

## ACCESS TO JUSTICE

*Introduction*

Chinese citizens continued to turn to the legal system for help when they were harmed by environmental hazards,<sup>1</sup> unsafe food,<sup>2</sup> discrimination,<sup>3</sup> and other causes.<sup>4</sup> Chinese law allows citizens to use the legal system to dispute unlawful government acts.<sup>5</sup> International human rights instruments, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, likewise call for the ability of citizens to obtain effective legal remedies when their rights are violated.<sup>6</sup> During the 2015 reporting year, however, the Commission observed a persistent gap between the Chinese government's rhetoric regarding the importance of laws and the actual ability of citizens to use the legal system to protect their rights.<sup>7</sup> Recent judicial reforms indicate recognition by the Chinese government that the current system is dysfunctional,<sup>8</sup> and official media has touted that the revised PRC Administrative Litigation Law "will make it easier for citizens to take the government to court."<sup>9</sup> It is too soon, however, to determine fully the impact of these developments. Teng Biao, a Chinese lawyer, explained that "[t]he major problem with rule of law in mainland China is not establishing legal provisions but rather implementing laws."<sup>10</sup>

*The Fourth Plenum and Judicial Reforms*

In October 2014, the Chinese Communist Party's leaders gathered for the Fourth Plenum of the 18th Party Congress Central Committee and issued the Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law (Fourth Plenum Decision).<sup>11</sup> The purposes of the Fourth Plenum Decision, according to the government's June 2015 report on "Progress in China's Human Rights in 2014," were "to protect civic rights, to defend human dignity and to put basic human rights into practice."<sup>12</sup> The Fourth Plenum Decision reportedly underscored President and Party General Secretary Xi Jinping's effort to boost public confidence in the legal system<sup>13</sup> by outlining a number of structural reforms to judicial institutions, including:<sup>14</sup>

- Emphasizing that judges should not be removed except for legal reasons and unless legal procedures are followed;<sup>15</sup>
- Creating a "lifetime" (*zhongshen*) responsibility system whereby judges are responsible throughout their careers for cases that they adjudicated;<sup>16</sup>
- Ensuring that courtroom hearings play a decisive role in ascertaining facts and impartial adjudication,<sup>17</sup> which could entail reconsidering the role of court "adjudication committees" (*shenpan weiyuanhui*) that currently can instruct judges on how to decide certain cases;<sup>18</sup>
- Introducing a model whereby judges are promoted from lower courts;<sup>19</sup>
- Changing from a "case filing review system" (*li'an shencha zhi*) to a "case filing registration system" (*li'an dengji zhi*);<sup>20</sup> and

- Establishing “circuit tribunals” (*xunhui fating*) to try major administrative or civil commercial cases involving more than one province.<sup>21</sup> Two of these tribunals reportedly heard their first cases by May 2015.<sup>22</sup>

The Fourth Plenum Decision also endorsed improving the legal aid system and expanding the scope of aid, with the stated objective of ensuring that citizens may obtain timely and effective legal assistance when their rights were infringed upon.<sup>23</sup> This past year, the Commission observed efforts with respect to the provision of legal aid in at least one domestic violence case,<sup>24</sup> a development that coincided with the public release of the draft PRC Anti-Domestic Violence Law.<sup>25</sup> At present, however, the scope of government-funded legal aid remains limited. For example, free legal assistance is available to criminal defendants only when the defendant is facing life imprisonment or death<sup>26</sup> or when certain vulnerable populations like minors or people who are blind, deaf, or mute are involved.<sup>27</sup> Amendments to the laws governing civil and administrative cases that restrict the ability of non-lawyers to represent parties also reportedly may cause citizens to try to resolve their grievances outside the legal system.<sup>28</sup> Such “barefoot” non-lawyers offer an alternative source of assistance when litigants cannot afford or find lawyers to take their cases.<sup>29</sup>

In February 2015, the Supreme People’s Court (SPC) publicly released its fourth five-year reform plan (SPC Reform Plan),<sup>30</sup> which echoed themes in the Fourth Plenum Decision.<sup>31</sup> The SPC Reform Plan called for establishing mechanisms to prevent official interference in judicial activities,<sup>32</sup> but articles in state- and Party-run Chinese media emphasized that the Chinese government was not adopting a model of judicial independence based on the United States or other Western nations.<sup>33</sup> SPC President Zhou Qiang said that courts must “resolutely resist the influence of mistaken Western viewpoints and ways of thinking . . . .”<sup>34</sup> The Fourth Plenum Decision indicated the Party’s continuing interaction with the courts by calling on the Party to “support the courts and procuratorates in exercising their functions and authorities independently and fairly according to the law.”<sup>35</sup> Furthermore, the Fourth Plenum Decision called on the Party’s political-legal committees to continue to “ensure that China’s Constitution and laws are implemented correctly and uniformly.”<sup>36</sup> Reports indicate that the committees’ interference might be decreasing,<sup>37</sup> but a spate of recent resignations by judges<sup>38</sup> is attributed in part to complaints about outside interference in their work.<sup>39</sup>

During the reporting year, the government and Party similarly took a hardline stance against “Western” constitutionalism,<sup>40</sup> despite the Fourth Plenum Decision’s use of language on the importance of China’s Constitution<sup>41</sup> and the Chinese government’s declaration that “Constitution Day” would be commemorated on December 4.<sup>42</sup> The ability of citizens to invoke the Constitution as a basis for challenging government actions remains limited.<sup>43</sup> The National People’s Congress Standing Committee has exclusive power to interpret and supervise enforcement of China’s Constitution.<sup>44</sup>

The extent to which the Fourth Plenum Decision and SPC Reform Plan will ultimately translate into concrete improvements in

the judicial system remains unclear. Scholars have debated the significance of the Fourth Plenum Decision—including what is meant by “advancing governance of the country according to law”<sup>45</sup>—when, as noted by scholars in a July 2015 Asia Policy roundtable, the Decision “also underscores the [Party’s] sustained leadership over the Chinese legal system.”<sup>46</sup> One U.S. expert on Chinese law raised questions concerning how to reconcile the Fourth Plenum Decision’s support for the importance of the legal system with the crackdown on freedoms of expression, assembly, and association observed this past year.<sup>47</sup>

#### *Judicial Transparency*

The theme of government transparency runs throughout the Fourth Plenum Decision.<sup>48</sup> The Chinese government began implementing the Open Government Information Regulations in 2008,<sup>49</sup> but citizens have continued to face substantial obstacles when seeking information from the government.<sup>50</sup> The SPC had likewise previously been slow to increase transparency and did not create a national online database until 2013.<sup>51</sup> [For more information on government transparency, see Section III—Institutions of Democratic Governance.]

This past year, the judiciary emphasized mechanisms for enhancing transparency. In March 2015, the SPC issued a white paper on judicial transparency that called for greater access to trials, increased use of electronic filing systems, and expanded access to case decisions.<sup>52</sup> When releasing the white paper, He Xiaorong, office director of the SPC Judicial Reform Leading Group, told reporters that, by the end of 2014, Chinese courts had uploaded nearly six million court judgments to the public database.<sup>53</sup> Access to such a vast pool of cases could help to “develop a body of precedents to guide the legal community and create judicial transparency and accountability to address public concerns about the fairness of the litigation system,” according to a December 2014 post on the American Chamber of Commerce in Shanghai website.<sup>54</sup>

The SPC released its 10th batch of “guiding cases” in April 2015.<sup>55</sup> In June 2015, the SPC issued rules specifying how judges should refer to guiding cases in subsequent cases.<sup>56</sup> The rules explained that judges should respond when parties raise guiding cases when arguing their positions to the court,<sup>57</sup> and SPC officials reportedly “stressed the use of referential precedent to ensure fairer judgements.”<sup>58</sup>

#### *Citizen Petitioning and Revisions to the Administrative Litigation Law*

The PRC Administrative Litigation Law (ALL),<sup>59</sup> which provides a framework for citizens to challenge government actions in court,<sup>60</sup> underwent significant revisions during the past reporting year.<sup>61</sup> Application of the law, which initially took effect 25 years ago,<sup>62</sup> was hindered by common barriers referred to as the “three difficulties” (*san nan*): difficulties in filing cases, trying cases, and enforcing judgments.<sup>63</sup> Following passage by the National People’s Congress Standing Committee in November 2014, revisions to the

ALL took effect on May 1, 2015.<sup>64</sup> Revised provisions included, among others:

- Expanding the scope of permitted cases by eliminating the “specific administrative act” requirement in the previous version of the ALL;<sup>65</sup>
- Listing 12 areas for which legal proceedings may be launched against the government, such as alleged violations of agreements on land and housing compensation, disputes over administrative detention, and abuse of administrative power;<sup>66</sup> and
- Requiring that a representative of the relevant administrative agency appear in court.<sup>67</sup>

Announcement of the amendments was followed by an April 2015 SPC interpretation that provided additional guidance on issues such as procedures for filing cases and examples of litigation demands that meet the legal standard.<sup>68</sup> The Commission has not observed statistics establishing whether these recent reforms have begun to address long-standing obstacles to administrative cases.

Chinese official media expressed hope that a byproduct of the ALL revisions would be to increasingly funnel citizen complaints away from the petitioning (*xinfang*) system—through which individuals with grievances seek redress from government officials<sup>69</sup>—and toward the courts.<sup>70</sup> According to a November 2014 media report, more than 4 million petitions involving administrative disputes have been filed annually.<sup>71</sup> Wang Cailiang, a lawyer and deputy director of the All China Lawyers Association Administrative Law Committee, told the media, “With the [ALL] amendment, many more people would see the courts as an avenue to seek justice, instead of going to Beijing hoping to talk to officials.”<sup>72</sup>

The basic legal framework for the petitioning system—the 2005 Regulations on Letters and Visits (2005 Regulations)—remained unchanged during the 2015 reporting year.<sup>73</sup> The Party and government continued to discuss proposals that were addressed during the 2014 reporting year,<sup>74</sup> including with respect to channeling law- and litigation-related petitions through legal channels<sup>75</sup> and increasing the use of online petitioning.<sup>76</sup> In May 2015, the Ministry of Justice issued the Opinion Regarding Further Strengthening Law- and Litigation-Related Petition Work and the Measures on Judicial and Administrative Agencies To Conclude Petitioning Matters.<sup>77</sup> Also in May 2015, the State Bureau for Letters and Visits announced plans to consider drafting a petitioning law to improve the 2005 Regulations.<sup>78</sup>

#### *Harassment and Abuse of Human Rights and Public Interest Lawyers*

During the 2015 reporting year, the Chinese government used criminal investigations and charges against citizens who engaged in activities that allegedly threatened the existing political system.<sup>79</sup> Lawyers who represented people seeking to safeguard their rights<sup>80</sup> also faced reprisals.<sup>81</sup> In December 2014, for example, hundreds of lawyers signed a letter protesting the detention of lawyer Zhang Keke after he openly invoked in court the rights to freedom of speech and religion provided for in China’s Constitution.<sup>82</sup>

In May 2015, the government charged public interest lawyer Pu Zhiqiang with “inciting ethnic hatred”<sup>83</sup> and “picking quarrels and provoking trouble”<sup>84</sup> related to comments from his microblog accounts.<sup>85</sup> Pu was among the 14 Chinese civil rights advocates profiled in a 2005 issue of the Hong Kong-based *Asia Weekly*.<sup>86</sup> According to the *Economist*, “All of the activists pictured on the magazine’s cover have since been imprisoned, detained, beaten or threatened, except for one lawyer who had already fled the country into exile in Canada.”<sup>87</sup>

Other cases of concern during the 2015 reporting year included:

- **Xia Lin.** Public security officers in Beijing municipality took lawyer Xia Lin into custody in November 2014 and subsequently criminally detained him on suspicion of “fraud.”<sup>88</sup> Chinese Human Rights Defenders raised concerns that Xia’s ongoing detention may be retaliation for representing Pu Zhiqiang and Guo Yushan, founder of the NGO Transition Institute.<sup>89</sup>
- **Tang Jingling.** In May 2014, public security officials in Baiyun district, Guangzhou city, Guangdong province, took human rights lawyer Tang Jingling from his home and later criminally detained him on suspicion of “picking quarrels and provoking trouble.”<sup>90</sup> Authorities arrested Tang on the charge of “inciting subversion of state power.”<sup>91</sup> The trial of Tang and two other rights advocates concluded in July 2015,<sup>92</sup> but authorities had not announced a verdict as of September 2015. Tang gained prominence as a rights lawyer working on cases related to land seizures and corruption.<sup>93</sup> His 2014 detention reportedly was linked to a larger crackdown around the 25th anniversary of the violent suppression of the 1989 Tiananmen protests.<sup>94</sup>
- **Yu Wensheng.** In October 2014, authorities criminally detained Yu Wensheng, a well-known human rights lawyer, on suspicion of “picking quarrels and provoking trouble.”<sup>95</sup> Reports suggested that Yu’s detention was linked to his efforts to meet with a client whom authorities detained for his support of the 2014 pro-democracy protests in Hong Kong.<sup>96</sup> Authorities released Yu in January 2015,<sup>97</sup> but his wife issued a statement in June 2015 reporting that domestic security officials had been harassing Yu and his family at their home.<sup>98</sup>
- **Qu Zhenhong.** In May 2014, public security officials in Beijing took into custody lawyer Qu Zhenhong, the niece and defense counsel for Pu Zhiqiang, on suspicion of “illegally gathering citizens’ information.”<sup>99</sup> Following her formal arrest, authorities released Qu on bail in May 2015.<sup>100</sup>

Despite the personal risks underscored by the cases described above, lawyers continued to provide advice to citizens who sought to access the legal system during this reporting year in cases that involve issues such as religious freedom,<sup>101</sup> opposition to forced eviction,<sup>102</sup> and freedom of speech and association.<sup>103</sup> The mainland China-based China Human Rights Lawyers Group, members of which provide legal services to citizens who have been detained for exercising their civil rights,<sup>104</sup> marked its one-year anniversary in September 2014 with 225 participating lawyers.<sup>105</sup>

## JULY 2015 CRACKDOWN ON RIGHTS LAWYERS AND ADVOCATES

Beginning on July 9, 2015, Chinese authorities took into custody more than 200 lawyers and rights advocates within a 48-hour time period in what appeared to be a nationwide, coordinated crackdown.<sup>106</sup> As of September 1, 2015, authorities from 24 provinces and provincial-level municipalities had summoned for questioning, harassed, prevented from leaving China, or had taken into custody at least 300 lawyers, law firm staff, rights advocates, and some of their family members; 23 remained in detention or were being held under “residential surveillance” in unknown locations,” according to Chinese Human Rights Defenders.<sup>107</sup> The crackdown received widespread condemnation from foreign governments,<sup>108</sup> international non-governmental organizations and bar associations,<sup>109</sup> and scholars.<sup>110</sup> In a letter to Chinese President and Communist Party General Secretary Xi Jinping that urged the immediate release of all of the detained individuals in the crackdown, the New York City Bar Association noted, “Chinese law and international standards protect the rights of lawyers in China both to practice their profession and to carry out their professional duties to clients free of government interference. These detentions violate those standards and undermine the rule of law.”<sup>111</sup> [For information on some of the detained lawyers’ cases, see Section I—Findings—Access to Justice.]

### Notes to Section III—Access to Justice

<sup>1</sup>“Landmark Case on Lead Poisoning in Children Begins in China,” Reuters, reprinted in *Guardian*, 12 June 15; Alexandra Harney, “Lead Poisoning Lawsuit Tests China’s Resolve Over Pollution,” Reuters, reprinted in *The Age*, 6 May 15; “Wuhan Residents’ Pollution Case Filed Against Guodingshan Garbage Incinerator Plant Seeking 7 Yuan Compensation” [Wuhan jumin gao guodingshan laji fenshao chang wuran huo li’an, suopei 7 yuan], *The Paper*, 18 April 15; “5 Lanzhou Residents Suing ‘Lanzhou Veolia’ Are Finally Able To File Case” [Lanzhou 5 shimin su “yang shuiwu” zhong huo li’an], *Legal Daily*, 26 February 15. For other examples of citizens attempting to use the legal system to address environmental concerns, see Dominique Patton, “Chinese Citizens Sue Government Over Transparency on Monsanto Herbicide,” Reuters, 8 April 15; “Court Hearing China’s Landmark NGO Environmental Lawsuit,” *China Daily*, 15 May 15.

<sup>2</sup>Zheng Caixiong, “Half of Poisoned Food Cases Involved Pork,” *China Daily*, 10 July 15. Under the revised PRC Food Safety Law, violators are liable for compensation when they cause harm to consumers. National People’s Congress, PRC Food Safety Law [Zhonghua renmin gongheguo shipin anquan fa], passed 28 February 09, amended 24 April 15, effective 1 October 15, arts. 126, 147, 148.

<sup>3</sup>China Labour Bulletin, “Plaintiff Awarded 2,000 Yuan by Court in Hangzhou Gender Discrimination Case,” 13 November 14; China Labour Bulletin, “Plaintiff Obtains 30,000 Yuan in China’s First Gender Discrimination Lawsuit,” 9 January 14.

<sup>4</sup>Supreme People’s Court, Supreme People’s Court Work Report [Zuigao renmin fayuan gongzuo baogao], 12 March 15, 39. See also Susan Finder, “Supreme People’s Court President Says Court Reforms in ‘Deep Water Area,’” Supreme People’s Court Monitor (blog), 15 March 15.

<sup>5</sup>PRC Administrative Litigation Law [Zhonghua renmin gongheguo xingzheng susong fa], passed 4 April 89, amended 1 November 14, effective 1 May 15, art. 11; Supreme People’s Court Interpretation Regarding Several Questions on the Application of the PRC Administrative Litigation Law [Zuigao renmin fayuan guanyu shiyong “zhonghua renmin gongheguo xingzheng susong fa” ruogan wenti de jieshi], issued 20 April 15, effective 1 May 15, art. 1. See also Kevin J. O’Brien and Li Lianjiang, “Suing the State: Administrative Litigation in Rural China,” *China Journal*, No. 51 (January 2004).

<sup>6</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 8; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 2. China signed the ICCPR in 1998 but has not yet ratified it. “Over One Hundred Lawyers and Citizens Urge National People’s Congress To Ratify International Conventions on Human Rights and Enact Press Laws” [Yu bai lushi ji gongmin yu renda pizhun guoji gongyue baozhang renquan ji banbu xinwen fa], *Radio Free Asia*, 10 March 15.

<sup>7</sup>Rachel Lu, “China’s President Raises Eyebrows With Sharp Rhetoric on Rule of Law,” *Foreign Policy*, TeaLeafNation (blog), 3 February 15; Stanley Lubman, “Chinese Rule of Law: The Rhetoric and the Reality,” *Wall Street Journal*, *China Real Time Report* (blog), 4 April 11.

<sup>8</sup>Susan Finder, “China’s Master Plan for Remaking Its Courts,” *The Diplomat*, 26 March 15.

<sup>9</sup>Zhou Yu, “Newly Amended Law Empowers Private Citizens To Sue Government,” *Global Times*, 6 April 15. See also “China Adopts Amendment to Administrative Procedure Law,” *Xinhua*, 1 November 14; “Amendment to Administrative Procedure Law Hailed in China,” *Xinhua*, 24 December 13.

<sup>10</sup>“Experts Pessimistic on CCP Fourth Plenum Proposals on Ruling the Country According to Law” [Zhuanjia bu kanhao zhonggong si zhong quanwei tichu de yifa zhiguo], *Radio Free Asia*, 28 October 14.

<sup>11</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14. Various government agencies have issued follow-on documents. See, e.g., Supreme People’s Procuratorate, Opinion Concerning Implementation of the “Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law” [Zuigao renmin jianchayuan guanyu guan che luoshi “zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding” de yijian], reprinted in *Procuratorial Daily*, 5 February 15; Supreme People’s Court, Opinion Concerning Comprehensively Deepening People’s Courts’ Reform [Zuigao renmin fayuan guanyu quanmian shenhua renmin fayuan gaige de yijian], issued 26 February 15.

<sup>12</sup>State Council Information Office, “Progress in China’s Human Rights in 2014,” reprinted in *Xinhua*, 8 June 15.

<sup>13</sup>“Xi Stresses Boosting Public Confidence in Judicial System,” *Xinhua*, 25 March 15; Luo Shuzhen, “Have Strength To Reform and Innovate; Continue To Improve Judicial Credibility, Allow the People in Each Judicial Case To Have the Feeling of Fair Justice” [Yongyu gaige chuangxin buduan tigao sifa gongxinlin rang renmin qunzhong zai mei yi ge sifa tiaojian zhong dou ganshou dao gongping zhengyi], *China Court Net*, 8 May 15.

<sup>14</sup>For additional judicial reforms raised in the Fourth Plenum Decision, see Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 4 (“Guarantee Judicial Fairness, Raise Judicial Credibility”). The Fourth Plenum Decision did not propose increased centralization of court finances; instead, only limited local experimentation is underway. Wang Guibin, “Shanghai Legal System Reform: Legal Inspection of Budget by Municipal Finance Bureau Administration” [Shanghai sifa tizhi gaige: fajian yusuan you shi caizheng ju zhi guan], *Beijing News*, 19 January 15; Supreme People’s Court, “Shanghai Deploys Pilot Program To Comprehensively Advance Legal System Reforms” [Shanghai bushu quanmian tuijin sifa

tizhi gaige shidian gongzuo], 24 April 15; Carl Minzner, “Legal Reform in the Xi Jinping Era,” *Asia Policy*, No. 20 (July 2015), 6–7. Professor Donald Clarke noted that the centralization up to the provincial level of court finances and personnel appointments “is popular among [Chinese] legal academics but controversial among judges.” Donald Clarke, “The Fourth Plenum’s ‘Decision’: My Take,” *Chinese Law Prof Blog*, 29 October 14. The centralization of court finances was reportedly considered following the Third Plenum of the 18th Party Congress. See John Wagner Givens, Jamestown Foundation, “Fleshing Out the Third Plenum: The Direction of China’s Legal Reform,” *China Brief*, Vol. 14, No. 6, 21 March 14, 10.

<sup>15</sup> Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 4(1.3).

<sup>16</sup> *Ibid.*, sec. 4(3.3).

<sup>17</sup> *Ibid.*, sec. 4(3.2).

<sup>18</sup> Susan Finder, “Where Is the Supreme People’s Court Headed With Judicial Committee Reform?” *Supreme People’s Court Monitor* (blog), 21 December 14. For more information regarding the adjudication committee system and calls for its reform, see Zhu Lei, “Committee Member Shi Jie’s Proposal: Further Reform the System of Adjudication Committees” [Shi jie weiyuan jianyi: jinyibu gaige shenpan weiyuanhui zhidu], *Legal Daily*, 6 March 15; Procedural Law Research Institute, China University of Political Science and Law, “Consensus and Disagreement: Concerning Reform of the Court Adjudication Committee System” [Gongshi yu fenqi: guanyu shenpan weiyuanhui zhidu gaige], 5 May 15; “Chen Ruihua: Mistakes in Justice—Comments on Court Adjudication Committee System” [Chen ruihua: zhengyi de wuqu—ping fayuan shenpan weiyuanhui zhidu], *Ai Sixiang*, 11 October 11; Xin Frank He, “China and Its Adjudication Committees,” *East Asia Forum*, 3 December 11.

<sup>19</sup> Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 6(1.3).

<sup>20</sup> *Ibid.*, sec. 4(2.4). The Supreme People’s Court subsequently issued provisions in April 2015. Zhang Ziyang, “Supreme People’s Court Issues ‘Provisions on Several Issues Regarding Case Registration and Filing’” [Zuigao renmin fayuan gongbu “guanyu renmin fayuan dengji li’an ruogan wenti de guiding”], *Xinhua*, reprinted in *China News Net*, 16 April 15; Susan Finder, “New Docketing Procedures Come to the Chinese Courts,” *Supreme People’s Court Monitor* (blog), 18 June 15.

<sup>21</sup> Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 4(2.3); Shannon Tiezzi, “4 Things We Learned From China’s 4th Plenum,” *The Diplomat*, 23 October 14.

<sup>22</sup> “Gavel Falls on Supreme People’s Court First Circuit Court’s First Case” [Zuigao renmin fayuan diyi xunhui fating shou an luochui], *People’s Court Daily*, reprinted in *Xinhua*, 5 May 15; “Supreme People’s Court Second Circuit Court Hears First Case in Shenyang” [Zuigaofa di’er xunhui fating zai shenyang jin shen diyi an], *China News Net*, reprinted in *People’s Daily*, 10 March 15.

<sup>23</sup> Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 5(3).

<sup>24</sup> See, e.g., “Bozhou Establishes First Domestic Violence Shelter, Women Injured by Domestic Violence Can Receive Legal Aid” [Bozhou chengli shoujia fan jiabao bihusuo; jiabao shouhai funu ke huo de falu yuanzhu], *Bozhou Daily*, reprinted in *Hefei Hotline*, 5 May 15.

<sup>25</sup> State Council Legislative Affairs Office, PRC Anti-Domestic Violence Law (Draft) (Draft for Comment) [Zhonghua renmin gongheguo fan jiating baoli fa (cao’an) (zhengqiu yijian gao)], 25 November 14; Simon Denyer, “Battered Women in China Could Finally Get a Measure of Legal Protection,” *Washington Post*, 6 March 15; “China’s Draft Domestic Violence Law ‘Largely Cosmetic’: Feminists,” *Radio Free Asia*, 30 July 15; Liu Rong, “Standing Committee of the National People’s Congress Today Convened Its 16th Meeting, Anti-Domestic Violence Law Is Publicly Revealed” [Quanguo renda changweihui jin zhaokai 16 ci hui fan jiabao fa chu liangxiang], *People’s Daily*, reprinted in *National People’s Congress News Net*, 24 August 15. For a report on how ordinary Chinese view domestic violence, see “Heard in the Hutong: How Chinese View Domestic Violence,” *Wall Street Journal*, *China Real Time Report* (blog), 8 May 15.

<sup>26</sup> PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 34. See also Dui Hua Foundation, “China’s New Criminal Procedure Law: Death Penalty Procedures,” *Dui Hua Human Rights Journal*, 3 April 12.

<sup>27</sup> PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 34, 266. See also “New Issues and Countermeasures for Criminal Law Legal Aid System Following Revisions” [Xingshi falu yuanzhu zhidu xiuding hou de xin wenti ji duice], *China Court Net*, reprinted in *China Legal Aid Net*, 13 May 14. For an example of a pro bono legal aid program see “Assistance Plan for the Wronged Starting on Friday” [“Mengyuanzhe yuanzhu jihua” ben zhouwu qidong], *Beijing Shangquan Law Firm* (blog), 20 May 14.

<sup>28</sup> Aaron Halegua, “China’s Restrictions on Barefoot Lawyers Could Backfire,” *South China Morning Post*, 29 March 15.

<sup>29</sup> *Ibid.*

<sup>30</sup> Supreme People’s Court, Opinion on Comprehensively Deepening Reform of the People’s Courts—Fourth Five-Year Outline for Reform of the People’s Courts (2014–2018) [Zuigao renmin



fayuan guanyu quanmian shenhua renmin fayuan gaige de yijian—renmin fayuan disi ge wu nian gaige gangyao (2014–2018)], 4 February 15; Xu Juan, “Supreme People’s Court Releases Post-Revision ‘Fourth Five-Year Reform Plan’” [Zuigaofa fabu xiuding hou de “si wu gaige gangyao”], People’s Daily, 27 February 15. The Ministry of Public Security, Supreme People’s Procuratorate, and the Ministry of Justice also issued reform plans. “Comprehensively Deepening Public Security Reform Includes Cancellation of Temporary Residency Permit System Among 15 Prominent Highlights” [Quanmian shenhua gong’an gaige han’gai quxiao zanzhuzheng zhidu deng 15 ge tuchu liangdian], People’s Daily, reprinted in Legal Daily, 16 February 15; “Opinion Concerning Deepening Procuratorial Reforms (2013–2017 Work Plan) (2015 Revised Edition)” [Guanyu shenhua jiancha gaige de yijian (2013–2017 nian gongzuo guihua) (2015 nian xiudingban)], Procuratorial Daily, 26 February 15; “Outline of the Procuratorate Reform Plan,” translated in China Law Translate (blog), 27 February 15; Ministry of Justice, “Ministry of Justice: Fully Exert Judicial and Administrative Offices’ Functional Roles, Earnestly Complete Comprehensive Advancements Towards Rule of Law in All Work” [Sifabu: chongfen fahui sifa xingzheng jiguan zhineng zuoyong, renzhen zuo hao quanmian tuijin yifa zhiguo gexiang gongzuo], 17 March 15.

<sup>31</sup>See, e.g., Supreme People’s Court, Opinion on Comprehensively Deepening Reform of the People’s Courts—Fourth Five-Year Outline for Reform of the People’s Courts (2014–2018) [Zuigao renmin fayuan guanyu quanmian shenhua renmin fayuan gaige de yijian—renmin fayuan disi ge wu nian gaige gangyao (2014–2018)], 4 February 15, sec. 3(3)17; Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14.

<sup>32</sup>Supreme People’s Court, Opinion on Comprehensively Deepening Reform of the People’s Courts—Fourth Five-Year Outline for Reform of the People’s Courts (2014–2018) [Zuigao renmin fayuan guanyu quanmian shenhua renmin fayuan gaige de yijian—renmin fayuan disi ge wu nian gaige gangyao (2014–2018)], 4 February 15, para. 55. See also “China Regulates Against Officials’ Judicial Meddling,” Xinhua, 30 March 15; Xing Shiwei, “Leading Cadres’ Lawbreaking and Judicial Interference Can Lead to Criminal Responsibility” [Lingdao ganbu weifa ganyu sifa ke zhui xing ze], Beijing News, 31 March 15.

<sup>33</sup>Zhang Chunxian, “Zhang Chunxian: Comprehensively Advance Ruling Xinjiang According to Law” [Zhang chunxian: quanmian tuijin yifa zhi jiang], People’s Daily, 7 January 15; Liu Ruifu, “The Fundamental Differences Between China’s Independent, Impartial Justice and Western Countries’ ‘Judicial Independence’” [Woguo duli gongzheng sifa yu xifang guojia “sifa duli” de genben qubie], Seeking Truth, reprinted in Xinhua, 26 December 14. See also Qian Gang, “Who Gave ‘Judicial Independence’ a Death Sentence?” China Media Project, 14 January 15; Sui-Lee Wee, “China’s Top Court Says No to West’s Model of Judicial Independence,” Reuters, 26 February 15.

<sup>34</sup>Wen Yaqiong, “Supreme People’s Court: Distinguish Clearly Between Western ‘Judicial Independence’ and ‘Separation of Powers’” [Zuigaofa: huaqing yu xifang “sifa duli” “san quan dingli,” jixian], China Internet Information Center, 25 February 15; Josh Chin, “Don’t Call It Western, China’s Top Court Unveils Vision for Reform,” Wall Street Journal, China Real Time Report (blog), 26 February 15.

<sup>35</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 4(1).

<sup>36</sup>Ibid., sec.7(1).

<sup>37</sup>“Political-Legal Committees Carry Out 11 Reforms This Year: Leaders’ Interference in Judicial Process Will Be Recorded” [Zhengfawei jinnian jinxing 11 xiang gaige: lingdao ganyu sifa yao jilu], Xinhua, reprinted in Sina, 22 January 15; Qiu Rui, “Mainland Political-Legal Committees Show Signs of Reform” [Dalu zhengfawei xianlu gaige jixiang], Phoenix Weekly, 19 January 15; Keith Zhai, “Communist Party Committees Are Meddling Less in Courtrooms: Judges,” South China Morning Post, 12 December 13; Song Shijing and Li Xiangrong, “Politics and Law Committee Reform Accelerates, Advocating Rule of Law Thinking and Non-Intervention in Specific Cases” [Zhengfawei gaige jiasu, changdao fazhi siwei bu jieru juti anjian], Beijing News, reprinted in People’s Daily, 23 October 14. For a report on opposing views, see “China’s Judicial Reforms Won’t Shake Party Hold on Courts: Experts,” Radio Free Asia, 31 March 15.

<sup>38</sup>Ren Zhongyuan and Huang Ziyi, “Shortage of Judges, Court Panic: Things Are Changing” [Faguan huang, fayuan huang: shiqing zheng zai qi bianhua], Southern Weekend, 17 April 15; Wu Lina, “Loss of Judges Serious. Can Salary Alone Get Modern ‘Judge Bao’ To Stay?” [Faguan liushi yanzhong dandu xinhou nengfou liuzhu xiandai “bao gong”], Xinhua, reprinted in China Court Network, 15 April 15.

<sup>39</sup>Tan Mintao, “Judicial Reforms Are Coming, Why Do Judges Still Want To Resign?” [Sifa gaige lai le, faguan weihe hai yao cizhi?], Consensus Net, 16 April 15; Stanley Lubman, “China’s Exodus of Judges,” Wall Street Journal, China Real Time Report (blog), 4 May 15. See also “Legal Window: Resignations of Chinese Judges Reflect Deep Problems” [Falü chuankou: zhongguo faguan cizhi zheshe shengce wenti], Voice of America, 5 June 15.

<sup>40</sup>“People’s Daily: Blindly Following Western So-Called ‘Constitutional Government’ Is Nothing More Than Cutting Feet To Fit the Shoes” [Renmin ribao: mangmu gen xifang suowei “xianzheng” pao wuyi xuezushilu], People’s Daily, reprinted in China News, 5 February 15; Minxin Pei, “China’s War on Western Values,” Project Syndicate, 10 February 15. See also Jacques delisle, “The Rule of Law with Xi-Era Characteristics: Law for Economic Reform, Anticorruption, and Illiberal Politics,” Asia Policy, No. 20 (July 2015), 28. For a contrasting view on recent discussions of constitutionalism, see Cheng Li, “Fourth Plenum Has Opened Up Discourse on Constitutionalism, Governance,” China’s Transition, Bloomberg Brief, October 2014, 8.

<sup>41</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang

guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 2.

<sup>42</sup>Guo Junkui, “‘National Constitution Day’ Strengthens the Constitution’s Supreme Idea” [“Guojia xianfa ri” qianghua xianfa zhishang de linian], *People’s Daily*, 4 December 14; State Council Information Office, “Progress in China’s Human Rights in 2014,” reprinted in *Xinhua*, 8 June 15, sec. 3(1). See also “On China’s First Constitution Day, Distance From Constitutional Rule Remains Great” [Zhongguo shou ge xianfa ri juli xingzheng reng yaoyuan], *Radio Free Asia*, 4 December 14.

<sup>43</sup>“China’s Constitution ‘Useless’ Without Enforcement: Lawyers,” *Radio Free Asia*, 4 December 14; Otto Malmgren, “Article 37: The Right to Liberty of Person Under the Chinese Constitution,” *China-EU Law Journal*, Vol. 2, No. 1–2 (September 2013), 42–43; Jerome A. Cohen, “A Constitutional Court for China? Taiwan’s Example,” *US-Asia Law Institute*, New York University School of Law, 28 October 09. See also Joanna Chiu, “China’s Constitutional Crisis,” *Atlantic*, 3 September 13.

<sup>44</sup>“NPC’s Power of Supervision,” *Xinhua*, reprinted in *China Daily*, 3 March 15; Keith J. Hand, “An Assessment of Socialist Constitutional Supervision Models and Prospects for a Constitutional Supervision Committee in China: The Constitution as Commander?” *Social Science Research Network*, 29 June 15, revised 25 July 15, last visited 3 August 15, 1. See also Gui Tiantian, “Former Supreme People’s Court President Proposes Adding Constitutional Committee to the National People’s Congress” [Zuigao fayuan yuan yuanzhang jianyi zai quanguo renda zengshe xianfa weiyuanhui], *Beijing Youth Daily*, reprinted in *People’s Daily*, 8 November 14. China does not have a constitutional court or specialized committee within the National People’s Congress for examining constitutional issues.

<sup>45</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14. See, e.g., Jerome A. Cohen, “China’s Socialist Rule of Law Still Offers Real Hope of Improvements to Legal System,” *New York University School of Law*, *US-Asia Law Institute*, 5 November 14; Elizabeth C. Economy, “Is China Committed to Rule of Law?” *Council on Foreign Relations*, 29 October 14; “YCW Conversation—Legal Reform in China,” *Young China Watchers*, 28 April 15.

<sup>46</sup>“Roundtable: The Future of ‘Rule According to Law’ in China,” *Asia Policy*, No. 20 (July 2015), 3. Participants in the roundtable were Carl Minzner, Donald Clarke, Ling Li, Jacques deLisle, Kjeld Erik Brogdsgaard, and Stanley Lubman. See also Donald Clarke, “China’s Legal System and the Fourth Plenum,” *Asia Policy*, No. 20 (July 2015), 10; Fang Yiyan, “Looking Over ‘Rule of Law,’ Dirt on the Back of the Coin” [Fankan “yifa zhiguo” yingbi beimian de wugou], *Human Rights in China Chinese Biweekly Journal*, No. 146, 25 December 14.

<sup>47</sup>Stanley Lubman, “As China Cracks Down on Dissidents, It Also Promises Legal Reform,” *Wall Street Journal*, *China Real Time Report* (blog), 28 November 14.

<sup>48</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, secs. 1, 2, 3, 4(4). See also Jamie P. Horsely, “China’s Leaders Endorse Disclosure as the ‘Norm,’” *FreedomInfo.Org*, 4 November 14.

<sup>49</sup>“China Commits to ‘Open Government Information’ Effective May 1, 2008,” *CECC China Human Rights and Rule of Law Update*, May 2008, 2.

<sup>50</sup>“Right To Know,” *Economist*, 3 May 14. For reports on the success of lawsuits filed against the government, see Zhao Fuduo, “Provincial Success Rates of ‘Citizens Suing Officials’ Show Large Differences” [“Min gao guan” shengsulu shengji chayi da], *Caixin*, 12 December 14; Fang Qing, “In Government Information Disclosure Lawsuits, 12 Percent of Citizens Suing Officials Are Successful” [Zhengfu xinxi gongkai susong 12% “min gao guan” shengsu], *Guangzhou Daily*, 23 January 15. A notable information disclosure request from the reporting year was that of the mother of Xu Chunhe, a man shot by police on a train platform in Heilongjiang province. “Qing’an Police Accept Lawyer’s Information Disclosure Application in Shooting Case” [Qing’an jingfang jieshou qiangji an lushi xinxi gongkai shenqing], *Sina*, 11 May 15; “Official Publication of Xu Chunhe Video Fails To Quell Controversy, Lawyer Applies to Police for Information Disclosure” [Guanfang gongbu xu chunhe shipin reng wei neng pingxi zhengyi lushi xiang jingfang shenqing xinxi gongkai], *Radio Free Asia*, 15 May 15. See also “Woman To Sue Over Police Killing of Her Son in China’s Heilongjiang,” *Radio Free Asia*, 12 May 15; Xu Ai and Cheng Zilong, “On the Trail of the ‘Qing’an Train Station Incident’” [“Qing’an huochē zhan shijian” zhuizong], *Xinhua*, 14 May 15; Kiki Zhao, “China Clears Police Officer in Death of Unarmed Man, but Controversy Isn’t Over,” *New York Times*, *Sinosphere* (blog), 15 May 15. For another example of citizens trying to use the courts to obtain information from a government agency, see “Lawyer Requests Publication of Information on Train Ticket Refund Fee Hikes Case” [Lushi shenqing huochē tuipiao fei zhangjia xinxi gongkai an], *Southern Weekend*, 22 December 14; Wan Xuezhong and Yu Yingbo, “Refund Ticket Fee Hike Information Publication Trial Suspended” [Tuipiao fei zhangjia xinxi gongkai an zhongzhi shenli], *Legal Daily*, 12 December 14.

<sup>51</sup>“Chinese Courts Publish Judgement Documents Online,” *Xinhua*, 27 November 13; Riva Gold, “Big Move? China’s Highest Court Flirts With Transparency,” *Wall Street Journal*, *China Real Time Report* (blog), 4 July 13. See also Dui Hua Foundation, “China Plots National Verdict Database,” *Dui Hua Human Rights Journal*, 14 May 13; Liu Changsong, “Publishing Court Decisions Will Help Reduce Judicial Corruption” [Gongkai caipan wenshu liyu jianshao sifa fubai], *Beijing News*, 12 May 13.

<sup>52</sup>Supreme People’s Court, *Judicial Transparency of Chinese Courts: Chinese-English Juxtaposed* [Zhongguo fayuan de sifa gongkai: hanying duizhao] (Beijing: People’s Court Press, 2015), 38–41, 44–46. See also Supreme People’s Court, “Press Release Draft on the Situation Regarding Judicial Transparency of Chinese Courts (White Paper)” [Guanyu zhongguo fayuan de sifa gongkai (baipishu) youguan qingkuang de xinwen fabu gao], 10 March 15; “China Issues

White Paper on Judicial Transparency,” Xinhua, reprinted in China Daily, 10 March 15; “China’s Supreme People’s Court Issues First Judicial Transparency White Paper” [Zhongguo zuigaofa fabu shou ge sifa gongkai baipishu], Radio Free Asia, 10 March 15.

<sup>53</sup>Supreme People’s Court, “Press Release Draft on the Situation Regarding Judicial Transparency of Chinese Courts (White Paper)” [Guanyu zhongguo fayuan de sifa gongkai (baipishu) youguan qingkuang de xinwen fabu gao], 10 March 15. See also “China Voice: Achievements Made in Building Transparent Judicial System,” Xinhua, 10 March 15; Supreme People’s Court, Judicial Opinions of China, last visited 18 July 15.

<sup>54</sup>Michael Vella and Vincent Li, “Judicial Reform Brings Rule of Law Under Spotlight,” Insight: The Voice of the American Chamber of Commerce in Shanghai, 8 December 14.

<sup>55</sup>Supreme People’s Court Circular Regarding Publication of Tenth Batch of Guiding Cases [Zuigao renmin fayuan guanyu fabu dishi pi zhidaoxing anli de tongzhi], issued 15 April 15. When issuing the first set of cases, the Supreme People’s Court (SPC) noted the role of the guiding case system in helping all walks of life understand the courts’ work. Circular of the Supreme People’s Court on Issuing the First Set of Guiding Cases [Zuigao renmin fayuan guanyu fabu diyi pi zhidaoxing anli de tongzhi], issued 20 December 11. For a discussion of the reasons why the SPC initiated the guiding case system, see Wang Hong, “Building a Guiding Precedents System With Chinese Characteristics,” Mirror, 7 December 12, translated in Dui Hua Foundation, “Can China’s Legal Reform Survive Without Judicial Independence?” Dui Hua Human Rights Journal, 20 December 12.

<sup>56</sup>Supreme People’s Court, Implementing Details on the Supreme People’s Court Provisions on Case Guidance Work [Zuigao renmin fayuan guanyu anli zhidao gongzuo de guiding shishi xize], issued 13 May 15, reprinted in China Internet Information Center; Stanford University Law School, “Breaking News: China’s Supreme Court Explains How To Cite Guiding Cases,” China Guiding Cases Project (blog), 5 June 15.

<sup>57</sup>Supreme People’s Court, Implementing Details on the Supreme People’s Court Provisions on Case Guidance Work [Zuigao renmin fayuan guanyu anli zhidao gongzuo de guiding shishi xize], issued 13 May 15, reprinted in China Internet Information Center, art. 11.

<sup>58</sup>“China’s Top Court Stresses Referential Precedent for Justice,” Xinhua, reprinted in China Daily, 2 June 15. See also “China’s Supreme Court Launches Case-Tracking Website,” Xinhua, 14 November 14. According to this Xinhua report, the courts also increased transparency of the adjudication process by introducing a website that allows parties to track the progress of their cases.

<sup>59</sup>PRC Administrative Litigation Law [Zhonghua renmin gongheguo xingzheng susong fa], passed 4 April 89, amended 1 November 14, effective 1 May 15. The Chinese government also passed revisions to the PRC Legislation Law during the 2015 reporting year. PRC Legislation Law [Zhonghua renmin gongheguo lifa fa], passed 15 March 00, amended and effective 15 March 15. See also “Authorized Release of the Two Sessions: Decision of the National People’s Congress Concerning Revision of the ‘PRC Legislation Law’” [Lianghui shouquan fabu: quanguo renmin daibiao dahui guanyu xiugai “zhonghua renmin gongheguo lifa fa” de jue ding], Xinhua, 15 March 15; “China Adopts Revision to Legislation Law,” Xinhua, 15 March 15; Jiang Ling et al., “Legislative Law Revised, Where Are the Highlights” [Xiugai lifa fa liangdian dou zai na], People’s Daily, 9 March 15. The revised law includes provisions on releasing draft laws for public comment. PRC Administrative Litigation Law [Zhonghua renmin gongheguo xingzheng susong fa], passed 4 April 89, amended 1 November 14, effective 1 May 15, art. 37; Qiu Shi and Laney Zhang, Law Library of Congress, “China: Law on Legislation Amended,” Library of Congress Global Legal Monitor, 8 July 15. The Chinese government has not yet passed the long-discussed Administrative Procedure Law. Xing Shiwei, “Professor of Law: China Should Quickly Enact the ‘Administrative Procedure Law’” [Fa da jiaoshou: woguo ying zhuajin zhiding “xingzheng chengxu fa”], Beijing News, 31 October 14.

<sup>60</sup>Peng Dongyu, “Strengthening Protection of Citizens’ Administrative Litigation Power” [Qianghua dui gongmin xingzheng susong quanli de baohu], China National People’s Congress Magazine, No. 22, reprinted in National People’s Congress, December 2012; “Editor’s Notes: PRC, Administrative Litigation Law,” China Law & Practice, last visited 18 July 15; Kevin J. O’Brien and Li Lianjiang, “Suing the Local State: Administrative Litigation in Rural China,” China Journal, No. 51 (January 2004).

<sup>61</sup>Wang Cailiang, “Amended Administrative Litigation Law and Administrating in Accordance With Law” [Xingzheng susong fa xiugai yu yifa xingzheng], Caijing, Wang Cailiang (blog), 3 May 15; Wu Peng and Hu Jinguang, “The Amended ‘Administrative Litigation Law’ and Constructing a Rule of Law Country” [“Xingzheng susong fa” xiugai yu fazhi guojia jianshe], Journal of the Chinese Academy of Governance, reprinted in People’s Daily, Chinese Communist Party News, 30 January 15.

<sup>62</sup>PRC Administrative Litigation Law [Zhonghua renmin gongheguo xingzheng susong fa], passed 4 April 89, amended 1 November 14, effective 1 May 15.

<sup>63</sup>Sun Ying, “Hopes That the New ‘Administrative Litigation Law’ and the Implementation of Judicial Interpretations Will Resolve the Three Difficulties of Administrative Lawsuits Against Officials” [Xin “xingzheng susong fa” ji sifa jieshi shixing youwang jie jue min gao guan san nan], China National Radio, reprinted in China Daily, 1 May 15. See also He Haibo, “Litigations Without a Ruling: The Predicament of Administrative Law in China,” Tsinghua China Law Review, Vol. 3, No. 2 (2011), 257.

<sup>64</sup>“National People’s Congress Standing Committee Decision Concerning Revision of the ‘PRC Administrative Litigation Law’” [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xiugai “zhonghua renmin gongheguo xingzheng susong fa” de jue ding], Xinhua, reprinted in National People’s Congress, 1 November 14.

<sup>65</sup>Ibid., item 60.

<sup>66</sup>Ibid., item 4.

<sup>67</sup>Ibid., item 3. See also “China Amends Law To Support Citizens Suing Gov’t,” Xinhua, reprinted in China Daily, 1 November 14.

<sup>68</sup>Supreme People's Court, "Supreme People's Court Interpretation Regarding Several Questions on the Application of the PRC Administrative Litigation Law" [Zuigao renmin fayuan guanyu shiyong zhonghua renmin gongheguo xingzheng susong fa ruogan wenti de jieshi], 27 April 15; "Courts Can Judge the Legality of Red-Header Documents" [Fayuan ke panding hongtou wenjian shifou hefa], China Youth Daily, 28 April 15.

<sup>69</sup>Carl F. Minzner, "Xinfang: An Alternative to Formal Chinese Legal Institutions," *Stanford Journal of International Law*, Vol. 42 (2006), 103–79.

<sup>70</sup>"Amending the Administrative Litigation Law: Getting Through the 'Three Difficulties' Will Allow People To Trust the Law Instead of Petitions" [Xingzheng susong xiu fa: datong "san nan" rang laobaixing xinfa bu xinfang], Procuratorate Daily, reprinted in People's Daily, National People's Congress News, 3 November 14. See also He Haibo, "Expectations Following the 'Administrative Litigation Law' Revision" ["Xingzheng susong fa" xiugai zhihou de xuannian], Caixin, 5 December 14.

<sup>71</sup>Sun Gan, "Citizens Suing Officials: Petition Cases Exceed 4 Million Annually" ["Min gao guan" xinfang anjian nian chao 400 wan jian], Beijing Times, 5 November 14.

<sup>72</sup>Adrian Wan, "Revised Law Means It's Now Easier To Sue Than Petition Governments," *South China Morning Post*, 2 November 14.

<sup>73</sup>State Council, Regulations on Letters and Visits [Xinfang tiaoli], issued 5 January 05, effective 1 May 05.

<sup>74</sup>CECC, 2014 Annual Report, 9 October 14, 158–59.

<sup>75</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], issued 23 October 14, sec. 5(4.2); Ministry of Justice, "Ministry of Justice Issues a Set of Documents on Law- and Litigation-Related Petitions Reforms" [Sifabu yinfa shefa shesu xinfang gaige peitao wenjian], 6 May 15; State Bureau for Letters and Visits, "Publicity Announcement for the 10th Anniversary of the Revision of the 'Petition Regulations'" ["Xinfang tiaoli" xiuding shishi 10 zhounian xuanchuan zuopin zhengji qishi], 24 March 15. See also State Bureau for Letters and Visits, "Announcement Evaluating the Results of the Collecting of Works for 'These Ten Years of the Regulations'" ["Tiaoli zhe shi nian" zhengji zuopin pingshen jieguo gongbao], 24 April 15. For examples of articles in state- and Party-run media on protracted efforts to reform the petitioning system, see Bai Yang, "China's Petitioning Reforms Strive To Break Through Petitioning's 'Last Kilometer'" [Woguo xinfang gaige litu datong xinfang "zuihou yi gongli zhi du"], Xinhua, 31 May 15; Li Bin, "Petitioning Reforms Are Aimed at a Rule of Law Target" [Xinfang gaige dang miaozhun fazhi de baxin], People's Daily, 4 June 15.

<sup>76</sup>Huang Lu, "During Inspection of Provincial Bureau of Letters and Visits, Fu Dehui Emphasizes: Make Online Petitioning the Main Channel for Petitioning" [Fu dehui diaoyan sheng xinfang ju shi qiangdiao: ba wangshang xinfang da zaocheng xinfang gongzuo zhu qudao], Sina News, 10 July 15; Wang Jianhua, "Build Rule of Law Petitioning, Sunshine Petitioning, and Responsible Petitioning" [Dazao fazhi xinfang, yangguang xinfang, yangguang xinfang he zeren xinfang], State Bureau for Letters and Visits, 8 June 15.

<sup>77</sup>Ministry of Justice, "Ministry of Justice Issues a Set of Documents on Law- and Litigation-Related Petitions Reforms" [Sifabu yinfa shefa shesu xinfang gaige peitao wenjian], 6 May 15. See also "Chinese Judicial Departments To Better Handle Petitions," Xinhua, 8 May 15; "Ministry of Justice Clarifies Standards for Finalizing Petitioner Matters: Guarding Against Unlimited Appeals Without a Final Resolution" [Sifabu mingque xinfang shixiang zhongjie biao zhun; fang zhong er bu jie wuxian shensu], Xinhua, 6 May 15.

<sup>78</sup>Sun Wenjing, "Cabinet Said To Approve Study for Law on Public's Grips Against Gov't," Caixin, 14 May 15; State Council, Regulations on Letters and Visits [Xinfang tiaoli], issued 5 January 05, effective 1 May 05.

<sup>79</sup>See, e.g., "Police in China's Guangdong Move Ahead With Activist's Subversion Trial," *Radio Free Asia*, 30 April 15; "Sichuan Rights Defense Advocate Chen Yunfei Formally Arrested After 35 Days in Custody" [Sichuan weiquan renshi chen yunfei juya 35 tian hou zao pibu], BBC, 3 May 15; Tom Phillips, "Chinese Police Seize 'Warm-Hearted' Tiananmen Activist," *Telegraph*, 2 April 15; Didi Kirsten Tatlow, "Beijing Police Recommend Charges Against Civil Society Advocates," *New York Times*, Sinosphere (blog), 28 April 15. In June 2015, two former senior staff members of the non-governmental organization Beijing Yirenping Center were detained on suspicion of "illegal business activity." "Refile: China Detains Two Rights Activists in Widening Crackdown," *Deutsche Presse-Agentur International*, 15 June 15; "Two Public Interest Figures Taken Into Custody for 'Illegal Business Activity'" [Liang gongyi renshi bei yi "feifa jingying zui" zhuabu], *Radio Free Asia*, 14 June 15. See also Xin Lin and Wen Jian, "More Than 1,000 Supporters Call for the Release of Rights Activist," *Radio Free Asia*, 3 July 15; Rights Defense Network, "Parents of Those Harmed by Vaccines Start Donation Activities in Support of Public Interest Volunteer Yang Zhanqing" [Yimiao shouhai jiazhang faqi juankuan shengyuan gongyi zhiyuanzhe yang zhanqing xingdong], 24 June 15; Tom Phillips, "Fears of New Crackdown as China Holds Two Former Members of Rights Group," *Guardian*, 15 June 15.

<sup>80</sup>For academic analyses on the various types of Chinese lawyers involved in cases that fall under the general umbrella of rights protection, see, e.g., Fu Hualing, "Human Rights Lawyering in Chinese Courtrooms," *Chinese Journal of Comparative Law*, Vol. 2, No. 2 (October 2014), 270–88 (analyzing human rights lawyering in China based on three ideal types: moderate lawyering, critical lawyering, and radical lawyering); Eva Pils, *China's Human Rights Lawyers: Advocacy and Resistance* (New York: Routledge, 2015), 47–51; Fu Hualing and Richard Cullen, "Weiquan (Rights Protection) Lawyering in an Authoritarian State: Building a Culture of Public Interest Lawyering," *China Journal*, No. 59 (January 2008), 111; Sida Liu and Terence C. Halliday, "Political Liberalism and Political Embeddedness: Understanding Politics in the Work of Chinese Criminal Defense Lawyers," *Law & Society Review*, Vol. 45, No. 4 (December 2011), 831–66.

<sup>81</sup>"China's Legal Profession Had 'Worst Year Ever' in 2014," *Radio Free Asia*, 20 January 15.

- <sup>82</sup>“Chinese Lawyer Detained for Invoking Constitution,” Associated Press, 12 December 14.
- <sup>83</sup>PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 249.
- <sup>84</sup>Ibid., art. 293; Interpretation of the Supreme People’s Court and the Supreme People’s Procuratorate on Several Issues Concerning the Application of Law in the Handling of Criminal Cases of Picking Quarrels and Provoking Trouble [Zuigao renmin fayuan, zuigao renmin jianchayuan guanyu banli xunxin zishi xingshi anjian shiyong falu ruogan wenti de jieshi], 15 July 13; Jeremy Daum, “Quick Note on ‘Picking Quarrels,’” China Law Translate (blog), 6 May 14.
- <sup>85</sup>“VOA Connects: Pu Zhiqiang Charged on Suspicion of Inciting Ethnic Hatred, Picking Quarrels and Provoking Trouble” [VOA lianxian: pu zhiqiang bei yi shexian shandong minzu chouhen, xunxin zishi zui qisu], Voice of America, 15 May 15; Zhang Qianfan, “Conviction for One’s Words Is a Legal Travesty” [Yi yan dingzui shi fazhi daji], Financial Times, 22 May 15; Perry Link, “China: Inventing a Crime,” New York Review of Books (blog), 9 February 15.
- <sup>86</sup>“China’s Rights Defense Lawyers Elected as ‘Men of the Year’” [Zhongguo weiquan lushi dangxuan “fengyun renwu”], Radio Free Asia, 19 December 05.
- <sup>87</sup>“And the Law Won,” Economist, 23 May 15. For more information on several of these individuals, see the following records in the Commission’s Political Prisoner Database: 2005-00291 on Gao Zhisheng, 2011-00183 on Teng Biao, 2004-04744 on Zheng Enchong, 2014-00174 on Pu Zhiqiang, 2005-00027 on Guo Guoting, 2005-000198 on Zhu Jiuhu, 2005-00199 on Xu Zhiyong, 2005-00143 on Yang Maodong (also known as Guo Feixiong), 2005-00001 on Li Baiguang, 2010-00738 on Fan Yafeng, and 2005-00126 on Chen Guangcheng.
- <sup>88</sup>“Rights Defense Lawyer Xia Lin Criminally Detained on Suspicion of ‘Fraud’” [Weiquan lushi xia lin yin she “zhapian zui” bei xingju], Radio Free Asia, 17 November 14. For more information on Xia Lin, see the Commission’s Political Prisoner Database record 2014-00432.
- <sup>89</sup>Chinese Human Rights Defenders, “Authorities Retaliate Against 2 Lawyers for Representing Detained Activists,” 14 November 14; Chinese Human Rights Defenders, “Xia Lin,” 16 February 15.
- <sup>90</sup>Rights Defense Network, “Guangzhou Tang Jingling, Yuan Xinting Arrests Approved by Authorities on Suspicion of ‘Inciting Subversion of State Power’” [Guangzhou tang jingling, yuan xinting bei dangju yi shexian “shandong dianfu guojia zhengquan zui” pi bu], 21 June 14. For more information on Tang Jingling, see the Commission’s Political Prisoner Database record 2011-00255.
- <sup>91</sup>Rights Defense Network, “Tang Jingling Inciting Subversion Case Trial Opens in Guangzhou, Adjourns Midday Without Judgment” [Tang jingling dianfu an guangzhou kaishen, zhongwu xiuting wei panjue], 19 June 15.
- <sup>92</sup>Tang Jingling, “Excerpt from Tang Jingling’s Self Defense and Final Statement at Trial” [Tang jingling zai fating shang suo zuode “ziwo bianhu he zuihou chenshu”], reprinted in Human Rights in China, 24 July 15; “Former Teacher Tells Court of Torture as Guangzhou Three Subversion Trial Ends,” Radio Free Asia, 24 July 15; Mimi Lau, “Tight Security as Trial Resumes of Chinese Rights Lawyer and Activists Charged With Subversion,” South China Morning Post, 23 July 15; Dan Levin, “Trial of Chinese Rights Campaigners on Subversion Charges Continues,” New York Times, 24 July 15.
- <sup>93</sup>“Rights Lawyer Tang Jingling Detained Ahead of Tiananmen Anniversary,” Associated Press and Agence France-Presse, reprinted in South China Morning Post, 16 May 14.
- <sup>94</sup>Ibid.
- <sup>95</sup>“Human Rights Lawyer Yu Wensheng Criminally Detained for Dispute at Fengtai Detention Center for Attempting To Exercise Right of Lawyer To Meet With Client” [Renquan lushi yu wensheng beijing fengtai kanshousuo zheng lushi huijian quan bei xingju], Boxun, 24 October 14; Civil Rights & Livelihood Watch, “Lawyer Wang Cheng and Citizen Song Ze Seized in Beijing With Lawyer Yu” [Wang cheng lushi gongmin song ze zai beijing yu yu lushi yitong bei zhua], 14 October 14. For more information on Yu Wensheng, see the Commission’s Political Prisoner Database record 2014-00387.
- <sup>96</sup>Rights Defense Network, “Solemn Declaration Strongly Condemning Beijing Municipality Police’s Illegal Seizure of Lawyer Yu Wensheng” [Guanyu qianglie qianze beijing shi jingfang feifa zhua bu yu wensheng lushi de yanzheng shengming], 13 October 14.
- <sup>97</sup>Rights Defense Network, “Rights Defense Lawyer Yu Wensheng Released From Prison on January 20: 29 Citizens Still Locked Up in This Wave” [Weiquan lushi yu wensheng 1 yue 20 ri huoshi chuyu: ci bo bei zhua gongmin hai you 29 ren bei guanya], 22 January 15.
- <sup>98</sup>“Lawyer’s Wife Xu Yan Issues Statement Protesting State Security Captain’s Harassment and Threats” [Lushi gizi xu yan fabiao shengming kangyi guobao duizhang saorao weixie], Radio Free Asia, 16 June 15.
- <sup>99</sup>“China Holds Two More Rights Lawyers Under Criminal Detention,” Radio Free Asia, 16 May 14. For more information on Qu Zhenhong, see the Commission’s Political Prisoner Database record 2014-00179.
- <sup>100</sup>“Pu Zhiqiang’s Niece, Qu Zhenhong, Released on Bail” [Pu zhiqiang waishengnu qu zhenhong qubao huoshi], BBC, 18 May 15.
- <sup>101</sup>See, e.g., Yaxue Cao and Yaqiu Wang, “14 Cases Exemplify the Role Played by Lawyers in the Rights Defense Movement, 2003–2015,” China Change, 19 August 15; “Announcement on the Establishment of a Legal Backup Group for the Jiansanjiang Cases” [Jiansanjiang anjian falu houyuantuan chengli gonggao], Boxun, 7 January 15; Luo Ya, “Eight Lawyers Brave Possible Beating To Defend Falun Gong,” Epoch Times, 18 December 14.
- <sup>102</sup>See, e.g., Yaxue Cao and Yaqiu Wang, “14 Cases Exemplify the Role Played by Lawyers in the Rights Defense Movement, 2003–2015,” China Change, 19 August 15.
- <sup>103</sup>See, e.g., “Tohti Verdict Upheld,” Global Times, 22 November 14; “Human Rights Lawyer Yu Wensheng Criminally Detained for Dispute at Fengtai Detention Center for Attempting To Exercise Right of Lawyer To Meet With Client” [Renquan lushi yu wensheng beijing fengtai

kanshousuo zheng lushi huijian quan bei xingju], Boxun, 24 October 14; “In One Step Forward, Chinese Authorities Release Zhang Miao, an Employee at the German Weekly Die Zeit, and in One Step Backward, [They] Arrest Zhang Miao’s Rights Lawyer Zhou Shifeng” [Zhongguo dangju qianjiao shifang wei deguo shidai zhoukan gongzuo de zhang miao houjiao jiu daibu zhang miao de weiquan lushi zhou shifeng], Radio France Internationale, 10 July 15.

<sup>104</sup>Rights Defense Network, “Mainland Lawyers Issue Public Announcement Regarding Formation of the Chinese Lawyers Group for the ‘Protection of Human Rights’” [Dalu lushi fabu zhongguo “baozhang renquan” lushi fuwutuan chengli gonggao], 14 September 13.

<sup>105</sup>“China Human Rights Lawyers Group Celebrates First Anniversary With 225 Members” [Zhongguo renquan lushi tuan chengli yi zhou nian chengyuan zeng zhi 225 ren], Radio Free Asia, 13 September 14.

<sup>106</sup>Josh Chin and Te-Ping Chen, “China Targets Human-Rights Lawyers in Crackdown,” Wall Street Journal, 12 July 15; Human Rights Watch, “China: Secretly Detained Lawyers at Risk of Torture,” 20 July 15. See also “China’s Missing Rights Lawyers,” New York Times, 8 August 15; China Human Rights Lawyers Concern Group, “As of 20:00 25 July 2015, At Least 255 Lawyers/Law Firm Staff/Human Rights Activists Have Been Detained/Arrested/Incommunicado/Summoned/Restricted Freedom Temporarily,” 25 July 15.

<sup>107</sup>For the total number of individuals detained as of September 1, 2015, see Chinese Human Rights Defenders, “Individuals Affected by July 10 Crackdown on Rights Lawyers,” 13 July 15, last visited 1 September 15. See also Chinese Human Rights Lawyers Concern Group, “As of 18:00 28th August 2015, At Least 277 Lawyers/Law Firm Staff/Human Right[s] Activists/Family Members Have Been Detained/Arrested/Incommunicado/House Arrested/Forbidden To Leave the Country/Questioned/Summoned/Restricted Freedom Temporarily,” 28 August 15.

<sup>108</sup>See, e.g., John Kirby, U.S. Department of State, “U.S. Condemns Detention of Human Rights Defenders in China,” 12 July 15; Canada Department of Foreign Affairs, Trade and Development, “Canada Gravely Concerned by Detention and Disappearance of Lawyers and Activists in China,” 16 July 15; Department of Foreign Affairs and Trade, Commonwealth of Australia, “Recent Human Rights Developments in China,” 17 July 15; Federal Foreign Office, Federal Republic of Germany, “Human Rights Commissioner Strässer Condemns the Arrest of Scores of Lawyers in China,” 14 July 15. Intergovernmental organizations also expressed concerns about the arrests. See, e.g., European External Action Service, European Union, “Statement by the Spokesperson on Recent Developments in the Human Rights Situation in China,” 17 July 15; United Nations Office of the High Commissioner for Human Rights, “Lawyers Need To Be Protected Not Harassed—UN Experts Urge China To Halt Detentions,” 16 July 15.

<sup>109</sup>See, e.g., China Labour Bulletin et al., “China: Open Letter to States for Joint Action To Address Worsening Crackdown on Human Rights Defenders and Lawyers,” 10 August 15, reprinted in Chinese Human Rights Defenders, 12 August 15 (joint letter from China Labour Bulletin, Chinese Human Rights Defenders, Fédération Internationale des Droits de l’Homme, Human Rights in China, Human Rights Watch, International Campaign for Tibet, International Service for Human Rights); Freedom House, “China Detentions and Repatriations Violate Basic Rights,” 14 July 15; Amnesty International, “China: Lawyers Face 15 Years in Jail on ‘Chilling’ State Security Charges,” 16 July 15; The Law Society of England and Wales, “Law Society Urges China To Release Lawyers Arrested in ‘Crackdown,’” 15 July 15; Japan Federation of Bar Associations, “Bar Federation Condemns China’s Detention of Lawyers,” 26 July 15; Law Council of Australia, “Law Council Deeply Concerned with ‘Crackdown’ Against Lawyers in China,” 17 July 15; New York City Bar Association, “City Bar Voices Grave Concern Over Treatment of Rights Lawyers in China,” 44th Street Blog, 10 August 15; American Bar Association, “ABA President William C. Hubbard Statement on Lawyers in China,” 3 August 15. Organizations based in Hong Kong and Taiwan also expressed concerns about the arrests. See Foreign Correspondents’ Club, Hong Kong, “FCCHK Statement on the Detention of Human Rights Lawyers in China,” 17 July 15; Hong Kong Bar Association, “Statement of Hong Kong Bar Association on Reports of Multiple Arrests Made of Mainland Legal Professionals,” 18 July 15; Taiwan Bar Association, “Statement of the Entire Association on Mainland China’s Arrests and Other [Measures Against] Rights Defense Lawyers” [Jiu zhongguo dalu dui weiquan lushi jin daibu deng zhi quan lianhui shengming shu], 21 July 15.

<sup>110</sup>“Dozens of Human Rights Groups Condemn China’s Repeated Violations of Legal Procedures, Hong Kong Academics Join for First Time To Petition for Detained Lawyers” [Shushi renquan tuanti qianze zhongguo zaici weifan falu chengxu xianggang xuejie shou canyu lianshu shengyuan lushi], Radio Free Asia, 12 July 15; “China’s ‘Rule by Law’ Takes an Ugly Turn: A ChinaFile Conversation,” Asia Society, ChinaFile (blog), 14 July 15; Josh Chin and Te-Ping Chen, “China Targets Human-Rights Lawyers in Crackdown,” Wall Street Journal, 12 July 15. As reported in the Wall Street Journal, Professor Jerome Cohen of New York University School of Law “described the recent sweep as ‘insane,’” noting that “China’s leaders must be in desperate straits to engage in this extraordinary, coordinated attack on human-rights lawyers.”

<sup>111</sup>New York City Bar Association, “City Bar Voices Grave Concern Over Treatment of Rights Lawyers in China,” 44th Street Blog, 10 August 15.