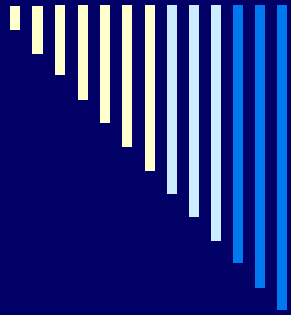


On the Petition System in China

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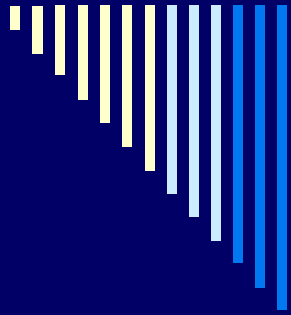
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- II. Reasons to talk on the topic
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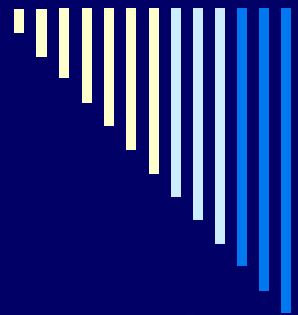
I. “petition”?

- **petition** means that citizens, legal persons could give information, make comments or suggestions or lodge complaints to the relevant departments of Chinese governments at all levels through letters, E-mails, faxes, phone calls, visits, and so on, which are to be dealt with by the relevant administrative departments according to law.
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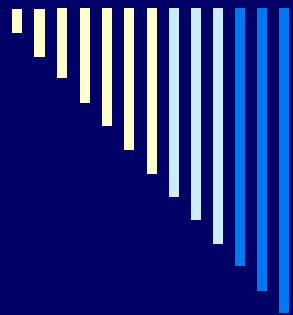
“ petition system”?

- The petition system includes the regulations, such as “*Regulations on Letters and Visits*” and the “*Opinions regarding Letters and Visits*”, and the concrete measures adopted by the governments at all levels in the petition practice, i.e. “*ranking-list of petition disposition*” and “*Responsibility system of chief officials*”.



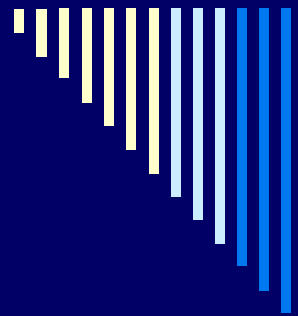
the petition system?

- According to such regulations the governments at all levels should set up a special department with special working staff to deal with the letters, visits and calls from the people.
- Each complaints or requirements of the petitioner should be dealt with accordingly and properly.



functions of petition system

- informationsquerre: get information about the problems of the underclass in the society;
- suggestions : give their suggestions on urban planning, environment protection and legislation and so on;
- supervise: the government and its officials.
- **settle the disputes**

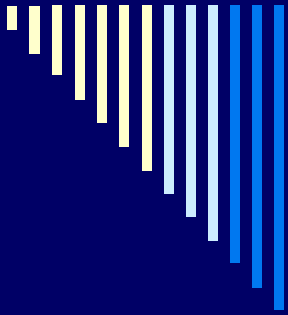


II. Reasons to talk on this topic

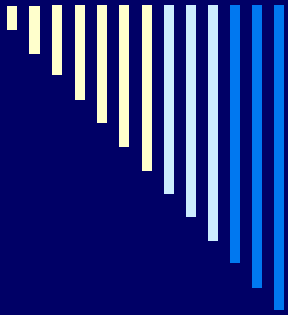
- Highly discussed topic.
- strange phenomenon:
- On the one hand petition is a legal right granted by the law, and many Chinese citizen like to make use of the petition.



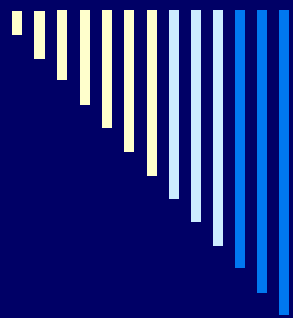
- On the other hand the Chinese government doesn't like the petition very much,
- it has put a lot of obstacles in the way for people to make use of the petition system.



- For example,
- the local governments send officials to Beijing and the provincial capital cities to prevent petitioners from appealing at the higher government, **bring them back and then put them under compulsory punishment measures such as imprisonment and detainment;**

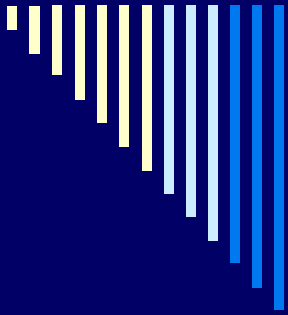


- All these show that Chinese citizen like solve their problem through the way of petition, but government has tried to imposed restrictions on Chinese citizens from making use of petition.

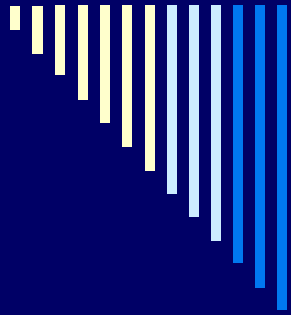


III. Reason for the existence of such strange phenomenon

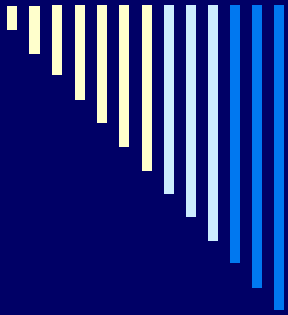
- There should be some reasons causing such strange **phenomenon** in the petition practice
- Why do the Chinese citizen like the petition?



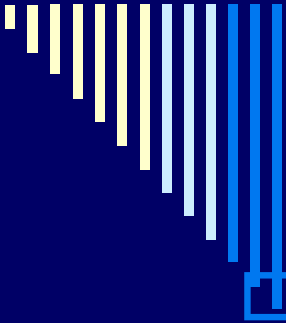
- One of the function of the petition is **solve the dispute of petitioner,**
- Compared with traditional judicial procedure, petition has many advantages:

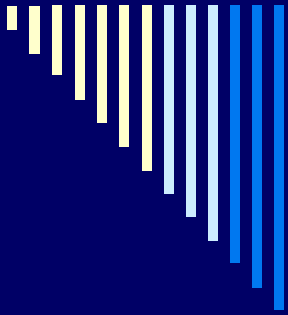


- 1. the petition procedure is relatively simple and easy.
- 2. the costs of petition procedure are low.

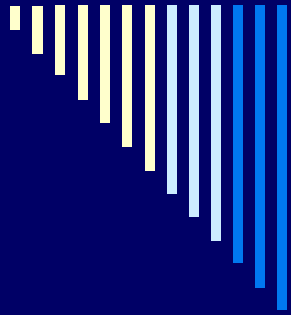


- 3. the petition system may work **more efficiently than** the judicial procedure.
- 4. the result of petition procedure may be more **beneficial than** the expectation of the petitioners are therefore more acceptable to the petitioners.

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- 5. there exist serious corruptions in Chinese judicial practice. Sometimes it could be very difficult for initiating a court procedure and enforcement procedure without using personal relationship.
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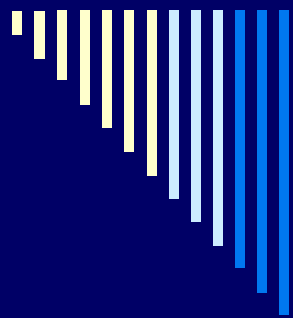


- 6. there is a long tradition of petition in China: “high ranking officials in central government should be honest and upright and just”. Most petitioners prefer to go to Beijing, if they feel their rights are infringed by the local government.



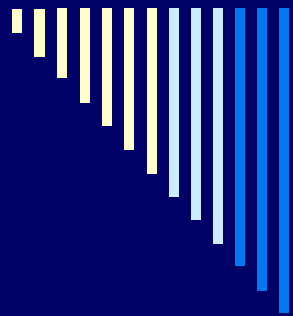
reality

- 上梁不正下梁歪
- 3.Fish begins to stink at the head.
- 4.If a leader sets a bad example, it will be followed by his subordinates.



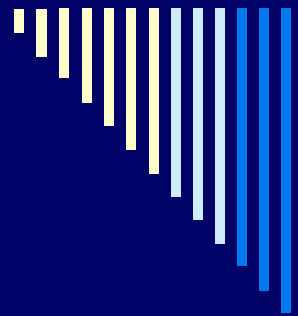
summery

- That's the reason why many people prefer the petition system rather than the normal judicial procedure.



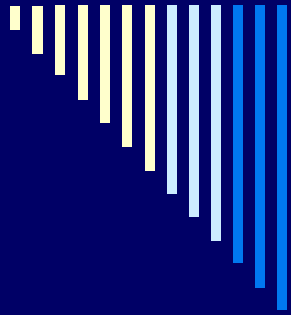
Why Chinese government do not like petition?

- why have the governments or officials in China tried to restrict or even forbid citizens to raise petition, **especially overstepping** petition?
- the following reasons play an important role



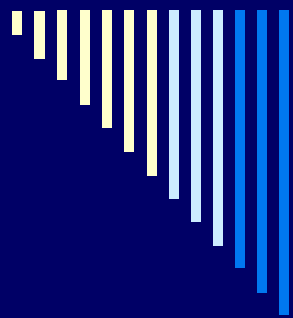
1. Competent of the petition department is limited.

- petition department do not have real competent to solve the problems of petitioners
- this **most important function is to forward the petitions to other authorities,**
- It can make suggestion, how the problem should dealt with, but its opinion does not have any binding effect on the government department in charge.



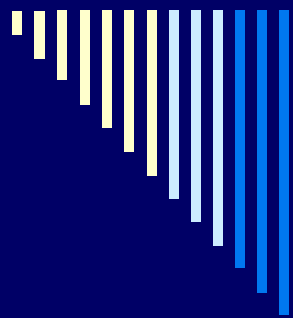
Result of this fact

- the petitioners believe petitions departments are working unseriously. So it is not surprising that the petitioners hold petition authorities as their opponents.



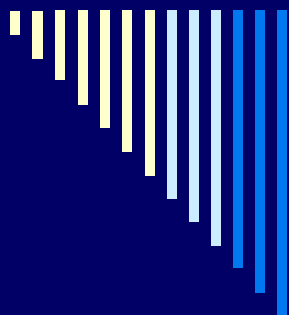
2. Rule of allocation is questionable

- petition cases shall be handled by the government of the place of occurrence or the government of the residence place of the petitioner.; The government of the residence place of the petitioner shall be responsible for handling petitions in case that both places differ from each other.

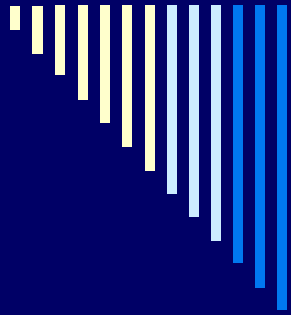


The first case

- the place of occurrence and the place of the residence: same
- only one government, the this local government is responsible to solve the problem of the petitioner.

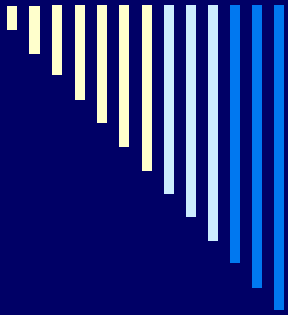


- But usually it is the administrative act of the local government which caused the petition, **it is one party of the dispute, but he will play the role as the judicator;**
- The government **will play the roles both as athlete and referee** at the same time, how it is possible?!

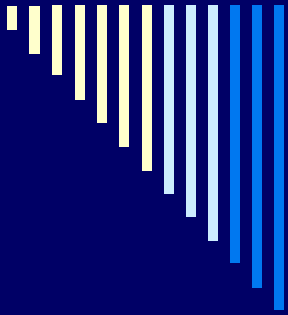


The second case

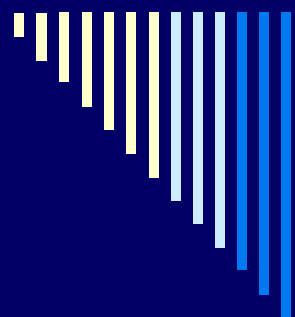
- the place of occurrence differs from the place of the residence of the petitioners, the government of the residence place of the petitioner shall be responsible for the petition.



- The administrative act happened in other place as the local government in charge of the petition, **he has no administrative power over it,**
- **because the petition is initiated by the administrative act of other government department in other district.**



- this government in charge is not entitled either to review the decision of other government department, or ask it for making apology to the petitioner, how can it prevent the petitioner from raising the petition?

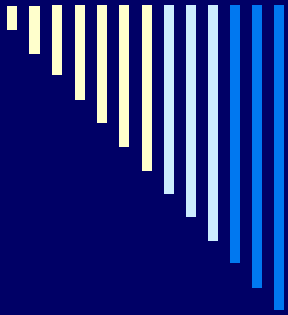


3. petition rankinglist and responsibility system

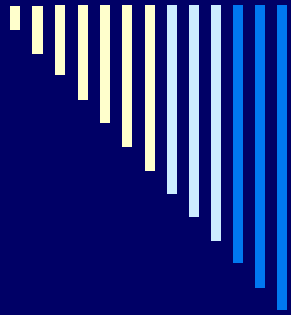


“ranking-list

the governments at all levels in China have published a *“ranking-list of petition disposition”*, and adopt it as a major criterion to evaluate the works of the subordinate governments as well as their officials. If a responsible government falls behind others in the ranking-list, it means a poor performance of the government.

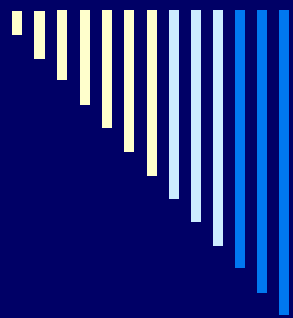


- the number of petitions, especially in overstepping petition, is one of the criteria for examination. The more overstepping petitions are raised, the poorer the performance of the local officials,



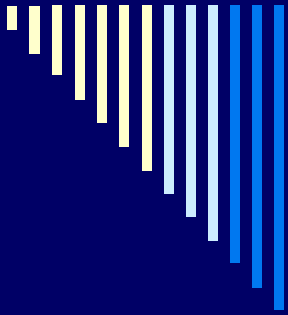
This responsibility system

- This responsibility system is strictly implemented in some places: So long as there is **any overstepping petition, all related persons-in-charge shall be punished.**

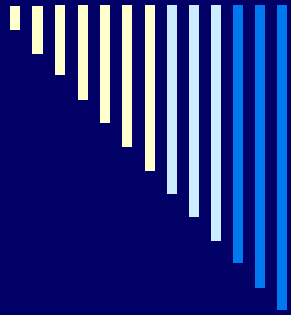


The legitimacy of this rankinglist and responsibility system

- ❑ Not legal, because Chinese citizens enjoy the right of petition

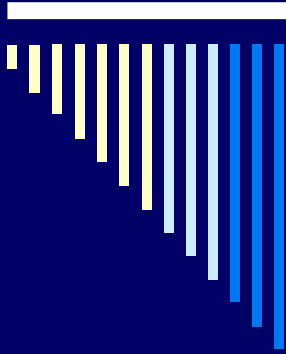


- The rankinglist and responsibility systems only tried to reduce the occurrence of overstepping petition,
- it has not expressly prescribed how its purpose is to be realized. In the end black prison, and so on



IV. Conclusion

- Petition should be given up. Judicial system in China should be reformed so that a real rule of law state should be build in China.



□ Thank a lot for your attention!
