<td>4 - 5 Nanchang City Station</td>
<td>Beaten and strangled</td>
<td>Nanchang, Jiangxi</td>
</tr>
<tr>
<td>Jul 28, 2010</td>
<td>Seven street vendors</td>
<td>&gt; 7 Baohe District, Binhu Bureau</td>
<td>Physical altercation</td>
<td>Baohe, Hefei, Anhui</td>
</tr>
<tr>
<td>Jul 27, 2010</td>
<td>More than 20 staff members of Beijing TCTD Construction and Decoration Engineering Co, Ltd</td>
<td>10 Daxing District Unit</td>
<td>Beaten</td>
<td>Yizhuang, Daxing, Beijing</td>
</tr>
<tr>
<td>Jul 23, 2010</td>
<td>Mr. Chen Hanzhou</td>
<td>20 - 30 Ganghua Village Station</td>
<td>Detained and brutally beaten</td>
<td>Qingshan, Wuhan, Hubei</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Date</th>
<th>Victims</th>
<th>Number(^{2,2})</th>
<th>Division</th>
<th>Alleged Act</th>
<th>Location(^{1,8})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 14, 2010(^{336})</td>
<td>Eight street vendors</td>
<td>60</td>
<td>Nanning City Xingning District Squad</td>
<td>Physical altercation, 8 street vendors injured</td>
<td>Nanning, Guangxi</td>
</tr>
<tr>
<td>Jul 14, 2010(^{337})</td>
<td>Mr. Che Xuan</td>
<td>3</td>
<td>Gulou District Station</td>
<td>Beaten</td>
<td>Gulou, Kaifeng, Henan</td>
</tr>
<tr>
<td>Jul 12, 2010(^{338})</td>
<td>Mr. Li, (vegetable seller), his wife Ms. Zhang and their son</td>
<td>&gt; 20</td>
<td>Unknown</td>
<td>Brutally beaten</td>
<td>Jiutai, Changchun, Jilin</td>
</tr>
<tr>
<td>Jul 9, 2010(^{339})</td>
<td>Xiong Junzhi (sanitation worker)</td>
<td>3</td>
<td>Guiyang City Yunyan Unit</td>
<td>Hit and run incident</td>
<td>Yunyan, Guiyang, Guizhou</td>
</tr>
<tr>
<td>Jul 8, 2010(^{340})</td>
<td>Mr. Luo</td>
<td>7 - 8</td>
<td>Unknown</td>
<td>Beaten, car smashed, two cell phones snatched</td>
<td>Yanta, Xi’an, Shaanxi</td>
</tr>
<tr>
<td>Jul 8, 2010(^{341})</td>
<td>Mr. and Mrs. Jie (restaurant owners)</td>
<td>1</td>
<td>Jiang’an District Xincun Street Unit</td>
<td>Physical altercation, both parties injured</td>
<td>Jiang’an, Wuhan, Hubei</td>
</tr>
</tbody>
</table>

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<th>Alleged Act</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 6, 2010</td>
<td>More than four street vendors</td>
<td>2 Bantian Street Bureau</td>
<td>Four stalls and their wares wrecked, several people beaten</td>
<td>Longgang, Shenzhen, Guangdong</td>
</tr>
<tr>
<td>Jul 5, 2010</td>
<td>Crowd attempting to defend melon vender</td>
<td>1 Qixia District Yanziji Street Division</td>
<td>Pepper sprayed</td>
<td>Nanjing, Jiangsu</td>
</tr>
<tr>
<td>Jul 1, 2010</td>
<td>Ms. Luoyan (storeowner), Mr. Luomeng and, Ms. Luo Xihuan</td>
<td>&gt;20 Songyang Road Station</td>
<td>Beaten</td>
<td>Dengfeng, Zhengzhou, Henan</td>
</tr>
</tbody>
</table>

342 李亚坤, “龙岗：小贩已交租仍被整治 多人遭城管掀摊殴打,” (“Longgang: street vendors hassled despite having paid rent, many had their stalls wrecked and were beaten up”), 南方都市报, 7 July 2010, http://nf.nfdaily.cn/nfdsb/content/2010-07/07/content_13533744.htm (accessed March 14, 2012).


“Beat Him, Take Everything Away”
Abuses by China’s Chengguan Para-Police

Since its founding in 1997, China’s Urban Management Law Enforcement (城管执法), or chengguan, a para-police agency tasked with enforcing non-criminal urban administrative regulations, has earned a reputation for excessive force and impunity. The chengguan have become associated in popular opinion with arbitrary and thuggish behavior, including assaults on suspected administrative law violators (some of which lead to serious injury or death), illegal detention, and abuses accompanying forceful confiscation of property.

“Beat Him, Take Everything Away”—based on interviews with victims of chengguan abuse between mid-2009 and 2011 and analysis of relevant Chinese laws, regulations, and academic writings—charts the creation and development of chengguan units over the past 15 years, details recent cases of abuse, and sets forth recommendations for ending the abuses. It argues that human rights violations by chengguan personnel illustrate problems plaguing law enforcement in China more generally, underlining the gap between the Chinese government’s rhetoric on rule of law and the rougher, more arbitrary reality experienced by Chinese victims of abusive policing.