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Order of the President of the People's Republic of China

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The Exit and Entry Administration Law of the People's Republic of China, adopted at the 27th meeting of the Standing Committee of the Eleventh National People's Congress of the People's Republic of China on June 30, 2012, and is hereby promulgated and shall come into force as of July 1, 2013.

Hu Jintao

President of the People's Republic of China

June 30, 2012

Exit and Entry Administration Law of the People's Republic of China

(Adopted at the 27th meeting of the Standing Committee of the Eleventh National People's Congress on June 30, 2012)

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Chapter I

General Provisions

Article 1 In order to regulate exit/entry administration, safeguard the sovereignty, security and social order of the People's Republic of China, and promote foreign exchanges and opening to the outside world, this Law is hereby formulated.

Article 2 This Law is applicable to the administration of exit and entry of Chinese citizens, entry and exit of foreigners, stay and residence of foreigners in China, and the exit/entry border inspection of transport vehicles.

Article 3 The State protects Chinese citizens' legitimate rights and interests of exiting and entering the country.

The legitimate rights and interests of foreigners in China shall be protected by laws. Foreigners in China shall abide by the Chinese laws, and shall not endanger China's national security, harm public interests and disrupt social and public order.

Article 4 The Ministry of Public Security and the Ministry of Foreign Affairs shall, within the scope of their respective responsibilities, be responsible for administering exit/entry affairs.

Embassies and consulates of the People's Republic of China and other institutions stationed abroad entrusted by the Ministry of Foreign Affairs (hereinafter referred to as "the visa-issuing authorities abroad") shall be responsible for issuance of entry visas to foreigners. Exit/entry border inspection authorities shall be responsible for carrying out exit/entry border inspection. Public security organs under local people's governments at or above the county level and their exit/entry administrations shall be responsible for the administration of the stay and residence of foreigners.

The Ministry of Public Security and the Ministry of Foreign Affairs may, within the scope of their respective responsibilities, entrust exit/entry administrations of public security organs or foreign affairs departments under local people's governments at or above the county level to accept foreigners' applications for entry, stay and residence in China.

In the administration of exit/entry affairs, the Ministry of Public Security and the Ministry of Foreign Affairs shall strengthen communication and cooperation, cooperate closely with relevant departments under the State Council, and exercise functions and powers and bear liabilities within the scope of their respective responsibilities in accordance with the law.

Article 5 The State shall establish a uniform exit/entry administration information platform to share information among relevant administrative departments.

Article 6 The State shall establish exit/entry border inspection authorities at the ports open to foreign countries.

Chinese citizens, foreigners as well as transport vehicles shall exit or enter China via the ports open to foreign countries, or via the places approved by the State Council or by the departments authorized by the State Council under special circumstances. Personnel and transport vehicles that exit or enter China shall be subject to exit/entry border inspection.

Exit/entry border inspection authorities shall be responsible for relevant administration work in the restricted zones of ports. On the basis of the need for safeguarding national security and maintaining the order of exit/entry administration, exit/entry border inspection authorities may conduct border inspection on the belongings of the persons who exit or enter China. When necessary, exit/entry border inspection authorities may conduct border inspection on the goods carried by transport vehicles that exit or enter China. However, exit/entry border inspection authorities shall notify the Customs of such inspections.

Article 7 Upon approval by the State Council, the Ministry of Public Security and the Ministry of Foreign Affairs may, on the basis of the need for exit/entry administration, set forth regulations on the collection and keep of fingerprints and other biometric identification information of the persons who exit or enter China.

Where foreign governments have special regulations on issuing visas to Chinese citizens or the exit/entry administration of Chinese citizens, the Chinese government may, as the circumstances require, take corresponding and equivalent measures.

Article 8 Departments and institutions that are responsible for the exit/entry administration shall take practical measures, constantly improve service and administration, enforce laws impartially, provide convenient and efficient service and ensure the security and conveyance of the exit/entry procedures.

Chapter II

Exit and Entry of Chinese Citizens

Article 9 Chinese citizens who exit or enter China shall, in accordance with the law, apply for passports or other travel documents.

Chinese citizens bound for other countries or regions shall obtain visas or other entry permits from destination countries, unless the Chinese government has signed visa exemption agreements with the governments of those countries, or otherwise stipulated by the Ministry of Public Security and the Ministry of Foreign Affairs.

Chinese citizens who exit or enter China as seamen or work on foreign ships shall apply for seamen's certificates in accordance with the law.

Article 10 Chinese citizens who travel between the Mainland and the Hong Kong Special Administrative Region, between the Mainland and the Macao Special Administrative Region, and between the Mainland and Taiwan Region, shall apply for exit/entry permits in accordance with the law, and abide by the relevant provisions of this Law. The specific administrative measures shall be stipulated by the State Council.

Article 11 Chinese citizens who exit or enter China shall submit their exit/entry documents such as passports or other travel documents to the exit/entry border inspection authorities for examination, go through the prescribed formalities, and may exit or enter upon examination and approval.

For ports that meet relevant conditions, exit/entry border inspection authorities shall provide convenience such as special lanes for the exit and entry of Chinese citizens.

Article 12 Under any of the following circumstances, Chinese citizens are not allowed to exit China:

- (1) Hold no valid exit/entry documents, or refuse or evade border inspection;
- (2) Are sentenced to criminal punishments, the execution of which have not been completed, or are suspects or defendants in criminal cases;
- (3) Are involved in unsettled civil cases and not allowed to exit China upon decision of the people's courts;
- (4) Are subject to criminal punishment for impairing border administration, or are repatriated by other countries or regions due to illegal exit from China, illegal residence or illegal employment, and the No-Exit-from-China period has not expired;
- (5) May endanger national security or interests, and are not allowed to exit China upon decision by competent departments under the State Council; or
- (6) Other circumstances in which exit from China is not allowed in accordance with laws or administrative regulations.

Article 13 Chinese citizens residing abroad who desire to return to China for permanent residence shall, prior to the entry, file applications with Chinese embassies or consulates or other institutions stationed abroad entrusted by the Ministry of Foreign Affairs. They may also file such applications to the overseas Chinese affairs departments under the local people's governments at or above the county level of the proposed places of permanent residence on their own or via their relatives in China.

Article 14 When handling financial affairs or affairs involving education, medical treatment, transportation, telecommunications, social insurance or property registration, where identity certificates are required, Chinese citizens residing abroad may provide their passports for proof of identity.

Chapter III

Entry and Exit of Foreigners

Section 1

Visa

Article 15 In order to entering China, foreigners shall apply to the visa-issuing authorities stationed abroad for a visa, except as otherwise provided for in this Law.

Article 16 Visas are categorized as diplomatic visa, courtesy visa, official visa and ordinary visa.

Diplomatic or official visas shall be issued to foreigners who enter China for diplomatic or official reasons; and courtesy visas shall be issued to foreigners who are given courtesy due to their special status. The scope and measures for issuing diplomatic, courtesy and official visas shall be stipulated by the Ministry of Foreign Affairs.

Appropriate types of ordinary visa shall be issued to foreigners who enter China due to non-diplomatic or official reasons including work, study, family visit, travel, business activities and talent introduction. The types of ordinary visa and relevant issuance measures shall be stipulated by the State Council.

Article 17 The registered items of a visa shall include visa type, name, sex, date of birth, number of allowed entries,

validity period of entry and duration of stay of the holder, date and place of issuance, as well as passport number or other international travel documents number.

Article 18 Foreigners who apply for visas shall submit their passports or other international travel documents, as well as information of specific application matters, to the visa-issuing authorities stationed abroad. They shall go through relevant formalities and accept interviews in accordance with the requirements of the visa-issuing authorities stationed abroad.

Article 19 Where foreigners applying for visas need to provide written invitations issued by entities or individuals within China, the applicants shall provide such invitations in accordance with the requirements of the visa-issuing authorities abroad. Entities or individuals that issue written invitations shall be liable for the fidelity of the contents.

Article 20 Foreigners who need to enter China urgently for humanitarian reasons, or are invited to enter China for urgent business or rush repair work, or have other urgent needs, and hold materials that prove the competent departments' approval of their applying for visas at port, may apply for port visas with the visa-issuing authorities entrusted by the Ministry of Public Security at the ports (hereinafter referred to as "port visa authorities") which are approved to issue port visas by the State Council.

Travel agencies that organize inbound tourism in accordance with relevant State regulations may apply for group tourist visas from port visa authorities.

Foreigners who apply to port visa authorities for visas shall submit their passports or other international travel documents, as well as relevant information of specific application matters. They shall go through relevant formalities in accordance with the requirements of the port visa authorities, and enter China at the ports where they apply for visas.

Visas issued by port visa authorities shall be single entry and the duration of stay shall not exceed 30 days.

Article 21 Under any of the following circumstances, visas shall not be issued to foreigners:

- (1) Was deported, or was repatriated upon decision, and the No-Entry-into-China period has not expired;
- (2) Is suffering from serious mental disorders, infectious tuberculosis or other infectious diseases that may severely jeopardize the public health;
- (3) May endanger China's national security or interests, or disrupt social and public order, or engage in other illegal or criminal activities;
- (4) Resort to fraudulent acts in visa application or cannot guarantee expected expenditures during their stay in China;
- (5) Fail to submit relevant information required by the visa-issuing authorities; or
- (6) Other circumstances in which visa authorities consider a visa should not be issued.

The visa-issuing authorities are not required to give reasons for refusing the issuance of a visa.

Article 22 Under any of the following circumstances, foreigners may be exempt from applying for visas:

- (1) So exempted based on the visa exemption agreements signed by the Chinese government with the governments of other countries;

(2) Hold valid foreigners' residence permits;

(3) Hold connected passenger tickets and are in transit to a third country or region by an international aircraft, ship or train via China, will stay for not more than 24 hours in China without leaving the port of entry, or will stay in the specific zones approved by the State Council within the prescribed time limit; or

(4) Other circumstances stipulated by the State Council in which visas may be exempted.

Article 23 Where foreigners under any of the following circumstances need to enter China temporarily, they shall apply to exit/entry border inspection agencies for going through the formalities for temporary entry:

(1) Foreign seamen and their accompanying family members disembark at cities where the ports are located;

(2) Persons specified in Subparagraph (3) of Article 22 of this Law need to leave ports; or

(3) Foreigners need to enter China temporarily due to force majeure or for any other urgent reason.

The duration of stay for temporary entry shall not exceed 15 days.

For foreigners who apply for going through the formalities for temporary entry, exit/entry border inspection authorities may require such foreigners, the persons in charge of the transport vehicles used for such foreigners' entry or the agencies handling the exit/entry business for transport vehicles to provide necessary guaranty measures.

Section 2

Entry and Exit

Article 24 Foreigners who enter China shall submit their passports, other international travel documents, visas or other entry permits to the exit/entry border inspection authorities for examination, go through the prescribed formalities, and may enter upon examination and approval.

Article 25 Under any of the following circumstances, foreigners shall not be allowed to enter China:

(1) Hold no valid exit/entry documents, or refuse or evade border inspection;

(2) Are involved in any of the circumstances specified in Subparagraph (1) through (4) of the first paragraph of Article 21 of this Law;

(3) May engage in activities not conform to the types of visa after entering China; or

(4) Other circumstances in which entry is not allowed in accordance with laws or administrative regulations.

Exit/entry border inspection authorities are not required to give reasons for denying an entry.

Article 26 Exit/entry border inspection authorities shall order foreigners who are denied entry in China to return, and shall force the return of those who refuse to do so. While waiting for return, those foreigners shall not leave the restricted zones.

Article 27 Foreigners who exit China shall submit their exit/entry documents including passports or other international travel documents to the exit/entry border inspection authorities for examination, go through prescribed formalities, and may exit upon examination and approval.

Article 28 Under any of the following circumstances, foreigners shall not be allowed to exit China:

(1) Are sentenced to criminal punishments, the execution of which are not completed, or suspects or defendants in criminal cases, except those who are sentenced and transferred under relevant agreements between China and foreign countries;

(2) Are involved in unsettled civil cases and are not allowed to exit China upon decision of the people's courts;

(3) Are in arrears of paying off labor remuneration and therefore are not allowed to exit by decision of the relevant departments under the State Council or of the people's governments of provinces, autonomous regions or municipalities directly under the Central Government; or

(4) Other circumstances in which exit shall not be allowed in accordance with laws or administrative regulations.

Chapter IV

Stay and Residence of Foreigners

Section 1

Stay and Residence

Article 29 Where the duration of stay specified in a visa held by a foreigner does not exceed 180 days, the holder may stay in China within the duration specified therein.

Where the duration of stay needs to be extended, the visa holder shall file an application with the exit/entry administration of public security organ under the local people's government at or above the county level in the place of his stay seven days prior to the expiry of the duration specified in the visa, and shall submit information of specific application matters in accordance with relevant requirements. If upon examination, the reasons for extension are appropriate and sufficient, such extension shall be granted; if an extension is denied, the foreigner shall leave China on the expiry of the duration.

The accumulated length of extension shall not exceed the original duration of stay specified in the visa.

Article 30 Where visas held by foreigners specify that foreigners need to apply for residence permits after entry, such foreigners shall, within 30 days from the date of their entry, apply to the exit/entry administrations of public security organs under local people's governments at or above the county level in the proposed places of residence for foreigners' residence permits.

Applicants for foreigners' residence permits shall submit their passports or other international travel documents, as well as relevant information of specific application matters, and provide biometric identification information such as fingerprints. The exit/entry administrations of public security organs shall, within 15 days upon the date of receipt, conduct examination and make a decision thereupon. Based on the purpose of residence, those administrations shall issue the appropriate types of foreigners' residence permits with the duration.

The validity period of a foreigner's work-type residence permit shall be 90 days at the minimum and five years at the maximum; and the validity period of a non-work-type foreigner's residence permit shall be 180 days at the minimum and five years at the maximum.

Article 31 Under any of the following circumstances, a foreigner's residence permit shall not be issued:

- (1) The visa held does not belong to the type for which a foreigner's residence permit should be issued;
- (2) Resorts to fraudulent acts in application;
- (3) Fails to provide relevant supporting materials in accordance with relevant regulations;
- (4) Is not eligible to reside in China because of violation of relevant Chinese laws or administrative regulations; or
- (5) Other circumstances in which the issuing authority considers a foreigner's residence permit should not be issued.

Foreigners with expertise and foreign investors who conform to relevant State regulations or foreigners who need to change their status from stay to residence for humanitarian or other reasons, may undergo the formalities for obtaining foreigner's residence permits upon approval by the exit/entry administrations of public security organs under local people's governments at or above the city with districts.

Article 32 Foreigners residing in China who apply for the extension of the duration of residence shall, within 30 days prior to the expiry of the validity period on their residence permits, file applications with the exit/entry administrations of public security organs under local people's governments at or above the county level, and submit relevant information of specific application matters in accordance with relevant requirements. If upon examination, the reasons for extension are appropriate and sufficient, an extension shall be granted; if an extension is denied, the foreigner concerned shall leave China on the expiry of the validity period specified in their residence permits.

Article 33 The registered items of a foreign residence permit shall include name, sex, date of birth, reason for residence and duration of residence of the holder, date and place of issuance, passport number or other international travel documents number.

Where the registered item in a foreigner's residence permit has changed, the holder shall, within 10 days from the date of change, apply to the exit/entry administration of public security organ under the local people's government at or above the county level in the place of residence for going through the formalities for alteration.

Article 34 Where visa-exempt foreigners need to stay in China longer than the visa-free period, or foreign seamen and their accompanying family members need to leave the cities where the ports are located, or under other circumstances in which foreigners' stay permits should be applied for, they shall apply for such permits in accordance with relevant regulations.

The maximum validity period of a foreigner's stay permit shall be 180 days.

Article 35 Where ordinary visas, stay or residence permits held by foreigners need to be reissued due to damage, loss, theft, robbery or other reasons in compliance with relevant State regulations after foreigners enter China, those foreigners shall apply for a reissue with the exit/entry administrations of public security organs under local people's governments at or above the county level in the places of stay or residence in accordance with relevant regulations.

Article 36 Decisions made by the exit/entry administration of public security organ on rejecting applications for visa extension or reissuance, or on not issuing foreigners' stay or residence permits or not extending the duration of residence

shall be final.

Article 37 Foreigners who stay or reside in China shall not engage in activities not corresponding to the purpose of stay or residence, and shall leave China prior to the expiry of the prescribed duration of stay or residence.

Article 38 Foreigners having reached the age of 16 who stay or reside in China shall carry with them their passports or other international travel documents, or foreigners' stay or residence permits, and accept the inspection of public security organs.

Foreigners who reside in China shall, within the prescribed time limit, submit foreigners' residence permits to public security organs under local people's governments at or above the county level in the places of residence for examination.

Article 39 Where foreigners stay in hotels in China, the hotels shall register their accommodation in accordance with the regulations on the public security administration of the hotel industry, and submit foreigners' accommodation registration information to the public security organs in the places where the hotels are located.

For foreigners who reside or stay in domiciles other than hotels, they or the persons who accommodate them shall, within 24 hours after the foreigners' arrival, go through the registration formalities with the public security organs in the places of residence.

Article 40 For foreign infants born in China, their parents or agents shall, within 60 days after they are born, on the strength of the birth certificates, go through the formalities for stay or residence registration for them with the exit/entry administrations of public security organs under people's governments at or above the county level in the places of their parents' stay or residence.

For foreigners who decease in China, their relatives, guardians or agents shall, in accordance with relevant regulations, on the strength of the death certificates, report their death to the exit/entry administrations of the public security organs under local people's governments at or above the county level to cancel their stay or residence permits.

Article 41 Foreigners who work in China shall obtain work permits and work-type residence permits in accordance with relevant regulations. No entities or individuals shall employ foreigners who have no work permits or work-type residence permits.

The administrative measures for foreigners working in China shall be stipulated by the State Council.

Article 42 The competent department of human resources and social security and the competent department in charge of foreign experts affairs under the State Council shall, in conjunction with relevant departments under the State Council, formulate and regularly adjust the guiding catalogue for foreigners working in China based on the needs for economic and social development as well as the supply and demand of human resources.

The competent department of education under the State Council shall, in conjunction with relevant departments under the State Council, establish an administrative system for foreign students working to support their study in China and set forth regulations on the scope of jobs and the limit of work time for such foreign students.

Article 43 Any of the following acts of foreigners shall be deemed unlawful employment:

(1) Work in China without obtaining work permits or work-type residence permits in accordance with relevant regulations;

(2) Work in China beyond the scope prescribed in the work permits; or

(3) Foreign students work in violation of the regulations on the administration of foreign students working to support their study in China and work beyond the prescribed scope of jobs or prescribed time limit.

Article 44 On the basis of the need for maintaining national security and public security, public security organs and national security organs may impose restrictions on foreigners and foreign institutions from establishing places of residence or work in certain areas; and may order that established places of residence or work be relocated within a prescribed time limit.

Without approval, foreigners shall not access foreigner-restricted areas.

Article 45 Entities that employ foreigners or enroll foreign students shall report relevant information to local public security organs in accordance with relevant regulations.

Citizens, legal persons or other organizations who find foreigners illegal enter, reside or work in China shall duly report such matter to the local public security organs.

Article 46 Foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs.

Section 2

Permanent Residence

Article 47 Foreigners who have made remarkable contribution to China's economic and social development or meet other conditions for permanent residence in China may obtain permanent residence status upon application approved by the Ministry of Public Security.

The administrative measures for examination and approval of foreigners' permanent residence in China shall be stipulated by the Ministry of Public Security and the Ministry of Foreign Affairs in conjunction with relevant departments under the State Council.

Article 48 Foreigners who have obtained permanent residence status may reside or work in China on the strength of permanent residence permits, and exit or enter China on the strength of their passports and permanent residence permits.

Article 49 Where foreigners fall under any of the following circumstances, the Ministry of Public Security shall decide to cancel their permanent residence status in China:

(1) Endanger China's national security or interests;

(2) Are deported;

(3) Obtain permanent residence status in China by fraudulent acts;

(4) Fail to reside in China for the prescribed time limit; or

(5) Other circumstances in which foreigners are not eligible to reside in China permanently.

Chapter V

Border Inspection of Transport Vehicles Exiting/Entering China

Article 50 Transport vehicles that exit or enter China shall be subject to border inspection when leaving or arriving at ports. Border inspection of entering transport vehicles shall be conducted at the first arriving port in China; border inspection of exiting transport vehicles shall be conducted at the last port when they leave China. Under special circumstances, border inspection may be conducted in places designated by competent authorities.

Without the permission of exit/entry border inspection authorities in accordance with prescribed procedures, transport vehicles that exit China shall not embark or disembark passengers, or load and unload goods or articles between exit inspection and exit, and nor shall transport vehicles that enter China do so between entry and entry inspection.

Article 51 Persons in charge of transport vehicles or agencies handling the exit/entry business for transport vehicles shall, in accordance with relevant regulations, report to the exit/entry border inspection authorities in advance on the entering or exiting transport vehicles' time of arrival at or departure from the port and the places of stay, and truthfully declare information including staff, passengers, goods and articles.

Article 52 Persons in charge of transport vehicles or agencies handling the exit/entry business for transport vehicles shall provide cooperation in exit/entry border inspection, and shall immediately report any violations of this Law found thereby and give assistance in the investigation and handling of such violations.

Where transport vehicles that enter China carry persons who are not allowed to enter China, the persons in charge of the transport vehicles shall be responsible for their leaving.

Article 53 Exit/entry border inspection authorities shall supervise transport vehicles that exit or enter China under any of the following circumstances:

(1) Between exit border inspection and exit for transport vehicles that exit China, and between entry and entry border inspection for transport vehicles that enter China;

(2) When foreign ships navigate in China's inland waters; or

(3) Other circumstances in which supervision is necessary.

Article 54 Persons who need to embark on or disembark from foreign ships for reasons such as goods loading or unloading, maintenance operations or visit shall apply to exit/entry border inspection authorities for boarding pass.

Where a Chinese ship needs to berth alongside a foreign ship, or a foreign ship needs to berth alongside another foreign ship, the captain or the agency handling the exit/entry business for relevant transport vehicles shall apply to the exit/entry border inspection authority for going through formalities for berth.

Article 55 Foreign ships and aircrafts shall navigate according to prescribed routes.

Ships and aircrafts that exit or enter China shall not access areas outside the ports open to foreign countries. The

aforesaid ships or aircrafts that access such areas due to unforeseeable emergencies or force majeure shall immediately report to the nearest exit/entry border inspection authority or local public security organ, and accept supervision and administration.

Article 56 Under any of the following circumstances, transport vehicles shall be not allowed to exit or enter China; those that have left ports may be ordered to return:

- (1) Exit or enter China without examination and approval when leaving or arriving at port;
- (2) Change the port of exit or entry without approval;
- (3) Are suspected of carrying persons who are not allowed to exit or enter China and therefore need to be inspected and verified;
- (4) Are suspected of carrying articles endangering national security or interests or disrupting social or public order and therefore need to be inspected and verified; or
- (5) Other circumstances in which transport vehicles refuse to subject themselves to exit/entry border inspection authorities' administration.

After the circumstances specified in the preceding paragraph disappear, exit/entry border inspection authorities shall immediately release relevant transport vehicles.

Article 57 Agencies handling the exit/entry business for transport vehicles shall file records with exit/entry border inspection authorities. For agents engaging in such a business, the entities they work for shall file relevant records for them with exit/entry border inspection authorities.

Chapter VI

Investigation and Repatriation

Article 58 Measures for on-the-spot interrogation, continued interrogation, detention for investigation, movement restriction and repatriation prescribed in this Chapter shall be enforced by public security organs under local people's governments at or above the county level or by exit/entry border inspection authorities.

Article 59 Persons suspected of violating the regulations on exit/entry administration may be interrogated on the spot; upon on-the-spot interrogation, the aforesaid persons may be interrogated in continuation in accordance with the law under any of the following circumstances:

- (1) Are suspected of illegally exiting or entering China;
- (2) Are suspected of assisting others in illegally exiting or entering China;
- (3) Are foreigners suspected of illegally residing or working in China; or
- (4) Are suspected of endangering national security or interests, disrupting social or public order, or engaging in other illegal or criminal activities.

On-the-spot interrogation and continued interrogation shall be conducted in accordance with the procedures prescribed in the People's Police Law of the People's Republic of China.

Where public security organs under local people's governments at or above the county level or exit/entry border inspection authorities need to summon the persons suspected of violating the regulations on exit/entry administration, they shall handle the matter in accordance with the relevant regulations of the Law of the People's Republic of China on Penalties for Administration of Public Security.

Article 60 Where foreigners involved in any of the circumstances specified in the first paragraph of Article 59 of this Law cannot be cleared of suspicion after on-the-spot interrogation or continued interrogation and therefore need to be further investigated, he may be detained for investigation.

When detaining a foreigner for investigation, the authority concerned shall present a written decision on detention for investigation and shall interrogate the detained foreigner within 24 hours. Where the aforesaid organ finds that a foreigner should not be detained for investigation, it shall immediately release him from detention for investigation.

The period of detention for investigation shall not exceed 30 days; for complicated cases, the period may be extended to 60 days upon approval by the public security organs under the local people's governments at the next higher level or by the exit/entry border inspection authorities at the next higher level. For foreigners whose nationalities and identities are unknown, the period of detention for investigation shall be calculated from the date when their nationalities and identities are found out.

Article 61 Under any of the following circumstances, detention for investigation is not applicable to foreigners, however, their movements may be restricted:

- (1) Suffer from serious diseases;
- (2) Are pregnant or breast-feeding their own infants under one year of age;
- (3) Are under 16 years of age or have reached the age of 70; or
- (4) Other circumstances in which detention for investigation should not be applied.

Foreigners whose movements are restricted shall subject themselves to investigation as required, and shall not leave the restricted zones without approval of public security organs. The period of movement restriction shall not exceed 60 days. For foreigners whose nationalities and identities are unknown, the period of movement restriction shall be calculated from the date when their nationalities and identities are found out.

Article 62 Under any of the following circumstances, foreigners may be repatriated:

- (1) Are ordered to exit China within a prescribed time limit but fail to do so;
- (2) Are involved in circumstances in which they are not allowed to enter China;
- (3) Illegally reside or work in China; or
- (4) Need to be repatriated for violation of this Law or other laws or administrative regulations.

Other overseas personnel who fall under any of the circumstances prescribed in the preceding paragraph may be repatriated in accordance with the law.

Repatriated persons shall not be allowed to enter China for one to five years, calculating from the date of

repatriation.

Article 63 Persons who are detained for investigation or who are to be repatriated upon decision but cannot be repatriated promptly shall be held in custody in detention houses or places of repatriation.

Article 64 Foreigners dissatisfied with the measure imposed on them in accordance with this Law, such as continued interrogation, detention for investigation, movement restriction or repatriation, may apply for administrative reconsideration in accordance with the law, and the administrative reconsideration decision shall be final.

Where other overseas personnel dissatisfied with the decision of repatriation imposed on them in accordance with this Law apply for administrative reconsideration, the provisions in the preceding paragraph are applicable.

Article 65 Where persons are not allowed to exit or enter China upon decisions made in accordance with the law, the decision-making authorities shall duly inform the exit/entry border inspection authorities of such decisions in accordance with relevant regulations; where the circumstances in which the persons are not allowed to exit or enter China disappear, the decision-making authorities shall duly cancel the aforesaid decisions and inform exit/entry border inspection authorities of the cancellation.

Article 66 On the basis of the need for safeguarding national security and maintaining the order of exit/entry administration, exit/entry border inspection authorities may, when necessary, search the persons entering and exiting the country. Personal Search shall be conducted by two border inspectors who are the same sex as the persons subject to the search.

Article 67 In such cases that the exit/entry documents such as visas or foreigners' stay or residence permits are damaged, lost or stolen, or that after the issuance of such documents, the holders are found not eligible for being issued such documents, the issuing authorities shall declare the aforesaid documents void.

Exit/entry documents which are forged, altered, obtained by fraudulent means or are declared void by issuing authorities shall be invalid.

Public security organs may cancel or confiscate the exit/entry documents prescribed in the preceding paragraph or used fraudulently by persons other than the specified holders.

Article 68 Public security organs may seize the transport vehicles used to organize, transport or assist others in illegally exiting or entering China as well as the articles needed as evidence in handling the cases.

Public security organs shall seize banned articles, documents and data involving state secrets, as well as tools used in activities violating the regulations on exit/entry administration, and handle them in accordance with relevant laws or administrative regulations.

Article 69 The authenticity of exit/entry documents shall be determined by the issuing authorities, the exit/entry border inspection authorities or the exit/entry administrations of public security organs.

Chapter VII

Legal Liabilities

Article 70 Unless otherwise provided for in this Chapter, the administrative penalties prescribed in this Chapter shall be decided by the public security organs under local people's governments at or above the county level or the exit/entry border inspection authorities. Penalties involving the imposition of warnings or fines of not more than RMB 5,000 yuan may be decided by the exit/entry administrations of public security organs under local people's governments at or above the county level.

Article 71 Persons who commit any of the following acts shall be fined not less than RMB 1,000 yuan but not more than RMB 5,000 yuan; where circumstances are serious, such persons shall be detained for not less than five days but not more than ten days and may also be fined not less than RMB 2,000 yuan but not more than RMB 10,000 yuan.

- (1) Exit or enter China with forged, altered or fraudulently obtained exit/entry documents;
- (2) Exit or enter China using others' exit/entry documents;
- (3) Evade exit/entry border inspection; or
- (4) Illegally exit or enter China in any other way.

Article 72 Persons who assist others in illegally exiting or entering China shall be fined not less than RMB 2,000 yuan but not more than RMB 10,000 yuan; where circumstances are serious, they shall be detained for not less than 10 days but not more than 15 days and shall also be fined not less than RMB 5,000 yuan but not more than RMB 20,000 yuan, and the illegal gains, if any, shall be confiscated.

Entities engaging in any of the acts prescribed in the preceding paragraph shall be fined not less than RMB 10,000 yuan but not more than RMB 50,000 yuan, with the illegal gains confiscated if there are any; and the persons in charge of the entities who are directly responsible and other persons directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 73 Persons who obtain exit/entry documents such as visas or stay or residence permits by resorting to fraudulent acts shall be fined not less than RMB 2,000 yuan but not more than RMB 5,000 yuan; where circumstances are serious, they shall be detained for not less than 10 days but not more than 15 days and shall also be fined not less than RMB 5,000 yuan but not more than RMB 20,000 yuan.

Entities engaging in any of the acts prescribed in the preceding paragraph shall be fined not less than RMB 10,000 yuan but not more than RMB 50,000 yuan; and the persons in charge of the entities who are directly responsible and other persons directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 74 Persons who issue written invitations or other application materials to foreigners in violation of this Law shall be fined not less than RMB 5,000 yuan but not more than RMB 10,000 yuan, with the illegal gains confiscated if there are any, and shall also be ordered to bear exit expenses of the invited foreigners.

Entities engaging in any of the acts prescribed in the preceding paragraph shall be fined not less than RMB 10,000 yuan but not more than RMB 50,000 yuan, with the illegal gains confiscated if there are any, and shall also be ordered to bear exit expenses of the invited foreigners; the persons in charge of the entities who are directly responsible and other

persons directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 75 Where Chinese citizens are repatriated due to illegally going to other countries or regions after exiting China, exit/entry border inspection authorities shall confiscate their exit/entry documents. Exit/entry document issuing authorities shall refuse to issue new exit/entry documents to such citizens for a period ranging from six months to three years calculating from the date of their repatriation.

Article 76 Under any of the following circumstances, a warning shall be given, and a fine of not more than RMB 2,000 yuan may also be imposed:

- (1) Foreigners refuse to accept examination of their exit/entry documents by public security organs;
- (2) Foreigners refuse to submit their residence permits for examination;
- (3) Persons concerned fail to go through the formalities for foreigners' birth registration or death declaration in accordance with relevant regulations;
- (4) Foreigners fail to go through the formalities for altering registration in accordance with the relevant regulations when there is any change in the registered items in their residence permits;
- (5) Foreigners in China use others' exit/entry documents; or
- (6) Persons concerned fail to go through registration formalities in accordance with the provisions in the second paragraph of Article 39 of this Law.

Hotels that fail to process accommodation registration for foreigners shall be punished in accordance with the relevant provisions of the Law of the People's Republic of China on Penalties for Administration of Public Security; hotels that fail to submit foreigners' accommodation registration information to public security organs shall be given a warning; where circumstances are serious, such hotels shall be fined not less than RMB 1,000 yuan but not more than RMB 5,000 yuan.

Article 77 Foreigners accessing foreigner-restricted areas without approval shall be ordered to leave promptly; where circumstances are serious, such foreigners shall be detained for not less than five days but not more than ten days. The text records, audio-visual data, electronic data and other articles illegally obtained thereof by the foreigners shall be confiscated or destroyed, and the tools used for the aforementioned purposes shall be confiscated.

Foreigners or foreign institutions refusing to execute decisions made by public security organs or national security organs ordering them to relocate within a prescribed time limit shall be given a warning and be relocated mandatorily; where circumstances are serious, relevant responsible persons shall be detained for not less than five days but not more than fifteen days.

Article 78 Foreigners who reside in China illegally shall be given a warning; where circumstances are serious, they shall be imposed with a fine of RMB 500 yuan per day, with a cap of RMB 10,000 yuan in total, or be detained for not less than five days but not more than 15 days.

Where guardians or other persons responsible for guardianship fail to perform the guardian obligation and result in

foreigners below 16 years of age residing in China illegally, the said guardians or other obligated persons shall be given a warning and may also be fined not more than RMB 1,000 yuan.

Article 79 Persons harboring or hiding foreigners who illegally enter or reside in China, or assisting such foreigners in evading inspection, or providing, in violation of the law, exit/entry documents for foreigners who illegally reside in China shall be fined not less than RMB 2,000 yuan but not more than RMB 10,000 yuan; where circumstances are serious, such persons shall be detained for not less than five days but not more than fifteen days and shall also be fined not less than RMB 5,000 yuan but not more than RMB 20,000 yuan, with the illegal gains confiscated if there are any.

Entities engaging in any of the acts prescribed in the preceding paragraph shall be fined not less than RMB 10,000 yuan but not more than RMB 50,000 yuan, with the illegal gains confiscated if there are any; and the persons in charge of the entities who are directly responsible and other persons directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 80 Foreigners who work in China illegally shall be fined not less than RMB 5,000 but not more than RMB 20,000 yuan; where circumstances are serious, they shall be detained for not less than five days but not more than fifteen days and shall also be fined not less than RMB 5,000 yuan but not more than RMB 20,000 yuan.

Persons who introduce jobs to ineligible foreigners shall be fined RMB 5,000 yuan for each job illegally introduced to one foreigner, with a cap of not more than RMB 50,000 yuan in total; and entities that introduce jobs to ineligible foreigners shall be fined RMB 5,000 yuan for each job illegally introduced to one foreigner, with a cap of RMB 100,000 yuan in total; and the illegal gains, if any, shall be confiscated.

Individuals or entities that illegally employ foreigners shall be fined RMB 10,000 yuan for each illegally employed foreigner, with a cap of RMB 100,000 yuan in total; and the illegal gains, if any, shall be confiscated.

Article 81 Where foreigners engage in activities not corresponding to the purposes of stay or residence, or otherwise violate the laws or regulations of China, which makes them no longer eligible to stay or reside in China, they may be ordered to exit China within a time limit.

Where a foreigner's violation of this Law is serious but does not constitute a crime, the Ministry of Public Security may deport them. The penalty decision made by the Ministry of Public Security shall be final.

Deported foreigners shall not be allowed to enter China within 10 years calculating from the date of deportation.

Article 82 Under any of the following circumstances, relevant persons shall be given a warning and may also be fined not more than RMB 2,000 yuan:

(1) Disrupt the administrative order of the restricted zones of ports;

(2) Foreign seamen or their accompanying family members disembark without going through the formalities for temporary entry; or

(3) Embark on or disembark from foreign ships without obtaining boarding passes.

Persons who violate Subparagraph (1) of the preceding paragraph may be detained for not less than five days but not

more than ten days if the circumstances are serious.

Article 83 Where transport vehicles fall under any of the following circumstances, the persons in charge of the transport vehicles shall be fined not less than RMB 5,000 yuan but not more than RMB 50,000 yuan:

- (1) Exit or enter China without examination and approval, or change the ports of exit or entry without approval;
- (2) Fail to truthfully declare information of staff, passengers, goods or articles, or refuse to assist in exit/entry border inspection; or
- (3) Embark or disembark passengers, or load or unload goods or articles in violation of the regulations on exit/entry border inspection.

Transport vehicles that exit or enter China carrying persons who are not allowed to exit or enter China shall be fined not less than RMB 5,000 yuan but not more than RMB 10,000 yuan for each aforesaid person carried. Where the persons in charge of the transport vehicles prove that they have taken reasonable preventative measures, they may be given mitigated penalties or be exempt from penalties.

Article 84 Where transport vehicles fall under any of the following circumstances, the persons in charge of the transport vehicles shall be fined not less than RMB 2,000 yuan but not more than RMB 20,000 yuan:

- (1) Chinese or foreign ships berth alongside foreign ships without approval;
- (2) Foreign ships or aircrafts fail to navigate according to the prescribed routes in China; or
- (3) Ships and aircrafts that exit or enter China access areas outside the ports open to foreign countries.

Article 85 Where staff members performing the duty of exit/entry administration commit any of the following acts, they shall be given disciplinary sanctions in accordance with the law:

- (1) In violation of laws or administrative regulations, issue exit/entry documents such as visas or stay or residence permits to foreigners who do not meet the prescribed conditions;
- (2) In violation of laws or administrative regulations, examine and allow the exit or entry of persons or transport vehicles that do not meet the prescribed conditions;
- (3) Divulge personal information gained in exit/entry administration work and infringing the legitimate rights and interests of relevant parties;
- (4) Fail to turn over in accordance with relevant regulations to the State Treasury the fees, fines or illegal gains or property that are collected or confiscated in accordance with the law;
- (5) Privately share, encroach on or misappropriate the funds or articles confiscated or seized or the fees collected; or
- (6) Other failures in performing statutory duties in accordance with the law, such as abuse of power, dereliction of duty, or resorting to malpractice for personal gain.

Article 86 In the case of violation of regulations on exit/entry administration and that a fine of not more than RMB 500 yuan should be imposed, the exit/entry border inspection authorities may make a penalty decision on the spot.

Article 87 Persons or entities that are fined for violation of regulations on exit/entry administration shall pay their

finer in the designated banks within 15 days from the date of receiving the written decision on penalty. Where it is difficult to collect fines after a fine is imposed because the person or entity subject to penalty has no fixed domicile in the place where the fine is imposed or it is difficult to pay fine to the designated bank at the port, the fine may be collected on the spot.

Article 88 Where a violation of this Law constitutes a crime, criminal liabilities shall be investigated in accordance with the law.

Chapter VIII

Supplementary Provisions

Article 89 Definitions of the following terms mentioned in this Law:

Exit refers to leaving the Chinese mainland for other countries or regions, for the Hong Kong Special Administrative Region or the Macao Special Administrative Region, or for Taiwan Region.

Entry refers to entering the Chinese mainland from other countries or regions, from the Hong Kong Special Administrative Region or the Macao Special Administrative Region, or from Taiwan Region.

Foreigners refer to persons without Chinese nationality.

Article 90 Upon approval by the State Council, provinces and autonomous regions bordering on neighboring countries may, in accordance with the boundary administration agreements signed by China with relevant countries, formulate local regulations or local government rules to regulate the association of residents in border areas of the two countries.

Article 91 Where there are other regulations on the administration of the entry/exit, stay or residence of the members of foreign diplomatic and consular missions in China, or the entry/exit, stay or residence of other foreigners who enjoy diplomatic privileges and immunities, these regulations shall prevail.

Article 92 Foreigners who apply for exit/entry documents such as visas or foreigner stay or residence permits or apply for document extension or alteration shall pay visa fees or document fees in accordance with relevant regulations.

Article 93 This Law shall come into force as of July 1, 2013. The Law of the People's Republic of China on the Entry and Exit Administration of Foreigners and the Law of the People's Republic of China on the Entry and Exit Administration of Chinese Citizens shall be annulled simultaneously.

s 22(1)(a)(ii)

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Corporate report

China - Country of Concern

Published 10 April 2014

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China's economic growth continues to contribute to improved economic and social rights for many Chinese citizens. However, civil and political rights remain subject to significant restrictions.

The period under review saw some signs of intent to reform the judiciary; prevent miscarriages of justice; reduce the scope of the death penalty; and ease family planning restrictions. In November, the Third Plenum of the 18th Congress of the Communist Party of China (CPC) announced policy reforms in these areas, and abolished the arbitrary and extrajudicial form of detention known as Re-Education Through Labour (RTL).

At the same time, there were increased restrictions on freedom of expression, association and assembly. Dozens of human rights defenders were detained in what appeared to be a concerted crackdown on civil society activism. Censorship increased online and in traditional media. There were continuing reports of the forcible suppression of ethnic unrest in Tibet and Xinjiang.

The UK government's approach to human rights in China remained one of engagement, to encourage China to ratify the International Covenant on Civil and Political Rights (ICCPR). We focused particularly on abolition of the death penalty, criminal justice reform, freedom of expression and the development of civil society. We will continue to pursue these themes in 2014, while also engaging in dialogue with China about implementation of its UN Human Rights Council (UNHRC)

election pledges and recommendations made at its second UN Universal Periodic Review (UPR), which took place on 22 October.

We continued to lobby at all levels, including during the Prime Minister's visit to China in December. The Prime Minister discussed human rights with Chinese leaders, and met civil society activists. We regularly raised human rights issues with the Chinese government, in public and in private. We continued to provide financial support to projects in-country, and to promote international human rights standards through public diplomacy activities. We raised human rights concerns in international fora, including at China's UPR, where we recommended that China abolish all forms of extrajudicial and arbitrary detention, and set a clear legislative timetable for ratification of the ICCPR. 137 states took the floor during China's UPR, making 176 recommendations. China will confirm which recommendations it has accepted at the March 2014 UNHRC session. China was re-elected to the UNHRC in November.

At its UPR, China also committed to invite three other UN Special Procedures (independent human rights experts) with mandates on economic, social and cultural rights to visit China. No date was agreed for a visit by the UN High Commissioner for Human Rights, Navi Pillay, who has yet to visit China.

The Prime Minister and Premier Li Keqiang agreed in December that the next round of the UK-China bilateral Human Rights Dialogue would take place in early 2014.

Elections

According to its constitution, China is a multi-party socialist state under the guidance of the CPC. However, in practice China operates as a one-party state. Direct elections take place only for village committees and local People's Congresses. There were no signs in 2013 of movement towards representative democracy.

Freedom of expression and assembly

Freedom of the press and freedom of expression are guaranteed by the Chinese constitution but severely limited in practice.

University lecturers reported receiving CPC instructions to avoid discussing "Seven Taboos" including press freedom and universal values, with their students. "Document No. 9", reportedly a leaked internal CPC notice, warned against similar ideas infiltrating Chinese society.

The number of internet users in China continued to grow, but the internet remained subject to extensive censorship. Many foreign websites were blocked, including those of the New York Times and Bloomberg. Restrictions on freedom of expression online increased, with a government campaign against "online rumours", reportedly leading to the detentions of hundreds of social media users.

There was also evidence of increased restrictions on traditional media. In January, staff at the liberal newspaper "Southern Weekend" went on strike following

interference by local propaganda authorities. Journalists nationwide were reportedly required to attend political education classes in order to renew their press credentials.

Foreign journalists remained subject to restrictions. The Foreign Correspondents' Club of China reported in December that its members continued to face restrictions on their operations including official obstruction and intimidation, physical assault, and extended delays in the renewal of their visas.

NGOs reported that more than 60 civil society activists were detained in what appeared to be a concerted crackdown on freedom of expression, association and assembly. Many were associated with the New Citizens' Movement (NCM) and the Southern Street Movement, loose coalitions of activists promoting social justice and political reform. Dr Xu Zhiyong, the initiator of the NCM, was detained in July after three months under illegal house arrest. In December, he and other NCM activists were indicted on public order charges in relation to peaceful demonstrations.

In August, the EU High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, Baroness Ashton, expressed concern at these developments, and called on the Chinese authorities to release immediately all those detained for peacefully exercising their right to freedom of expression.

The right of workers to organise remained restricted. The rights to strike and engage in collective bargaining remained limited in law and practice.

We raised concerns about freedom of expression and association with the Chinese government throughout 2013, including through China's UPR and at the UNHRC.

Human rights defenders

British officials and ministers continued to raise concerns about human rights defenders (HRDs) in 2013, including the use of unlawful and arbitrary measures to intimidate, harass and detain HRDs. They continued to be subjected to procedurally flawed trials, to which diplomats and the media were consistently denied access.

A crackdown on freedom of expression, association and assembly saw the detentions of dozens of HRDs. Some, such as writer Guo Feixiong, were held incommunicado for extended periods, while others, including NGO volunteer Song Ze, were reportedly tortured in custody. Diplomats were denied access to the trials associated with the crackdown. Many other HRDs continued serving long prison sentences, including Nobel Peace Prize laureate Liu Xiaobo, filmmaker Dhondhup Wangchen, website editor Hairat Niyaz, writer Liu Xianbin, and journalist Qi Chonghuai.

Liu Xia, wife of imprisoned Nobel laureate Liu Xiaobo, remained under extra-legal house arrest. She appeared at her brother's fraud trial in April. He was subsequently sentenced to 11 years' imprisonment. Liu Xia told lawyers that this was a reprisal against her for receiving visitors in December 2012. Diplomats, including British officials, attempted to visit Liu Xia during 2013, but were repeatedly denied access. There were ongoing concerns for her health.

Liu Xiaobo remained in prison, where his wife said that he had been held in prolonged solitary confinement. She instructed his lawyers to apply for a retrial, but they were repeatedly refused access to him to prepare the motion.

Relatives of rights lawyer Gao Zhisheng were permitted a second visit to him in January, following his return to prison in December 2011. They have since reportedly been unable to visit or correspond with him.

Ethnic Mongolian activist Hada remained in arbitrary detention, following his disappearance in December 2010. Diplomats, including British officials, attempted to visit him in August, but were refused access.

Other HRDs suffering from serious health conditions were denied bail, parole or access to adequate treatment. Cao Shunli was denied bail despite her advanced liver disease. Disabled rights lawyer Ni Yulan was released in fragile health in October, having served her prison sentence despite suffering multiple medical conditions. Chen Kegui, imprisoned nephew of Chen Guangcheng, was diagnosed with appendicitis in April, but denied medical parole.

Independent civil society was repeatedly barred from involvement in China's UPR process. Four independent UN human rights experts issued a statement of concern about reprisals against civil society activists such as Cao Shunli, who sought the right to participate in the UPR. These concerns were echoed by Baroness Ashton.

Chinese civil society activists initiated an online petition calling for China to be barred from the UNHRC until it ratified the ICCPR and improved its human rights record. Some were later interrogated on suspicion of inciting subversion.

Access to justice and the rule of law

Access to justice remains limited and the rule of law weak. The constitution guarantees the independence of the courts, but in practice there is little separation of powers.

The Decision of the Third Plenum included commitments to improve judicial transparency, strengthen safeguards against judicial corruption, prevent local political interference with the courts, protect the role of defence lawyers, and prevent miscarriages of justice. In July, the Supreme People's Court set up a national website for courts to publish trial and sentencing information. In August, CPC and judicial authorities issued guidelines for preventing and remedying miscarriages of justice.

In August, portions of the trial of former politician Bo Xilai were live-tweeted on Chinese social media. State media hailed this as an unprecedented example of judicial transparency. However, there were indications that the transcript had been heavily edited.

RTL was formally abolished by the Standing Committee of the National People's Congress on 28 December. RTL was a form of administrative detention without trial, targeted at petty offenders, but also frequently used for petitioners, Falun Gong

practitioners and HRDs. Detailed plans for replacing RTL remained unclear. Other forms of arbitrary and extrajudicial detention remained in use, including: compulsory drug rehabilitation; "custody and education" for sex workers; so-called "black jails" (unofficial detention centres); involuntary psychiatric committal; "legal education" centres; and custodial investigation.

China's first Mental Health Law came into effect on 1 May, imposing new safeguards against abuse of involuntary psychiatric committal procedures. However, some loopholes remain, and reports persisted of abuses.

Safeguards for the independence and operation of the legal profession remained weak. Human rights lawyers reported being obstructed, harassed, arbitrarily disbarred, administratively detained and even physically assaulted by officials.

There were instances of official use of the media to preempt the judicial process. Several "confessions" were broadcast on state television. None of the individuals concerned had at that stage been charged with any crime.

Death penalty

In absolute terms, it is believed that China continues to execute the largest number of people in the world. The Chinese government treats death penalty figures as a state secret.

China retains 55 capital offences, including many non-violent crimes. The Chinese legal system retains the sentencing option of "death with two years' reprieve" - in practice, almost invariably commuted to life.

In 2013, the Supreme People's Procuratorate began to provide prosecutorial oversight of the Supreme People's Court's (SPC) review of death sentences. Official guidance to courts emphasised that the highest level of evidence standards should be applied in capital cases. The SPC began publishing selected verdicts from capital cases online as part of a wider campaign to promote judicial transparency.

In November, the Decision of the Third Plenum pledged that China would continue to "reduce the number of capital crimes step by step". Public debate about China's application of the death penalty remained vigorous in 2013, stimulated by several high-profile cases.

In November, Health Minister Li Bin reiterated the Chinese government's commitment to end the use of organs from executed prisoners for human transplant by mid-2014.

Torture

Chinese law prohibits torture, physical abuse and insulting prisoners' dignity. But reports of abuse, mistreatment and torture continued to emerge, including reports of the use of sleep deprivation and electric shocks.

The revised Criminal Procedure Law (CPL) contains provisions which could help to prevent torture and mistreatment. A number of lawyers reported that the process of gaining access to their clients in detention had been greatly expedited, although there were indications that this did not apply in politically sensitive or human rights related cases.

The CPL revision sought to limit the use of pre-trial detention and expand the use of bail and residential surveillance, which should reduce the risk of torture.

Article 73 of the CPL, which allows for secret detention in certain categories of cases, was not reported to have been widely used, although Zhu Chengzhi was detained under Article 73 while under investigation for "inciting subversion". In some cases police reportedly violated the CPL in order to hold HRDs incommunicado for extended periods.

Freedom of religion or belief

The Chinese constitution guarantees freedom of religious belief, but in practice there are extensive restrictions on religious freedom.

Protestant churches are controlled by the Three-Self Patriotic Movement (TSPM). However, millions of Chinese Protestants choose to worship at unofficial "house churches". There were reports of raids on house churches and of the arrests of pastors and congregants. TSPM churches were not immune from harassment - Henan pastor Zhang Shaojie and at least 20 of his parishioners were detained and held incommunicado on public order charges in November.

Relations between the state-sponsored Chinese Catholic Patriotic Association and the Holy See remained difficult. Shanghai Auxiliary Bishop Thaddeus Ma Daqin reportedly remained under house arrest in Sheshan Seminary. Unapproved "underground" Catholic churches continued to encounter state interference and harassment. Father Song Wangjun, priest of an underground Catholic church in Hebei Province, disappeared in August.

The authorities continued to put pressure on groups classed as "illegal cults". There were continuing reports of the arrests of Falun Gong practitioners, and harassment of their defence lawyers.

Women's rights

Whilst women's access to education and employment in China is generally good, representation of women at senior levels of the CPC and government is low. The UN Working Group on the Elimination of Discrimination against Women in Law and Practice found that more action was needed to ensure women's full participation in economic and political spheres.

Gender-based violence remains a widespread problem, although it is the subject of increasing popular debate and awareness. The UK continued to support the

contribution of Chinese civil society groups to the law on domestic violence, which remains at the drafting stage.

The authorities continued to enforce family planning policies. The Third Plenum announced reforms which will permit couples to have two children if either parent is an only child. There were continued reports of illegal coercive implementation of family planning policies, including forced abortions and sterilisations.

Other issues

Tibet

The Chinese authorities continued to restrict access to the Tibetan Autonomous Region (TAR) for foreigners. The British Embassy made three requests to visit the TAR in 2013. All were declined. The EU Special Representative for Human Rights and representatives from some other diplomatic missions were allowed to make escorted visits.

British officials were able to visit Tibetan areas in neighbouring provinces. They saw high levels of participation in religious life and evidence of rapid economic growth. However, there were concerns around the consequences of resource extraction and allegations of corruption. Such concerns reportedly sparked large-scale local protests in the TAR's Biru county in May, and in Qinghai in August.

Local authorities allegedly used lethal force at a protest in Biru in October. According to unconfirmed reports, local authorities also used live fire in a Tibetan region of Sichuan Province in July to disperse Tibetans gathered to commemorate the Dalai Lama's birthday.

There were 26 reported self-immolations in Tibetan regions in 2013, of which 25 were fatal.

More than 40 Tibetans were reportedly sentenced to imprisonment in 2013 after being convicted of offences in connection with incidents of self-immolation. Layman Dolma Kyab was sentenced to death in August after being convicted of killing his wife and claiming she had engaged in self-immolation. In September, the Foreign Secretary expressed concerns about reported procedural flaws in the trial and called for clemency.

There were reports of more than 40 instances of Tibetans receiving prison sentences for exercising their rights to freedom of expression and peaceful assembly, often under state security charges such as "inciting separatism".

In October, the Chinese government published a White Paper on Tibet's development. This did not hint at any plans for policy shifts to reduce ethnic tensions in Tibetan areas of China.

For the third year in succession, there were no talks between the Chinese authorities and representatives of the Dalai Lama. This is the longest hiatus in the past decade.

The UK's policy on Tibet remains unchanged. The UK recognises Tibet as part of the People's Republic of China and does not support Tibetan independence. During 2013, we continued to call in for all parties to engage in substantive dialogue, and to press the Chinese authorities to exercise restraint, respect religious and cultural freedoms, and allow unrestricted access to Tibetan areas for international journalists, NGOs and diplomats.

The UK also raised concerns about ethnic minority rights during China's UPR, and in regular sessions of the UNHRC.

Xinjiang

There were ongoing restrictions on cultural, linguistic and religious rights, and evidence of continuing tensions, including increasing reports of deadly ethnic violence in the Xinjiang Uyghur Autonomous Region. Embassy officials visiting parts of Xinjiang observed a heavy security presence, and evidence of restrictions on cultural and religious freedoms.

At least 120 people reportedly died in a series of incidents in the region between April and December. There were allegations of the use of lethal force to disperse peaceful protests. The authorities generally characterised these incidents as instances of terrorism, and responded by pledging to step up security operations.

In October, a vehicle drove into a crowd in Beijing's Tiananmen Square. Chinese authorities described this as a "terrorist attack". The Uyghur community in Beijing reported increased surveillance and security restrictions following the incident.

There were reports of the arrest of Uyghurs on charges of endangering state security or illegal religious activities. 20 Uyghurs received long sentences for "separatism" and "plotting to carry out jihad" in April, with a further 19 convicted of "religious extremism" in June.

Restrictions on cultural and religious freedoms persisted, with further reports that authorities in parts of Xinjiang were attempting to ban women from wearing face veils and men from wearing beards. Teachers, professors, students, and civil servants reportedly continued to be prohibited from observing Ramadan and engaging in religious activities.

Reprisals against Uyghur HRDs, such as imprisoned house church clergyman Alimjan Yimit and scholar Ilham Tohti, continued. Tohti was prevented from leaving China to take up a visiting fellowship at a US university in February. In July, his student Mutellip Imin disappeared at Beijing airport and was held incommunicado for 79 days.

Refugees and asylum seekers

China continued to refuse to recognise the status of refugees from the Democratic People's Republic of Korea (DPRK), treating them as illegal economic migrants. The Chinese authorities continued to return (refouler) DPRK refugees in 2013.

Civil society

Legislative and financial barriers continued to pose significant obstacles for NGOs, and long-awaited laws and regulations aimed at improving the legal status of NGOs were again delayed. Some NGOs reported official harassment and interference, particularly when engaged in politically sensitive or public advocacy activities.

New provincial regulations aimed at streamlining the registration process for certain categories of NGOs did bring some improvements. Some provinces also began experimenting with government procurement of social services.

Public advocacy remains tightly controlled. Organisers of public gatherings to mark International Day Against Homophobia and Transphobia were detained in May. In December, dozens of individuals were detained while attempting to mark World AIDS Day.

Hong Kong Special Administrative Region

The UK Government continues to take seriously its commitments under the Sino-British Joint Declaration. The Foreign & Commonwealth Office published biannual reports to Parliament on the implementation of the "One Country, Two Systems" model, covering the period from 1 July to 31 December 2012 and 1 January 2013 to 30 June 2013 respectively. These concluded that the rights and freedoms guaranteed in the Joint Declaration continue to be respected during the periods covered by the reports.

A key focus of 2013 was the roadmap to universal suffrage expected to be in place for the election of Hong Kong's Chief Executive by 2017 and the Legislative Council in 2020. The Foreign Secretary commented in the foreword to the second biannual report of 2013 that, "I am in no doubt that the transition to universal suffrage will be in the best interests of Hong Kong's stability and prosperity".

On 17 October, the Hong Kong Special Administrative Region government established a High Level Constitutional Reform Task Force, and launched a public consultation on 4 December to gather views on constitutional reform, with a view to agreeing a legislative package in late 2014.

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Accessed 4 June 2014

- 137 states took the floor during China's UPR, making 176 recommendations. China will confirm which recommendations it has accepted at the March 2014 UNHRC session. China was re-elected to UNHRC in November
- At its UPR, China also committed to invite three other UN Special Procedures (independent human rights experts) with mandates on economic, social and cultural rights to visit China. No date was agreed for a visit by the UN High Commissioner for Human Rights, Navi Pillay, who has yet to visit China.
- China operates as a one-party state. Direct elections take place only for village committees and local People's Congresses.
- The Decision of the Third Plenum (November 2013) included commitments to improve judicial transparency, strengthen safeguards against judicial corruption, prevent local political interference with the courts, protect the role of defence lawyers, and prevent miscarriages of justice. In July, the Supreme People's Court set up a national website for courts to publish trial and sentencing information. In August, CPC and judicial authorities issued guidelines for preventing and remedying miscarriages of justice.
- Abolition of RTL - RTL was formally abolished by the Standing Committee of the National People's Congress on 28 December. RTL was a form of administrative detention without trial, targeted at petty offenders, but also frequently used for petitioners, Falun Gong practitioners and HRDs. Detailed plans for replacing RTL remained unclear.
- Other forms of arbitrary and extrajudicial detention remained in use, including: compulsory drug rehabilitation; "custody and education" for sex workers; so-called "black jails" (unofficial detention centres); involuntary psychiatric committal; "legal education" centres; and custodial investigations
- China's first Mental Health Law came into effect on 1 May, imposing new safeguards against abuse of involuntary psychiatric committal procedures. However, some loopholes remain, and reports persisted of abuses.
- Safeguards for the independence and operation of the legal profession remained weak. Human rights lawyers reported being obstructed, harassed, arbitrarily disbarred, administratively detained and even physically assaulted by officials.
- Death penalty - China retains 55 capital offences, including many non-violent crimes. The Chinese legal system retains the sentencing option of "death with two years' reprieve" - in practice, almost invariably commuted to life.

- Role of SPC – prosecutorial oversight/review of death penalty decisions – reinstated in 2013, promotion of judicial transparency through publishing of selected verdicts
- Torture – revised CPL
- Article 73 of the CPL, which allows for secret detention in certain categories of cases, was not reported to have been widely used, although Zhu Chengzhi was detained under Article 73 while under investigation for “inciting subversion”. In some cases police reportedly violated the CPL in order to hold HRDs incommunicado for extended periods.
- Freedom of Religion - Protestant churches are controlled by the Three-Self Patriotic Movement (TSPM). However, millions of Chinese Protestants choose to worship at unofficial “house churches”. There were reports of raids on house churches and of the arrests of pastors and congregants. TSPM churches were not immune from harassment - Henan pastor Zhang Shaojie and at least 20 of his parishioners were detained and held incommunicado on public order charges in November.
- Relations between the state-sponsored Chinese Catholic Patriotic Association and the Holy See remained difficult. Shanghai Auxiliary Bishop Thaddeus Ma Daqin reportedly remained under house arrest in Sheshan Seminary.
- Unapproved “underground” Catholic churches continued to encounter state interference and harassment. Father Song Wangjun, priest of an underground Catholic church in Hebei Province, disappeared in August.
- The authorities continued to put pressure on groups classed as “illegal cults”. There were continuing reports of the arrests of Falun Gong practitioners, and harassment of their defense lawyers.
- Special Groups – Women – UN Special Working Group on Elimination of Discrimination Against Women – participation in economic and political sphere remains low
- Gender-based violence – draft domestic violence legislation
- Family planning policies - The Third Plenum announced reforms which will permit couples to have two children if either parent is an only child. There were continued reports of illegal coercive implementation of family planning policies, including forced abortions and sterilisations.
- Tibetan areas –high-level economic and reconstruction, reports of resource extraction and environmental concerns, socio-economic discrimination, loss of religious expression, self-immolations, sentences for criminal offences in relation to self-immolations, state security charges of ‘inciting separatism’.
- White Paper on Tibet- October 2013
- Xinjiang - There were ongoing restrictions on cultural, linguistic and religious rights, and evidence of continuing tensions, including increasing reports of deadly ethnic violence in the Xinjiang Uyghur Autonomous Region.
- Deaths due to “terrorism” incidents – concerns about use of force and increased security to combat terrorist forces, targeting Uighur community and impacting on religious expression, freedom of expression and assembly.
- Religious restrictions – head scarves, beards, denial to observe Ramadan and engaging in religious learning and activities
- Ilham Tohti
- DPRK refugees treated as illegal economic migrants, forcible returns (refouled) –cases with UNIICR


- Treatment of NGOs – challenges to government funding and support due to registration system. Harassment and interference for “unregistered” organisations, often those associated with politically sensitive work (democracy activists, LGBT)
- Legislative and financial barriers continued to pose significant obstacles for NGOs, and long-awaited laws and regulations aimed at improving the legal status of NGOs were again delayed. Some NGOs reported official harassment and interference, particularly when engaged in politically sensitive or public advocacy activities.
- New provincial regulations aimed at streamlining the registration process for certain categories of NGOs did bring some improvements. Some provinces also began experimenting with government procurement of social services.
- LGBT - International Day Against Homophobia and Transphobia were detained in May. In December, dozens of individuals were detained while attempting to mark World AIDS Day.

CHINA COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service, 12 October 2012 -

<https://www.gov.uk/government/publications/china-country-information-and-guidance> - Accessed 6 June 2014

- The Party's leadership role is repeatedly referenced in the preamble to the PRC's Constitution, although it is not mentioned in any of the articles of the constitution."
- Shuanggui," another form of extralegal detention, is used by the Communist Party for investigation of Party members
- The Human Rights Watch (HRW) Report, "An Alleyway in Hell": China's Abusive "Black Jails", 12 November 2009, stated: "Human rights abuses related to China's black jails bear a striking similarity to those of the official compulsory custody-and-repatriation, or shourong qiansong, system, which the government abruptly abolished in June 2003. Shourong, a vagrancy detention system, legally allowed police to detain "undesirables" - mostly petitioners, but also including beggars and any individuals who lacked official identification papers - and to transfer them to official "relief and repatriation" centers where they were held for a short period of time before being returned to their home districts. Researchers reported that extralegal black jails began operating within months of the abolition of the vagrancy detention system."
- The US State Department's 2011 Country Report on Human Rights Practices (USSD Report 2011), China, published on 24 May 2012, noted that: "Courts deciding civil matters faced the same limitations on judicial independence as in criminal cases. The State Compensation Law provides administrative and judicial remedies for plaintiffs whose rights or interests have been infringed by government agencies or officials, including wrongful arrest or conviction, extortion of confession by torture, unlawful use of force resulting in bodily injury, illegal revocation of a business license, or illegal confiscation or freezing of property. In April 2010 the NPC [National People's Congress] Standing Committee amended the law to allow compensation for wrongful detention, mental trauma, or physical injuries inflicted by detention center or prison officials. In civil matters successful plaintiffs often found it difficult to enforce court orders.

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China

[Home Travel Advice China](#)

Latest update

This Advice was last issued on Friday, 23 May 2014. It ~~contains~~ new information in the Summary and under Safety and security: Terrorism (at ~~least~~ 31 people were killed in an attack at a market in Urumqi, Xinjiang on 22 May 2014). We continue to advise Australians to exercise normal safety precautions in China overall.



[Summary](#)

- [Entry and exit](#)
- [Safety and security](#)
- [Local travel](#)
- [Laws](#)
- [Health](#)
- [Where to get help](#)
- [Additional information](#)

Summary

China overall

- **Exercise normal safety precautions**
- Exercise a high degree of caution
- Reconsider your need to travel
- Do not travel

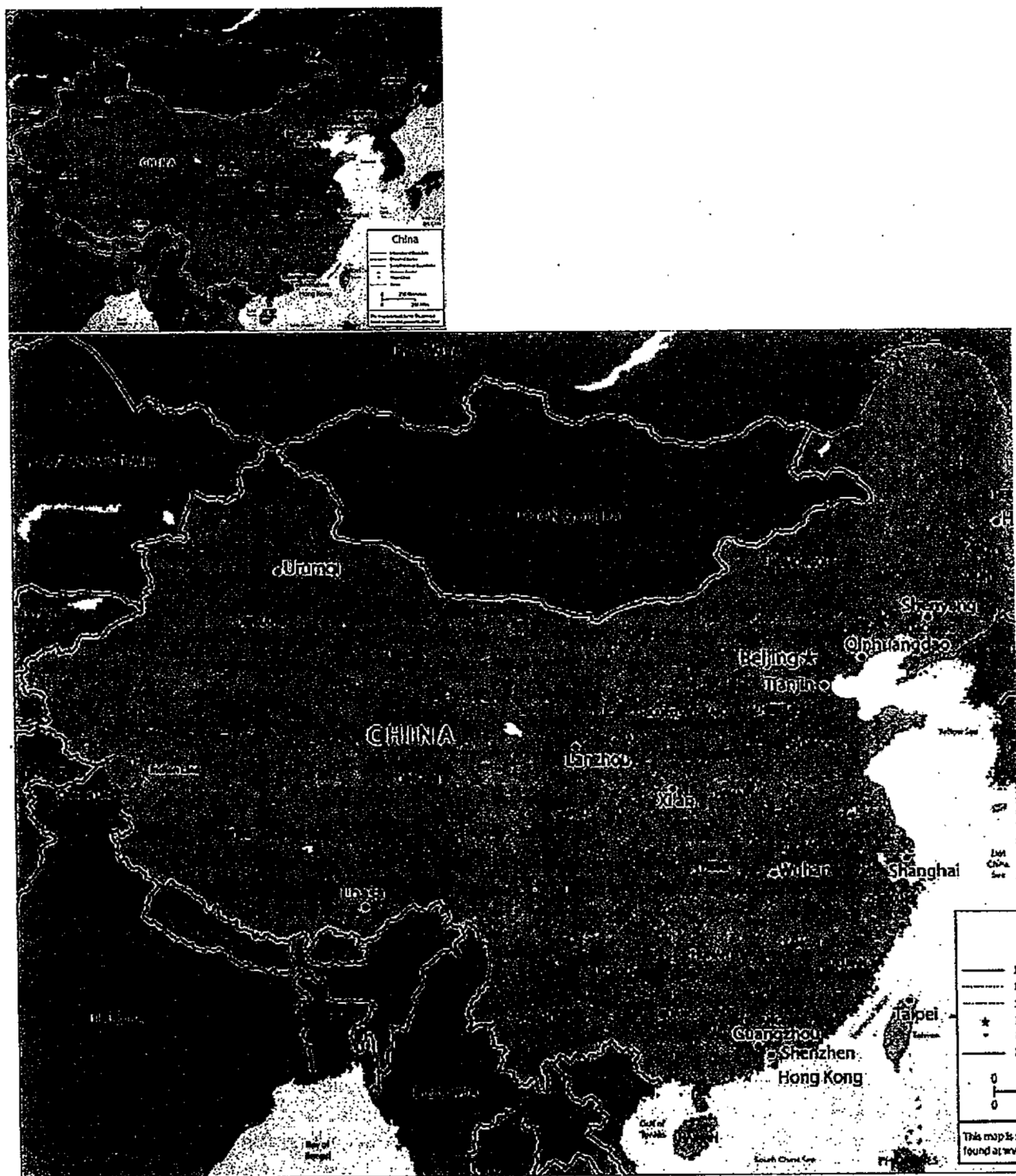
Tibet

- Exercise normal safety precautions
- **Exercise a high degree of caution**
- Reconsider your need to travel
- Do not travel

Xinjiang

- Exercise normal safety precautions
- **Exercise a high degree of caution**

- Reconsider your need to travel
 - Do not travel
-
- We advise you exercise normal safety precautions in China.
 - Pay close attention to your personal security and monitor the media for information about possible new safety or security threats.
 - On 22 May 2014, an attack at a market in Urumqi, Xinjiang, killed at least 31 people and injured more than 90. On 1 March 2014, armed attackers killed 29 people and injured scores of others at Kunming Railway Station, Yunnan province.
 - We advise you to exercise a high degree of caution if travelling to Tibet Autonomous Region. You should not attempt to travel to Tibet without permission from the Chinese authorities. For details about obtaining a travel permit to Tibet, see Local travel below.
 - We advise you to exercise a high degree of caution if travelling to Xinjiang Uighur Autonomous Region due to its volatile security situation and heightened ethnic tensions.
 - The Chinese authorities have put in place stringent requirements for visa issue. You should check with the nearest Embassy or Consulate of China for detailed information well in advance of your intended travel date.
 - Australians doing business in China should be aware of the risks and potential for legal consequences. You should seek professional legal advice before entering into a contract of any sort in China. See under Laws for more information.
 - The Chinese government does not recognise dual nationality. If you are an Australian/Chinese dual national, you should travel on your Australian passport, obtain a visa for China and present yourself as Australian at all times. See Information for dual nationals for more information.
 - The World Health Organization has confirmed human deaths from avian influenzas in China. See Health section for advice to Australians travelling to or residing in China.
 - Be a smart traveller. Before heading overseas:
 - organise comprehensive travel insurance and check what circumstances and activities are not covered by your policy
 - register your travel and contact details, so we can contact you in an emergency
 - subscribe to this travel advice to receive free email updates each time it's reissued.



click on image to expand

- [Additional information](#)
- [Entry and exit](#)

Entry and exit

Visa and other entry and exit conditions (such as currency, customs and quarantine regulations) change regularly. Contact the nearest Embassy or Consulate of China for the most up to date information. For foreigners already travelling or residing in China, all visa inquiries should be directed to the Foreigners Entry and Exit Administration Section of the local Public Security Bureau.

If travelling to China, your passport must be valid for at least six months after the duration of your intended stay and you must also be able to provide evidence of a return or onward ticket.

A visa is required for all travellers to China whether for tourism, business, employment or study purposes. You should ensure that you obtain the appropriate visa for the purpose of your visit. It is very difficult to obtain a visa at Chinese border entry points.

If your passport is lost or stolen while in China you will firstly need to obtain an official loss report from the local police (this report can be used when checking in to a hotel and will be necessary for obtaining a new passport and Chinese visa). You will need to obtain a replacement passport from the nearest Australian embassy or consulate, as well as a Chinese visa to allow you to leave China. Issue of a visa by the Chinese authorities can take up to five working days, and can be delayed significantly longer during Chinese holiday periods. Australians who have lost or had their passport stolen in China should not expect the Chinese visa renewal or replacement process to be expedited for them to meet travel or flight schedules. We encourage you to keep a copy of your passport and Chinese visa in a safe place when travelling in China. You should carry copies of a recent passport photo with you in case you need a replacement passport while overseas.

Chinese authorities strictly enforce penalties for entry and exit visa violations. Current regulations include a 500RMB fine (not to exceed 5,000RMB) for each day overstayed, and/or detention. The period of detention can range from 5 to 30 days depending on the severity of the violation. Travellers should ensure they depart China before their visa expiry date.

Hong Kong and Macau are Special Administrative Regions (SAR) and have separate visa and entry administration. Travellers who exit mainland China to visit Hong Kong or Macau may require a new Chinese visa to re-enter mainland China. In particular, travellers with a single entry visa for China should take particular note of this requirement. Some travel permits, issued in Hong Kong or at Hong Kong-Macau-Chinese mainland border crossings, are valid for limited travel to designated areas only such as Shenzhen, Zhuhai or other areas in Guangdong Province. It is illegal to use these permits to travel to other parts of China. Travellers should carefully check the details on their visa.

You may need a visa to transit China if your stopover is longer than 24 hours and requires you to leave the airport. However, if you are staying for less than 24 hours while transiting en route to a third country, and you have a pre-purchased outward ticket, you may not need a transit visa. If you need to leave the airport during the 24 hour period, you may be able to apply for a permit on arrival at the airport. These requirements can change often and vary between airports. You should check specific

requirements with the Embassy or Consulate of China for the most up to date information.

- Summary
- Safety and security

Safety and security

Terrorism

There is a possibility of terrorist attacks by groups opposed to the Chinese Government. Attacks could be indiscriminate including in places visited by expatriates and foreign travellers.

On 22 May 2014, an attack at a market in Urumqi, Xinjiang, killed at least 31 people and injured more than 90. We advise Australians to exercise a high degree of caution in Xinjiang Uighur Autonomous Region.

On 1 March 2014, armed attackers killed 29 people and injured scores of others at Kunming Railway Station.

Terrorism is a threat throughout the world. You can find more information about this threat in our General advice to Australian travellers.

Civil unrest/political tension

You should avoid all demonstrations and protests as they may turn violent. Pay close attention to your personal security and monitor the media for information about possible new safety or security risks. Australians could inadvertently become victims of violence directed at others.

Xinjiang: We advise you to exercise a high degree of caution if travelling to Xinjiang Uighur Autonomous Region. The security situation in Xinjiang is volatile due to heightened ethnic tensions. In July 2009, violent protests resulted in a large number of deaths and injuries in Urumqi, capital of Xinjiang. A number of further protests and incidents, including bombings, have occurred in the region since that date. In late July 2011, a series of violent incidents occurred in the city of Kashgar in which a number of people were killed and injured. The government may impose restrictions on movement and communications in Kashgar and nearby areas with little warning. You should avoid any protests or large gatherings.

Tibet: We advise you to exercise a high degree of caution if travelling to the Tibet Autonomous Region. On 14 March 2008, protests by Tibetan monks in Lhasa turned violent with reports of deaths and injuries. Demonstrations and violence could occur with little warning.

You should not attempt to travel to Tibet without permission from the Chinese authorities. Foreigners wishing to travel to Tibet must apply for a Tibet Entry Permit

issued by the Tibet Tourism Bureau in Lhasa. For further information, see Local travel below.

Avoid photographing, videoing or participating in protests or other acts which could be seen as provocative by authorities in Tibet or elsewhere in China.

Crime

Petty crime directed at foreigners, particularly pick pocketing, purse snatching and theft of laptops, passports and mobile phones occurs. Resisting can lead to violence or injury. Travellers have been targeted on overnight long distance trains and buses and on public transport. Foreigners have been assaulted and robbed, particularly in popular expatriate gathering areas including the bar and shopping precincts of Beijing, Shanghai, Guangzhou, Shenzhen and other major cities.

Foreigners have also been targets of a number of scams when travelling in China. An increasing number of tourists are being approached and invited for a drink at a teahouse, cafe or bar nearby for a number of reasons including "to practice English". Afterwards the tourist is presented with a vastly inflated bill and is not permitted to leave until they pay the bill by credit card. Physical violence, including serious assault, and credit card skimming or duplication has occurred.

There have been reports of foreign travellers being drugged and robbed in China after accepting offers of food, drink or transportation from strangers.

There have been incidents of ATM scams including the use of fake ATMs that take the user's card. ATM robberies are also common. It is recommended you use ATMs when accompanied, inside a secure place such as a bank, and during daylight hours to reduce risks.

If you are the victim of petty crime or a scam, you should report it immediately to the local police. Even though they may not be able to get your money or goods back, they can issue you with an official loss report for insurance purposes.

For further information on how to reduce your risk on various types of scams visit the Australian Competition and Consumer Commission's SCAMwatch website at www.scamwatch.gov.au.

There is a risk of armed bandit attacks in remote areas bordering Pakistan, Burma, Laos, Vietnam and Russia. You should be vigilant if travelling in these areas.

Money and valuables

Before you go, organise a variety of ways to access your money overseas, such as credit cards, travellers' cheques, cash, debit cards or cash cards. Australian currency and travellers' cheques are not accepted in many countries. Consult with your bank to find out which is the most appropriate currency to carry and whether your ATM card will work overseas. In large Chinese cities (e.g. Beijing, Shanghai, Guangzhou, Shenzhen) ATMs that allow cash withdrawals using Visa, Mastercard, Cirrus, Maestro, American Express and JCB are widely available. Opportunities to make

purchases by credit are common, particularly in international hotels and restaurants. In smaller cities, using international cards may be more difficult.

The Chinese Customs Administration requires that travellers carrying over US\$6,000 (or equivalent in foreign currencies) in cash must declare it upon arrival in China. The declaration should be kept safely and shown to customs officials upon departure. Travellers who wish to depart China carrying between US\$6,000 and US\$10,000 (or equivalent in foreign currencies) should obtain permission from a Chinese bank to do so.

Make two photocopies of valuable documents such as your passport, tickets, visas and travellers' cheques. Keep one copy with you in a separate place to the original and leave another copy with someone at home.

While travelling, don't carry too much cash and remember that expensive watches, jewellery and cameras may be tempting targets for thieves.

As a sensible precaution against luggage tampering, including theft, lock your luggage. Information on luggage safety is available from Australia's Civil Aviation Safety Authority.

Your passport is a valuable document that is attractive to criminals who may try to use your identity to commit crimes. It should always be kept in a safe place. You are required by Australian law to report a lost or stolen passport. If your passport is lost or stolen overseas, report it online or contact the nearest Australian Embassy, High Commission or Consulate as soon as possible. You must also report your loss of passport to the nearest police station and obtain a confirmation report of passport loss before you are able to secure an exit visa to leave China. The police loss report will also assist you to check in to a hotel if required. The process of obtaining a new Chinese visa may take up to a week to complete.

You are required to pay an additional fee to have a lost or stolen passport replaced. In some cases, the Australian Government may also restrict the length of validity or type of replacement passports.

- Entry and exit
- Local travel

Local travel

Travellers are permitted only in areas open to foreigners. Travel near military installations and near some border areas within China is restricted.

Foreigners wishing to travel to Tibet must apply for a Tibet Entry Permit issued by the Tibet Tourism Bureau. Applications for Tibet Entry Permits can only be lodged through specialised travel agents in China and travel can only be undertaken through organised tours.

Tibet, Qinghai, parts of Xinjiang, and western Sichuan are situated at altitudes over 3000 metres. Travellers in these areas may suffer from altitude sickness.

Travel and living conditions vary greatly between city areas and less developed rural areas. You may have trouble finding services such as banking, internet access and telephones, including mobile phone reception, in rural areas.

Poorly maintained roads and aggressive driving can make travel by road in China dangerous. See our [road travel](#) page.

Tour operators, public buses and ferries might not meet the safety standards you would expect in Australia, particularly in rural areas of the country.

You should contact your airline or travel agent for up-to-date information on flights and transport options, for both domestic and international travel.

Airline safety

Please refer to our [air travel](#) page about aviation safety and security.

- [Safety and security](#)
- [Laws](#)

Laws

When you are in China, be aware that local laws and penalties, including ones that appear harsh by Australian standards, do apply to you. If you are arrested or jailed, the Australian Government will do what it can to help you but we can't get you out of trouble or out of jail.

Information on what Australian consular officers can and cannot do to help Australians in trouble overseas is available from the [Consular Services Charter](#).

In China, a person aged 14 years and above is considered to be responsible for their actions, and treated as an adult under the law. If detained, a person of this age will be held with adults and be subject to the same conditions and legal processes as adults.

There are strictly enforced laws which prohibit demonstrations without prior approval from the government. If arrested, you could be jailed or deported.

Penalties for drug offences are severe and include the death penalty.

Other serious crimes may also attract the death penalty.

Gambling and prostitution are illegal in mainland China.

Photography of military or government buildings may result in a penalty. You should seek permission from local authorities before taking photographs.

Homosexual acts are not illegal in China, but you should be aware of local sensitivities. See our [LGBTI travellers page](#).

All foreigners including long-term residents are required to register their place of residence with the local Public Security Bureau (PSB) within 24 hours of arrival, and at each change of residential location. This can be done by visiting the nearest police station and presenting your passport and valid Chinese visa. Foreigners staying with family or friends in a private home are required to register with the PSB. Failure to do so could result in fines and detention. If you are staying at a hotel, this is done as part of the normal check-in process, after the hotel verifies your passport and valid visa. Foreigners with residence permits are now required to register after each re-entry.

You should carry evidence of your identity at all times and present it upon demand of police authorities. Your passport or a Chinese residence card is an acceptable form of identity. Failure to carry ID or comply with the registration requirement could result in fines and detention.

Restrictions apply to certain religious activities, including preaching, distributing literature and associating with unapproved religious groups. Falun Gong activities are banned in China. Falun Gong related demonstrations and activities contravene Chinese laws. If you participate, you could be arrested, imprisoned and/or deported.

Some Australian criminal laws, such as those relating to money laundering, bribery of foreign public officials, terrorism, forced marriage, female genital mutilation, child pornography, and child sex tourism, apply to Australians overseas. Australians who commit these offences while overseas may be prosecuted in Australia.

Australian authorities are committed to combating sexual exploitation of children by Australians overseas. Australians may be prosecuted at home under Australian child sex tourism and child pornography laws. These laws provide severe penalties of up to 25 years imprisonment for Australians who engage in child sexual exploitation while outside of Australia.

Doing business in China

Increased Australian business activity in China has resulted in higher numbers of commercial disputes in recent years. If you are considering entering into a contract of any sort in China, for example a business contract or residential lease, you are advised to seek professional legal advice before entering into the contract.

If Australian nationals carrying out business in China become involved in a business or civil dispute, they may be prevented from leaving the country until the matter is resolved. This has recently resulted in Australians being restricted from leaving China for extended periods of time, sometimes many years.

Business issues that may be classified as civil or commercial disputes in Australia, may be classified as criminal matters in China, particularly business dealings where state enterprises or state assets are involved. Penalties for commercial or economic crimes can be severe.

There has been an increase in the number of incidents in which Australians and other foreigners have been held against their will at their work place. These incidents may involve other companies or disgruntled employees attempting to resolve business and employment disputes through protests which are often accompanied with threats of violence.

Employment in China: Disputes over alleged misrepresentation of working and living conditions for Australians working in China, particularly those teaching English, occur frequently. If you are considering travelling to China for work, you should verify the true nature of the work being offered and make sure you have the correct visa before arrival. You are advised to seek professional legal advice before signing any contract, whether in Australia or after arrival in China.

Points to check carefully include:

- Employment contracts: Contracts may contain unacceptable conditions. For example, conditions for early termination may state that the employee surrenders the right to a return air ticket, and pay may be withheld.
- Passports: Reputable businesses will not request you to surrender your passport for "safe-keeping". You should not surrender your passport in these circumstances.
- Failure to maintain a valid visa could result in a fine of 500 RMB per day and detention. Employment in China usually requires a 'Z-class' visa and a Chinese residence permit.

Other information for business: Australians doing business in China should see our [business travel advice](#) for general information on the potential for legal and other risks. The Australian Trade Commission (Austrade) provides specific advice on [doing business in China](#). In addition, our [Living and Working Overseas](#) page provides further information for Australians considering working or living overseas.

Information for dual nationals

The Chinese government does not recognise dual nationality and will not allow consular access by the Australian Embassy or Consulate to Australians detained by Chinese authorities if they have entered China on a Chinese passport, a Hong Kong or Macau identity card, an identity card issued by Taiwan or any non-Australian foreign passport. If you are an Australian/Chinese dual national, you should travel on your Australian passport, obtain a visa for China and present yourself as Australian at all times.

If you are a former Chinese citizen and have not renounced your citizenship according to Chinese law, it is possible that Chinese authorities will continue to treat you as a Chinese citizen and not allow you Australian consular services, even if you entered China on an Australian or other foreign passport. If you do not advise the Chinese authorities formally that you have become an Australian citizen, or if you continue to maintain a Chinese passport or household registration, it is possible that Chinese authorities will treat you as a Chinese citizen. Similarly, it is possible that certain types of Chinese citizens, such as state functionaries, will not be permitted to renounce their Chinese nationality under Chinese law. You are advised to seek

professional legal advice if you are uncertain about your citizenship status under Chinese law.

Our [Dual Nationals](#) page provides further information for dual nationals.

- [Local travel](#)
- [Health](#)

Health

We strongly recommend that you take out comprehensive [travel insurance](#) that will cover any overseas medical costs, including medical evacuation, before you depart. Confirm that your insurance covers you for the whole time you'll be away and check what circumstances and activities are not included in your policy. Remember, regardless of how healthy and fit you are, if you can't afford travel insurance, you can't afford to travel. The Australian Government will not pay for a traveller's medical expenses overseas or medical evacuation costs.

It is important to consider your physical and mental health before travelling overseas. We encourage you to consider having vaccinations before you travel. At least eight weeks before you depart, make an appointment with your doctor or travel clinic for a basic health check-up, and to discuss your travel plans and any implications for your health, particularly if you have an existing medical condition. The [World Health Organization \(WHO\)](#) provides information for travellers and our [health](#) page also provides useful information for travellers on staying healthy.

International standard medical services in China are expensive. We recommend that if you intend to be resident in China for an extended period of time you should explore options for acquiring local health insurance or establish with your employer whether health coverage is provided through your employment.

The standard of medical care and the range of familiar medications available in China is often limited, particularly outside of major cities. Medical personnel in rural areas of the country may lack adequate training. Some hospitals in major cities have specialised departments for treating foreigners. Hospitals and doctors often require cash payment, prior to providing medical services, including for emergency care. Medical evacuation from China is very expensive.

Travel to China for medical treatment is increasing. Australians should ensure that they are not lured to uncertified medical establishments where medical standards are lacking or where the establishment is not able to provide the medical service or patient care advertised. You should seek independent information, such as from health professionals and former patients, to satisfy yourself of the quality of medical service.

In 2011 the WHO advised of an outbreak of poliomyelitis in Xinjiang province. Travellers should ensure that vaccinations for poliomyelitis are current and take the necessary precautions.

Dairy products: For information on the melamine contamination of dairy products in 2008, please refer to the World Health Organisation's article '[Melamine contamination event, China, 2008](#)'.

Avian influenza: The World Health Organization has previously confirmed human deaths from avian influenzas in China. The Department of Health advises Australians who reside in China for an extended period to consider, as a precautionary measure, having access to influenza antiviral medicine for treatment. Long term residents are at a greater risk of exposure to avian influenza over time. You should seek medical advice before taking antiviral medicines. Australians intending to travel to China for shorter periods are at much lower risk of infection but should discuss the risk of avian influenza with their doctor as part of their routine pre-travel health checks. You should see a doctor if you become sick with fever, coughing, or have difficulty breathing during or after travel to China.

If the avian influenza viruses mutate to a form where efficient human-to-human transmission occurs, it may spread quickly and local authorities could move quickly to impose restrictions on travel. Australian travellers and long-term residents in China should be prepared to take personal responsibility for their own safety and well-being, including deciding when to leave an affected area and ensuring they have appropriate contingency plans in place. Australians in China should monitor the travel advice and [Avian Influenza bulletin](#) for updated information and advice on cases in 2013 and 2014. Australians should also ensure that their travel documents, including passports and visas for any non-Australian family members, are up to date in case they need to depart at short notice.

Avian influenza virus strains H5N1 and H7N9 continue to circulate in poultry in China. The primary source of infection appears to be poultry handled within poultry markets. Travellers and Australian residents in China are advised to minimise their exposure to live poultry, avoid visiting live bird and animal markets (including 'wet' markets) and poultry farms, and to practise good hand and personal hygiene. Similarly proper handling of poultry and poultry products during food preparation and thorough cooking of all parts of the poultry is recommended,

For more information see the Department of Health's [avian influenza \(H7N9\)](#) page and [avian influenza \(H5N1\)](#) pages. The website of the [World Health Organization](#) also has information on avian influenza in humans.

Japanese Encephalitis: Japanese Encephalitis (also known as Encephalitis B), a mosquito-borne disease, is endemic in rural areas of Southern China from June to August.

The mosquito-borne disease Japanese encephalitis is found throughout many regions of North, South and South-East Asia and Papua New Guinea. A Japanese encephalitis vaccine is registered for use and is currently available in Australia. For further details please consult your travel health doctor.

HIV/AIDS: HIV/AIDS is a significant concern in China. There is a risk of exposure to unsafe blood and blood products in regional China. Travellers should specifically request the use of sterilised equipment. Additional charges may be incurred for the

use of new syringes in hospitals or clinics. You should exercise appropriate precautions if engaging in activities that expose you to risk of infection.

Rabies: Health authorities report a high number of animal and human rabies cases annually in China. You should be cautious in all contact with both wild and domestic animals in China.

Malaria: The risk of malaria is heightened in rural areas of the country, particularly in the provinces of Hainan, Yunnan, Fujian, Guangdong, Guangxi, Guizhou, Sichuan, Tibet (Zanbo Valley areas only), Anhui, Hubei, Hunan, Jiangsu, Jiangxi and Shandong. The risk of malaria increases during warm weather. We encourage you to see your doctor about vaccinations before travelling; take prophylaxis against malaria and other mosquito-borne diseases where necessary; ensure your accommodation is mosquito proof; and take measures to avoid insect bites, including using an insect repellent at all times and wearing long, loose fitting, light coloured clothing.

Hand, Foot and Mouth Disease: Hand, Foot and Mouth Disease (HFMD) is common in China with more serious outbreaks occurring from time to time. In Asia, outbreaks of HFMD usually start in March/April and peak in May but can continue until August to October each year. It mostly affects children under the age of 10 years but adult cases (particularly young adults) are not unusual. The illness is characterised by fever as well as blisters and rashes on the hands, feet and buttocks. HFMD is spread by direct contact with nose and throat discharges and faeces of infected people. Normal hygiene precautions should be taken including careful and frequent hand washing.

Pollution: Major cities in China, including Beijing, Shanghai and Guangzhou experience frequent high pollution, and hazardous levels have been recorded in 2014. Children, the elderly and those with pre-existing medical conditions, particularly cardiac and respiratory, may be especially affected. If you live in or intend to visit China and are concerned about the levels of air pollution you should seek medical advice. You should also follow advice from local authorities about days with high levels of pollution and methods to reduce exposure.

The Chinese Ministry of Environmental Protection provides air quality data for cities in China. You can monitor the pollution index for many cities through websites and mobile apps such as the Air Quality Index or the website of the US Embassy which provides air quality index ratings based on the standards of the US Environmental Protection Agency. Information on air quality can also be found on the World Health Organisation website.

The high levels of air pollution in industrialised areas in China, including in Beijing, Shanghai and Guangzhou may aggravate bronchial, sinus or asthma conditions.

Dust storms, which occur on occasion across the north of the country, can cause eye, nose, mouth and throat irritations and exacerbate respiratory and cardio-vascular problems.

Tap water in China may not be safe to drink, depending on your location. Travellers are advised to drink only bottled water.

Quarantine requirements vary throughout the provinces and municipalities in China. The nearest Embassy or Consulate of the People's Republic of China can provide detailed information.

- Laws
- Where to get help

Where to get help

In China, you can obtain consular assistance from the:

Australian Embassy, Beijing

21 Dongzhimenwai Dajie
Sanlitun, Beijing 100600
Telephone: (86 10) 5140 4111
Facsimile: (86 10) 5140 4292
Website: <http://www.china.embassy.gov.au>

Australian Consulate General, Shanghai

Level 22, CITIC Square
1168 Nanjing Xi Lu
Shanghai 200041
Telephone: (86 21) 2215 5200
Facsimile: (86 21) 2215 5252
Website: <http://www.shanghai.china.embassy.gov.au/>

Australian Consulate General, Guangzhou

12th Floor, Development Centre
No. 3 Linjiang Road
Zhujiang New City
Guangzhou 510623
Telephone: (86 20) 3814 0111
Facsimile: (86 20) 3814 0112
Website: <http://www.guangzhou.china.embassy.gov.au/>

Australian Consulate General, Chengdu

Regus Business Centre
11th Floor, Square One
18 Dongyu Street, Jinjiang District
Chengdu 610016
Telephone: (86 28) 6268 5200
Facsimile: (86 28) 6268 5222
E-mail: consulate.chengdu@dfat.gov.au
Website: <http://www.chengdu.china.embassy.gov.au>

If you are travelling to China, whatever the reason and however long you'll be there, we encourage you to register with the Department of Foreign Affairs and Trade. You can register online or in person at any Australian Embassy, High Commission or Consulate. The information you provide will help us to contact you in an emergency – whether it is a natural disaster, civil disturbance or a family issue.

In a consular emergency if you are unable to contact the Embassy you can contact the 24-hour Consular Emergency Centre on +61 2 6261 3305 or 1300 555 135 within Australia.

In Australia, the Department of Foreign Affairs and Trade in Canberra may be contacted on (02) 6261 3305.

- [Health](#)
- [Additional information](#)

Additional information

Natural disasters, severe weather and climate

The rainy season occurs between April and October. Severe rainstorms can cause flooding and mudslides which may interrupt essential services. Typhoons can occur along the southern and eastern coasts between May and November. You should monitor weather reports if travelling in affected areas. If travelling during typhoon season you should contact your tour operator to check whether tourist services at your planned destination have been affected.

The direction and strength of typhoons can change with little warning. You can check the latest typhoon information from the [World Meteorological Organisation Severe Weather Information Centre](#) or the [China Meteorological Association](#).

In the event of an approaching typhoon, you should identify your local shelter. Flights in and out of affected areas could be delayed or suspended. Available flights may fill quickly. You should contact your airline for the latest flight information. The typhoon could also affect access to sea ports in the region. In some areas, adequate shelter from a severe typhoon may not be available to all who may choose to stay. You should review and follow hotel or cruise ship evacuation plans. You should carry your travel documents at all times (i.e. passport, photo identification, etc.) or secure them in a safe, waterproof location. We also suggest that you contact friends and family in Australia with updates about your welfare and whereabouts. For further information, see our [severe weather](#) page.

China is subject to earthquakes. An earthquake in Sichuan Province on 12 May 2008 measured 7.9 on the Richter scale. Many people were killed, injured or left homeless. See our [earthquakes bulletin](#) for advice on travelling to and living in an earthquake-prone region.

All oceanic regions of the world can experience tsunamis, but in the Indian and Pacific Oceans, there is a more frequent occurrence of large, destructive tsunamis

because of the many large earthquakes along major tectonic plate boundaries and ocean trenches. See the [Tsunami Awareness brochure](#).

Information on natural disasters can be obtained from the [Humanitarian Early Warning Service](#). If a natural disaster occurs, follow the advice of local authorities.

For parents

Parents should be aware of the local requirement to register a new born child within 30-days of the child's birth. Parents intending to seek Australian citizenship by descent for children born overseas should contact the Department of Immigration and Border Protection at the nearest Australian embassy or consulate for further advice.

Where one parent is from mainland China, a child born in China will be considered a Chinese national under Chinese Law. This may affect the willingness of local authorities to recognise the child's Australian citizenship and passport. For further information on this, parents should contact the local Entry and Exit Administration Bureau.

For general information and tips on travelling with children see our [Travelling with children](#) page.

- [Where to get help](#)
- [Summary](#)

<http://www.rfa.org/english/news/china/human-rights-05272014153244.html> -
Accessed 3 June 2014

China White Paper 'Confused' Over Meaning of Human Rights

2014-05-27

An activist marking 25 years since the Tiananmen Square protests at an event in Hong Kong on May 18, 2014 flies a kite adorned with the date 6/4 in reference to the June 4, 1989 crackdown on the protests.



Chinese rights experts have hit out at a human rights report by the ruling Chinese Communist Party after dozens of dissidents, victims' relatives, and activists were detained ahead of the 25th anniversary of a military crackdown on civilian protesters in Tiananmen Square, saying the document cites examples that have little to do with the concept of individual rights in the face of state power.

China said in its "white paper" that the government has effectively safeguarded its citizens' rights of life and health, personal liberty, and personal dignity and other rights of the person, official media reported on Monday.

Citing the abolition of the "re-education through labor" camp system at the end of last year and a series of raids on human trafficking gangs, the report said China had been "effective" in protecting the rights of women and children.

People's courts at all levels concluded 250,000 cases of homicide, robbery, kidnapping, explosion, rape, trafficking of children and women, and gang-related organized crime, convicting 325,000 persons, the official news agency Xinhua said.

Meanwhile, 825 people were acquitted and courts examined an unspecified number of retrials and overturned an unknown number of erroneous convictions on appeal, it said.

"Protection of the rights of the person of criminal suspects, defendants and detainees has been enhanced," the report said, pointing to improvements in audio- and video-recording of detainees in detention.

'Things have gotten worse'

But lawyers working within China's penal system said the report gave a far-from-complete picture of the country's judicial system and widespread rights abuses.

"The Supreme People's Court did overturn some fairly typical miscarriages of justice in 2014," Beijing-based rights lawyer Mo Shaoping told RFA after the report was published. "But the overall picture isn't as good as they are making it out to be."

"There are still a great many areas which remain lacking where human rights protection and the rule of law are concerned," Mo said. "In some areas, things have gotten worse."

"Citizens' right to self-expression and public debate hasn't improved; it has gotten worse," he said.

A Liaoning-based petitioner surnamed Zhang said he didn't think the report was an indicator of improvements to come, because local governments simply ignore anyone complaining of official wrongdoing.

"[There are] so many rights activists and petitioners, but they don't do anything to resolve their grievances," he said.

"If you complain, they detain you and oppress you [further]."

Tougher line

U.S.-based political commentator Wang Juntao agreed, saying that the administration of President Xi Jinping had taken a tougher line than its predecessors since taking power in November 2012.

"Since Xi Jinping came to power, China's human rights situation has deteriorated," Wang said. "The judicial system lacks independence, so government departments and the military all take their lead from the party."

"They don't respect the law or uphold the Constitution at all."

He hit out the report as hypocritical, coming amid a widening crackdown on government critics ahead of the 25th anniversary of the June 4, 1989 bloodshed that ended weeks of student-led mass protest on Tiananmen Square.

"The Chinese government is shameless to talk about human rights," Wang said.

Tiananmen anniversary

Chinese authorities have detained and questioned dozens of activists and family members of victims of the 1989 bloodshed after they held a seminar to mark the sensitive anniversary.

Around 20 human rights lawyers, academics, and family members of victims attended the May 3 seminar in Beijing, where they discussed the crackdown on unarmed civilians by the People's Liberation Army (PLA).

Beijing has suppressed any public efforts to commemorate victims of the crackdown, in which the PLA used machine guns and tanks against civilians.

China's censors are also quick to clamp down on any online reference to the crackdown, and keywords linked to the incident typically return no search results on the country's tightly controlled Internet.

In recent days, the authorities have also detained or placed under close surveillance the relatives of those who died or were maimed in the crackdown.

Some of those held for questioning in the wake of the seminar were subsequently released, but top human rights lawyer Pu Zhiqiang and other activists including online writer Liu Di, social scientist Xu Youyu, house church leader and democracy activist Hu Shigen, and Beijing Film Academy professor Hao Jian have been formally detained on public order charges.

Gao Yu

Outspoken veteran journalist Gao Yu was also held on charges of revealing state secrets to an overseas organization apparently because she sent a copy of a hard-hitting party ideological document to a news website.

Her lawyer Zhang Sizhi has still been denied permission to visit her in her detention center, he told RFA on Monday.

"The people at the detention center told me that the time isn't right, and that we should wait to be informed [about a meeting]," Zhang said.

"We are very anxious to see Gao Yu in a hurry, but we will have to wait for further notification."

Gao's son Zhao Ming said he was detained at the same time as his mother on similar charges and later released.

Meanwhile, a source close to Gao, who is over 70, said she had been prevented from taking her own medications while in detention, a ruling which has also sparked concern in the cases of Pu Zhiqiang and Xu Youyu, relatives say.

China 'deteriorating'

Wang said the white paper made the mistake of confusing living standards and quality of life with human rights, and amounted to the party patting itself on the back.

"Human rights has to do with how large a social space is available to individual citizens ... and also to do with how many channels there are for the protection of their rights, particularly when faced with the government," Wang said.

"By these criteria, China is deteriorating."

Mo said any improvement in China's human rights record is unlikely in the absence of democratic and constitutional government.

"Dictatorial and authoritarian rule, whether by individuals or by parties and institutions, historically speaking, aren't the best kind of social system," he said.

Gao was first detained on June 3, 1989, as the PLA moved its tanks into the heart of Beijing, putting an end to weeks of occupation, mass protests and hunger strikes by students calling for democracy and the rule of law.

She was released after 450 days and jailed in November 1994 for "illegally providing state secrets to institutions outside China's borders," in connection with four articles she wrote in the Hong Kong-based Mirror Monthly magazine.

In 1997, she was presented with a U.S. \$25,000 press freedom award in absentia by UNESCO Director General Fernando Mayor, sparking a furious reaction from Beijing.

Her detention has been criticized as a major blow to Chinese journalism.

*Reported by He Ping for RFA's Mandarin Service and by Wen Yuqing and Hai Nan for the Cantonese Service.
Translated and written in English by Luisetta Mudie.*

http://www.economist.com/news/china/21603016-our-bureau-chief-leaves-china-he-reflects-crushing-protests-he-witnessed-25-years?utm_source=The+Sinocism+China+Newsletter&utm_campaign=a9c8723c4e-Sinocism06_02_14&utm_medium=email&utm_term=0_171f237867-a9c8723c4e-29577349&mc_cid=a9c8723c4e&mc_eid=3e32b8063a
(Accessed 3 June 2014)

Remembering Tiananmen

The lessons of history

As our bureau chief leaves China, he reflects on the crushing of the protests he witnessed 25 years ago, and what has transpired since

May 31st 2014 | BEIJING | From the print edition

•  *Timekeeper*
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EVEN after the Chinese army moved into Tiananmen Square on the night of June 3rd 1989, and cleared it of the detritus left by the students who had occupied it for most of the previous seven weeks, it was several days before observers were certain who was in control of China. Your correspondent, looking down Beijing's central boulevard, Chang'an Avenue, at a maze of still-burning barricades a day after the bloody operation, was not alone in wondering whether the Communist Party could ever heal. This newspaper, with which he was not then linked, summed up a common view: "This week China looked into the abyss of coup, counter-coup and civil war". Foreign

doomsayers were proved wrong. But even after 25 years of relative stability, it is still wise to be cautious about the cohesion of Chinese politics.

It was not just foreign observers who were given to apocalyptic musings at the time. "If the rebels had had their way, there would have been a civil war," Deng Xiaoping told a visiting Chinese-American physicist, Tsung-Dao Lee, three months after the army crackdown that left hundreds, if not thousands, dead. Thanks to strenuous efforts by the Communist Party to erase memories of what happened (see [article](#)), many in China now have only a dim understanding of the history of the protests in Tiananmen Square and the nationwide unrest they triggered. But Deng's analysis is remarkably close to the mainstream among the generation of young urban residents who have grown up since: if they have heard of the 1989 protests, many feel that, though the killings may have been bad, the army's resolute action helped to create the stability that allowed China's economy to grow from one that was then smaller than Britain's into the world's second-largest.

Related topics

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- [Chinese politics](#)
- [China](#)

This argument, however, glosses over the factional infighting within the party that paralysed decision-making and allowed the protests to grow to the scale they did. Even after Tiananmen, Deng appeared to recognise that political stability was by no means assured. By 1992, then retired, he had concluded that the collapse of the Soviet Union and its allies was mainly attributable to their failure to make citizens richer. To avoid a similar fate for China, he went on his famous "southern tour" to drum up support for a fresh round of economic reform. It was this bold move, in the face of stiff conservative resistance, rather than the crushing of largely peaceful dissent, that laid the groundwork for China's prosperity today. As he tottered round southern China, berating conservatives and calling for the liberation of China's economy from ideological shackles, he remarked: "If any problem occurs in China, it will arise from within the party." His words remain apt.

Not since the collapse of the Qing dynasty in 1911 has China enjoyed such a prolonged period of stability as it has between Tiananmen and today (barring a handful of high-level purges and numerous street protests, most of them isolated and triggered by local grievances). Yet political risk is as important to bear in mind as the wobbles that are causing growing numbers of observers to worry about China's economy. Neither kind of risk is grounds for immediate alarm. The government appears sufficiently in control of the economy's levers (not least through ownership of the main commercial banks) and has sufficient assets at its disposal to prevent a sharp slowdown, at least for another few years. But one important lesson of Tiananmen is that politics in China has a capacity to surprise. Your correspondent recalls respected analysts in the

months before June 1989 pooh-poohing rumours of a serious rift within the leadership.

Xi's got the power

There are few such rumours today. Mr Xi is often described as the strongest leader in China since Deng, and he has been moving fast to consolidate his power (he has set up powerful new organs to oversee national security and economic reform, and has taken personal command of them). But there have been hints, both before and since the handover of power to Mr Xi in 2012, that politics at the top remains prone to strife. Eight months before Mr Xi took over, a fellow member of the ruling Politburo, Bo Xilai, was purged; ostensibly for corruption and abuse of power but also, many observers believe, because he threatened Mr Xi's future grip on power. The mopping up continues. Mr Xi is now trying to eradicate the influence of Mr Bo's powerful patron, Zhou Yongkang, who was the country's security chief until he retired in 2012. Mr Zhou is being secretly investigated for corruption, the highest-ranking leader to be targeted on such grounds since the party took power in 1949. Rumours abound in Beijing that Mr Xi is encountering resistance from other retired elders who fear that he is rocking the boat.

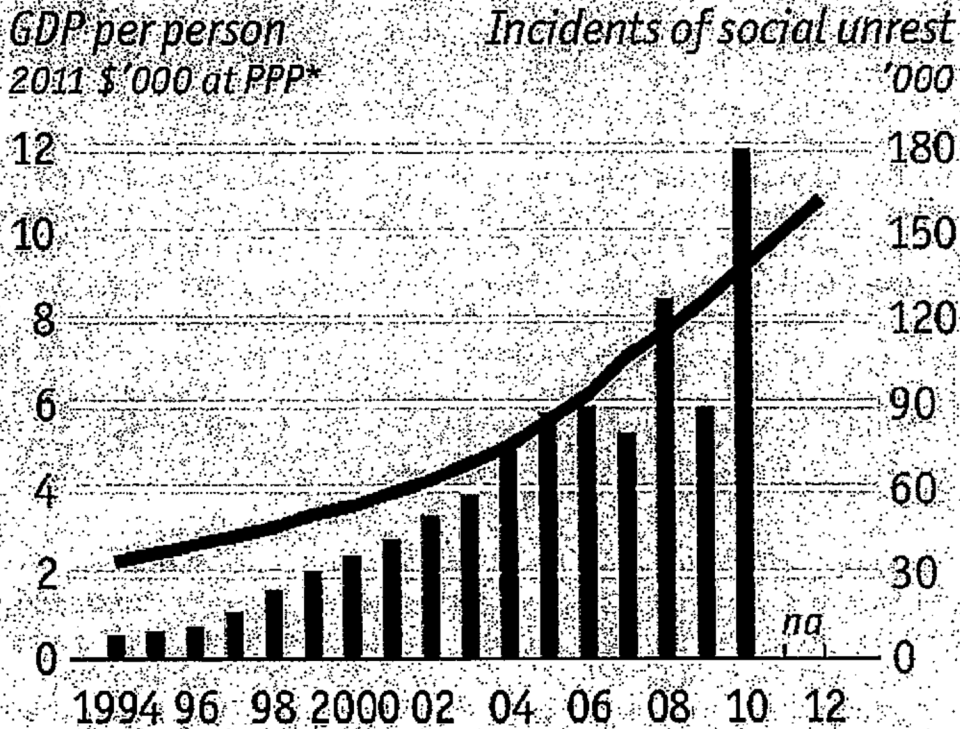
It is extremely difficult to gauge the level of political stress that these developments are causing. Official statistics can be vague and misleading, but there is no concerted effort, as there is in politics, to keep the outside world in ignorance of pertinent facts. Contacts between Chinese leaders and foreign journalists were very limited before Tiananmen. They were curtailed even further after it. Not since November 1987 has a general secretary of the party given the foreign press corps an unfettered opportunity to ask questions about his policies. Your correspondent vividly recalls the exhilaration of that occasion in the Great Hall of the People, when the newly appointed party chief, Zhao Ziyang, raised glasses with foreign journalists and fielded impromptu questions in an unprecedented display of openness. It would have been wrong to read too much into it, however. Zhao said that those who believed conservatives and reformers were at loggerheads would "make one mistake after another" in their analysis. He himself was purged by the conservatives during the Tiananmen upheaval and spent the rest of his life under house arrest.

Tussling with tigers

Mr Xi admits that economic reforms have entered "deep water". As he put it on a trip to Europe last month: "We must get ready to go into the mountains, being fully aware that there may be tigers to encounter." These tigers could include others at the top. Perhaps to avoid a Zhao-like fate (Zhao was the last party chief to put political reform high on his agenda), Mr Xi has begun his leadership with two parallel crackdowns, one on corruption and the other on political dissent. Part of his strategy, many believe, is to scare corrupt officials into compliance with his reforms while preventing dissidents from fanning the flames of discontent in a society that has undergone profound and wrenching change over the past decade alongside broad economic growth (see chart).

For better, for worse

China:



Sources: World Bank; China Labour Bulletin; Hu Angang, Wang Lei; *The Economist* *Purchasing-power parity

Mr Xi has three new social forces to contend with that grew to critical mass under his predecessor: a huge middle class, an equally large underclass of rural migrants, and online social media that have enabled discontents to connect and communicate with remarkable ease, in spite of vigorous censorship. He can probably prevent street demonstrations from coalescing into anything like the 1989 unrest. Even if the economy were to slow sharply, a couple of years of stagnation might not pose a great threat to social stability.

After all, China has experienced slumps before. Tens of millions lost their jobs in the late 1990s as the regime closed down loss-making state-owned enterprises. Protests did erupt, but most were small. After the global financial crisis in 2008, millions of migrant workers were laid off from export industries. Most, however, had ties to plots in the countryside to which they returned for a few months before finding new work when manufacturing picked up. Despite the current slowdown, employment is holding up well. If the economy were to slow more dramatically, many migrant workers could again melt back into the villages.



Not yet

There are also reasons to worry about external dangers as China flexes its muscles to assert territorial claims in the East and South China Seas. Mr Xi appears to have abandoned Deng's post-Tiananmen dictum that China should "hide its capacities and bide its time". His latest territory-marking manoeuvre was the installation of an oil rig earlier this month in waters claimed by Vietnam. This triggered bloody anti-Chinese riots in Vietnam, but Mr Xi appears unconcerned by the risks. His moves seem calculated to avoid direct military conflict, but if a clash were to occur he might stand to gain politically at home. After Tiananmen the party launched a campaign to boost "patriotic education" among students. The aim was to portray the party as the embodiment of Chinese nationalism. It appears to have rubbed off. Young Chinese especially applaud Mr Xi's more robust stance towards Japan, a country they are taught to abhor.

Elite politics, however, is more of a wild card. The Bo affair in 2012, which only came to light thanks to the extraordinary flight of his police chief to an American consulate in the south-western city of Chengdu, was a sharp reminder of how erratic it can be. Both Mr Bo's case and that of his mentor, Mr Zhou, have exposed the power and wealth of family networks within the leadership and their extensive influence in business. It will take all Mr Xi's strength to keep high-level corruption in check. The protesters in 1989 were enraged by it even then; they would be astonished today. In a case that came to light in the Chinese press this month, an official was found to have 100m yuan (\$16m) in banknotes stashed at his home.

Mr Xi's sweeping campaign against corruption, the toughest in China in many years, will make him powerful enemies. So too will his efforts to expose big state-owned enterprises to greater competition and rein in profligate local governments. He has called for "decisive results" by 2020 in his drive for economic reform. Yet this will require measures that could make him

unpopular with the public, such as the implementation of a property tax that will infuriate the better off. After Mr Bo's arrest, rumours circulated on Chinese social media of an attempted coup by Mr Zhou. The reports proved fanciful, but they suggested that some Chinese at least are prepared to imagine extreme scenarios.

Your correspondent leaves China believing that the party has a good chance of maintaining its grip on power during Mr Xi's remaining eight years at the top. But the risks—political, economic and international—are growing. The party has proved unexpectedly adept at tackling a series of crises since 1989. But it will need to be even more agile if it is to remain in power for another 25 years.

From the print edition: China

s 22(1)(a)(ii)

<http://www.hrw.org/node/126094>**China, the world remembers Tiananmen massacre**Published in: CNN

Here's an uncomfortable truth confronting Chinese President Xi Jinping: It's 2014, but the pro-democracy, pro-rights sentiments that manifested across China as demonstrations in 1989 are still alive and well.

For 25 years, the Chinese government has tried to expunge the June 4, 1989, Tiananmen massacre from history to deny people inside the country any knowledge of the event. And as the second largest economy in the world, Olympic host, and U.N. Security Council member, Beijing has also maintained to the outside world that June 4 is "much ado about nothing" and a "strictly internal affair."

Beijing's strategy of suppression has proved successful in some quarters. Many in China have generally focused on getting ahead economically while staying away from politics. But in other quarters, the strategy has produced the opposite outcome, fueling domestic demands for accountability and ongoing attention to China's abysmal human rights record.

"Harmonious society," "social stability," "stability maintenance" -- these are the watchwords of the current Chinese government. But imposed stability is oxymoronic.

Not a week goes by without hundreds of protests over land or housing issues in rural areas, and environmental or infrastructure projects in major urban areas.

China's security forces and judiciary systems are using increasingly heavy-handed tactics to track and suppress all manners of peaceful expressions in ethnic minority regions. Uyghur Muslims are prohibited from wearing beards. Prosecutions are set up against those who know Tibetans who self-immolated.

Despite a proliferation of laws, there are few avenues for public feedback, let alone redress or debate without fear of reprisal for ordinary citizens. The combination of repression and denial of justice are clearly breeding more, not less, discontent in China.

Every year in the weeks leading up to June 4, critics of the Chinese government anticipate higher-than-usual scrutiny, ranging from arbitrary impositions of house arrest to people being taken to police stations to "have tea."

This year's crackdown started early and ferociously. In early May, roughly a dozen people gathered in a Beijing apartment to discuss Tiananmen. They sent a photograph of the group and a brief summary of the discussion to friends and contacts. Within a few days, five of them, well-known human rights lawyer Pu Zhiqiang, academics Xu Youyu and Hao Jian, blogger Liu Di, and dissident Hu Shigen had all been criminally detained on charges of causing a disturbance.

Previous gatherings like this had merited the attention of the police, but had not resulted in actual charges. So spooked are Chinese authorities that Ding Zilin, the founder of the Tiananmen Mothers, a group formed

to press for accountability for family members' deaths in 1989, has been told she may not return to Beijing in early June. This will be the first year she must observe the anniversary of her son's death from afar.

China's central and local governments occasionally make concessions, seemingly designed to placate popular frustrations. The widely loathed arbitrary detention system known as "re-education through labor," in which people could be incarcerated by police for up to three years with no trial, was abolished in late 2013. Some of the most controversial chemical and industrial facilities have been shut down or construction put on hold.

But many of these are half measures, or only temporary fixes.

In response to the political status quo, a law-based, rights-oriented consciousness has emerged in China, and advocates known as theweiquan have started a "rights defense" movement.

These activists, who endure police monitoring, detention, arrest, enforced disappearance and torture, monitor and document human rights cases across the country. Some of their most prominent members were involved in the 1989 protests, and they say that Tiananmen and its legacy informs their current efforts. Four of these lawyers were detained and tortured in Heilongjiang province in March 2014, yet have continued to try to represent politically unpopular cases.

Similarly, the New Citizens Movement is an informal group that has advocated the promotion of civic rights and participation, including the public disclosure of officials' assets to curb corruption, or protecting the rights of children of migrant workers. At least five of its members, including prominent lawyer Xu Zhiyong, have been sentenced this year on charges of "gathering crowds to disturb public order." These activists, too, know the price they are likely to pay for their efforts, yet they carry on, believing that transforming society into a democracy that respects the rule of law requires citizen participation.

The Internet and social media have replaced the hand-lettered placards at Tiananmen, but the messages are similar: accountability for abusive officials, transparency from the state, justice for all.

Independent Chinese organizations try to engage directly with United Nations organizations. But these kinds of actions often provoke extraordinary wrath of the government. One activist, Cao Shunli, was imprisoned in 2013 for her efforts to participate in a review of China's record at the United Nations Human Rights Council. She died in detention in February 2014 after being denied adequate medical treatment.

A truly confident leadership in Beijing would recognize these demands for what they are: efforts to improve life for ordinary people across the country. And while such groups are prevented from gathering at Tiananmen, they increasingly find one another and try to push for change via social media and legal channels. They show no sign of scaling back their demands for human rights. So, will the Chinese government meet them halfway at least?

Sophie Richardson is the China director at Human Rights Watch

http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm, Accessed 4 June 2014

CONSTITUTION CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA

(Full text after amendment on March 14, 2004)

(Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for implementation by the Announcement of the National People's Congress on December 4, 1982

Amended in accordance with the Amendments to the Constitution of the People's Republic of China adopted respectively at the First Session of the Seventh National People's Congress on April 12, 1988, the First Session of the Eighth National People's Congress on March 29, 1993, the Second Session of the Ninth National People's Congress on March 15, 1999 and the Second Session of the Tenth National People's Congress on March 14, 2004)

Preamble

Chapter I General Principles

Chapter II The Fundamental Rights and Duties of Citizens

Chapter III The Structure of the State

- Section 1 The National People's Congress
- Section 2 The President of the People's Republic of China
- Section 3 The State Council
- Section 4 The Central Military Commission
- Section 5 The Local People's Congresses and Local People's Governments at Various Levels
- Section 6 The Organs of Self-Government of National Autonomous Areas
- Section 7 The People's Courts and the People's Procuratorates

Chapter IV The National Flag, the National Anthem, the National Emblem and the Capital

Constitution of the People's Republic of China

(Full text after amendment on March 14, 2004)

Preamble

China is a country with one of the longest histories in the world. The people of all of China's nationalities have jointly created a culture of grandeur and have a glorious revolutionary tradition.

After 1840, feudal China was gradually turned into a semi-colonial and semi-feudal country. The Chinese people waged many successive heroic struggles for national independence and liberation and for democracy and freedom.

Great and earthshaking historical changes have taken place in China in the 20th century.

The Revolution of 1911, led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. But the historic mission of the Chinese people to overthrow imperialism and feudalism remained unaccomplished.

After waging protracted and arduous struggles, armed and otherwise, along a zigzag course, the Chinese people of all nationalities led by the Communist Party of China with Chairman Mao Zedong as its leader ultimately, in 1949, overthrew the rule of imperialism, feudalism and bureaucrat-capitalism, won a great victory in the New-Democratic Revolution and founded the People's Republic of China. Since then the Chinese people have taken control of state power and become masters of the country.

After the founding of the People's Republic, China gradually achieved its transition from a New-Democratic to a socialist society. The socialist transformation of the private ownership of the means of production has been completed, the system of exploitation of man by man abolished and the socialist system established. The people's democratic dictatorship led by the working class and based on the alliance of workers and peasants, which is in essence the dictatorship of the proletariat, has been consolidated and developed. The Chinese people and the Chinese People's Liberation Army have defeated imperialist and hegemonist aggression, sabotage and armed provocations and have thereby safeguarded China's national independence and security and strengthened its national defence. Major successes have been achieved in economic development. An independent and relatively comprehensive socialist system of industry has basically been established. There has been a marked increase in agricultural production. Significant advances have been made in educational, scientific and cultural undertakings, while education in socialist ideology has produced noteworthy results. The life of the people has improved considerably.

The victory in China's New-Democratic Revolution and the successes in its socialist cause have been achieved by the Chinese people of all nationalities,

under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, by upholding truth, correcting errors and surmounting numerous difficulties and hardships. China will be in the primary stage of socialism for a long time to come. The basic task of the nation is to concentrate its effort on socialist modernization along the road of Chinese-style socialism. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory and the important thought of Three Represents, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and the socialist road, persevere in reform and opening to the outside world, steadily improve socialist institutions, develop the socialist market economy, develop socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize the country's industry, agriculture, national defence and science and technology step by step and promote the coordinated development of the material, political and spiritual civilizations, to turn China into a socialist country that is prosperous, powerful, democratic and culturally advanced.

The exploiting classes as such have been abolished in our country. However, class struggle will continue to exist within certain bounds for a long time to come. The Chinese people must fight against those forces and elements, both at home and abroad, that are hostile to China's socialist system and try to undermine it.

Taiwan is part of the sacred territory of the People's Republic of China. It is the inviolable duty of all Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland.

In building socialism it is essential to rely on workers, peasants and intellectuals and to unite all forces that can be united. In the long years of revolution and construction, there has been formed under the leadership of the Communist Party of China a broad patriotic united front which is composed of the democratic parties and people's organizations and which embraces all socialist working people, all builders of socialism, all patriots who support socialism, and all patriots who stand for the reunification of the motherland. This united front will continue to be consolidated and developed. The Chinese People's Political Consultative Conference, a broadly based representative organization of the united front which has played a significant historical role, will play a still more important role in the country's political and social life, in promoting friendship with other countries and in the struggle for socialist modernization and for the reunification and unity of the country. The system of the multi-party cooperation and political consultation led by the Communist Party of China will exist and develop for a long time to come.

The People's Republic of China is a unitary multi-national State created jointly by the people of all its nationalities. Socialist relations of equality, unity and mutual assistance have been established among the nationalities and will continue to be strengthened. In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and to combat local national chauvinism. The State will do its utmost to promote the common prosperity of all the nationalities.

China's achievements in revolution and construction are inseparable from the support of the people of the world. The future of China is closely linked to the future of the world. China consistently carries out an independent foreign policy and adheres to the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence in developing diplomatic relations and economic and cultural exchanges with other countries. China consistently opposes imperialism, hegemonism and colonialism, works to strengthen unity with the people of other countries, supports the oppressed nations and the developing countries in their just struggle to win and preserve national independence and develop their national economies, and strives to safeguard world peace and promote the cause of human progress.

This Constitution, in legal form, affirms the achievements of the struggles of the Chinese people of all nationalities and defines the basic system and basic tasks of the State; it is the fundamental law of the State and has supreme legal authority. The people of all nationalities, all State organs, the armed forces, all political parties and public organizations and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation.

Constitution of the People's Republic of China

(Full text after amendment on March 14, 2004)

Chapter I General Principles

Article 1 The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants.

The socialist system is the basic system of the People's Republic of China. Disruption of the socialist system by any organization or individual is prohibited.

Article 2 All power in the People's Republic of China belongs to the people.

The National People's Congress and the local people's congresses at various levels are the organs through which the people exercise state power.

The people administer State affairs and manage economic and cultural undertakings and social affairs through various channels and in various ways in accordance with the provisions of law.

Article 3 The State organs of the People's Republic of China apply the principle of democratic centralism.

The National People's Congress and the local people's congresses at various levels are constituted through democratic elections. They are responsible to the people and subject to their supervision.

All administrative, judicial and procuratorial organs of the State are created by the people's congresses to which they are responsible and by which they are supervised.

The division of functions and powers between the central and local State organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities.

Article 4 All nationalities in the People's Republic of China are equal. The State protects the lawful rights and interests of the minority nationalities and upholds and develops a relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited.

The State assists areas inhabited by minority nationalities in accelerating their economic and cultural development according to the characteristics and needs of the various minority nationalities.

Regional autonomy is practised in areas where people of minority nationalities live in concentrated communities; in these areas organs of self-

government are established to exercise the power of autonomy. All national autonomous areas are integral parts of the People's Republic of China.

All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.

Article 5 The People's Republic of China governs the country according to law and makes it a socialist country under rule of law.

The State upholds the uniformity and dignity of the socialist legal system.

No laws or administrative or local regulations may contravene the Constitution.

All State organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and other laws. All acts in violation of the Constitution or other laws must be investigated.

No organization or individual is privileged to be beyond the Constitution or other laws.

Article 6 The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people. The system of socialist public ownership supersedes the system of exploitation of man by man; it applies the principle of "from each according to his ability, to each according to his work".

In the primary stage of socialism, the State upholds the basic economic system in which the public ownership is dominant and diverse forms of ownership develop side by side and keeps to the distribution system in which distribution according to work is dominant and diverse modes of distribution coexist.

Article 7 The State-owned economy, namely, the socialist economy under ownership by the whole people, is the leading force in the national economy. The State ensures the consolidation and growth of the State-owned economy.

Article 8 The rural collective economic organizations apply the dual operation system characterized by the combination of centralized operation with decentralized operation on the basis of operation by households under a contract. In rural areas, all forms of cooperative economy, such as producers', supply and marketing, credit and consumers' cooperatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for their private use, engage in household sideline production and raise privately owned livestock.

The various forms of cooperative economy in cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, all belong to the sector of socialist economy under collective ownership by the working people.

The State protects the lawful rights and interests of the urban and rural economic collectives and encourages, guides and helps the growth of the collective economy.

Article 9 All mineral resources, waters, forests, mountains, grasslands, unreclaimed land, beaches and other natural resources are owned by the State, that is, by the whole people, with the exception of the forests, mountains, grasslands, unreclaimed land and beaches that are owned by collectives as prescribed by law.

The State ensures the rational use of natural resources and protects rare animals and plants. Appropriation or damaging of natural resources by any organization or individual by whatever means is prohibited.

Article 10 Land in the cities is owned by the State.

Land in the rural and suburban areas is owned by collectives except for those portions which belong to the State as prescribed by law; house sites and privately farmed plots of cropland and hilly land are also owned by collectives.

The State may, in the public interest and in accordance with law, expropriate or requisition land for its use and make compensation for the land expropriated or requisitioned.

No organization or individual may appropriate, buy, sell or otherwise engage in the transfer of land by unlawful means. The right to the use of land may be transferred according to law.

All organizations and individuals using land must ensure its rational use.

Article 11 The non-public sectors of the economy such as the individual and private sectors of the economy, operating within the limits prescribed by law, constitute an important component of the socialist market economy.

The State protects the lawful rights and interests of the non-public sectors of the economy such as the individual and private sectors of the economy. The State encourages, supports and guides the development of the non-public sectors of the economy and, in accordance with law, exercises supervision and control over the non-public sectors of the economy.

Article 12 Socialist public property is inviolable.

The State protects socialist public property. Appropriation or damaging of State or collective property by any organization or individual by whatever means is prohibited. **Article 13** Citizens' lawful private property is inviolable.

The State, in accordance with law, protects the rights of citizens to private property and to its inheritance.

The State may, in the public interest and in accordance with law, expropriate or requisition private property for its use and make compensation for the private property expropriated or requisitioned.

Article 14 The State continuously raises labour productivity, improves economic results and develops the productive forces by enhancing the enthusiasm of the working people, raising the level of their technical skill, disseminating advanced science and technology, improving the systems of economic administration and enterprise operation and management, instituting the socialist system of responsibility in various forms and improving the organization of work.

The State practises strict economy and combats waste.

The State properly apportions accumulation and consumption, concerns itself with the interests of the collective and the individual as well as of the State and, on the basis of expanded production, gradually improves the material and cultural life of the people.

The State establishes a sound social security system compatible with the level of economic development.

Article 15 The State practises socialist market economy.

The State strengthens economic legislation, improves macro-regulation and control.

The State prohibits in accordance with law any organization or individual from disturbing the socio-economic order.

Article 16 State-owned enterprises have decision-making power with regard to their operation within the limits prescribed by law.

State-owned enterprises practise democratic management through congresses of workers and staff and in other ways in accordance with law.

Article 17 Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they abide by the relevant laws.

Collective economic organizations practise democratic management and, in accordance with law, elect or remove their managerial personnel and decide on major issues concerning operation and management.

Article 18 The People's Republic of China permits foreign enterprises, other foreign economic organizations and individual foreigners to invest in China and to enter into various forms of economic cooperation with Chinese enterprises and other Chinese economic organizations in accordance with the provisions of the laws of the People's Republic of China.

All foreign enterprises, other foreign economic organizations as well as Chinese-foreign joint ventures within Chinese territory shall abide by the laws of the People's Republic of China. Their lawful rights and interests are protected by the laws of the People's Republic of China.

Article 19 The State undertakes the development of socialist education and works to raise the scientific and cultural level of the whole nation.

The State establishes and administers schools of various types, universalizes compulsory primary education and promotes secondary, vocational and higher education as well as pre-school education.

The State develops educational facilities in order to eliminate illiteracy and provide political, scientific, technical and professional education for workers, peasants, State functionaries and other working people. It encourages people to become educated through independent study.

The State encourages the collective economic organizations, State enterprises and institutions and other sectors of society to establish educational institutions of various types in accordance with law.

The State promotes the nationwide use of Putonghua [common speech based on Beijing pronunciation--Tr.].

Article 20 The State promotes the development of the natural and social sciences, disseminates knowledge of science and technology, and commends and rewards achievements in scientific research as well as technological innovations and inventions.

Article 21 The State develops medical and health services, promotes modern medicine and traditional Chinese medicine, encourages and supports the setting up of various medical and health facilities by the rural economic collectives, State enterprises and institutions and neighbourhood organizations, and promotes health and sanitation activities of a mass character, all for the protection of the people's health.

The State develops physical culture and promotes mass sports activities to improve the people's physical fitness.

Article 22 The State promotes the development of art and literature, the press, radio and television broadcasting, publishing and distribution services, libraries, museums, cultural centres and other cultural undertakings that serve the people and socialism, and it sponsors mass cultural activities.

The State protects sites of scenic and historical interest, valuable cultural monuments and relics and other significant items of China's historical and cultural heritage.

Article 23 The State trains specialized personnel in all fields who serve socialism, expands the ranks of intellectuals and creates conditions to give full scope to their role in socialist modernization.

Article 24 The State strengthens the building of a socialist society with an advanced culture and ideology by promoting education in high ideals, ethics, general knowledge, discipline and the legal system, and by promoting the formulation and observance of rules of conduct and common pledges by various sections of the people in urban and rural areas.

The State advocates the civic virtues of love of the motherland, of the people, of labour, of science and of socialism. It conducts education among the people in patriotism and collectivism, in internationalism and communism and in dialectical and historical materialism, to combat capitalist, feudal and other decadent ideas.

Article 25 The State promotes family planning so that population growth may fit the plans for economic and social development.

Article 26 The State protects and improves the environment in which people live and the ecological environment. It prevents and controls pollution and other public hazards.

The State organizes and encourages afforestation and the protection of forests.

Article 27 All State organs carry out the principle of simple and efficient administration, the system of responsibility for work and the system of training functionaries and appraising their performance in order constantly to improve the quality of work and efficiency and combat bureaucracy.

All State organs and functionaries must rely on the support of the people, keep in close touch with them, heed their opinions and suggestions, accept their supervision and do their best to serve them.

Article 28 The State maintains public order and suppresses treasonable and other criminal activities that endanger State security; it penalizes criminal activities that endanger public security and disrupt the socialist economy as well as other criminal activities; and it punishes and reforms criminals.

Article 29 The armed forces of the People's Republic of China belong to the people. Their tasks are to strengthen national defence, resist aggression, defend the motherland, safeguard the people's peaceful labour, participate in national reconstruction and do their best to serve the people.

The State strengthens the revolutionization, modernization and regularization of the armed forces in order to increase national defence capability.

Article 30 The administrative division of the People's Republic of China is as follows:

- (1) The country is divided into provinces, autonomous regions, and municipalities directly under the Central Government;
- (2) Provinces and autonomous regions are divided into autonomous prefectures, counties, autonomous counties, and cities; and

(3) Counties and autonomous counties are divided into townships, nationality townships, and towns.

Municipalities directly under the Central Government and other large cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities.

All autonomous regions, autonomous prefectures and autonomous counties are national autonomous areas.

Article 31 The State may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People's Congress in the light of specific conditions.

Article 32 The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory; foreigners on Chinese territory must abide by the laws of the People's Republic of China.

The People's Republic of China may grant asylum to foreigners who request it for political reasons.

Constitution of the People's Republic of China

(Full text after amendment on March 14, 2004)

Chapter II The Fundamental Rights and Duties of Citizens

Article 33 All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China.

All citizens of the People's Republic of China are equal before the law.

The State respects and preserves human rights.

Every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and other laws.

Article 34 All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence, except persons deprived of political rights according to law.

Article 35 Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

Article 36 Citizens of the People's Republic of China enjoy freedom of religious belief.

No State organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.

The State protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State.

Religious bodies and religious affairs are not subject to any foreign domination.

Article 37 Freedom of the person of citizens of the People's Republic of China is inviolable.

No citizen may be arrested except 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.

Unlawful detention or deprivation or restriction of citizens' freedom of the person by other means is prohibited, and unlawful search of the person of citizens is prohibited.

Article 38 The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false accusation or false incrimination directed against citizens by any means is prohibited.

Article 39 The residences of citizens of the People's Republic of China are inviolable. Unlawful search of, or intrusion into, a citizen's residence is prohibited.

Article 40 Freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may, on any ground, infringe upon citizens' freedom and privacy of correspondence, except in cases where, to meet the needs of State security or of criminal investigation, public security or procuratorial organs are permitted to censor correspondence in accordance with the procedures prescribed by law.

Article 41 Citizens of the People's Republic of China have the right to criticize and make suggestions regarding any State organ or functionary. Citizens have the right to make to relevant State organs complaints or charges against, or exposures of, any State organ or functionary for violation of law or dereliction of duty; but fabrication or distortion of facts for purposes of libel or false incrimination is prohibited.

The State organ concerned must, in a responsible manner and by ascertaining the facts, deal with the complaints, charges or exposures made by citizens. No one may suppress such complaints, charges and exposures or retaliate against the citizens making them.

Citizens who have suffered losses as a result of infringement of their civic rights by any State organ or functionary have the right to compensation in accordance with the provisions of law.

Article 42 Citizens of the People's Republic of China have the right as well as the duty to work.

Through various channels, the State creates conditions for employment, enhances occupational safety and health, improves working conditions and, on the basis of expanded production, increases remuneration for work and welfare benefits.

Work is a matter of honour for every citizen who is able to work. All working people in State-owned enterprises and in urban and rural economic collectives should approach their work as the masters of the country that they are. The State promotes socialist labour emulation, and commends and rewards model and advanced workers. The State encourages citizens to take part in voluntary labour.

The State provides necessary vocational training for citizens before they are employed.

Article 43 Working people in the People's Republic of China have the right to rest.

The State expands facilities for the rest and recuperation of the working people and prescribes working hours and vacations for workers and staff.

Article 44 The State applies the system of retirement for workers and staff members of enterprises and institutions and for functionaries of organs of State according to law. The livelihood of retired persons is ensured by the State and society.

Article 45 Citizens of the People's Republic of China have the right to material assistance from the State and society when they are old, ill or disabled. The State develops social insurance, social relief and medical and health services that are required for citizens to enjoy this right.

The State and society ensure the livelihood of disabled members of the armed forces, provide pensions to the families of martyrs and give preferential treatment to the families of military personnel.

The State and society help make arrangements for the work, livelihood and education of the blind, deaf-mutes and other handicapped citizens.

Article 46 Citizens of the People's Republic of China have the duty as well as the right to receive education.

The State promotes the all-round development of children and young people, morally, intellectually and physically.

Article 47 Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The State encourages and assists creative endeavours conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art and other cultural work.

Article 48 Women in the People's Republic of China enjoy equal rights with men in all spheres of life, in political, economic, cultural, social and family life.

The State protects the rights and interests of women, applies the principle of equal pay for equal work to men and women alike and trains and selects cadres from among women.

Article 49 Marriage, the family and mother and child are protected by the State.

Both husband and wife have the duty to practise family planning.

Parents have the duty to rear and educate their children who are minors, and children who have come of age have the duty to support and assist their parents.

Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited.

Article 50 The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights

and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad.

Article 51 Citizens of the People's Republic of China, in exercising their freedoms and rights, may not infringe upon the interests of the State, of society or of the collective, or upon the lawful freedoms and rights of other citizens.

Article 52 It is the duty of citizens of the People's Republic of China to safeguard the unification of the country and the unity of all its nationalities.

Article 53 Citizens of the People's Republic of China must abide by the Constitution and other laws, keep State secrets, protect public property, observe labour discipline and public order and respect social ethics.

Article 54 It is the duty of citizens of the People's Republic of China to safeguard the security, honour and interests of the motherland; they must not commit acts detrimental to the security, honour and interests of the motherland.

Article 55 It is the sacred duty of every citizen of the People's Republic of China to defend the motherland and resist aggression.

It is the honourable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with law.

Article 56 It is the duty of citizens of the People's Republic of China to pay taxes in accordance with law.

Constitution of the People's Republic of China

(Full text after amendment on March 14, 2004)

Chapter III The Structure of the State

Section 1 The National People's Congress

Article 57 The National People's Congress of the People's Republic of China is the highest organ of state power. Its permanent body is the Standing Committee of the National People's Congress.

Article 58 The National People's Congress and its Standing Committee exercise the legislative power of the State.

Article 59 The National People's Congress is composed of deputies elected from the provinces, autonomous regions, municipalities directly under the Central Government, and special administrative regions, and of deputies elected from the armed forces. All the minority nationalities are entitled to appropriate representation.

Election of deputies to the National People's Congress is conducted by the Standing Committee of the National People's Congress.

The number of deputies to the National People's Congress and the procedure of their election are prescribed by law.

Article 60 The National People's Congress is elected for a term of five years.

The Standing Committee of the National People's Congress must ensure the completion of election of deputies to the succeeding National People's Congress two months prior to the expiration of the term of office of the current National People's Congress. Should extraordinary circumstances prevent such an election, it may be postponed and the term of office of the current National People's Congress extended by the decision of a vote of more than two-thirds of all those on the Standing Committee of the current National People's Congress. The election of deputies to the succeeding National People's Congress must be completed within one year after the termination of such extraordinary circumstances.

Article 61 The National People's Congress meets in session once a year and is convened by its Standing Committee. A session of the National People's Congress may be convened at any time the Standing Committee deems it necessary or when more than one-fifth of the deputies to the National People's Congress so propose.

When the National People's Congress meets, it elects a Presidium to conduct its session.

Article 62 The National People's Congress exercises the following functions and powers:

- (1) to amend the Constitution;
- (2) to supervise the enforcement of the Constitution;
- (3) to enact and amend basic laws governing criminal offences, civil affairs, the State organs and other matters;
- (4) to elect the President and the Vice-President of the People's Republic of China;
- (5) to decide on the choice of the Premier of the State Council upon nomination by the President of the People's Republic of China, and on the choice of the Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council upon nomination by the Premier;
- (6) to elect the Chairman of the Central Military Commission and, upon nomination by the Chairman, to decide on the choice of all other members of the Central Military Commission;
- (7) to elect the President of the Supreme People's Court;
- (8) to elect the Procurator-General of the Supreme People's Procuratorate;
- (9) to examine and approve the plan for national economic and social development and the report on its implementation;
- (10) to examine and approve the State budget and the report on its implementation;
- (11) to alter or annul inappropriate decisions of the Standing Committee of the National People's Congress;
- (12) to approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government;
- (13) to decide on the establishment of special administrative regions and the systems to be instituted there;
- (14) to decide on questions of war and peace; and
- (15) to exercise such other functions and powers as the highest organ of state power should exercise.

Article 63 The National People's Congress has the power to remove from office the following persons:

- (1) the President and the Vice-President of the People's Republic of China;
- (2) the Premier, Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council;

(3) the Chairman of the Central Military Commission and other members of the Commission;

(4) the President of the Supreme People's Court; and

(5) the Procurator-General of the Supreme People's Procuratorate.

Article 64 Amendments to the Constitution are to be proposed by the Standing Committee of the National People's Congress or by more than one-fifth of the deputies to the National People's Congress and adopted by a vote of more than two-thirds of all the deputies to the Congress.

Laws and resolutions are to be adopted by a majority vote of all the deputies to the National People's Congress.

Article 65 The Standing Committee of the National People's Congress is composed of the following:

the Chairman;

the Vice-Chairmen;

the Secretary-General; and

the members.

Minority nationalities are entitled to appropriate representation on the Standing Committee of the National People's Congress.

The National People's Congress elects, and has the power to recall, members of its Standing Committee.

No one on the Standing Committee of the National People's Congress shall hold office in any of the administrative, judicial or procuratorial organs of the State.

Article 66 The Standing Committee of the National People's Congress is elected for the same term as the National People's Congress; it shall exercise its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress.

The Chairman and Vice-Chairmen of the Standing Committee shall serve no more than two consecutive terms.

Article 67 The Standing Committee of the National People's Congress exercises the following functions and powers:

(1) to interpret the Constitution and supervise its enforcement;

(2) to enact and amend laws, with the exception of those which should be enacted by the National People's Congress;

(3) to partially supplement and amend, when the National People's Congress is not in session, laws enacted by the National People's Congress, provided that the basic principles of these laws are not contravened;

(4) to interpret laws;

(5) to review and approve, when the National People's Congress is not in session, partial adjustments to the plan for national economic and social development or to the State budget that prove necessary in the course of their implementation;

(6) to supervise the work of the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate;

(7) to annul those administrative regulations, decisions or orders of the State Council that contravene the Constitution or other laws;

(8) to annul those local regulations or decisions of the organs of state power of provinces, autonomous regions, and municipalities directly under the Central Government that contravene the Constitution, other laws or administrative regulations;

(9) to decide, when the National People's Congress is not in session, on the choice of Ministers in charge of ministries or commissions, the Auditor-General or the Secretary-General of the State Council upon nomination by the Premier of the State Council;

(10) to decide, when the National People's Congress is not in session, on the choice of other members of the Central Military Commission upon nomination by the Chairman of the Commission;

(11) to appoint or remove, at the recommendation of the President of the Supreme People's Court, the Vice-Presidents and Judges of the Supreme People's Court, members of its Judicial Committee and the President of the Military Court;

(12) to appoint or remove, at the recommendation of the Procurator-General of the Supreme People's Procuratorate, the Deputy Procurators-General and procurators of the Supreme People's Procuratorate, members of its Procuratorial Committee and the Chief Procurator of the Military Procuratorate, and to approve the appointment or removal of the chief procurators of the people's procuratorates of provinces, autonomous regions, and municipalities directly under the Central Government;

(13) to decide on the appointment or recall of plenipotentiary representatives abroad;

(14) to decide on the ratification or abrogation of treaties and important agreements concluded with foreign states;

(15) to institute systems of titles and ranks for military and diplomatic personnel and of other specific titles and ranks;

(16) to institute State medals and titles of honour and decide on their conferment;

(17) to decide on the granting of special pardons;

(18) to decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of an armed attack on the country or in fulfilment of international treaty obligations concerning common defence against aggression;

(19) to decide on general or partial mobilization;

(20) to decide on entering the state of emergency throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government; and

(21) to exercise such other functions and powers as the National People's Congress may assign to it.

Article 68 The Chairman of the Standing Committee of the National People's Congress directs the work of the Standing Committee and convenes its meetings. The Vice-Chairmen and the Secretary-General assist the Chairman in his work.

The Chairman, the Vice-Chairmen and the Secretary-General constitute the Council of Chairmen which handles the important day-to-day work of the Standing Committee of the National People's Congress.

Article 69 The Standing Committee of the National People's Congress is responsible to the National People's Congress and reports on its work to the Congress.

Article 70 The National People's Congress establishes a Nationalities Committee, a Law Committee, a Finance and Economic Committee, an Education, Science, Culture and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Committee and such other special committees as are necessary. These special committees work under the direction of the Standing Committee of the National People's Congress when the Congress is not in session.

The special committees examine, discuss and draw up relevant bills and draft resolutions under the direction of the National People's Congress and its Standing Committee.

Article 71 The National People's Congress and its Standing Committee may, when they deem it necessary, appoint committees of inquiry into specific questions and adopt relevant resolutions in the light of their reports.

All organs of State, public organizations and citizens concerned are obliged to furnish the necessary information to the committees of inquiry when they conduct investigations.

Article 72 Deputies to the National People's Congress and members of its Standing Committee have the right, in accordance with procedures prescribed by law, to submit bills and proposals within the scope of the respective functions and powers of the National People's Congress and its Standing Committee.

Article 73 Deputies to the National People's Congress and members of the Standing Committee have the right, during the sessions of the Congress and the meetings of the Committee, to address questions, in accordance with procedures prescribed by law, to the State Council or the ministries and commissions under the State Council, which must answer the questions in a responsible manner.

Article 74 No deputy to the National People's Congress may be arrested or placed on criminal trial without the consent of the Presidium of the current session of the National People's Congress or, when the National People's Congress is not in session, without the consent of its Standing Committee.

Article 75 Deputies to the National People's Congress may not be held legally liable for their speeches or votes at its meetings.

Article 76 Deputies to the National People's Congress must play an exemplary role in abiding by the Constitution and other laws and keeping State secrets and, in public activities, production and other work, assist in the enforcement of the Constitution and other laws.

Deputies to the National People's Congress should maintain close contact with the units which elected them and with the people, heed and convey the opinions and demands of the people and work hard to serve them.

Article 77 Deputies to the National People's Congress are subject to supervision by the units which elected them. The electoral units have the power, through procedures prescribed by law, to recall deputies they elected.

Article 78 The organization and working procedures of the National People's Congress and its Standing Committee are prescribed by law.

Constitution of the People's Republic of China

(Full text after amendment on March 14, 2004)

Chapter III The Structure of the State

Section 2 The President of the People's Republic of China

Article 79 The President and Vice-President of the People's Republic of China are elected by the National People's Congress.

Citizens of the People's Republic of China who have the right to vote and to stand for election and who have reached the age of 45 are eligible for election as President or Vice-President of the People's Republic of China.

The term of office of the President and Vice-President of the People's Republic of China is the same as that of the National People's Congress, and they shall serve no more than two consecutive terms.

Article 80 The President of the People's Republic of China, in pursuance of the decisions of the National People's Congress and its Standing Committee, promulgates statutes, appoints or removes the Premier, Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council; confers State medals and titles of honour; issues orders of special pardons; proclaims entering of the state of emergency; proclaims a state of war; and issues mobilization orders.

Article 81 The President of the People's Republic of China, on behalf of the People's Republic of China, engages in activities involving State affairs and receives foreign diplomatic representatives and, in pursuance of the decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives abroad, and ratifies or abrogates treaties and important agreements concluded with foreign states.

Article 82 The Vice-President of the People's Republic of China assists the President in his work.

The Vice-President of the People's Republic of China may exercise such functions and powers of the President as the President may entrust to him.

Article 83 The President and Vice-President of the People's Republic of China exercise their functions and powers until the new President and Vice-President elected by the succeeding National People's Congress assume office.

Article 84 In the event that the office of the President of the People's Republic of China falls vacant, the Vice-President succeeds to the office of the President.

In the event that the office of the Vice-President of the People's Republic of China falls vacant, the National People's Congress shall elect a new Vice-President to fill the vacancy.

In the event that the offices of both the President and the Vice-President of the People's Republic of China fall vacant, the National People's Congress shall elect a new President and a new Vice-President. Prior to such election, the Chairman of the Standing Committee of the National People's Congress shall temporarily act as the President of the People's Republic of China.

Constitution of the People's Republic of China

(Full text after amendment on March 14, 2004)

Chapter III The Structure of the State

Section 3 The State Council

Article 85 The State Council, that is, the Central People's Government, of the People's Republic of China is the executive body of the highest organ of state power; it is the highest organ of State administration.

Article 86 The State Council is composed of the following:

the Premier;

the Vice-Premiers;

the State Councillors;

the Ministers in charge of ministries;

the Ministers in charge of commissions;

the Auditor-General; and

the Secretary-General.

The Premier assumes overall responsibility for the work of the State Council. The ministers assume overall responsibility for the work of the ministries and commissions. The organization of the State Council is prescribed by law.

Article 87 The term of office of the State Council is the same as that of the National People's Congress.

The Premier, Vice-Premiers and State Councillors shall serve no more than two consecutive terms.

Article 88 The Premier directs the work of the State Council. The Vice-Premiers and State Councillors assist the Premier in his work.

Executive meetings of the State Council are to be attended by the Premier, the Vice-Premiers, the State Councillors and the Secretary-General of the State Council.

The Premier convenes and presides over the executive meetings and plenary meetings of the State Council.

Article 89 The State Council exercises the following functions and powers:

- (1) to adopt administrative measures, enact administrative regulations and issue decisions and orders in accordance with the Constitution and other laws;
- (2) to submit proposals to the National People's Congress or its Standing Committee;
- (3) to formulate the tasks and responsibilities of the ministries and commissions of the State Council, to exercise unified leadership over the work of the ministries and commissions and to direct all other administrative work of a national character that does not fall within the jurisdiction of the ministries and commissions;
- (4) to exercise unified leadership over the work of local organs of State administration at various levels throughout the country, and to formulate the detailed division of functions and powers between the Central Government and the organs of State administration of provinces, autonomous regions, and municipalities directly under the Central Government;
- (5) to draw up and implement the plan for national economic and social development and the State budget;
- (6) to direct and administer economic affairs and urban and rural development;
- (7) to direct and administer the affairs of education, science, culture, public health, physical culture and family planning;
- (8) to direct and administer civil affairs, public security, judicial administration, supervision and other related matters;
- (9) to conduct foreign affairs and conclude treaties and agreements with foreign States;
- (10) to direct and administer the building of national defence;
- (11) to direct and administer affairs concerning the nationalities and to safeguard the equal rights of minority nationalities and the right to autonomy of the national autonomous areas;
- (12) to protect the legitimate rights and interests of Chinese nationals residing abroad and protect the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad;
- (13) to alter or annul inappropriate orders, directives and regulations issued by the ministries or commissions;
- (14) to alter or annul inappropriate decisions and orders issued by local organs of State administration at various levels;
- (15) to approve the geographic division of provinces, autonomous regions, and municipalities directly under the Central Government, and to approve the

establishment and geographic division of autonomous prefectures, counties, autonomous counties, and cities;

(16) in accordance with the provisions of law, to decide on entering into the state of emergency in parts of provinces, autonomous regions, and municipalities directly under the Central Government;

(17) to examine and decide on the size of administrative organs and, in accordance with the provisions of law, to appoint or remove administrative officials, train them, appraise their performance and reward or punish them; and

(18) to exercise such other functions and powers as the National People's Congress or its Standing Committee may assign to it.

Article 90 Ministers in charge of the ministries or commissions of the State Council are responsible for the work of their respective departments and they convene and preside over ministerial meetings or general and executive meetings of the commissions to discuss and decide on major issues in the work of their respective departments.

The ministries and commissions issue orders, directives and regulations within the jurisdiction of their respective departments and in accordance with law and the administrative regulations, decisions and orders issued by the State Council.

Article 91 The State Council establishes an auditing body to supervise through auditing the revenue and expenditure of all departments under the State Council and of the local governments at various levels, and the revenue and expenditure of all financial and monetary organizations, enterprises and institutions of the State.

Under the direction of the Premier of the State Council and in accordance with the provisions of law, the auditing body independently exercises its power of supervision through auditing, subject to no interference by any other administrative organ or any public organization or individual.

Article 92 The State Council is responsible and reports on its work to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee.

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(Full text after amendment on March 14, 2004)

Chapter III The Structure of the State

Section 4 The Central Military Commission

Article 93 The Central Military Commission of the People's Republic of China directs the armed forces of the country.

The Central Military Commission is composed of the following:

the Chairman;

the Vice-Chairmen; and

the members.

The Chairman assumes overall responsibility for the work of the Central Military Commission.

The term of office of the Central Military Commission is the same as that of the National People's Congress.

Article 94 The Chairman of the Central Military Commission is responsible to the National People's Congress and its Standing Committee.

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(Full text after amendment on March 14, 2004)

Chapter III The Structure of the State

Section 5 The Local People's Congresses and Local People's Government at Various Levels

Article 95 People's congresses and people's governments are established in provinces, municipalities directly under the Central Government, counties, cities, municipal districts, townships, nationality townships, and towns.

The organization of local people's congresses and local people's governments at various levels is prescribed by law.

Organs of self-government are established in autonomous regions, autonomous prefectures and autonomous counties. The organization and working procedures of organs of self-government are prescribed by law in accordance with the basic principles laid down in Sections 5 and 6 of Chapter III of the Constitution.

Article 96 Local people's congresses at various levels are local organs of state power.

Local people's congresses at or above the county level establish standing committees.

Article 97 Deputies to the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts are elected by the people's congresses at the next lower level; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are elected directly by their constituencies.

The number of deputies to local people's congresses at various levels and the manner of their election are prescribed by law.

Article 98 The term of office of the local people's congresses at various levels is five years.

Article 99 Local people's congresses at various levels ensure the observance and implementation of the Constitution and other laws and the administrative regulations in their respective administrative areas. Within the limits of their authority as prescribed by law, they adopt and issue resolutions and examine and decide on plans for local economic and cultural development and for the development of public services.

Local people's congresses at or above the county level shall examine and approve the plans for economic and social development and the budgets of their respective administrative areas and examine and approve the reports

on their implementation. They have the power to alter or annul inappropriate decisions of their own standing committees.

The people's congresses of nationality townships may, within the limits of their authority as prescribed by law, take specific measures suited to the characteristics of the nationalities concerned.

Article 100 The people's congresses of provinces, and municipalities directly under the Central Government, and their standing committees may adopt local regulations, which must not contravene the Constitution and other laws and administrative regulations, and they shall report such local regulations to the Standing Committee of the National People's Congress for the record.

Article 101 Local people's congresses at their respective levels elect and have the power to recall governors and deputy governors, or mayors and deputy mayors, or heads and deputy heads of counties, districts, townships and towns.

Local people's congresses at or above the county level elect, and have the power to recall, presidents of people's courts and chief procurators of people's procuratorates at the corresponding level. The election or recall of chief procurators of people's procuratorates shall be reported to the chief procurators of the people's procuratorates at the next higher level for submission to the standing committees of the people's congresses at the corresponding level for approval.

Article 102 Deputies to the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts are subject to supervision by the units which elected them; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are subject to supervision by their constituencies.

The units and constituencies which elect deputies to local people's congresses at various levels have the power to recall the deputies according to procedures prescribed by law.

Article 103 The standing committee of a local people's congress at or above the county level is composed of a chairman, vice-chairmen and members, and is responsible and reports on its work to the people's congress at the corresponding level.

A local people's congress at or above the county level elects, and has the power to recall, members of its standing committee.

No one on the standing committee of a local people's congress at or above the county level shall hold office in State administrative, judicial and procuratorial organs.

Article 104 The standing committee of a local people's congress at or above the county level discusses and decides on major issues in all fields of work in its administrative area; supervises the work of the people's government,

people's court and people's procuratorate at the corresponding level; annuls inappropriate decisions and orders of the people's government at the corresponding level; annuls inappropriate resolutions of the people's congress at the next lower level; decides on the appointment or removal of functionaries of State organs within the limits of its authority as prescribed by law; and, when the people's congress at the corresponding level is not in session, recalls individual deputies to the people's congress at the next higher level and elects individual deputies to fill vacancies in that people's congress.

Article 105 Local people's governments at various levels are the executive bodies of local organs of state power as well as the local organs of State administration at the corresponding levels.

Governors, mayors and heads of counties, districts, townships and towns assume overall responsibility for local people's governments at various levels.

Article 106 The term of office of local people's governments at various levels is the same as that of the people's congresses at the corresponding levels:

Article 107 Local people's governments at or above the county level, within the limits of their authority as prescribed by law, conduct administrative work concerning the economy, education, science, culture, public health, physical culture, urban and rural development, finance, civil affairs, public security, nationalities affairs, judicial administration, supervision and family planning in their respective administrative areas; issue decisions and orders; appoint or remove administrative functionaries, train them, appraise their performance and reward or punish them.

People's governments of townships, nationality townships, and towns execute the resolutions of the people's congresses at the corresponding levels as well as the decisions and orders of the State administrative organs at the next higher level and conduct administrative work in their respective administrative areas.

People's governments of provinces, and of municipalities directly under the Central Government decide on the establishment and geographic division of townships, nationality townships, and towns.

Article 108 Local people's governments at or above the county level direct the work of their subordinate departments and of people's governments at lower levels, and have the power to alter or annul inappropriate decisions of their subordinate departments and of the people's governments at lower levels.

Article 109 Auditing bodies are established by local people's governments at or above the county level. Local auditing bodies at various levels, independently and in accordance with the provisions of law, exercise their power of supervision through auditing and are responsible to the people's government at the corresponding level and to the auditing body at the next higher level.

Article 110 Local people's governments at various levels are responsible and report on their work to people's congresses at the corresponding levels. Local people's governments at or above the county level are responsible and report on their work to the standing committees of the people's congresses at the corresponding levels when the congresses are not in session.

Local people's governments at various levels are responsible and report on their work to the State administrative organs at the next higher level. Local people's governments at various levels throughout the country are State administrative organs under the unified leadership of the State Council and are subordinate to it.

Article 111 The residents committees and villagers committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-management at the grass-roots level. The chairman, vice-chairmen and members of each residents or villagers committee are elected by the residents. The relationship between the residents and villagers committees and the grass-roots organs of state power is prescribed by law.

The residents and villagers committees establish sub-committees for people's mediation, public security, public health and other matters in order to manage public affairs and social services in their areas, mediate civil disputes, help maintain public order and convey residents' opinions and demands and make suggestions to the people's government.

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(Full text after amendment on March 14, 2004)

Chapter III The Structure of the State

Section 6 The Organs of Self-Government of National Autonomous Areas

Article 112 The organs of self-government of national autonomous areas are the people's congresses and people's governments of autonomous regions, autonomous prefectures and autonomous counties.

Article 113 In the people's congress of an autonomous region, autonomous prefecture or autonomous county, in addition to the deputies of the nationality exercising regional autonomy in the administrative area, the other nationalities inhabiting the area are also entitled to appropriate representation.

Among the chairman and vice-chairmen of the standing committee of the people's congress of an autonomous region, autonomous prefecture or autonomous county there shall be one or more citizens of the nationality or nationalities exercising regional autonomy in the area concerned.

Article 114 The chairman of an autonomous region, the prefect of an autonomous prefecture or the head of an autonomous county shall be a citizen of the nationality exercising regional autonomy in the area concerned.

Article 115 The organs of self-government of autonomous regions, autonomous prefectures and autonomous counties exercise the functions and powers of local organs of State as specified in Section 5 of Chapter III of the Constitution. At the same time, they exercise the power of autonomy within the limits of their authority as prescribed by the Constitution, the Law of the People's Republic of China on Regional National Autonomy and other laws and implement the laws and policies of the State in the light of the existing local situation.

Article 116 The people's congresses of national autonomous areas have the power to enact regulations on the exercise of autonomy and other separate regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. The regulations on the exercise of autonomy and other separate regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect. Those of autonomous prefectures and counties shall be submitted to the standing committees of the people's congresses of provinces or autonomous regions for approval before they go into effect, and they shall be reported to the Standing Committee of the National People's Congress for the record.

Article 117 The organs of self-government of the national autonomous areas have the power of autonomy in administering the finances of their areas. All

revenues accruing to the national autonomous areas under the financial system of the State shall be managed and used by the organs of self-government of those areas on their own.

Article 118 The organs of self-government of the national autonomous areas independently arrange for and administer local economic development under the guidance of State plans.

In exploiting natural resources and building enterprises in the national autonomous areas, the State shall give due consideration to the interests of those areas.

Article 119 The organs of self-government of the national autonomous areas independently administer educational, scientific, cultural, public health and physical culture affairs in their respective areas, protect and sift through the cultural heritage of the nationalities and work for a vigorous development of their cultures.

Article 120 The organs of self-government of the national autonomous areas may, according to the military system of the State and practical local needs and with the approval of the State Council, organize local public security forces for the maintenance of public order.

Article 121 In performing their functions, the organs of self-government of the national autonomous areas, in accordance with the provisions of the regulations on the exercise of autonomy in those areas, employ the spoken and written language or languages in common use in the locality.

Article 122 The State provides financial, material and technical assistance to the minority nationalities to help accelerate their economic and cultural development.

The State helps the national autonomous areas train large numbers of cadres at various levels and specialized personnel and skilled workers of various professions and trades from among the nationality or nationalities in those areas.

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(Full text after amendment on March 14, 2004)

Chapter III The Structure of the State

Section 7 The People's Courts and the People's Procuratorates

Article 123 The people's courts of the People's Republic of China are the judicial organs of the State.

Article 124 The People's Republic of China establishes the Supreme People's Court and the people's courts at various local levels, military courts and other special people's courts.

The term of office of the President of the Supreme People's Court is the same as that of the National People's Congress. The President shall serve no more than two consecutive terms.

The organization of the people's courts is prescribed by law.

Article 125 Except in special circumstances as specified by law, all cases in the people's courts are heard in public. The accused has the right to defence.

Article 126 The people's courts exercise judicial power independently, in accordance with the provisions of law, and not subject to interference by any administrative organ, public organization or individual.

Article 127 The Supreme People's Court is the highest judicial organ.

The Supreme People's Court supervises the administration of justice by the people's courts at various local levels and by the special people's courts. People's courts at higher levels supervise the administration of justice by those at lower levels.

Article 128 The Supreme People's Court is responsible to the National People's Congress and its Standing Committee. Local people's courts at various levels are responsible to the organs of state power which created them.

Article 129 The people's procuratorates of the People's Republic of China are State organs for legal supervision.

Article 130 The People's Republic of China establishes the Supreme People's Procuratorate and the people's procuratorates at various local levels, military procuratorates and other special people's procuratorates.

The term of office of the Procurator-General of the Supreme People's Procuratorate is the same as that of the National People's Congress; the Procurator-General shall serve no more than two consecutive terms.

The organization of the people's procuratorates is prescribed by law.

Article 131 The people's procuratorates exercise procuratorial power independently, in accordance with the provisions of law, and not subject to interference by any administrative organ, public organization or individual.

Article 132 The Supreme People's Procuratorate is the highest procuratorial organ.

The Supreme People's Procuratorate directs the work of the people's procuratorates at various local levels and of the special people's procuratorates. People's procuratorates at higher levels direct the work of those at lower levels.

Article 133 The Supreme People's Procuratorate is responsible to the National People's Congress and its Standing Committee. People's procuratorates at various local levels are responsible to the organs of state power which created them and to the people's procuratorates at higher levels.

Article 134 Citizens of all China's nationalities have the right to use their native spoken and written languages in court proceedings. The people's courts and people's procuratorates should provide translation for any party to the court proceedings who is not familiar with the spoken or written languages commonly used in the locality.

In an area where people of a minority nationality live in a concentrated community or where a number of nationalities live together; court hearings should be conducted in the language or languages commonly used in the locality; indictments, judgments, notices and other documents should be written, according to actual needs, in the language or languages commonly used in the locality.

Article 135 The people's courts, the people's procuratorates and the public security organs shall, in handling criminal cases, divide their functions, each taking responsibility for its own work, and they shall coordinate their efforts and check each other to ensure the correct and effective enforcement of law.

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(Full text after amendment on March 14, 2004)

Chapter IV The National Flag, the National Anthem, the National Emblem and the Capital

Article 136 The national flag of the People's Republic of China is a red flag with five stars.

The national anthem of the People's Republic of China is the March of the Volunteers.

Article 137 The national emblem of the People's Republic of China consists of an image of Tian'anmen in its centre illuminated by five stars and encircled by ears of grain and a cogwheel.

Article 138 The capital of the People's Republic of China is Beijing.