FOCUS BRIEF

CHINA

Issue: Petitioners

6 April 2010

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Purpose
This Focus Brief provides an overview of the issue of petitioners in the People’s Republic of China, and by drawing on a variety of sources, addresses the human rights abuses that petitioners suffer in China, including harassment and retaliation perpetrated by authorities, and extralegal detention.

Executive Summary
Whilst Chinese law protects the right to petition the government for resolution of grievances\(^1\), extralegal detention and harassment of petitioners by Chinese authorities continues. Reports of abuses against petitioners increase around national anniversaries and political events. The xinfang (‘letters and visits’) system, otherwise known as the petitioning system, permits Chinese citizens to report local official abuses or local legal decisions to higher levels of government. Petitioning has become one of the only accessible means of legal redress, particularly for poorer rural Chinese citizens\(^2\). Petitioners rarely acquire a satisfactory outcome to their complaints, sometimes spending years trying to get the government to hear their grievances\(^3\). Instead they risk imprisonment and persecution by authorities as a consequence for seeking redress to complaints. Local government officials frequently hire plain-clothed agents, commonly known as retrievers, or jiefang renyuan, to locate and abduct petitioners in Beijing and other cities\(^4\).

Background
Petitioning in China is a process that is steeped in tradition. In Imperial times, people would travel to the capital to seek the Emperor’s intervention for an injustice. This tradition has been carried through to modern times, with petition offices existing at various levels of government. Petitioners come to Beijing and provincial capitals seeking redress for complaints that are not resolved at lower levels of government\(^5\). China’s ‘Regulation on Petitions’ affords citizens the right to approach higher-level government offices to voice their grievances\(^6\). Administered through national and local regulations, it allows ordinary people to formally raise grievances about subjects as diverse as police brutality, illegal land seizures, poor infrastructure, and corruption\(^7\).

A Human Rights Watch report describes the petitioning process:

> Because local courts regularly refuse to accept cases against local officials, and because pursuing legal redress through the court system can be prohibitively expensive, particularly for rural Chinese, petitioning has become one of the only accessible means of legal redress. Petitioners typically begin their pursuit of legal

\(^2\) "An Alleyway in Hell" China’s Abusive "Black Jails", \textit{Human Rights Watch}, 12 November 2009, CISLIB 18021
\(^3\) ‘Petitions in China’, \textit{British Broadcasting Corporation (BBC)}, 9 April 2009, CX239859
\(^4\) "An Alleyway in Hell" China’s Abusive "Black Jails", \textit{Human Rights Watch}, 12 November 2009, CISLIB 18021
\(^5\) "An Alleyway in Hell" China’s Abusive "Black Jails", \textit{Human Rights Watch}, 12 November 2009, CISLIB 18021
\(^6\) ‘Warning as unrest grows’, \textit{Radio Free Asia}, 17 February 2010, CX239992
\(^7\) ‘Rampant violence and intimidation against petitioners’, \textit{Human Rights Watch}, 8 December 2005, CX142298
redress at local-level petitioner complaint offices, which are located in courthouses or in township-level government offices. If they are not satisfied, they can move up the government hierarchy to provincial level offices and, at the highest level, the State Bureau for Letters and Visits in Beijing.8

**Human Rights Abuses**

Citizens who petition the central government in Beijing for redress of a grievance are frequently intercepted by police from their hometown, and subjected to arbitrary detention. Some provincial governments operate detention centres in Beijing and other localities to hold petitioners without official procedures or right to appeal. Petitioners are often forcibly returned to their hometowns after stays in detention facilities lasting several days to weeks.9

**Local Authorities**

Local and provincial authorities are accused of perpetrating much of the violence and abuse against petitioners in Beijing.10 Regulations dictate that local-level leaders should bear responsibility if a large number of petitioners take their grievances to higher levels, but this punishment structure also gives local authorities an interest in suppressing group petitions and preventing petitioners from approaching higher authorities.11 Local authorities attempt to prevent local residents from seeking redress to complaints at higher levels of government, out of fear that their own record will be tarnished in the eyes of national authorities.12

The Christian Science Monitor reported that:

> Provincial governments, fearful that citizens might reveal their failings to higher officials, can take extreme measures to derail such critics. Often, they send policemen to Beijing to track petitioners down and stop them from filing their complaints.13

According to a Human Right Watch report

> …large numbers of petitioners who come to Beijing remain there for long periods of time, hoping their grievances will be resolved. But their very presence [in Beijing] collides with central government directives that local governments reduce the flow of petitioners to Beijing.14

**Retrievers**

The use of hired, unofficial personnel (often referred to as “thugs” in media and human rights reports) to beat, abduct and torture petitioners and other activists

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10 ‘Rampant violence and intimidation against petitioners’, *Human Rights Watch*, 8 December 2005, CX142298
12 ‘Rampant violence and intimidation against petitioners’, *Human Rights Watch*, 8 December 2005, CX142298
continues in China. This is said to occur with the knowledge of the police and government officials, and the ‘thugs’ operate with impunity.\textsuperscript{15}

Human Rights Watch asserts that many petitioners are ambushed by plain-clothed security officers, beaten, sent back to their home province where they may be imprisoned:

Local officials send “retrievers” [jiefang renyuan]—plain-clothes security officers—who attack and intimidate petitioners and force them to return to their home province. Beijing police, in turn, play their part: to quell the threat of rising discontent, they raze the shantytowns where petitioners live in Beijing, round up petitioners, and hand them over to the retrievers, turning a blind eye to the retaliatory violence.\textsuperscript{16}

\textbf{Black Jails (hei jianyu)}

Petitioners, peaceful protesters and individuals deemed ‘undesirable’ by authorities remain particularly vulnerable to arbitrary detention in extralegal detention facilities such as black jails.\textsuperscript{17} Extralegal detention violates a number of basic human rights, including restriction on freedom of movement, association, and expression. These secret detention sites are often unmarked and temporary, located in privately-run small hotels, guesthouses, and government buildings. There is compelling evidence to suggest that black jails exist with the knowledge and cooperation of the Beijing Security Bureau. Black jails have no legal basis, giving rise to concern of the possible use of torture within them.\textsuperscript{18}

Human Rights Watch reported that former black jail detainees described conditions in those facilities akin to prison:

Sleeping facilities range from separate, locked hotel rooms for each individual detainee to cramped conditions in which petitioners share rooms of up to eight bunk beds. One petitioner spent eight days in a Beijing black jail located in a Jilin provincial government facility devoid of furniture, where detainees had to sit and sleep on the bare floors.\textsuperscript{19}

The Telegraph reported that the Chinese Communist Party (CCP) strenuously denied the existence of ‘Black Jails’, until Liaowang magazine, written for elite government officials, wrote an article laying the system bare. The report states that the victims of black jails are usually ordinary Chinese who have travelled to Beijing to lodge a complaint, or petition, with the central government that their local officials have ignored. The report further highlights that a monstrous business network has emerged

\textsuperscript{15} ‘Congressional-Executive Commission on China Annual Report 2009’, \textit{Congressional-Executive Commission on China}, 10 October 2009, CIS18014

\textsuperscript{16} ‘Rampant violence and intimidation against petitioners’, \textit{Human Rights Watch}, 8 December 2005, CX142298

\textsuperscript{17} ‘Congressional-Executive Commission on China Annual Report 2009’, \textit{Congressional-Executive Commission on China}, 10 October 2009, CIS18014


\textsuperscript{19} “An Alleyway in Hell” China’s Abusive “Black Jails”, \textit{Human Rights Watch}, 12 November 2009, CISLIB 18021
to feed, house, transport, man-hunt, detain and retrieve petitioners, adding that there are at least 73 black jails in the capital, often in unused homes or psychiatric wards.\textsuperscript{20}

\textbf{Political events and National anniversaries}

Treatment of petitioners is particularly harsh in the lead up to politically sensitive events, with increased surveillance, harassment and imprisonment of activists. Amnesty International estimated that thousands of petitioners were swept out of Beijing in the lead up to the 60\textsuperscript{th} anniversary of the founding of the People’s Republic of China, stating that “Beijing authorities regularly forcibly return petitioners to their hometowns before major events or celebrations as they believe petitioners would reflect badly on the country's international public image.\textsuperscript{21}

Numerous petitioners and other activists were placed under house arrest during the October 2009 National Day period. House arrest varied in degree of harshness, ranging from complete isolation in one’s home under guard, to constant surveillance.\textsuperscript{22}

In the lead up to the March 2010 parliamentary meetings in Beijing, many petitioners were detained. Radio Free Asia reported one petitioner’s account:

"They started watching me at 7 this morning…I am under house arrest until after the parliamentary sessions are over, on around March 17 or 18," said Yang, who said he had been informed by state security police that the move aimed to aid social stability.\textsuperscript{23}

\textbf{New regulations}

In 2009, the central government adopted measures that sought to improve the handling of petitions, and to keep petitioners from travelling to Beijing in an attempt to get their grievances heard by central government authorities.\textsuperscript{24} The Supreme People’s Court will send legal officials from Beijing to visit people with complaints in the provinces in order to hear their cases. A directive has been issued, ordering officials in every province, city and county to set aside one day every month in order to deal with petitions locally. People who make repeated trips to Beijing have been warned that if they persist in doing so, their cases may be dismissed without review.\textsuperscript{25}

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\bibitem{21} Crackdown on China's activists escalates ahead of 60th anniversary’, \textit{Amnesty International}, 30 September 2009, CX234539
\bibitem{23} ‘Clampdown ahead of parliament’, \textit{Radio Free Asia}, 1 March 2010, CX240844
\bibitem{24} ‘Congressional-Executive Commission on China Annual Report 2009’, \textit{Congressional-Executive Commission on China}, 10 October 2009, CIS18014
\bibitem{25} ‘China bans petitioners in Beijing’, \textit{British Broadcasting Corporation (BBC)}, 19 August, 2009, CX239370
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