



HUMAN
RIGHTS
WATCH

“Beat Him, Take Everything Away”

Abuses by China's *Chengguan* Para-Police



“Beat Him, Take Everything Away”

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Map of China



Provinces and Autonomous Regions of the People's Republic of China

Data source: ESRI Design: John Emerson

Summary

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

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

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

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

¹ Human Rights Watch interview with Wang Ren (a pseudonym), a Beijing street vendor, December 7, 2010.

there have been some efforts at reform, the problems persist and merit the attention of both Chinese leaders and concerned international actors.

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

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

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

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

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

the target of such initiatives. Despite criticism of *chengguan* abuses by the Chinese public, state media, lawyers, and legal scholars, the Chinese government has failed to develop effective mechanisms to prevent abuses and punish perpetrators.

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

The Administrative Penalties Law permits provincial, autonomous region, and municipal governments to transfer law-enforcement duties for relatively minor infractions in areas such as traffic control, environmental regulation, and city beautification from existing municipal departments to new units tasked specifically with such duties. In response, a total of 308 Chinese municipalities formed *chengguan* units by the end of 2005. Beijing's ranks of *chengguan* officers grew from just over 100 in 1997 to 6,200 by July 2010. *Chengguan* responsibilities also grew exponentially in that period. Beijing's *chengguan* currently have legal enforcement power over more than 300 different infractions, extending to "almost every aspect of city residents' lives."²

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

² 池启演, 主编., 《最新基层城管工作必备手册》, (北京: 中国大地出版社 2008) [Chi Qiyuan, ed., *The Newest Essential Manual for Chengguan Grassroots Work* (Beijing: China Land Press, 2008)], p.2.

with the subject, take care to leave no blood on the face, no wounds on the body, and [ensure that] no people [are] in the vicinity.”³

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

Senior Chinese government officials regularly speak of their commitment to the rule of law and their respect for people’s human rights. A 2004 constitutional amendment reads, “The state respects and preserves human rights.”⁴ Yet China’s state media continue to report on troubling instances of violent behavior by *chengguan* officers and physical confrontations between *chengguan* and street vendors on a near-weekly basis. A Google search for Chinese-language references to *chengguan* produces literally millions of entries for “*chengguan* beat people” (城管打人). Public resentment of *chengguan* abuses and the apparent impunity these forces enjoy have fueled a number of violent protests. Allowing these forces to continue to operate with impunity is likely to fuel greater public resentment leading to more violent confrontations.

³ 张东锋, “网友曝光城管 ‘打人不见血’ 教材”, 南方都市报, (广州) [Zhang Dongfeng, “Netizen exposes textbook on ‘beating without drawing blood,’” *Southern Metropolis Daily* (Guangzhou)], July 22, 2009, http://epaper.oeeee.com/A/html/2009-04/22/content_767607.htm (accessed October 11, 2011).

⁴ Constitution of the People’s Republic of China (adopted on December 4, 1982), art. 33, <http://english.people.com.cn/constitution/constitution.html> (accessed March 28, 2012).

Recommendations

To the Government of the People's Republic of China

- China's leadership should publicly and unambiguously condemn *chengguan* assaults on and illegal detention of suspected administrative law violators, emphasizing that such malfeasance is illegal and announcing new measures to ensure rigorous investigation and, where appropriate, prosecution of *chengguan* officers believed responsible for such acts.
- The leadership should also establish an independent commission which includes representatives of the Public Security Bureau, the Chinese Communist Party's Political Legal Committee, and academics and lawyers familiar with problems in the regulation and operations of *chengguan* to assess *chengguan* performance and suggest further reforms. The merits and demerits of replacing the *chengguan* system with other mechanisms of urban administrative law enforcement should be among the topics addressed.
- The Ministry of Public Security (MPS) should consider creating an independent investigatory taskforce with the resources necessary to investigate and bring to account Public Security Bureau personnel complicit in *chengguan* abuses in Beijing and other cities.
- The State Council's Information Office should ensure that *chengguan* abuses are among the issues addressed in the government's pending National Human Rights Action Plan (2012-2015).⁵

To the Public Security Bureau

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

⁵ "China to map out 2nd action plan on human rights," *China Daily*, (Beijing), September 28, 2011, http://www.chinadaily.com.cn/china/2011-09/28/content_13813529.htm (accessed October 23, 2011).

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

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

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

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

To Governments and International Bodies Funding Chinese Legal Reform or Concerned with Human Rights in China, including the United States, the European Union, the United Nations, the World Bank, and the Asian Development Bank

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

Methodology

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

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

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

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

The report also draws on Chinese academic research, including the 2008 *The Newest Essential Manual for Chengguan Grassroots Work* by China Land Press and a study by the organization Chinese Human Rights Defenders. The report also uses accounts published in the Chinese state media, including the *China Youth Daily*, *Beijing News*, and the *People's Daily*, and in international media, including the *Wall Street Journal*, *Time* magazine, and

Singapore's *Straits Times*. Many of these reports describe *chengguan* violence and impunity and suggest that *chengguan* abuses take place across the country.

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

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

⁶ Chinese Human Rights Defenders, “城管综合行政执法体制的制度弊端及城管执法对人权的侵害” (“Urban management comprehensive administrative law enforcement system and human rights violations by urban management personnel”), http://wqw2010.blogspot.com/2011/11/blog-post_5808.html (accessed January 13, 2011).

I. Background

Chengguan Origin and Legal Basis

The legal basis for the creation of the *chengguan* is the Law of the People's Republic of China on Administrative Penalty (hereafter, Administrative Penalties Law), passed in March 1996.⁷ That law did not specifically call for the creation of the *chengguan*, nor did it use that term. Instead, the law empowered provinces, autonomous regions, and municipalities to “entrust an organization ... with imposing administrative penalties” regarding matters falling outside the realm of criminal law and the authority of the Public Security Bureau (China's police).⁸ Over the next six years, China's State Council, or cabinet, issued a total of four directives which echoed and amplified the objectives of the Administrative Penalties Law.⁹

The goals of the Chinese government appear to have been streamlining enforcement of local administrative regulations which were traditionally the responsibility of multiple local government departments,¹⁰ minimizing opportunities for corruption and abuse of power, and better controlling public unrest.

⁷ 中华人民共和国行政处罚法, 1996 年 3 月 17 日第八届全国人民代表大会第四次会议通过 1996 年 3 月 17 日中华人民共和国主席令第六十三号公布, 自 1996 年 10 月 1 日起施行 (Law of the People's Republic of China on Administrative Penalty, adopted on March 17, 1996 and effective on October 1, 1996), <http://www.china.org.cn/english/government/207307.htm> (accessed April 8, 2012).

⁸ Ibid., art. 16.

⁹ 国务院 1996 年 4 月 15 日《国务院关于贯彻实施〈中华人民共和国行政处罚法〉的通知》(国发〔1996〕13 号) (Circular of the State Council Regarding the Implementation of Law of the People's Republic of China on Administrative Punishments, effective on April 15, 1996), http://www.sse.com.cn/sseportal/dmxx/xz_new_20030803g.pdf (accessed April 8, 2012);

国务院 1999 年 11 月 18 日《关于全面推进依法行政的决定》(国发〔1999〕23 号) (Decision on Pushing Forward Administration by Law in an All-Round Way, effective on November 18, 1999), <http://www.js-n-tax.gov.cn/publicinfo/PubLicInfoDetail.aspx?Id=5679> (accessed April 9, 2012);

国务院办公厅 2000 年 9 月 8 日《关于继续做好相对集中行政处罚权试点工作的通知》(国办发〔2000〕63 号文) (Circular of the State Council on Continued Pilot Work on Relative Centralization of Power to Impose Administrative Penalty, effective on September 8, 2000), <http://www.zsfj.gov.cn/show.asp?newsid=44> (accessed April 9, 2012);

2002 年 8 月 22 日 国务院《关于进一步推进相对集中行政处罚权工作的决定》(国发〔2002〕17 号文)

(Decision of the State Council on the Work of Further Promotion of Relative Centralization of Power to Impose Administrative Penalty), adopted on August 22, 2002, <http://www.js-n-tax.gov.cn/publicinfo/PubLicInfoDetail.aspx?Id=5680> (accessed April 9, 2012).

¹⁰ 褚朝新, “湖北天门城管‘歧路’: 执法就是靠打?” 新京报 (北京) [Chu Chaoxin, Hubei Tianmen chengguan: “Crossroads” for law enforcement?” *Beijing News* (Beijing)], November 22, 2009, http://epaper.bjnews.com.cn/html/2008-09/22/content_266532.htm?div=-1 (accessed October 10, 2011).

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

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

The *chengguan*'s emergence also reflected official concern about potentially destabilizing socioeconomic changes underway in Chinese cities. Policymakers perceived the rising numbers of laid-off or *xia-gang* (下岗)¹³ state-owned enterprise employees and the growing

¹¹ Xie Chuanjiao, "Police support for Yantai chengguan," *China Daily* (Beijing), May 29, 2009, http://www.chinadaily.com.cn/cndy/2009-05/29/content_7951683.htm (accessed October 30, 2011).

¹² 国务院 1996 年 4 月 15 日《国务院关于贯彻实施〈中华人民共和国行政处罚法〉的通知（国发〔1996〕13 号）》[Circular of the State Council Regarding the Implementation of Law of the People's Republic of China on Administrative Punishments, effective on April 15, 1996, No. 13, (3)], para. 2, http://www.sse.com.cn/sseportal/dmxx/xz_new_20030803g.pdf (accessed April 8, 2012).

¹³ The Chinese government classifies former employees of struggling state-owned firms as laid-off or "*xia gang*" (下岗) rather than officially unemployed because their former employers are expected to provide them with a living allowance. However, many of the laid-off workers have to fight to secure those basic benefits as struggling state-sector firms shortchange employees to stave off bankruptcy. Owen Brown, "Job Creation Emerges As Priority For China's New Leaders," Dow Jones Newswires, October 4, 2002.

population of migrant workers from China's countryside coming to the cities in search of work in the late 1990s as potential threats to law and order.¹⁴ Those changes in China's urban population mix overwhelmed the Chinese government's existing urban social control mechanism, the *danwei* (单位) or work unit, and prompted policymakers to create a replacement, said Chinese Academy of Social Sciences scholar Zhou Hanhua.

Originally [urban social control] issues were handled by the *danwei* (单位), the work unit, to which Chinese employees were once closely bound. The *danwei* ... prevented people from engaging in [commercial] enterprises on the side. The decline of China's state-owned enterprises in the 1990s precipitated the breakdown of the *danwei* system. At the same time, the country grew increasingly urbanized and millions of migrant workers poured into the cities. The traditional [urban social control] system could no longer manage [so] the *chengguan* were established to handle the problems of the urban environment.¹⁵

The Administrative Penalties Law outlines the powers of unspecified "administrative organs"¹⁶ to impose administrative penalties which range from "disciplinary warnings," "fines," and "suspension of businesses" to "confiscation of illegal gains or ... unlawful property."¹⁷ The law also seems designed to create a non-punitive law enforcement ethos, with explicit calls for penalties to be "combined with education"¹⁸ and to reflect "the principles of fairness and openness,"¹⁹ and it acknowledges the right of alleged violators to legally challenge administrative penalties and seek compensation.²⁰ The Administrative

¹⁴ 章仲威, 伊穰衡, 2009: 中国本命年, 中共应对动乱危机 (Zhang Zhongwei and Yi Jiwei, 2009: *China's Fateful Year, The Chinese Communist Party's Response to its Crisis of Unrest*), (New York: Mirror Books, 2009), pp. 247-248.

¹⁵ Austin Ramzy, "Above the Law? China's Bully-Boy Enforcement Officers," *Time*, May 21, 2009, <http://www.time.com/time/world/article/0,8599,1899773,00.html> (accessed October 10, 2011).

¹⁶ 中华人民共和国行政处罚法, 1996 年 3 月 17 日第八届全国人民代表大会第四次会议通过 1996 年 3 月 17 日中华人民共和国主席令第六十三号公布, 自 1996 年 10 月 1 日起施行 (Law of the People's Republic of China on Administrative Penalty, adopted on March 17, 1996 and effective on October 1, 1996), <http://www.china.org.cn/english/government/207307.htm> (accessed April 8, 2012).

¹⁷ *Ibid.*, art. 8.

¹⁸ *Ibid.*, art. 5.

¹⁹ *Ibid.*, art. 4.

²⁰ *Ibid.*, art. 6.

Penalties Law also requires that administrative regulation enforcers obey a code of conduct which, among other things, requires that they identify themselves to alleged administrative rule violators²¹ and inform them of the relevant violation²² and their right to a legal defense.²³ According to the *Newest Essential Manual for Chengguan Grassroots Work*, an academic publication, those principles and legal guarantees are routinely flouted.

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

The Administrative Penalties Law does not specify the scope of *chengguan* enforcement powers. It was not until August 2002 that the central government published a directive outlining eight specific areas of administrative law— ranging from environmental sanitation and traffic regulations to urban beautification rules²⁵—that provinces, autonomous regions, and municipalities may delegate to *chengguan*. But even that directive does not specify permissible and prohibited means of enforcement, or set forth rules to guide the deportment and accountability of relevant enforcement personnel.

²¹ Ibid., art. 34.

²² Ibid., art. 31.

²³ Ibid., art. 32.

²⁴ 池启演, 主编., 《最新基层城管工作必备手册》(Chi Qiyang, ed., *The Newest Essential Manual for Chengguan Grassroots Work*), p. 851.

²⁵ 2002 年 8 月 22 日 国务院《关于进一步推进相对集中行政处罚权工作的决定》(国发〔2002〕17 号文)

(Decision of the State Council on the Work of Further Promotion of Relative Centralization of Power to Impose Administrative Penalty, effective on August 22, 2002, No. 17), art. 2. The eight categories of *chengguan* enforcement stipulated by the State Council, China's cabinet, are as follows: environmental hygiene, urban planning, urban beautification, city administration, environmental protection, industrial operations, traffic law enforcement, and unspecified "other administrative punishment" areas deemed appropriate by provincial, autonomous region, and municipal governments.

The Administrative Penalties Law lacunae have raised persistent concerns among lawyers and legal scholars about the *chengguan*'s fundamental legality.²⁶ "The legitimacy issue is at the core of all complaints targeted at the *chengguan* [because] there is no official document stipulating its status as a law enforcer."²⁷ Beijing lawyer Hao Jinsun has argued that there is "no law or executive order formally sanctioning the existence of the [*chengguan*]. Its powers have simply been conferred by some municipal government departments and this is illegal."²⁸ A November 2011 report by the nongovernmental organization Chinese Human Rights Defenders argued that the *chengguan*'s ambiguous legal basis facilitates "violence, brutality, law-breaking, corruption and human rights abuses" by *chengguan* personnel.²⁹

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

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

²⁶ "没有整体的法律，城管职权支离破碎"，新京报 (北京) ["No Comprehensive Law, Fragmented Urban Management Functions," *Beijing News* (Beijing)], January 20, 2008, http://epaper.bjnews.com.cn/html/2008-01/20/content_146919.htm?div=-1 (accessed October 11, 2011).

²⁷ "Legitimacy Issue," *China Daily* (Beijing), July 30, 2010, http://www.chinadaily.com.cn/opinion/2010-07/30/content_11070750.htm (accessed October 30, 2011).

²⁸ "China's enforcement officers turned thugs," *Straits Times* (Singapore), October 30, 2009, <http://guanyu9.blogspot.com/2009/11/chinas-enforcement-officers-turned.html> (accessed October 30, 2011).

²⁹ Chinese Human Rights Defenders, "城管综合行政执法体制的制度弊端及城管执法对人权的侵害," ("Urban management comprehensive administrative law enforcement system and human rights violations by urban management personnel"), http://wqw2010.blogspot.com/2011/11/blog-post_5808.html (accessed January 13, 2011).

³⁰ Coldness Kwan, "Property law challenges power of 'Chengguan?'" *China Daily* (Beijing), April 3, 2007, http://www.chinadaily.com.cn/china/2007-04/03/content_842743.htm (accessed April 8, 2012).

agency and the absence of legal supervision has jeopardized the authority of public security.³¹

To remedy that ambiguity and to give the *chengguan* a firmer legal foundation with clear duties and transparent lines of control and command, the Standing Committee of China's parliament, the National People's Congress, approved the Law of the People's Republic of China on Administrative Enforcement (hereafter, Administrative Enforcement Law) on June 30, 2011,³² after six years of deliberation.³³ Peking University Professor Jiang Mingan described the law as a means to rectify inadequacies in the Administrative Penalty Law which "is too ambiguous and not good enough in terms of checking and balancing the power of [*chengguan*]." ³⁴

As with every other law and government directive governing the operations of the *chengguan*, the Administrative Enforcement Law, which came into effect on January 1, 2012, does not mention the *chengguan* by name but instead refers to "administrative organs."³⁵ Numerous specific articles of the law, however, define and clarify duties of "administrative enforcement"³⁶ and "administrative compulsion"³⁷ in an apparent effort to prevent

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

³² 中华人民共和国行政强制法, 已由中华人民共和国第十一届全国人民代表大会常务委员会第二十一次会议于 2011 年 6 月 30 日通过, 现予公布, 自 2012 年 1 月 1 日起施行。 (Administrative Enforcement Law of the People's Republic of China, adopted on June 30, 2011 and effective on January 1, 2012), http://www.gov.cn/flfg/2011-07/01/content_1897308.htm (accessed April 9, 2012).

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

³⁴ Ibid.

³⁵ Law on Administrative Enforcement, art. 2. "Administrative enforcement refers to the performance of obligations as legally enforced by administrative organs or by the people's courts upon applications of administrative organs against citizens, legal persons or other organizations which do not perform administrative decisions."

³⁶ Ibid. Article 12 of the Law on Administrative Enforcement lists the following "manners of administrative enforcement":

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

³⁷ Ibid. "Administrative compulsory measures refer to the temporary restriction of the personal freedom of citizens or temporary control of the property of citizens, legal persons or other organizations according to law by administrative organs

chengguan abuses.³⁸ They include the prioritization of “non-compulsory” enforcement measures³⁹ and limitations on the power of administrative organs to seize and confiscate property.⁴⁰ The law also stipulates a procedure for when and how administrative organs may use “compulsion,” a provision which appears designed to prevent *chengguan* abuses against members of the public.⁴¹ The law also prohibits administrative organs such as the

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

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

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

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

⁴⁰ Ibid., art. 23. “Seizure and impoundment shall be limited to the case-related premises, facilities or properties, and no premises, facilities or properties irrelevant to the illegal acts shall be seized or impounded. The daily necessities of citizens and their dependents shall not be seized or impounded.

Premises, facilities or property of the party concerned, which have been seized by any other state organ according to law, shall not be seized repeatedly.”

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

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

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

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

- (2) An administrative compulsory measure shall be implemented by two or more law enforcement personnel of the administrative organ.
- (3) Law enforcement identity certificates shall be produced.
- (4) The party concerned shall be notified to be present.
- (5) The party concerned shall be notified on the spot of the reasons and basis for taking the administrative compulsory measure and the rights of and remedies available to the party concerned according to law.
- (6) The statements and arguments of the party concerned shall be heard.
- (7) On-site transcripts shall be made.
- (8) The on-site transcripts shall be signed or sealed by the party concerned and the law enforcement personnel of the

chengguan from conducting administrative enforcement actions they are not empowered by law to conduct⁴² and reinforces the existing ban on administrative detention of suspects by *chengguan*.⁴³

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

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

administrative organ, and if the party concerned refuses to do so, it shall be noted in the transcripts.

9) If the party concerned is not present, witnesses shall be invited to be present, and the witnesses and the law enforcement personnel of the administrative organ shall sign or seal the on-site transcripts.

(10) Other procedures as prescribed by laws and regulations.”

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

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

⁴⁴ Lehman, Lee and Xu, “The Administrative Enforcement Law of the PRC was Released,” post to “China Blawg” (blog), July 5, 2011, <http://blawg.lehmanlaw.com/wordpress/?p=890> (accessed March 29, 2012).

⁴⁵ 濮加友, “《行政强制法》对城管执法工作的影响”, 特区城市管理 (Pu Jiayou, “Administrative enforcement of Urban Management and Law Enforcement Work,” *Special Administrative Region Urban Management*), February 9, 2012, <http://www.cn-hw.net/html/17/201202/31864.html#> (accessed March 29, 2012).

⁴⁶ 杨涛, “城管强征将了行政强制法一军”, 经济参考报 (Yang Tao, “Urban Management an Administrative Army,” *Economic Information Daily*), February 9, 2012, http://www.jjckb.cn/opinion/2012-02/09/content_356902.htm (accessed March 29, 2012).

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

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

Duties and Training

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

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

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

⁴⁷ Ibid.

⁴⁸ 池启演, 主编., 《最新基层城管工作必备手册》 (Chi Qiyang, ed., *The Newest Essential Manual for Chengguan Grassroots Work*), p.855.

⁴⁹ "New rules set to ease China's property disputes," Reuters, January 29, 2010.

⁵⁰ 章仲威, 伊襟衡, 2009: *中国本命年* (Zhang Zhongwei and Yi Jiwei, 2009: *China's Fateful Year, The Chinese Communist Party's Response to its Crisis of Unrest*), p.245.

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

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

⁵¹ Zhou Wenting, "Beijing in new crackdown on use of illegal cooking oil," *China Daily* (Beijing), July 11, 2011, http://www.chinadaily.com.cn/china/2011-07/11/content_12872084.htm (accessed October 31, 2011).

⁵² Wu Wencong, "Safety test for all gas links," *China Daily* (Beijing), April 13, 2011, http://www.chinadaily.com.cn/metro/2011-04/13/content_12315570.htm (accessed October 30, 2011).

⁵³ 吴狄, "城管奥运时可能 '发动群众' ", 新京报 (北京) [Chengguan during Olympics may "mobilize the masses," *Beijing News* (Beijing)], June 6, 2008, http://epaper.bjnews.com.cn/html/2008-06/20/content_224733.htm?div=-1 (accessed October 11, 2011).

⁵⁴ Xie Chuanjiao, "Police support for Yantai chengguan," *China Daily* (Beijing), May 29, 2009, http://www.chinadaily.com.cn/cndy/2009-05/29/content_7951683.htm (accessed October 30, 2011).

⁵⁵ 池启演, 主编., 《最新基层城管工作必备手册》 (Chi Qiyang, ed., *The Newest Essential Manual for Chengguan Grassroots Work*), p.851.

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

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

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

⁵⁷ 池启演, 主编., 《最新基层城管工作必备手册》 (Chi Qiyang, ed., *The Newest Essential Manual for Chengguan Grassroots Work*), p.852.

Yao Lifa, a democracy activist and former municipal People's Congress representative in Qianjiang city in Hubei province, blames the education and skill deficit of many *chengguan* on the common municipal practice of hiring demobilized soldiers untrained in administrative law enforcement as *chengguan*.⁵⁸ A Nanjing *chengguan* officer in May 2010 cited "lack of proper training" for frequent incidents of violence involving *chengguan* officers.⁵⁹ "We don't have enough training to effectively enforce law with manners. We are too often told about the dos and don'ts, but seldom how to work properly."⁶⁰

The training that *chengguan* do receive has fueled concerns about *chengguan* commitment to the rights and safety of Chinese citizens. In April 2009, contents of the Beijing Municipal Bureau of City Administration's *Law Enforcement Training Manual* were leaked onto the internet. Sections of the book, described in the preface as China's "first professional guide to practical city administration enforcement" reportedly suggested the application of violence against citizens in the course of enforcement actions.⁶¹ Among them were instructions for surreptitious violence against perceived rule-breakers: "In dealing with the subject, take care to leave no blood on the face, no wounds on the body, and [ensure that] no people [are] in the vicinity."⁶²

Chengguan and Street Vendors

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

⁵⁸ "Beating death sparks mass protests in central China," Radio Free Asia, January 10, 2008 <http://www.rfa.org/english/china/china-chengguan-20080110.html> (accessed October 11, 2011).

⁵⁹ Wu Yiyao, "City government tightens rules for chengguan," *China Daily* (Beijing), May 5, 2010, http://www.chinadaily.com.cn/regional/2010-05/25/content_9888117.htm (accessed October 30, 2011).

⁶⁰ Ibid.

⁶¹ 张东锋, "网友曝光城管 '打人不见血' 教材", 南方都市报 (广州) [Zhang Dongfeng, "Netizen exposes textbook on 'beating without drawing blood,'" *Southern Metropolis Daily* (Guangzhou)], July 22, 2009, http://epaper.oeeee.com/A/html/2009-04/22/content_767607.htm (accessed October 11, 2011).

⁶² Ibid.

China's cities to their participation in the "informal economy" of street vending.⁶³ Street vending is illegal in most of China's cities outside of designated outdoor market areas where vendors require government-issued permits.⁶⁴ Those restrictions are widely ignored, bringing vendors into conflict with *chengguan* officers tasked to keep streets, sidewalks, footbridges, and pedestrian underpasses free of illegal vendors.

Street vendors rarely bother to apply for the necessary registration for legal outdoor vending and a senior *chengguan* official noted in 2008 that municipal governments lack personnel to ensure the efficient issuance of such permits.⁶⁵ However, one *chengguan* official defended his agency's focus on the activities of street vendors as a response to public complaints about their effect on the areas where they operate. "*Chengguan* officers ... respond daily to residents' complaints against noise, fumes and pollution caused by street vendors, [even in cases where] they have no legal basis to [sanction the street vendors]," according to Luo Yameng, secretary-general of the National Joint Meeting of the Directors of all *Chengguan* Bureaus in the Country.⁶⁶

The result is a perception that, "the main task of *chengguan* officers now is to drive away vendors from pavements and underpasses ... [and] many city authorities resort to violent means to remove them."⁶⁷ A November 2011 report by the nongovernmental organization Chinese Human Rights Defenders described *chengguan* "basic law enforcement methods" in controlling street vendors as including: "Confiscation of goods, kicking vendors' stands, throwing [vendors'] goods to the ground, gang [style] beatings, triad-style [gangster-like] protection fee collection."⁶⁸ Police statistics issued in 2009 indicate that there are 600

⁶³ 段欣毅, "小贩'生存'与城管'面子', 一对解不开的死结?" 人民日报(北京) ["Vendors' survival and chengguan 'face' – A knot which can't be untied?" *People's Daily*, (Beijing)], <http://legal.people.com.cn/GB/16003042.html> (accessed October 25, 2011).

⁶⁴ Lauren Ratcliffe, "Peddling for profit? Beijing's street vendors," *China.org.cn*, June 23, 2011, http://www.china.org.cn/china/2011-06/23/content_22846409.htm (accessed October 22, 2011).

⁶⁵ He Bolin, "A case of so near, yet so far and no nearer," *China Daily*, (Beijing), August 19, 2008, <http://www.cdeclips.com/en/opinion/fullstory.html?id=28241> (accessed October 30, 2011).

⁶⁶ Ibid.

⁶⁷ "Debate: Chengguan," *China Daily* (Beijing), July 18, 2011, http://usa.chinadaily.com.cn/opinion/2011-07/18/content_12921307.htm (accessed October 30, 2011).

⁶⁸ Chinese Human Rights Defenders, "城管综合行政执法体制的制度弊端及城管执法对人权的侵害", ("Urban management comprehensive administrative law enforcement system and human rights violations by urban management personnel"), http://wqw2010.blogspot.com/2011/11/blog-post_5808.html (accessed January 13, 2011).

violent incidents annually between illegal vendors and *chengguan* in the city of Guangzhou alone.⁶⁹ Those statistics do not specify who provoked the violent incidents or whether injuries resulted.

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

No reason was given [for the beating]. They never told me what crime I had committed. In fact, up to this day, I still do not know if doing this business is legal or not. We are playing a cat-and-mouse game: the *chengguan* officers arrive, we run. We don't even understand why they want to arrest us.⁷⁰

Professor Cai Dingjian of China University of Political Science and Law believes the *chengguan*'s enforcement focus on street vendors is misdirected and wasteful. Cai suggests that the government replace the *chengguan* with "a new urban service body that will be responsible for registering street peddlers, so that these self-employed people will become part of the city's business community."⁷¹ Nanjing's municipal government announced an initiative in July 2009 which would grant vending permits for designated areas to 10,000 low-income earners.⁷² However, that initiative was limited to citizens with Nanjing household registration, or *hukou* permits,⁷³ thus disqualifying migrants who

⁶⁹ "Urban managers feel the squeeze," *China Daily* (Beijing), April 10, 2009, <http://english.peopledaily.com.cn/90001/6633963.html> (accessed October 30, 2011).

⁷⁰ Human Rights Watch interview with Ruan Ying (a pseudonym), a Beijing street vendor, Beijing, December 9, 2010.

⁷¹ "Hackers 'spice up' chengguan site," *China Daily* (Beijing), June 2, 2009, http://www.chinadaily.com.cn/cndy/2009-06/02/content_7961154.htm (accessed October 30, 2011).

⁷² Qian Yanfeng, "Street peddlers to be allowed in Nanjing," *China Daily* (Beijing), July 17, 2009, http://www.chinadaily.com.cn/business/2009-07/17/content_8439804.htm (accessed October 22, 2011).

⁷³ The *hukou* or household registration system, which remains in force, limits many social benefits to registered residents of a particular locale. The system has traditionally imposed stringent controls on the movements of rural residents to urban areas, and continues to constitute a discriminatory barrier to rural migrants' access to employment opportunities and social welfare benefits that are legally granted to those in possession of an urban *hukou*. International Labor Organization, "Equality at Work: Tackling the Challenges. Global Report under the Follow-up of the ILO Declaration of Fundamental Principles and Rights at Work" (Geneva: ILO 2007), www.ilo.org/wcmsp5/groups/public/---dgreports/--dcomm/--webdev/documents/publication/wcms_082607.pdf, pp. 34-35.

constitute the majority of China's street vendors.⁷⁴ China's central government was reportedly mulling a directive in 2009 which would legalize street vending "as a means creating jobs and curbing a rash of violent conflicts between the sellers and the law-enforcement officials who police them."⁷⁵ However, no such directive has yet been issued.

Public Criticism

There are numerous expressions of public concern in China about *chengguan* abuses. The Wall Street Journal reported that in mid-2010 the most common Chinese-language phrase containing the term "*chengguan*" searched on Google was "*chengguan* beat people" (城管打人).⁷⁶ In numerous recent Chinese state media editorials, the *chengguan* have been vilified with epithets ranging from "the epitome of the evils of public power"⁷⁷ or derided as law-breaking "X-Men ... with only basic means of attack such an iron stick, a piece of brick, or ... only their hands."⁷⁸ In October 2010, a very popular video game across China was one that involved the player taking the role of a street vendor tasked with having to "defeat 10 waves of attacks by the semi-official enforcers, known as *chengguan*".⁷⁹ A Shenzhen *chengguan* official complained to the *People's Daily* in October 2011 that he and his colleagues often encounter "verbal abuse, pushing and are sometimes even spat upon" in the course of their duties by members of the public.⁸⁰

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

⁷⁴ Ibid.

⁷⁵ Jeremy Chan, "China to Revise Policy Toward Peddlers," *Wall Street Journal Asia* (Hong Kong), August 11, 2009, <http://online.wsj.com/article/SB124995239841721277.html> (accessed October 22, 2011).

⁷⁶ Christopher Carothers, "Chengguan Killer Gets Public Sympathy," *Wall Street Journal: China Real Time Report*, July 2, 2010, <http://blogs.wsj.com/chinarealtime/2010/07/02/chengguan-killer-gets-public-sympathy/> (accessed October 18, 2011).

⁷⁷ "Chengguan's way out," *China Daily* (Beijing), March 30, 2010, http://www.chinadaily.com.cn/opinion/2010-03/30/content_9659504.htm (accessed October 30, 2010).

⁷⁸ Huang Xiangyang, "Chengguan making our streets safe from vendors," *China Daily* (Beijing) April 15, 2011, http://www.chinadaily.com.cn/opinion/2011-04/15/content_12334877.htm (accessed October 30, 2011).

⁷⁹ Shirong Chen, "China online game allows people to fight officials," BBC, <http://www.bbc.co.uk/news/world-asia-pacific-11599047> (accessed October 19, 2011).

⁸⁰ "地位缺失 苦于编制 城管困惑 '我是谁'?", 人民日报 (北京) ("Lacking status, suffering from personnel establishment mechanism, Chengguan wonder 'Who Am I?'" *People's Daily*), October 20, 2011, <http://legal.people.com.cn/GB/15953866.html> (accessed October 25, 2011).

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

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

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

⁸¹ “Chengguan’s bad reputation their own fault,” *Global Times* (Beijing), May 23, 2011, <http://opinion.globaltimes.cn/chinese-press/2011-05/658147.html> (accessed October 23, 2011).

⁸² Ibid.

⁸³ Ibid.

⁸⁴ “Migrant Worker Protests Resemble MENA Troubles,” Asia Monitor: July 2011 Political Risk Analysis, July 2011, <http://www.asia-monitor.com/file/104482/socio-economic-risks-on-the-rise.html> (accessed August 12, 2011).

⁸⁵ “贵州黔西县发生一起因城管纠正违章引发的冲突”，新华网 (“Chengguan enforcement action prompts Guizhou Qianxi conflict” Xinhua News Agency), August 12, 2011, http://big5.xinhuanet.com/gate/big5/gz.xinhuanet.com/2008htm/xwzx/2011-08/12/content_23445761.htm (accessed October 22, 2011).

⁸⁶ Zhong Yanling, “Death of disabled vendor sparks riot in Guizhou,” Caixin Online, July 27, 2011, <http://english.caixin.cn/2011-07-27/100284567.html> (accessed October 18, 2011).

⁸⁷ Ibid.

Those two incidents prompted criticism of *chengguan* law enforcement methods at a meeting of Guizhou's standing committee of the provincial Chinese Communist Party on August 14, 2011.⁸⁸ Party cadre at the meeting attributed those incidents to inadequacies in Guizhou *chengguan* enforcement methods.⁸⁹

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

Reform Efforts

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

⁸⁸ 赵国梁, “省委召开常委(扩大)会议研究部署进一步做好社会稳定工作”, 贵州日报 (Zhao Guoliang, “Provincial Standing Committee meeting and plan to further improve social stability,” *Guizhou Daily*), August 15, 2011, <http://222.85.151.57/epaper/gzrb/Content/20110815/Article1008WD.htm> (accessed October 25, 2011).

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Law on Administrative Enforcement.

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

⁹³ Law on Administrative Enforcement, art. 39 (3).

⁹⁴ Ibid., art. 41

whether the Administrative Enforcement Law is having a substantive impact on curbing *chengguan* abuses.

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

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

⁹⁵ “Chagrin over chengguan,” *China Daily* (Beijing), May 17, 2007, http://www.chinadaily.com.cn/opinion/2007-05/17/content_874453.htm (accessed October 30, 2011).

⁹⁶ “New laws stipulate duties of chengguan,” *Dongguan Today* (Dongguan), August 4, 2009, <http://www.dongguantoday.com/newsc.asp?id=3042> (accessed October 11, 2011).

⁹⁷ Wu Yiyao, “City government tightens rules for chengguan,” *China Daily* (Beijing), May 25, 2010, http://www.chinadaily.com.cn/regional/2010-05/25/content_9888117.htm (accessed October 30, 2011).

⁹⁸ Xu Fan, “Officials to be enlightened by philosophy,” *China Daily* (Beijing), April 19, 2010, http://www.chinadaily.com.cn/metro/2010-04/19/content_9745984.htm (accessed October 30, 2011).

⁹⁹ “Law and Order on roller blades in SW China city,” *China Daily* (Beijing), August 3, 2011, http://usa.chinadaily.com.cn/china/2011-08/03/content_13044144.htm (accessed October 30, 2011).

II. *Chengguan* Abuses

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

Excessive Force and Torture

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

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

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

¹⁰⁰ Human Rights Watch interview with Wang Weiwei, a Beijing street vendor, Beijing, December 6, 2010.

holding a camera [filming the incident] is a young girl, but [the *chengguan* officers] surrounded her, held her down, and kicked her.¹⁰¹

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

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

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

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

¹⁰² “宁夏西吉县城管监察队长率众围殴记者被停职”，宁夏日报(银川) [Beating of journalists prompts Ningxia Xiji County chengguan official's suspension,” *Ningxia Daily* (Yinchuan)], July 6, 2007, <http://news.163.com/07/0706/15/31NQPL30000120GU.html> (accessed October 19, 2011).

¹⁰³ Ibid.

¹⁰⁴ “记者称在湖南遭城管殴打 向省委书记写求助信”，重庆早报(重庆) [“Reporter says he was beaten by Chengguan, appeals to provincial secretary for help,” *Chongqing Morning News* (Chongqing)], March 19, 2009, http://fl.cqnews.net/daya/200903/t20090319_3111821.htm (accessed October 19, 2011).

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

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

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

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

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

¹⁰⁶ “家中违建遭城管强拆 警察被打”，生活新报(昆明) [“Family home’s illegally built construction forcibly demolished by *chengguan*, policeman beaten,” *Life Daily News* (Kunming)], December 28, 2010, http://www.shxb.net/html/20101228/20101228_266386.shtml (accessed October 19, 2011).

¹⁰⁷ Ibid.

¹⁰⁸ Human Rights Watch interview with Lin Ping (a pseudonym), a victim of a *chengguan* forced demolition operation, Huangshan, Anhui province, September 10, 2010.

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

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

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

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

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

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

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

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

¹¹² Human Rights Watch interview with Cui Aiping (a pseudonym), a street vendor, Beijing, December 9, 2010.

stabbed to death a *chengguan* officer surnamed Ju in an altercation sparked by the *chengguan* officer's effort to get Zhang to stop selling at a subway station exit. The Chongqing municipal government recorded 86 incidents in 2010 in which *chengguan* officers were hospitalized from violence incurred in the course of their work.

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

Professor Cai Dingjian at China University of Political Science and Law in Beijing has asserted that all *chengguan* use of force is unlawful: "No one is authorized to use violence in China except soldiers and police. By resorting to violence, *chengguan* have actually violated the law."¹¹³ As the cases above suggest, however, there are instances in which *chengguan* themselves come under serious attack and, in such cases, the use of force in self-defense may be justified. Article 20 of China's Criminal Law permits all Chinese citizens to use force in legitimate self-defense¹¹⁴ and may actually allow *chengguan* greater latitude than others due to their responsibility to enforce regulations aimed at protecting public health and safety. Article 20 stipulates that citizens "shall not bear criminal responsibility" in situations in which they "stop an unlawful infringement in order to prevent the interests of the State and the public from being infringed, or his own or another person's personal rights, property rights, or other rights from being infringed" to the extent the use of defensive force is "necessary" rather than excessive.¹¹⁵

¹¹³ Qian Yanfeng, "Hackers 'spice up' chengguan site," *China Daily* (Beijing), June 2, 2009, http://www.chinadaily.com.cn/cndy/2009-06/02/content_7961154.htm (accessed October 30, 2011).

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

¹¹⁵ *Ibid.*

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

Illegal Detention

Chengguan have no legal basis to detain alleged violators of administrative regulations: the Administrative Penalty Law, which is the foundation of *chengguan* law enforcement powers, explicitly limits powers of detention and arrest to China's public security organs.¹¹⁶ But two of the 25 people interviewed by Human Rights Watch reported that they were illegally detained by *chengguan* personnel. Another two interviewees said that *chengguan* had attempted to detain them, but they had successfully resisted those efforts. In each of the four cases, the interviewees were beaten while detained or while attempting to resist detention. Prominent Chinese human rights lawyer Teng Biao argues that *chengguan* detention of suspects also violates article 238 of China's Criminal Law,¹¹⁷ a provision that makes violators liable for severe punishment.¹¹⁸

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

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

¹¹⁸ "小贩杀死俩城管被判死刑 律师辩词催人泪下", 中国青年报 (北京) [Vendor sentenced to death for killing two chengguan; A lawyer's heartbreaking defense, *China Youth Daily* (Beijing)] May 10, 2007, http://law.cyol.com/content/2011-05/10/content_4405224.htm (accessed October 11, 2011).

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

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

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

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

¹¹⁹ Human Rights Watch interview with Ma Dong (a pseudonym), a street vendor, Beijing, June 8, 2010.

shoe had fallen off. They didn't tell me how long he would be detained for. The *chengguan* office is a street away from the road junction where we were selling fried sausages. [The *chengguan*] dragged my husband to the [*chengguan*] office and started asking him if he had an urban or rural *hukou*. A [second] *chengguan* officer entered the room and both of them started kicking my husband. That lasted between one and two minutes. My husband was kneeling on the floor ... he never once lifted his head.¹²⁰

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

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

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

¹²⁰ Human Rights Watch interview with Liao Rong (a pseudonym), a street vendor, Shenyang, Liaoning province, August 23, 2010.

¹²¹ Ibid.

appeal to them [to release me] and then started getting into a scuffle with them. They pushed my daughter-in-law to the ground and [so] I started to fight with them, but was unable to prevail. They kicked me several times and pinned my hands behind my back as if I were a criminal. They wanted to take me to the *chengguan* vehicle, but I refused to get in because I've heard that once you get into the vehicle, they would draw the curtains and demand that you pay a fine. If you refuse to pay, they will beat you up.¹²²

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

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

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

¹²² Human Rights Watch interview with Jiang Jianguo (a pseudonym), a street vendor, Beijing, December 12, 2010.

¹²³ Ibid.

¹²⁴ Ibid.

officer, a woman, did not utter a word. She came over because she wanted to stop them from hitting me. They did not confiscate the cart, but they seized all the grapes and threw them all around on the ground.¹²⁵

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

Abuses Accompanying Confiscation of Goods

Chengguan frequently confiscate goods from street vendors. There is legal authority for such confiscations, but it is vague. The Administrative Penalty Law stipulates that “administrative organs” tasked with administrative regulation enforcement can confiscate “illegal gains ... unlawful property ... or things of value,” but does not provide any specific criteria for those categories.¹²⁹ The Administrative Enforcement Law provides general criteria for confiscations¹³⁰—*chengguan* may seize premises, facilities, or properties related to the

¹²⁵ Human Rights Watch interview with Cai Xue (a pseudonym), a street vendor, Beijing, December 7, 2010.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Law on Administrative Penalty, art. 8. Types of administrative penalty shall include (3) confiscation of illegal gains, or confiscation of unlawful property or things of value.

¹³⁰ Law on Administrative Enforcement, art. 23. “Seizure and impoundment shall be limited to the case-related premises, facilities or properties, and no premises, facilities or properties irrelevant to the illegal acts shall be seized or impounded. The daily necessities of citizens and their dependents shall not be seized or impounded. Premises, facilities or properties of the party concerned, which have been seized by any other state organ according to law, shall not be seized repeatedly.”

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

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

“illegal acts” (with the exception of “daily necessities,” which may not be confiscated)—and stipulates the process by which seizure and confiscation should occur.¹³¹

[According to Wang Jianping, a professor of law at Sichuan University, China’s Property Law¹³² emphasizes the inviolable nature of private property and should be interpreted to prohibit “[confiscation of] peddler’s merchandise and dealing wares.”¹³³ Renmin University law professor Wang Yi has similarly argued that the Property Rights Law protects all citizens, including unlicensed street vendors, from arbitrary confiscation of their belongings.¹³⁴

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

necessary;

(4) The term of seizure or impoundment has expired; or

(5) The measure of seizure or impoundment is otherwise no longer necessary.

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

¹³¹ Law on Administrative Enforcement, art. 18. “(1) Before implementation, a report on implementation shall be submitted to the person in charge of the administrative organ and an approval of implementation shall be obtained.

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

(3) Law enforcement identity certificates shall be produced.

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

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

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

(7) On-site transcripts shall be made.

(8) The on-site transcripts shall be signed or sealed by the party concerned and the law enforcement personnel of the administrative organ, and if the party concerned refuses to do so, it shall be noted in the transcripts.

(9) If the party concerned is not present, witnesses shall be invited to be present, and the witnesses and the law enforcement personnel of the administrative organ shall sign or seal the on-site transcripts.

(10) Other procedures as prescribed by laws and regulations.”

¹³² The Property Law of the People’s Republic of China adopted at the 5th Session of the 10th National People’s Congress of the People’s Republic of China on March 16, 2007 and effective on October 1, 2007, http://www.china.org.cn/china/LegislationsForm2001-2010/2011-02/11/content_21897791.htm (accessed April 8, 2012).

¹³³ Coldness Kwan, “Property law challenges power of ‘Chengguan?’” *China Daily* (Beijing), April 3, 2007, http://www.chinadaily.com.cn/china/2007-04/03/content_842743.htm (accessed April 8, 2012).

¹³⁴ Ibid.

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

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

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

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

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

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

¹³⁵ Human Rights Watch interview with Li Jiawen (a pseudonym), a street vendor, Beijing, December 7, 2010.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Human Rights Watch interview with Wang Weiwei (a pseudonym), a street vendor, Beijing, December 6, 2010.

Even compliance with a *chengguan* confiscation operation is no guarantee of immunity from physical violence. A 36-year-old female spring roll vendor in Shenyang, Liao Meihua, told Human Rights Watch that she was beaten by *chengguan* officers in mid-2007 despite her lack of resistance when they confiscated her belongings.

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

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

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

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

¹⁴⁰ Human Rights Watch interview with Wang Xiangwei (a pseudonym), a street vendor, Beijing, December 9, 2010.

The *chengguan* officers who confiscated Wang's scooter returned it to him later that evening after he paid a 150 Yuan (US\$23.50) fine.¹⁴¹ That sum exceeded the upper limit for summary on-the-spot fines of 50 Yuan (US\$7.9) and the officers failed to give a legal justification for the confiscation and fine as required by the Administrative Penalties Law.¹⁴²

A 31-year-old male migrant fruit vendor from Henan province, Xie Dongfeng, told Human Rights Watch that what appeared to be plainclothes "hired assistants" of *chengguan* officers beat him after he resisted *chengguan* efforts to confiscate his three-wheel vending cart for "operating without a license."¹⁴³

[The *chengguan*] wanted to confiscate my three-wheel cart, but I refused to let them do so. They jumped onto the vehicle, started stomping on the fruit and making threats. Some abused me verbally, saying "Fxxx your mother. Who allowed you to peddle goods here?" I did not dare utter a word as there were so many of them. If I dared answer back, wouldn't they beat me up? The *chengguan* officers didn't hit me; instead they had two hired assistants beat me up. One held me down while the other hit me. I didn't dare retaliate as there were yet more of them in the [*chengguan*] cars. I was beaten until my nose bled.¹⁴⁴

¹⁴¹ Ibid.

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

Ibid., art. 34. "If a law-enforcing officer decides to impose administrative penalty on the spot, he shall show the party his identification papers for law enforcement, fill out an established and coded form of decision for administrative penalty. The form of decision for administrative penalty shall be given to the party on the spot.

In the form of decision for administrative penalty as stipulated in the preceding paragraph shall be clearly recorded the illegal act committed by the party, the basis for administrative penalty, the amount of fine, the time and place, and the title of the administrative organ. Such form shall also be signed or sealed by the law-enforcing officer.

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

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

¹⁴⁴ Ibid.

Impunity

At least 18 people were killed in the course of *chengguan* law enforcement operations between September 2000 and June 2010 according to an unofficial estimate compiled by human rights lawyer Teng Biao in July 2010.¹⁴⁵ The majority of those deaths allegedly were due to injuries the victims suffered during beatings by *chengguan* personnel.¹⁴⁶ Media reports suggest that in many such cases, the alleged perpetrators were not investigated or prosecuted or, if prosecuted, received light sentences.¹⁴⁷

The most notorious incident of *chengguan* violence resulting in the death of a citizen in recent years was the beating of Wei Wenhua in Tianmen, Hubei province. In the late afternoon of January 7, 2008, Wei Wenhua stopped his car to take pictures with his mobile phone camera of a roadside confrontation involving a group of at least 50 Tianmen *chengguan*. The *chengguan* were facing off with some residents of nearby Wanba village, who were attempting to block access to a waste dump site near their homes. When the *chengguan* noticed Wei filming the confrontation, 20 to 30 of them rushed over to him and began beating him.¹⁴⁸ A witness said that Wei repeatedly screamed “I surrender” during the assault.¹⁴⁹ Wei subsequently died of his injuries.¹⁵⁰ On November 10, 2009, a Hebei court sentenced four of the *chengguan* officers implicated in Wei’s killing to prison terms of three

¹⁴⁵ “小贩杀死俩城管被判死刑 律师辩词催人泪下”，中国青年报（北京）[“Vendor sentenced to death for killing two chengguan; A lawyer’s heartbreaking defense,” *China Youth Daily* (Beijing)], May 10, 2007, http://law.cyol.com/content/2011-05/10/content_4405224.htm (accessed October 11, 2011).

¹⁴⁶ Ibid.

¹⁴⁷ Austin Ramzy, “Above the Law? China’s Bully-Boy Enforcement Officers,” *Time*, May 21, 2009, <http://www.time.com/time/world/article/0,8599,1899773,00.html> (accessed October 10, 2011).

¹⁴⁸ 褚朝新, “老总拍摄冲突现场被城管打死”，新京报（北京）[“Executive photographing conflict scene beaten to death by chengguan,” *Beijing News*, (Beijing)], January 9, 2008, http://epaper.bjnews.com.cn/html/2008-01/09/content_141399.htm?div=-1 (accessed October 14, 2011).

¹⁴⁹ David Bandurski, “Brutal killing of Wei Wenhua underscores the evils of China’s ‘urban management’ system,” China Media Project blog, January 10, 2008, <http://cmp.hku.hk/2008/01/10/814/> (accessed October 14, 2011).

¹⁵⁰ 褚朝新, “老总拍摄冲突现场被城管打死”，新京报（北京）[“Executive photographing conflict scene beaten to death by chengguan,” *Beijing News*, (Beijing)], January 9, 2008, http://epaper.bjnews.com.cn/html/2008-01/09/content_141399.htm?div=-1 (accessed October 14, 2011).

to six years.¹⁵¹ The court granted leniency to Wei's killers on the grounds that Wei had allegedly died of a heart attack triggered by the beating, rather than the beating itself.¹⁵²

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

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

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

¹⁵¹ "Beating death officers jailed," *Shanghai Daily* (Shanghai), November 12, 2008, http://en.ce.cn/National/Local/200811/12/t20081112_17360267.shtml (accessed October 30, 2011).

¹⁵² Ibid.

¹⁵³ "城管小贩冲突路人拍照遭强删 小贩受伤至今住院", 浙江晚报 (浙江) ("Bystanders photos of chengguan, vendor conflict forcibly deleted; vendor still in hospital," *Zhejiang Evening News*), July 21, 2011, <http://news.sohu.com/20110721/n314055787.shtml> (accessed October 7, 2011).

¹⁵⁴ "又见城管暴力之法, 这次在深圳", 解放日报 (北京) ["Once again, chengguan seen violently enforcing the law, this time in Shenzhen," *Liberation Daily* (Beijing)], May 24, 2011, <http://www.jfdaily.com/a/2148622.htm> (accessed October 11, 2011).

a knife to try to protect his goods. The *chengguan* responded by dragging Peng to their van where they proceeded to beat him senseless. The beating left Peng with serious brain and neck injuries. Peng reportedly remains paralyzed and barely conscious.¹⁵⁵ A Shanghai court sentenced the five *chengguan* officers responsible for Peng's injuries to prison terms of between three-and-a-half and five years on April 15, 2010.¹⁵⁶

Popular perceptions that *chengguan* rarely get punished for abuses deter victims from pursuing legal action against them. Ten of the 25 victims of *chengguan* abuses interviewed by Human Rights Watch opted to not pursue legal action or civil compensation claims against their *chengguan* abusers. Their reasons for inaction ranged from perceptions that complaining to or about *chengguan* was “no use ... [because the authorities] cover-up for each other”¹⁵⁷ to an assessment that there are “too many such incidents” that go legally unchallenged.¹⁵⁸ Liao Meihua, a Shenyang street vendor who has been a victim of *chengguan* violence “five or six times” since 2007, told Human Rights Watch that fear of retribution prevented her from attempting to seek legal action against or compensation from *chengguan* for such abuses.

I'm really afraid of applying for compensation. I still have to make a living – what am I to do the next time I run into [*chengguan*]? They will be more brutal the next time. They will beat you up and tell you: “You can sue at whatever place you wish.” They are not scared at all.¹⁵⁹

¹⁵⁵ Shang Ban, “Officers go on trial for beating,” *China Daily* (Beijing), February 27, 2010, http://www.chinadaily.com.cn/china/2010-02/27/content_9513114.htm (accessed October 30, 2010).

¹⁵⁶ “Jail for five in paralyzing beating,” *Shanghai Daily* (Shanghai), April 16, 2010.

¹⁵⁷ Human Rights Watch interview with Xie Dongfeng (a pseudonym), a street vendor, Beijing, December 7, 2010.

¹⁵⁸ Human Rights Watch interview with Wang Xiangwei (a pseudonym), a street vendor, Beijing, December 9, 2010.

¹⁵⁹ Human Rights Watch interview with Liao Meihua (a pseudonym), a street vendor, Shenyang, August 29, 2010.

III. Relevant International and Domestic Legal Standards

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

Excessive Force

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

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

¹⁶⁰ United Nations Code of Conduct for Law Enforcement Officials, adopted December 17, 1979, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), articles 2, 3 and 7 and associated commentary, available at www2.ohchr.org/English/law/codeofconduct.htm.

firearms constantly under review.”¹⁶¹ The Basic Principles also commit law enforcement officials to “as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.”¹⁶² The Basic Principles also enumerate specific circumstances under which law enforcement officials may lawfully use force, reiterating the Code’s requirements of proportionality and necessity.¹⁶³

Prohibition of Cruel, Inhuman, or Degrading Treatment and Torture

The Universal Declaration of Human Rights stipulates that “No one should be subjected to torture or to cruel, inhuman or degrading treatment,”¹⁶⁴ while the ICCPR prohibits “torture or ... cruel, inhuman or degrading treatment or punishment.”¹⁶⁵ The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment protects detainees from “violence, threats or methods of interrogation which impair his capacity of decision or his judgment.”¹⁶⁶ The UN Code of Conduct for Law Enforcement Officials also prohibits inflicting, instigating, or tolerating “any Act of torture or other cruel, inhuman or degrading treatment or punishment.”¹⁶⁷

¹⁶¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF. 144/28/Rev.1 at 112 (1990), General Provisions (1).

¹⁶² Ibid., General Provisions (4).

¹⁶³ Ibid., General Provisions (5). “Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- (b) Minimize damage and injury, and respect and preserve human life;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.”

Ibid., General Provisions (6). “Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.”

¹⁶⁴ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art. 5.

¹⁶⁵ Ibid., art. 7.

¹⁶⁶ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), adopted December 9, 1988, G.A. Res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988), principle 21 (2).

¹⁶⁷ Code of Conduct for Law Enforcement Officials, art. 5.

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

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

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

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

Due Process and Arbitrary Detention

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

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

¹⁶⁸ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, art. 1 (1).

¹⁶⁹ Ibid., art. 16.

¹⁷⁰ International Covenant on Civil and Political Rights (ICCPR) , adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No.16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 9 (1).

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

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

Impunity

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

¹⁷¹ Ibid., art. 9 (2).

¹⁷² Ibid., art. 9 (4).

¹⁷³ UN Human Rights Committee, General Comment 8, (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc HRI/GEN/1/Rev.1 (8), 1994, art. 9.

¹⁷⁴ People’s Police Law of the People’s Republic of China, adopted on February 28, 1995 and effective on February 28, 1995, art. 9.

¹⁷⁵ Criminal Procedure Law of the People’s Republic of China, adopted on July 1, 1979 and effective on January 1, 1980, art. 59.

¹⁷⁶ Ibid., art. 64.

¹⁷⁷ People’s Police Law, art. 6(1).

and face administrative sanctions and/or criminal prosecution.¹⁷⁸ Detention of alleged administrative law violators is also inconsistent with the objectives of the Chinese government's National Human Rights Action Plan (2009-2010), which provides in relevant part:

The State prohibits illegal detention by law enforcement personnel. Wrongful or prolonged detention shall be prevented. The State will [provide economic compensation],¹⁷⁹ legal remedies and rehabilitation to victims. Those who are responsible for illegal, wrongful or prolonged detention shall be subjected to inquiry and punished if found culpable.¹⁸⁰

¹⁷⁸ Law on Administrative Penalty, art. 62.

¹⁷⁹ The official English-language translation actually refers to provision of "economic detention," a mistranslation of "economic compensation" (经济赔偿) from the NHRAP's Chinese-language version. http://www.humanrights.cn/cn/dt/gnbb/t20090413_438873.htm (accessed on October 22, 2011).

¹⁸⁰ National Human Rights Action Plan of China (2009-2010), April 13, 2009, http://news.xinhuanet.com/english/2009-04/13/content_11177126_10.htm (accessed October 22, 2011), chapter two, Guarantee of Civil and Political Rights, (1) Rights of the person, para. 3.

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Above all, thanks go to the victims of *chengguan* abuse who made this report possible by agreeing to meet and share their experiences with us at length, often at considerable personal risk.

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Fax: 917-591-3452

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Annex I: Letter from Human Rights Watch to China's Public Security Bureau

April 9, 2012

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

Via facsimile

Dear Minister Meng,

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

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

Below are some of our main findings:

Physical Violence and Torture

Chengguan personnel are accused of using excessive force against and publicly humiliating people. Seventeen of the twenty-five victims of *chengguan* abuse interviewed by Human Rights Watch claimed to be victims of excessive force. That excessive force, often inflicted in sight of

multiple eye-witnesses, included being slapped, shoved, pushed to the ground, forcibly held down on the ground, dragged, punched, kicked, and thrown from vehicles to the street. Those beatings resulted in injuries ranging from bruises, cuts, and bloody noses to broken bones.

Illegal detention

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

Abuses accompanying confiscation of goods

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

Impunity


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

We would welcome any information or feedback the Public Security Bureau could provide regarding these issues as well as any steps it has taken or plans to take to address them. We would also appreciate your responses to the questions raised below as well as any additional information you wish to provide us.

Human Rights Watch strives to reflect all perspectives in our research and looks forward to your response. In light of our publishing schedule, we would be grateful to receive your response by Friday, April 27, 2012. Please send your response to Sophie Richardson, China director in the Asia division, by email at richars@hrw.org or by fax at +1-202-612-4333.

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

Sincerely,



Sophie Richardson
China Director, Human Rights Watch

1. How many cities and municipalities in China currently have *chengguan* enforcement? What is the total number of *chengguan* personnel in China?
2. What is the separation of powers of enforcement between Public Security Bureau and *chengguan* enforcement? In what ways can and do PSB personnel and *chengguan* cooperate in administrative regulation enforcement?
3. Has the PSB been recording cases of *chengguan* excessive force against street vendors and others during administrative enforcement operations? If so, could you please supply us statistics on arrest and prosecution of *chengguan* personnel in such situations between 1997-2011?
4. What is the PSB doing in order to prevent *chengguan* abuses such as those documented by Human Rights Watch's research and to ensure that alleged perpetrators of such abuses are investigated and, where justified, prosecuted for such abuses?
5. What legal or regulatory gaps or loopholes make it difficult or impossible for the PSB to adequately address alleged abuses by *chengguan* personnel? If such gaps exist, how could they be addressed in order to improve the ability of the PSB to prevent and investigate such abuses?
6. In your opinion, is the *chengguan* actually necessary as an administrative enforcement agency? Could and/or should *chengguan* duties be fulfilled by PSB personnel?

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Fax: 917-591-3452

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Annex II: Letter from Human Rights Watch to the Chinese Communist Party's Political and Legislative Affairs Committee

April 9, 2012

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

Via facsimile

Dear Chairman Zhou,

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

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

Below are some of our main findings:

Physical Violence and Torture

Chengguan personnel are accused of using excessive force against and publicly humiliating people. Seventeen of the twenty-five victims of *chengguan* abuse interviewed by Human Rights Watch claimed to be

victims of excessive force. That excessive force, often inflicted in sight of multiple eye-witnesses, included being slapped, shoved, pushed to the ground, forcibly held down on the ground, dragged, punched, kicked, and thrown from vehicles to the street. Those beatings resulted in injuries ranging from bruises, cuts, and bloody noses to broken bones.

Illegal detention

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

Abuses accompanying confiscation of goods

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

Impunity

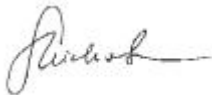
At least 18 people have been killed in the course of *chengguan* law enforcement operations between September 2000 and June 2010, according to an unofficial estimate compiled by the human rights lawyer Teng Biao in July 2010. The majority of those deaths have been the result of injuries allegedly inflicted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

We would welcome any information or feedback the Public Security Bureau could provide regarding these issues as well as any steps it has taken or plans to take to address them. We would also appreciate your responses to the questions raised below as well as any additional information you wish to provide us.

Human Rights Watch strives to reflect all perspectives in our research and looks forward to your response. In light of our publishing schedule, we would be grateful to receive your response by Friday, April 27, 2012. Please send your response to Sophie Richardson, China director in the Asia division, by email at richars@hrw.org or by fax at +1-202-612-4333.

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

Sincerely,



Sophie Richardson
China Director, Human Rights Watch

1. How many cities and municipalities in China currently have *chengguan* enforcement? What is the total number of *chengguan* personnel in China?
2. What is the separation of powers of enforcement between Public Security Bureau and *chengguan* enforcement? In what ways can and do PSB personnel and *chengguan* cooperate in administrative regulation enforcement?
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5. What legal or regulatory gaps or loopholes make it difficult or impossible for the PSB to adequately address alleged abuses by *chengguan* personnel? If such gaps exist, how could they be addressed in order to improve the ability of the PSB to prevent and investigate such abuses?
6. In your opinion, is the *chengguan* actually necessary as an administrative enforcement agency? Could and/or should *chengguan* duties be fulfilled by PSB personnel?

Annex III: Chinese State Media Accounts of *Chengguan* Abuses, July 2010-March 2012

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Mar 17, 2012 ¹⁸³	Mr. Kang Zhichang	7	Yan'an City Baota Unit	Beaten	Yan'an, Shaanxi
Mar 16, 2012 ¹⁸⁴	Mr. Chen (street vendor)	several	Luohu District, East Gate Bureau	Brutally beaten with batons and ditched near an expressway	Luohu, Shenzhen, Guangdong
Mar 15, 2012 ¹⁸⁵	Mr. Chen Feng (street vendor)	> 10	Gaochunxin District Station	Beaten; vehicle impounded	Gaochun, Nanjing, Jiangsu
Mar 10, 2012 ¹⁸⁶	Ms. Zhu and her 12 year old child	1	Haikou City, Xiuying District Unit	Confiscated goods, kicked 12 year old	Xiuying, Haikou, Hainan
Mar 7, 2012 ¹⁸⁷	Ms. Guo (street vendor)	4	Haikou Qionshan Station	Beaten up, goods detained, gold necklace snatched	Qionshan, Haikou, Hainan
Mar 5, 2012 ¹⁸⁸	Ms. Wen, her husband Mr. Wu, her brother, cousin, and niece (<10 years old); and unnamed street vendor	> 50	Unknown	Beaten	Guandu, Kunming, Yunnan

¹⁸¹ In accordance with Mainland Chinese address formatting.

¹⁸² Number of officers reportedly present at the scene at the time of the incident.

¹⁸³ 王晓亮, "延安男子一旁"多句嘴"被城管打住院 市民: 确实打人了," ("In Yan'an, man hospitalized after being beaten up by chengguan for speaking to them; city residents confirm that chengguan did beat him up"), *华商报*, March 19, 2012, <http://yanan.hsw.cn/system/2012/03/19/051275793.shtml> (accessed March 19, 2012).

¹⁸⁴ 陈文才, "深圳小贩被城管暴打后扔路边," ("Shenzhen street vendor ditched by the road after being beaten"), *南方都市报*, March 18, 2012, http://news.ifeng.com/photo/hdsociety/detail_2012_03/18/13272502_0.shtml (accessed March 18, 2012).

¹⁸⁵ 卢斌, "城管局内流动摊贩遭暴打 高淳警方正展开调查," ("Street vendor brutally beaten within chengguan station; Gaochun police currently carrying out investigations"), *南京晨报*, March 17, 2012, <http://nj.focus.cn/news/2012-03-17/1849972.html> (accessed March 17, 2012).

¹⁸⁶ "市民投诉秀英城管执法踢伤儿童小腿 负责人解释," ("City residents lodge a complaint against Xiuying District chengguan for kicking a child's shin in the process of law enforcement; officials provide an explanation"), *人民网海南视窗*, March 12, 2012, <http://news.hainan.net/newshtml08/2012w3r12/851778fo.htm> (accessed March 14, 2012).

¹⁸⁷ "海口: 摊贩称被打被抢白金项链 城管: 她暴力抗法," ("Street vendor claims gold necklace snatched and beaten, chengguan: she reacted violently to the law enforcement process"), *海口网*, March 10, 2012, http://www.hkwb.net/news/content/2012-03/10/content_662914.htm?node=116 (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Feb 5, 2012 ¹⁸⁹	Mr. Wu's wife (street vendor)	1	Fengze District Station	Beaten	Fengze, Quanzhou, Fujian
Jan 15, 2012 ¹⁹⁰	Ms. Chen Jinhua (storeowner), her sister, Ms. Chen Jinmei, and her son, Xiao Niu	1	Hedong District Station	Beaten, Ms. Chen Jinhua smashed on the head with a stool, 4 stitches required; Ms. Chen Jinmei, 2 stitches required; Xiaoniu traumatized by the violence inflicted upon his mother	Sanya, Hainan
Jan 9 -10, 2012 ¹⁹¹	Ms. Liu Wuxiu (street vendor)	> 5	Jingxi Street Bureau	Beaten up two days in a row, resulting in broken finger; offered money in exchange for signing a press release which denies that she was beaten up by chengguan	Baiyun, Guangzhou, Guangdong
Jan 6, 2012 ¹⁹²	Mr. Ma and his brother	> 10	Qinhua District Station	Beaten	Qinhuai, Nanjing, Jiangsu
Jan 2, 2012 ¹⁹³	Mr. Yan Jun (disabled)	2	Xiangtan City, Yuetang District Station	Chengguan vehicle crashed into Mr. Yan's tricycle; beaten up	Yuetang, Xiangtan, Hunan

¹⁸⁸ "口角引发冲突 城管市民大打出手," ("Argument sparks off clashes, chengguan and city residents embroiled in physical altercation"), *云南电视台*, March 16, 2012, http://news.yntv.cn/content/14/20120306/161656_14_505282.shtml (accessed March 14, 2012).

¹⁸⁹ 董加固, "泉州城管伤了摆摊女续 伤人是丰泽执法局协管员," ("Quanzhou chengguan injures female street vendor, assailant is Fengze Station's assistant official"), *东南网*, February 7, 2012, http://qz.fjsen.com/2012-02/07/content_7784470.htm (accessed March 14, 2012).

¹⁹⁰ 丁建庭, "三亚城管暴力执法 当着 8 岁孩子面打妈妈超出底线," ("Sanya chengguan reaches a new low in using violence in law enforcement, beats a mother in front of her 8 year old son"), *南方日报*, February 21, 2012, http://china.nfdaily.cn/content/2012-02/21/content_38394168.htm (accessed March 14, 2012).

¹⁹¹ "城管打小贩致骨折诱其签否认声明," ("Chengguan beats up street vendor, resulting in fracture; attempts to bribe her into signing press release to deny the incident"), *京华时报*, February 5, 2011, http://epaper.jinghua.cn/html/2012-02/05/content_758021.htm (accessed March 14, 2012).

¹⁹² "兄弟俩抄近道回家闯进拆违现场 遭城管一顿暴打," ("Two brother takes a shortcut on route home and accidentally walks into the demolition of an illegal building, brutally beaten up by chengguan"), *现代快报*, January 18, 2012, <http://www.wjoo1.com/news/shehui/2012-01-18/79528.html>.

¹⁹³ 刘晓波, "湘潭城管执法车逆行撞车酿冲突 被撞者还被打?," ("Xiangtan city chengguan vehicle drives against the flow of traffic, resulting in car crash, victim of car crash beaten up"), *华声在线*, January 6, 2012, <http://hunan.voc.com.cn/article/201201/201201060811573115.html> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Dec 29, 2011 ¹⁹⁴	Mr. Lu Haojie (mistaken for a street vendor)	4	Meihuacun Street Unit	Dragged onto chengguan car and brutally beaten, then tossed onto the street	Yuexiu, Guangzhou, Guangdong
Dec 28, 2011 ¹⁹⁵	Ms. Li (street vendor selling honey)	1	Houzhou Housing and Construction Station	Brutally beaten, bottles of honey smashed on her head	Huozhou, Linfen, Shanxi
Dec 26, 2011 ¹⁹⁶	Unnamed tourist couple	3	Lijiang City, Gucheng District, Dayan Gucheng Station	Physical altercation	Gucheng, Lijiang, Yunnan
Dec 19, 2011 ¹⁹⁷	Mr. Xie (street vendor)	> 10	Guandu District Unit	Fined by a group of chengguan, then beaten by a drunk chengguan	Guandu, Kunming, Yunnan
Dec 19, 2011 ¹⁹⁸	Ms. Fan (street vendor)	1	Guandu District Unit	Beaten by a drunk chengguan	Guandu, Kunming, Yunnan
Dec 14, 2011 ¹⁹⁹	Mr. Ning (street vendor)	2	Kunming City, Panlong District Bureau	Beaten	Panlong, Kunming, Yunnan
Dec 1, 2011 ²⁰⁰	Female street vendor	4	Tongzhou District Unit	Chased onto the street and hit by a car	Tongzhou, Beijing

¹⁹⁴ 张钊、吴广宇、裴萍, "男子被 4 名城管误认为小贩带走 遭毆后被扔出车外," ("Man mistaken for street vendor and taken away and beaten by 4 chengguan, tossed out of car after beatings"), *南方都市报*, December 30, 2011, http://news.ifeng.com/society/2/detail_2011_12/30/11674336_0.shtml (accessed March 14, 2012).

¹⁹⁵ "山西临汾霍州“便衣”城管暴打蜂蜜女," ("‘Plainclothes’ chengguan from Huozhou, Linfen, Shanxi brutally beats up woman selling honey"), *中国网聚焦山西*, February 27, 2012, <http://news.qq.com/a/20120227/000776.htm> (accessed March 14, 2012).

¹⁹⁶ 余金山, "丽江古城城管被指打孕妇 官方回应另有原因", ("Chengguan from Lijiang, Gucheng accused of beating up pregnant lady, officials present a different story in their response"), *丽江热线*, December 27, 2011, <http://www.lijiangtv.com/viewnews-27280-1.html> (accessed March 14, 2012).

¹⁹⁷ Ibid.

¹⁹⁸ 江吉炜, "“醉酒城管”连毆两商贩," ("Drunk chengguan beats up two street vendors"), *生活新报*, December 20, 2011, http://www.shxb.net/html/20111220/20111220_299710.shtml (accessed March 14, 2012).

¹⁹⁹ 江吉炜, "综执大队讨说法“这里城管打了我”, ("Seeks explanation at comprehensive administrative bureau, claims ‘a chengguan from this unit hit me’"), *生活新报*, December 16, 2011, http://www.shxb.net/html/20111216/20111216_299400.shtml (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Nov 14, 2011 ²⁰¹	Mr. Wang	> 10	Tangyong Village Unit	Beaten for using mobile phone to take photographs of chengguan beating up female street vendor, forced to write self-criticism apology letter, mobile phone reset	Baiyun, Guangzhou, Guangdong
Nov 16, 2011 ²⁰²	Ms. Niu Guixiang (elderly street vendor) and her son	> 10	Nangang District Station	Ms. Niu brutally beaten, her son was involved in physical altercation with chengguan	Nangang, Harbin, Heilongjiang
Nov 8, 2011 ²⁰³	Ms. Zhang	4 – 5	Licang Station, Hushan Street Unit	Beaten, detained	Licang, Qingdao, Shandong
Nov 7, 2011 ²⁰⁴	Ms. Hu and husband	2	Nanshan Street Unit	Ms. Hu beaten, her husband severely beaten, resulting in several broken bones and about a dozen stitches	Nanshan, Shenzhen, Guangdong
Nov 7, 2011 ²⁰⁵	Ms. Zhang (street vendor)	3	Guiyang City, Yunyan Unit	Beaten	Yunyan, Guiyang, Guizhou

²⁰⁰ 易方兴, "城管追商贩 商贩遭车撞," ("Chengguan chases street vendor, street vendor hit by car"), *新京报*, December 3, 2011, <http://news.bjnews.com.cn/2011/1203/141026.shtml> (accessed March 14, 2012).

²⁰¹ "手机拍照惊了粗暴执法城管 路人遭暴打被迫写检讨," ("Taking photographs with mobile phone provokes chengguan into violent law enforcement; passerby beaten and forced to write self-criticism apology letter"), *新华网*, November 29, 2011, http://news.sctv.com/shxw/shfz/201111/t20111129_903646.shtml (accessed March 14, 2012).

²⁰² 薛萌, "哈尔滨城管与市民起冲突 执法人员称执法时被打," ("Harbin chengguan clashes with city residents, chengguan claims he was also beaten"), *黑龙江晨报*, November 17, 2011, <http://news.sohu.com/20111117/n325901640.shtml> (accessed March 14, 2012).

²⁰³ "青岛女子持刀与城管理论 被夺刀后遭暴打," ("Qingdao lady brandishes knife when arguing with chengguan, brutally beaten after she is disarmed of the knife"), *城市信报*, November 23, 2011, <http://www.cqcb.com/cbnews/gngjnews/2011-11-23/459259.html> (accessed March 14, 2012).

²⁰⁴ "城管执法“下手太重”？小贩老公被打鼻骨折," ("Chengguan too violent in law enforcement? Street vendor's husband beaten, resulting in a broken nose"), *深圳广电集团*, November 7, 2011, <http://113.105.76.204/shenzhen/201111/0720372407.shtml> (accessed March 14, 2012).

²⁰⁵ "城管第一天上班脱上衣赤膊暴打女摊贩," ("On his first day of work, chengguan removed his shirt and beat up female street vendor"), *贵州商报*, November 14, 2011, http://www.fjsen.com/h/2011-11/14/content_6770625.htm (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Oct 31, 2011 ²⁰⁶	Mr. Jiang and wife	several	Nantou Station	Beaten with steel bars and hacked with knives	Nanshan, Shenzhen, Guangdong
Oct 27, 2011 ²⁰⁷	Unnamed elderly man and Mr. Zhang Ka (policeman)	› 20	Henan, Suiping Unit	Elderly man beaten up, policeman who arrived on the scene to stop the beating was beaten taken away by the chengguan	Suiping, Zhumadian, Henan
Oct 17, 2011 ²⁰⁸	Several store attendants	› 12	Futian District Unit	Physical altercation	Futian, Shenzhen, Guangdong
Oct 7, 2011 ²⁰⁹	Mr. Fu Guojun	› 30	Dabanqiao Street Bureau	Beaten to death (mistaken for another person)	Guandu, Kunming, Yunnan
Sep 20, 2011 ²¹⁰	Mr. Jia and Ms. Wang	6 – 7	Rugao City Station	Beaten	Rugao, Nantong, Jiangsu
Sep 16, 2011 ²¹¹	Mr. Li Fei	› 10	Yiliu Street Station	Brutally beaten	Guandu, Kunming, Yunnan
Sep 2, 2011 ²¹²	Mr. Duan Guozhi (street vendor)	7 – 8	Wuhua District Station	Brutally beaten	Wuhua, Kunming, Yunnan

²⁰⁶ "夫妻商贩被砍伤 城管外包引质疑," ("Street vendor couple injured with cuts, chengguan outsourcing method questioned"), *深圳广电集团*, November 2, 2011, <http://www.s1979.com/shenzhen/201111/0220062202.shtml> (accessed March 14, 2012).

²⁰⁷ "河南遂平城管殴打百姓 警察制止被殴打致伤," ("Chengguan from Henan, Suiping beat up a civilian, policeman beaten and injured for attempting to stop chengguan"), *云南信息报*, November 3, 2011, http://china.nfdaily.cn/content/2011-11/03/content_32543781.htm (accessed March 14, 2012).

²⁰⁸ "城管欲暴力强拆违规贴画 与店员互殴一团," ("Chengguan uses violent means to remove illegally posted advertisements, embroiled in physical altercation with store attendants"), *黑龙江电视台*, October 20, 2011, <http://video.sina.com.cn/p/news/s/v/2011-10-20/120861533671.html> (accessed March 14, 2012).

²⁰⁹ "高清：昆明“城管”打死少年 事后竟称“打错了”，" ("Gaoqing: Kunming chengguan beats young man to death, claims after the incident that they beat up the wrong person"), *人民网*, October 8, 2011, <http://pic.people.com.cn/GB/31655/15824978.html> (accessed March 14, 2012).

²¹⁰ 何洁, "江苏如皋城管被指暴力执法 两名被打人员均受伤," ("Jiangsu, Rugao chengguan accused of violent law enforcement, both attacked individuals sustained injuries"), *现代快报*, September 22, 2011, <http://news.sohu.com/20110922/n320141625.shtml> (accessed March 14, 2012).

²¹¹ 赵勇, "开车过矣六 挨了“城管”一顿打," ("Beaten up by chengguan while driving through Yiliu"), *生活新报*, September 17, 2011, http://www.shxb.net/html/20110917/20110917_291262.shtml (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Aug 30, 2011 ²¹³	Mr. Tan (street vendor)	10 – 20	Wuhua Station	Brutally beaten, 3 stitches required, goods detained	Wuhua, Kunming, Yunnan
Aug 18, 2011 ²¹⁴	Mr. Luo (automotive repair technician)	9	Yiliu Street Station	Brutally beaten	Guandu, Kunming, Yunnan
Aug 17, 2011 ²¹⁵	Unnamed elderly male street vendor	2	Yuhang District Station	Physical altercation	Hangzhou, Zhejiang
Aug 16, 2011 ²¹⁶	Several street vendors	> 20	Volunteers for Chengfeng Street Unit	Physical altercation	Putuo, Shanghai
Aug 16, 2011 ²¹⁷	20 street vendors	70 – 80	Taizhou City, Luqiao Unit	Physical altercation, stalls and beer bottles smashed	Luqiao, Taizhou, Zhejiang
Aug 15, 2011 ²¹⁸	Mr. Sun Tianyu (street musician)	8 - 9	Xuancheng City Station	Beaten, electric guitar and sound system smashed	Xuancheng, Anhui

²¹² 邓建华, "昆明南屏街被打商贩 3 次病危 城管：打人者是公司雇员," ("Vendor beaten at Nanping Street, Kunming slipped into critical condition thrice, Chengguan claims assailant was a subcontractor"), 云南网, September 4, 2011, http://society.yunnan.cn/html/2011-09/04/content_1806995.htm (accessed March 14, 2012).

²¹³ 周平洋、胡泊, "摊贩城管上演全武行 家属称被打得满头是血," ("Physical altercation between chengguan and street vendor, family members claim he was bleeding profusely from the head from the beatings"), 云南网, August 31, 2011, <http://news.sohu.com/20110831/n317900795.shtml> (accessed March 14, 2012).

²¹⁴ 周平洋, "'120 急救中心牌子挂上电动车'急救哥被城管打出血," ("Automotive repair technician beaten bloody by chengguan for hanging '120 Rescue Center' sign on motorcycle"), 云南网, August 20, 2011, http://news.yninfo.com/yn/shxw/201108/t20110820_1700693.htm (accessed March 14, 2012).

²¹⁵ "杭州城管打人再调查：协管队员连续打摊贩后脑勺," ("Investigations on Hangzhou chengguan beating up a man – assistant official struck street vendor's head repeatedly"), 今日早报, August, 19, 2011, <http://www.nd.chinanews.com/News/xwdc/20110819/127821.html> (accessed March 14, 2012).

²¹⁶ 余梁意 杨洁, "20 余名城管志愿者持械打砸地铁口小摊贩," ("Dozens of armed chengguan volunteers smash street stalls outside of subway station"), August 17, 2011, 东方早报, http://epaper.dfdaily.com/dfzb/html/2011-08/17/content_518547.htm (accessed March 14, 2012).

²¹⁷ 胡 剑, "路桥城管昨整治夜排档时起冲突 城管两人被砍伤，一人被砸伤," ("Luqiao chengguan involved in clashes when enforcing law in night market, two chengguan injured from being hacked by knives, one chengguan injured from being smashed by bottles"), 台州商报, August 17, 2011, http://www.taizhou.com.cn/zhuant/2011-08/17/content_429785.htm (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Aug 11, 2011 ²¹⁹	Unnamed female motorist	Unknown	Qianxi Unit	Beaten, beating sparked off the smashing and flipping over one chengguan car and five police cars by the crowds which gathered	Qianxi, Bijie, Guizhou
Aug 11, 2011 ²²⁰	Mr. Chen, his wife and brother-in-law	Unknown	Nanjing City, Liuhe District Unit	Beaten	Liuhe, Nanjing, Jiangsu
Aug 10, 2011 ²²¹	Mr. Wang (street vendor), his parents and female cousin	> 10	Unknown	Beaten, car impounded	Changyi, Weifang, Shandong
Aug 9, 2011 ²²²	Ms. Lan (street vendor)	4	Shishi City Station	Physical altercation	Shishi, Quanzhou, Fujian
Aug 8, 2011 ²²³	Mr. Gu (street vendor with disabilities)	4	Hongshan District Station	Physical altercation, stall destroyed	Hongshan, Wuhan, Hubei
Jul 30, 2011 ²²⁴	Mr. Wang Wenquan	4 - 8	Xinhua Street Bureau	Beaten; vehicle windshield smashed	Decheng, Dezhou, Shandong

²¹⁸ "流浪歌手街头卖唱遭暴打 打人者疑为城管聘用," ("Street musician beaten up for performing on the streets, suspects assailants were hired by chengguan"), *合肥晚报*, August 17, 2011, <http://news.hf365.com/system/2011/08/17/011089848.shtml> (accessed March 14, 2012).

²¹⁹ "贵州省黔西县城城管执法冲突 引发群众聚集打砸," ("Chengguan from Qianxi, Guizhou face conflict in law enforcement process, sparking off mass backlash and attacks"), *中广网*, August 12, 2011, <http://www.cankaoxiaoxi.in/a/zhongguodadi/2011/0812/32873.html> (accessed March 14, 2012).

²²⁰ "取缔占道经营 浦口城管和摊贩起冲突," ("Pukou chengguan clash with street vendors in trying to prohibit them from operating on the streets"), *南京晨报*, August 12, 2011, http://www.yangtse.com/news/nj/201108/t20110812_824458.html (accessed March 14, 2012).

²²¹ "潍坊昌邑一市民因收摊慢遭城管殴打," ("Weifang, Changyi – street vendors beaten up for closing up their stalls too slowly"), *山东电视台*, August 12, 2011, <http://www.jiaodong.net/news/system/2011/08/12/011361232.shtml> (accessed March 14, 2012).

²²² 陈世国, "女摊贩遭 4 名城管围殴致颅脑损伤 当事人称只推搡," ("Female street vendor beaten up by 4 chengguan, resulting in brain trauma; involved chengguan claim they only pushed her"), *海峡都市报*, August 10, 2011, <http://www.chinanews.com/sh/2011/08-10/3246969.shtml> (accessed March 14, 2012).

²²³ 陈倩, "武汉市洪山城管掀翻残疾人报摊 引发数百人围观," ("Hongshan, Wuhan chengguan destroys street vendor's newspaper stall, drawing a crowd of hundreds of passer-bys"), *楚天都市报*, August 8, 2011, <http://news.sohu.com/20110808/n315720595.shtml> (accessed March 14, 2012).

²²⁴ 牟张涛, "城管执法与瓜贩起冲突," ("Chengguan clash with melon vendor over law enforcement"), *齐鲁晚报*, August 1, 2011, http://sjb.qlwb.com.cn/html/2011-08/01/content_168617.htm?div=-1 (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Jul 26, 2011 ²²⁵	Mr. Deng Qiguo (street vendor with disabilities)	1	Xixiu District Station	Beaten to death	Xixiu, Anshun, Guizhou
Jul 26, 2011 ²²⁶	Xiao Dai, his mother and grandfather	5 – 6	Xixia District Station	Physical altercation	Xixia, Yinchuan, Ningxia
Jul 25, 2011 ²²⁷	Mr. Yue and Ms. Pu (street vendors)	3	Jinbi Street Unit	Physical altercation; Ms. Pu slashed by knife	Kunming, Yunnan
Jul 21, 2011 ²²⁸	Mr. Zhu (street vendor)	2	Unknown	Brutally beaten, stall wrecked	Tianhe, Guangzhou, Guangdong
Jul 15, 2011 ²²⁹	Mr. Zhang Biao (street vendor) and his family of 7 and several passerbys	> 10	Duqiao County Unit	Beaten	Linhai, Taizhou, Zhejiang
Jul 11, 2011 ²³⁰	Mr. Yang Haibiao (street vendor's husband)	unknown	Longwan District, Zhuangyuan Unit	Brutally beaten, resulting in rib fractures and serious injuries	Longwan, Wenzhou, Zhejiang

²²⁵ 黄勇 李忠将, "贵州安顺摊贩死亡疑与城管有关 引群众聚集围观," ("Street vendor dies in Anshun, Guizhou, death suspected to be linked to chengguan, draws a crowd of passerbys"), *新华网 贵州频道*, July 27, 2011, <http://news.qq.com/a/20110727/000804.htm> (accessed March 14, 2012).

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²²⁷ 李晨晨、高伟, "昆明金碧路烤红薯小贩与城管起冲突 手臂被刀划伤," ("Street vendor roasting sweet potatoes on Jinbi Street, Kunming embroiled in physical altercation with chengguan, arm slashed by knife"), *云南网*, July 26, 2011, http://news.yninfo.com/yn/shxw/201107/t20110726_1693525.htm (accessed March 14, 2012).

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²²⁹ "城管小贩冲突路人拍照遭强删 小贩受伤至今住院," ("Passerbys taking photographs of clashes between street vendors and chengguan forced to delete photographs; street vendor still hospitalized for injuries"), *钱江晚报*, July 21, 2011, <http://news.sohu.com/20110721/n314055787.shtml> (accessed March 14, 2012).

²³⁰ "摊贩称被城管打成骨折 城管称有推搡没有殴打," ("Street vendor claims chengguan beat him up, resulting in fractures; chengguan claims he only pushed but did not beat him"), *浙江在线*, July 12, 2011, <http://zjnews.zjol.com.cn/05zjnews/system/2011/07/12/017672926.shtml> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Jul 7, 2011 ²³¹	Ms. Zou (supermarket owner)	3	Xishan District, Zhongshu Ying Station	Beaten	Xishan, Kunming, Yunnan
Jul 4, 2011 ²³²	Ms. Liang and Mr. Song (storeowners trying to help diffuse a quarrel near their stores)	10	Shizhong District, Guangming Street Unit	Physical altercation, Ms Liang's finger bitten by a chengguan	Shizhong, Zaozhuang, Shandong
Jul 2, 2011 ²³³	Mr. Gao and wife (passerby on the phone)	Multiple	Xianyang City, Weicheng District Unit	Beaten for being on the phone in the vicinity	Weicheng, Xianyang, Shaanxi
Jun 28, 2011 ²³⁴	Mr. Yan (elderly street vendor)	4 – 5	Binhu Street Station	Bicycle detained; beaten resulting in finger dislocation	Jianye, Nanjing, Jiangsu
Jun 27, 2011 ²³⁵	Mr. Zhang Jiyuan (street vendor)	3	Nanzheng County Dahekan Unit	Beaten	Nanzheng, Hanzhong, Shaanxi
Jun 27, 2011 ²³⁶	Ms. Gao Shengmin	> 4	Laohekou City Bureau	Physical altercation; tricycle detained	Laohekou, Xiangyang, Hubei

²³¹ “陈 洁, “超市店主被城管协勤打伤 西山区成立调查组调查此事,” (“Supermarker owner beaten up by chengguan, Xishan city sets up panel to investigate the incident”), *云南网*, July 10, 2011, http://society.yunnan.cn/html/2011-07/10/content_1710319.htm (accessed March 14, 2012).

²³² 袁沛民, “商户与城管起冲突 劝架者被女城管咬伤手指,” (“Merchant and chengguan involved in physical altercation, person attempting to mediate gets bitten on the fingers by female chengguan”), *齐鲁晚报*, July 5, 2011, <http://news.qq.com/a/20110705/000306.htm> (accessed March 14, 2012).

²³³ 袁小锋, “夫妻围观城管执法时打电话遭质问被打伤,” (“Couple making a phone call while watching a law enforcement incident gets questioned and beaten up by chengguan”), *华商报*, July 4, 2011 <http://news.sina.com.cn/s/p/2011-07-04/015822749824.shtml> (accessed March 14, 2012).

²³⁴ 曹卢杰, “六旬卖菜老汉与城管队员冲突大拇指被扯脱臼,” (“Vegetable seller in his 60s clashes with chengguan, thumb gets dislocated”), *扬子晚报*, June 29, 2011, <http://www.chinanews.com/fz/2011/06-29/3144670.shtml> (accessed March 14, 2012).

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²³⁶ 牛泰、赵牧, “老河口城管与菜贩发生冲突 警方介入调查,” (“Laohekou chengguan clashes with vegetable street vendor, police involved in investigations”), *楚天快报*, June 28, 2011, <http://hb.qq.com/a/20110628/000228.htm> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Jun 22, 2011 ²³⁷	Mr. Zhang and wife	> 10	Julu County Station	Beaten	Julu, Xingtai, Hebei
Jun 22, 2011 ²³⁸	Mr. Huang Zongjian	5 - 6	Xingqing South District Station	Beaten	Xingqing, Yinchuan, Ningxia
Jun 15, 2011 ²³⁹	Mr. Huang and 9 other villagers	> 10	Heilipu Bureau	Physical altercation resulting in injuries	Wuhua, Kunming, Yunnan
Jun 14, 2011 ²⁴⁰	Ms. Du Xianju (street vendor)	3	Yuzhong District Station	Injured from falling down a flight of stairs as a result of physical altercation	Yuzhong, Chongqing
Jun 13, 2011 ²⁴¹	Mr. Wu Zhuang	4	Zhengxiong Unit	Beaten	Zhenxiong, Zhaotong, Yunnan
Jun 11, 2011 ²⁴²	Mr. Zheng Weiming	1	Chaoyang District, Yongchang Street Bureau	Beaten	Chaoyang, Changchun, Jilin
Jun 6, 2011 ²⁴³	Mr. Meng (elderly man)	Several	Sishui County Station	Beaten to death	Sishui, Jining, Shandong

²³⁷ “邢台：巨鹿县城管粗暴执法 致一女子头部受伤,” (“Julu county chengguan use violent means to enforce laws, causing a woman to sustain head injuries”), 长城网, June 28, 2011, <http://heb.hebei.com.cn/system/2011/06/28/011244191.shtml> (accessed March 14, 2012).

²³⁸ 黄超, “城管闹市执法起冲突,” (“Chengguan law enforcement measures leads to clashes”), 银川新闻网, June 23, 2011, http://www.ycen.com.cn/content/2011-06/23/content_957235.htm (accessed March 14, 2012).

²³⁹ 董玖永, “城管参与拆迁 村民受伤住院,” (“Chengguan involved in demolition and relocation, villagers hospitalized for injuries”), 生活新报, June 17, 2011, http://www.shxb.net/html/20110617/20110617_282248.shtml (accessed March 14, 2012).

²⁴⁰ “重庆城管打伤小贩“有图有真相”, (“Chongqing chengguan beats up and injures street vendor, photographic evidence available”), 山西晚报, June 17, 2011, <http://news.sxrb.com/shxw/1192763.html> (accessed March 14, 2012).

²⁴¹ 申时勋, “镇雄城管锁轮胎引发冲突 5 人受伤,” (“Zhenxiong chengguan clamps wheel, sparks off clashes, resulting in 5 people sustaining injuries”), 云南网, June 16, 2011, http://society.yunnan.cn/html/2011-06/16/content_1666377.htm (accessed March 14, 2012).

²⁴² “18 岁高考生卖气球与长春朝阳城管起冲突 都说被打”, (“18 year old high school student selling balloons clashes with chengguan in Changchun, Chaoyang, each claims to have been beaten”), 新浪教育, May 15, 2011, <http://news.365future.com/Html/201106/15/20110615085649.htm> (accessed March 14, 2012).

²⁴³ 冯炜程, “山东泗水城管打死六旬老人 官方称其“激动死”, (“Chengguan from Sishui, Shandong beat elderly man in his 60s to death, officials claim that he died from over-agitation”), 大众网, May 9, 2011, <http://news.sohu.com/20110609/n309756942.shtml> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Jun 2, 2011 ²⁴⁴	Mr. Guo Fei and Ms Guo Tian (high school children) and their unnamed aunt	Several	Zichang County, Shuangchuang Bureau	Brutally beaten	Zichang, Yan'an, Shaanxi
Jun 2, 2011 ²⁴⁵	Ms. Li and Mr. Wang (street vendors)	> 10	Yulin City Station	Physical altercation, tricycle confiscated and Ms. Li taken away in chengguan car	Yulin, Shaanxi
Jun 1, 2011 ²⁴⁶	Mr. Yan Fei	> 10	DianBu District Bureau	Brutally beaten	Feidong, Hefei, Anhui
May 31, 2011 ²⁴⁷	Mr. Peng Yong	5 – 6	Meihua Street Station	Beaten and verbally threatened	Yuexiu, Guangzhou, Guangdong
May 30, 2011 ²⁴⁸	Ms. Luo	4	Guandu District Unit	Slapped and strangled	Guandu, Kunming, Yunnan
May 27, 2011 ²⁴⁹	Mr. Ji (street vendor)	1	Yan'an Street Unit	Brutally beaten	Shibei, Qingdao, Shandong
May 25, 2011 ²⁵⁰	Mr. Guo Shenghua	4 – 5	Hanjiadun Street Bureau	Slapped	Qiaokou, Wuhan, Hubei

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

²⁴⁵ "摆地摊夫妇遭遇榆林"城管"粗暴执法 三轮车被强扣," ("Street vendors subject to violent law enforcement measures by Yulinchengguan, tricycle confiscated"), *榆林新闻*, June 3, 2011, <http://yl.hsw.cn/system/2011/06/03/050973989.shtml> (accessed March 14, 2012).

²⁴⁶ 邵婧, "男子误闯拆违现场遭城管围殴 怀孕妻下跪求饶," ("Man beaten up by chengguan for accidentally walking into demolition site, his pregnant wife kneels to beg for mercy"), *中安在线*, June 2, 2011, <http://news.qq.com/a/20110602/000486.htm> (accessed March 14, 2012).

²⁴⁷ 陈辉, "城管协管员打小贩后道歉 承认打人再威胁小贩," ("Chengguan assistant officer apologizes for beating up street vendor, admits to threatening and beating up street vendor"), June 1, 2011, *南方都市报*, http://news.ycwb.com/2011-06/01/content_3449798.htm (accessed March 14, 2012).

²⁴⁸ "北京路：城管商贩发生冲突 商贩横躺路中间," ("Chengguan and street vendors clash, street vendor lies down across the middle of the street"), *云视网讯*, May 31, 2011, http://news.yntv.cn/content/18/20110531/160012_18_305631.shtml (accessed March 14, 2012).

²⁴⁹ 林刚, "清理非法早市起争执 城管"脱衣"掌掴小贩," ("Cleaning of illegal market sparks off argument; chengguan removes shirt and slaps street vendor"), *半岛都市报*, May 28, 2011, http://news.bandao.cn/news_html/201105/20110528/news_20110528_1334896.shtml (accessed March 14, 2012).

²⁵⁰ 舒均, "城管执法车逼停出租掌掴的哥 打人"城管被开除," ("Chengguan forced vehicle to stop and slapped motorist; chengguan involved in beating has been fired"), *楚天都市报*, May 27, 2011, <http://hb.qq.com/a/20110527/000311.htm> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
May 24, 2011 ²⁵¹	Mr. Hu (storeowner)	6	Wuxi Xishan District, Dongbeitang Street Unit	Beaten	Xishan, Wuxi, Jiangsu
May 24, 2011 ²⁵²	Mr. Xu Shaohong (part of a band of four street musicians)	> 30	Chenggong Bureau	Beaten	Chenggong, Kunming, Yunnan
May 17, 2011 ²⁵³	Unnamed married couple (street vendors)	Unknown	Dalian Street Unit	Beaten	Shandong, Rizhao, Donggang
May 14, 2011 ²⁵⁴	Mr. Liu Yongxi (elderly street vendor)	2	Duyuan Street Bureau	Beaten; wares and goods destroyed	Jinjiang, Chengdu, Sichuan
May 13, 2011 ²⁵⁵	Mr. Lin Gaofeng and Ms. Cheng Yanni	> 4	Tongchuan City Yaozhou District Unit	Brutally beaten for taking photographs of law enforcement incident	Yaozhou, Tongchuan, Shaanxi
May 11, 2011 ²⁵⁶	Ms. Wang and her son (street vendors)	5	Beihai City, Haicheng District Unit	Physical altercation	Haicheng, Beihai, Guangxi

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²⁵³ "日照城管小贩冲突各执一词 小贩:还没摆摊就被打," ("Rizhao chengguan clash with street vendors, each side provides different narratives of incident; street vendor claims, they beat us up even before we set up our stall"), *半岛都市报*, May 18, 2011, http://news.bandao.cn/news_html/201105/20110518/new_s_20110518_1309197.shtml (accessed March 14, 2012).

²⁵⁴ 张书舟, "目睹城管殴打卖杨梅大爷 成都美女挡车要城管道歉," ("Eyewitnesses of chengguan beating up elderly man selling bayberries, Chengdu women obstruct vehicle and demand for an apology"), *南方都市报*, May 16, 2011, http://nf.nfdaily.cn/nfdsb/content/2011-05/16/content_24121494.htm (accessed March 14, 2012).

²⁵⁵ 佟川, "拍照影响了我们执法," ("Photography affects our enforcement of the law"), *华商报*, May 14, 2011, http://hsb.hsw.cn/2011-05/14/content_8067425.htm (accessed March 14, 2012).

²⁵⁶ 李婷, "城管与菜贩到底谁打谁," ("Chengguan and vegetables street vendor – whom attacked whom?"), *北海讯*, May 15, 2011, <http://news.xinmin.cn/rollnews/2011/05/15/10735638.html> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
May 8, 2011 ²⁵⁷	Mr. Zhao Yu (store owner) and his father	20 – 30	Yunlong District, Xuzhou City, Luotuoshan street Bureau	Beaten and store destroyed, using steel bars, fridge and vehicle confiscated	Yunlong, Xuzhou, Jiangsu
May 6, 2011 ²⁵⁸	Mr. and Mrs. Li (street vendors)	> 8	Shuangqiao District Unit	Car detained; Mrs. Li brutally beaten and whipped	Guandu, Kunming, Yunnan
May 3, 2011 ²⁵⁹	Mr. Zhou Xiaoming, his wife Ms. Wu Suli, and their son Mr. Zhou Yang	6	Liaoyang Station	Mr. Zhou Xiaoming brutally beaten to death; Mr. Zhou Yang brutally beaten; Ms. Wu slapped	Hongwei, Liaoyang, Liaoning
Apr 30, 2011 ²⁶⁰	Mr. Xu Yunqing	3	Daxing City Unit	Physical altercation; chengguan drove vehicle over and crushed his foot	Yinghai, Daxing, Beijing
Apr 29, 2011 ²⁶¹	Mr. Li Fanyong (refuse picker)	3	Tianyuan District North Unit	Pushed to the ground and injured; tricycle confiscated	Tianyuan, Zhuzhou, Hunan

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²⁵⁸ 黄世杨, "摆摊时间引争议 小贩称遭城管鞭抽," ("Argument over timing street vendors can set up stalls, street vendor claims to have been whipped by chengguan”), 云南网, May 9, 2011, http://society.yunnan.cn/html/2011-05/09/content_1601858.htm (accessed March 14, 2012).

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²⁶¹ 张东方, "收破烂者与城管起争执后倒地受伤 事发天元区," ("Tianyuan district: refuse picker embroiled in physical altercation with chengguan, falls to the ground from injuries”), 株洲晚报, April 30, 2011, <http://www.zhuzhouwang.com/portal/xw/zzxw/msht/webinfo/2011/04/30/1302589292396517.htm> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Apr 28, 2011 ²⁶²	Mr. Wang and his pregnant wife	5 – 6	Duqiao Unit	Beaten and pushed to the ground	Weinan, Shaanxi
Apr 27, 2011 ²⁶³	Ms. Xie (street vendor)	6 – 7	Yunxiao City Station	Physical altercation; injured	Yunxiao, Zhangzhou, Fujian
Apr 26, 2011 ²⁶⁴	Several unnamed young men	Unknown	Unknown	Physical altercation	Changsha, Hunan
Apr 24, 2011 ²⁶⁵	Mr. Guo Gang	2	Yichun City Station	Brutally beaten, permanently blinding his left eye	Yichun, Jiangxi
Apr 22, 2011 ²⁶⁶	Mr. Zhan Youming, Mr. Zhan Youli, Ms. Liu Qunfang, Ms. Xu	> 10	Wuhou City Committee	Beaten	Wuhou, Chengdu, Sichuan
Apr 14, 2011 ²⁶⁷	Mr. Ye Jianguo and Mr. He Jiahong (street vendors)	> 10	Jiangbei District Guanyinqiao Street Squad	Brutally beaten	Jiangbei, Chongqing
Apr 13, 2011 ²⁶⁸	Unnamed motorist	5 - 8	Songjiang Station	Beaten	Songjiang, Shanghai

²⁶² 强晓军, "渭南城管执法打人还推倒孕妇 记者现场调查真相," ("Weinan chengguan beats up people in the process of law enforcement, pushes pregnant woman to the floor; journalist arrive at the scene of the incident to investigate"), 陕西电视台《第一新闻》, April 29, 2011, http://news.cnwest.com/content/2011-04/29/content_4510473.htm (accessed March 14, 2012).

²⁶³ 杨清竹、周杨宁, "福建云霄一女小贩与城管争执后入院 自称被打伤," ("Fujian, Yunxiao – Female street vendor hospitalized after physical altercation with chengguan, claims to have been injured from beatings"), 东南网, May 10, 2011, http://www.fjsen.com/d/2011-05/10/content_4490477_2.htm (accessed March 14, 2012).

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²⁶⁵ 廖世杰, "江西交警家中遭城管暴打 左眼失明," ("Jiangxi traffic police brutally beaten by chengguan in his own home, resulting in blindness in left eye"), 新法制报, January 10, 2011, <http://jiangxi.jxnews.com.cn/system/2012/01/10/011872512.shtml> (accessed March 14, 2012).

²⁶⁶ 雷涛, "武侯区城管执法遇阻 与商户冲突致多人受伤," ("Wuhou city chengguan face obstruction to law enforcement attempt, clash with merchants, resulting in numerous people sustaining injuries"), 成都全搜索新闻网, April 22, 2011, http://news.chengdu.cn/content/2011-04/22/content_699111.htm?node=1760 (accessed March 14, 2012).

²⁶⁷ 蒋雨龙, "面摊占道经营城管执法打伤两人 目击者证实," ("Chengguan enforces law upon noodle stall obstructing path, beats up and injures two people, eyewitnesses confirm veracity of incident"), 重庆商报, April 19, 2011, http://www.cq.xinhuanet.com/news/2011-04/19/content_22555662.htm (accessed March 14, 2012).

²⁶⁸ "男子挡路遭城管殴打 九亭道路被堵近 6 个小时," ("Man beaten up by chengguan for obstructing road, Jiuting street congested for nearly 6 hours"), 东方网, April 15, 2011, <http://news.qq.com/a/20110415/000520.htm> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Apr 13, 2011 ²⁶⁹	Mr. Gao and his two sons (street vendors)	> 10	Majiabao Station	Beaten and wares detained	Fengtai, Beijing
Apr 6, 2011 ²⁷⁰	Ms. Li (store owner)	1	Xuanwu District, Meiyuan Unit	Physical altercation	Xuanwu, Nanjing, Jiangsu
Apr 6, 2011 ²⁷¹	Mr. Yan	unknown	Shushan District Bureau	Beaten, strangled, taken away by car	Shushan, Hefei, Anhui
Apr 3, 2011 ²⁷²	Ms. Zhao and several other street vendors	> 10	Zhoucun District Station	Beaten	Zhoucun, Zibo, Shandong
Mar 29, 2011 ²⁷³	Mr. Zhang Hongwen (elderly street vendor)	2	Wuqiao Construction Bureau	Beaten; goods confiscated	Wuqiao, Cangzhou, Hebei
Mar 23, 2011 ²⁷⁴	Mr. Zheng Lei (elderly street vendor)	1	Fuhua Street Bureau	Brutally beaten	Erqi, Zhengzhou, Henan

²⁶⁹ 刘珍妮, "商贩遭城管保安用木板和砖头殴打," ("Merchant attacked by chengguan and security officials wielding wooden planks and bricks"), *新京报*, April 14, 2011, http://epaper.bjnews.com.cn/html/2011-04/14/content_220672.htm?div=-1 (accessed March 14, 2012).

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²⁷¹ 杜晓宇, "城管执法与商户起冲突," ("Chengguan and merchants clash over law enforcement"), *安徽商报*, April 7, 2011, <http://ah.anhuinews.com/system/2011/04/07/003918199.shtml> (accessed March 14, 2012).

²⁷² 韩凯, "要想摆摊就得交钱? 周村城管执法卷入纠纷," ("Pay if you wish to set up your stall; Zhouchun chengguan embroiled in dispute"), *鲁中网*, April 3, 2011, <http://news.lznews.cn/2011/0403/431498.html> (accessed March 14, 2012).

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²⁷⁴ 李春晓, "郑州城管殴打 60 岁老人 路边洗车店疑遭城管报复," ("Zhengzhou chengguan beats up 60 year old man, neighbouring carwash store suspects it was target of chengguan revenge"), *东方今报*, March 25, 2011, <http://henan.sina.com.cn/news/s/2011-03-25/63-63978.html> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Mar 22, 2011 ²⁷⁵	20 vendors	> 60	Daxing Unit	Physical altercation, many injured from both parties	Daxing, Beijing
Mar 15, 2011 ²⁷⁶	20 individuals seeking to protect their land	> 60	Yuquan Street Bureau	Beaten	Jiyuan, Henan
Jan 27, 2011 ²⁷⁷	Mr. Zhang and two unnamed individuals	> 10	Yaohua Street Bureau	Physical altercation, many injured from both parties	Qixia, Nanjing, Jiangsu
Jan 16, 2011 ²⁷⁸	Unnamed sales assistants (elderly man and pregnant woman)	7 - 8	Yan'an Municipal Bureau Fenghuang Unit	Beaten	Yan'an, Shaanxi
Jan 20, 2011 ²⁷⁹	Mr. Zhang and his wife (elderly street vendors)	1	Songjianghe Forestry and Sanitation Bureau	Beaten	Fusong, Baishan, Jilin
Jan 19, 2011 ²⁸⁰	Three street vendors	1	Longhua Unit	Physical altercation, one female street vendor injured	Bao'an, Shenzhen, Guangdong

²⁷⁵ 张太凌, "城管游商冲突十余人受伤," ("Chengguan and street vendors clash, more than 10 injured"), *新京报*, March 23, 2011, http://epaper.bjnews.com.cn/html/2011-03/23/content_213416.htm (accessed March 14, 2012).

²⁷⁶ 张培君, "网曝济源暴力征地城管围殴群众 官方称不会暴力征地," ("Internet expose – Chengguan beat up a crowd in a violent land acquisition in Jiyuan, officials claim that they do not resort to violence in land acquisitions"), *大河网讯*, April 2, 2011, <http://henan.sina.com.cn/news/s/2011-04-02/63-65245.html> (accessed March 14, 2012).

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²⁷⁹ 于宝库, "违规摆摊卖馒头被城管打成重伤," ("Street vendor selling buns illegally beaten and severely injured by chengguan"), *长春晚报*, January 21, 2011, <http://www.jlsina.com/news/ccwb/2011-1-24-/8647.shtml> (accessed March 14, 2012).

²⁸⁰ "清场迎花市 城管摊贩冲突," ("Chengguan attempt to clear area for flower market, clash with street vendors"), *南方网*, January 20, 2011, <http://gd.news.sina.com.cn/news/2011/01/20/1094333.html> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Jan 14, 2011 ²⁸¹	Mr. Wu Shide and wife (street vendors)	› 3	Longtousi Station	Beaten	Yubei, Chongqing
Jan 6, 2011 ²⁸²	Mr. Zhou and wife	›20	Baishan City Unit	Beaten	Baishan, Jilin
Jan 4, 2011 ²⁸³	5 - 6 street vendors	› 10	Zhangjiang Unit	Physical altercation, many injured from both parties	Zhangjiang, Pudong, Shanghai
Dec 13, 2010 ²⁸⁴	Miss Gao (storeowner)	7 - 8	Guandu District, Taihe Station	Store destroyed	Guandu, Kunming, Yunnan
Dec 24, 2010 ²⁸⁵	Mr. Zhang Jin (policeman)	› 20	Panlong District Bureau	Beaten	Panlong, Kunming, Yunnan
Dec 24, 2010 ²⁸⁶	Mr. Zhou Jianfu	6	Jianxin Bureau	Beaten	Cangshan, Fuzhou, Fujian

²⁸¹ “摊贩与城管起冲突致肋骨被打断 城管称遭围攻,” (“Street vendors and chengguan clash, resulting in broken ribs, chengguan claims to have been beaten up”), *重庆晚报*, January 16, 2011, http://news.ycwb.com/2011-01/16/content_3283702.htm (accessed March 14, 2012).

²⁸² 李群, “白山城管与店主起冲突双方都称受伤了,” (“Baishan chengguan clash with storeowner, both parties claim to be injured”), *南方都市报*, January 8, 2011, <http://www.jlsina.com/news/xwhb/2011-1-11/6083.shtml> (accessed March 14, 2012).

²⁸³ 史寅昇, “张江镇：小贩城管发生冲突多人受伤,” (“Zhangjiang county: Street vendors and chengguan clash; many people injured”), *东方早报*, January 5, 2011, http://www.news365.com.cn/xwzx/sh/201101/t20110105_2926269.htm (accessed March 14, 2012).

²⁸⁴ 夏德锐, “商户冲突 城管老公带身着制服男子来砸店,” (“Clash with merchant, chengguan’s husband summons uniformed men to destroy the store”), *云南信息报*, January 1, 2011, http://china.nfdaily.cn/content/2011-01/01/content_18950156.htm (accessed March 14, 2012).

²⁸⁵ 周晓晖, “家中违建遭城管强拆 警察被打,” (“Illegal construction in policeman’s home demolished by chengguan, policeman beaten up by chengguan”), *生活新报*, December 28, 2010, http://www.shxb.net/html/20101228/20101228_266386.shtml (accessed March 14, 2012).

²⁸⁶ 林春长, “城管与小贩发生肢体冲突 近百人围住车子讨说法,” (“Physical altercation between chengguan and street vendors; close to a hundred people surround the car to reason with chengguan”), *福州新闻网*, December 25, 2010, <http://news.fznews.com.cn/shehui/2010-12-25/20101225jeopdzjvba103918.shtml> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Dec 22, 2010 ²⁸⁷	Mr. Fu Longchao (passerby)	› 20	Dingxiao Economic Development Zone Station	Beaten, taken away in the chengguan car and was abandoned in the wilderness	Xingyi, Qianxinan, Guizhou
Dec 19, 2010 ²⁸⁸	Three postal staff and Mr. Bao, a passerby trying to help	› 10	Hongkou District Bureau	Beaten	Hongkou, Shanghai
Dec 18, 2010 ²⁸⁹	Mr. Jing Kaiguo (elderly street vendor)	› 2	Bozhou Street Unit	Taken away by chengguan as injuries from physical altercation drew attention	Luyang, Hefei, Anhui
Dec 17, 2010 ²⁹⁰	Female parking lot attendant	2	Hanzhong City Station, Second Unit	Dragged into chengguan car and beaten	Hantai, Hanzhong, Shaanxi
Dec 12, 2010 ²⁹¹	Mr. Zhang Chengzhi (15 year old)	7 - 8	Hongkou District Unit	Beaten	Hongkou, Shanghai
Dec 11, 2010 ²⁹²	Ms. Yan, Ms. Li, Mr. Liu, Mr. Shi (tourists from Guizhou)	› 3	Sanya City, Hexi District Unit	Beaten	Sanya, Hainan

²⁸⁷ “教师围观城管执法遭暴打 事后被弃山野,” (“Teacher beaten up for look at law enforcement incident; abandoned in the wilderness afterwards”), *青岛新闻网*, December 23, 2010, http://www.qingdaonews.com/gb/content/2010-12/23/content_8611261.htm (accessed March 14, 2012).

²⁸⁸ “上海城管群殴邮政订报点人员 旁观居民亦被打,” (“Shanghai chengguan beat up postal worker, residents witnessing the incident also beaten up”), *东方网*, December 21, 2010, <http://news.qq.com/a/20101221/001978.htm> (accessed March 14, 2012).

²⁸⁹ 马翔宇, “安徽亳州老汉与城管发生冲突后被警车带走,” (“Elderly man from Anhui, Haozhou taken away by police car after clashing with chengguan”), *中安在线*, December 19, 2010, <http://news.sohu.com/20101219/n278389603.shtml> (accessed March 14, 2012).

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²⁹¹ “虹口城管围殴 15 岁少年 城管：摊主棍棒驱打在先,” (“Chengguan in Hongkou beats up 15 year old youth, chengguan claims street vendor had hit them with a stick first”), *东方早报*, December 11, 2010, <http://sh.sina.com.cn/news/2010-12-11/0311165512.html> (accessed March 14, 2012).

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Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Dec 7, 2010 ²⁹³	Mr. Yang, his wife and son	3	Nanxiashu Street Unit	Beaten, slapped; 7-8 cartons of vegetables confiscated	Wujin, Changzhou, Jiangsu
Nov 27, 2010 ²⁹⁴	Ms. Rao Shufen (elderly street vendor)	3	Licheng District Station Kaiyuan Unit	Beaten	Licheng, Quanzhou, Fujian
Nov 23, 2010 ²⁹⁵	Mr. Hu Tituan	6	Qianxian Station	Died from motorcycle crash as a result of a car chase by 6 chengguan vehicles	Qianxian, Xianyang, Shaanxi
Nov 17, 2010 ²⁹⁶	Mr. Huang Yingan	4	Nanchong City Yilong County Bureau	Beaten	Yilong, Nanchong, Sichuan
Nov 15, 2010 ²⁹⁷	Mr. Ge and his pregnant wife	5 - 6	Hohhot, Yuquan District Second Unit	Beaten	Yuquan District, Hohhot, Inner Mongolia
Nov 10, 2010 ²⁹⁸	Ms. Yan Chunsheng (elderly farmer)	2	Gaochun District Station	Finger broken off	Gaochun, Nanjing, Jiangsu

²⁹³ 姚斌, “商贩：城管打人了城管：被商贩扇巴掌,” (“Street vendors claim they were beaten by chengguan; chengguan claim street vendors slapped them”), *现代快报*, December 10, 2010, <http://news.163.com/10/1210/02/6NGR05V100014AED.html> (accessed March 14, 2012).

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²⁹⁵ 于忠虎, “男子驾三轮撞树身亡 家属称遭城管人员追赶,” (“Man dies from crashing tricycle into tree, family claims he was chased by chengguan”), *西安晚报*, November 26, 2010, <http://xian.qq.com/a/20101126/000003.htm> (accessed March 14, 2012).

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Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Nov 9, 2010 ²⁹⁹	Mr. Zhang Huiquan (elderly farmer)	4	Jinshui District Bureau	Slapped	Zhengzhou, Henan
Nov 7, 2010 ³⁰⁰	Ms. Xie Chunmei	7 - 8	Kuancheng District Dongguang Bureau	Beaten, resulting in miscarriage; goods confiscated	Kuancheng, Changchun, Jilin
Nov 4, 2010 ³⁰¹	Mr. Li Ximing	> 10	Guandu District Yiliu Street Bureau	Brutally beaten	Guandu, Kunming, Yunnan
Nov 3, 2010 ³⁰²	Mr. Tai and family, Mr. Kong	8	Qianguo District Station	Beaten	Qian Gorlos, Songyuan, Jilin
Oct 23, 2010 ³⁰³	Mr. Li Bo (tourist)	2	Chenggong District Unit	Beaten, camera confiscated for filming law enforcement process	Chenggong, Kunming, Yunnan
Oct 22, 2010 ³⁰⁴	Mr. Xi Pingzhao	5	Qianxian Station	Brutally beaten	Qianxian, Xianyang, Shaanxi
Oct 21, 2010 ³⁰⁵	Mr. Shi and family	> 20	Yunyan Station	Beaten	Yunyan, Guiyang, Guizhou

²⁹⁹ Cheng Yingqi, “Chengguan under fire for slapping old man,” *China Daily*, November 15, 2011, http://www.chinadaily.com.cn/china/2010-11/15/content_11547380.htm (accessed March 14, 2012).

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³⁰³ 陈洁, “城管当街‘收拾’小摊贩 游客欲拍照相机被没收,” (“Chengguan beats up street vendor; tourist’s camera confiscated for filming incident”), *春城晚报*, October 25, 2010, http://law.cyol.com/content/2010-10/25/content_3886143.htm (accessed March 14, 2012).

³⁰⁴ 程辉, “陕西乾县 5 名城管当街打伤三轮摩托司机,” (“5 chengguan from Shaanxi, Qianxian beat up tricycle motorist”), *深圳新闻网*, October 25, 2010, http://news.sznews.com/content/2010-10/25/content_5023907.htm (accessed March 14, 2012).

³⁰⁵ “便利店店主称拆迁时被城管打伤 对方否认,” (“Owner of convenience store injured by chengguan during demolition; chengguan denies beating storeowner”), *贵州都市报*, October 22, 2010, <http://society.ynet.com/view.jsp?oid=70581202> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Oct 20, 2010 ³⁰⁶	Mr. Wang Lianggang and wife, Ms. Yu Cuiping (street vendors)	14 - 15	Erqi District Wulibao Bureau	Brutally beaten and stall wrecked and goods smashed	Erqi, Zhengzhou, Henan
Oct 17, 2010 ³⁰⁷	Mr. Luo	3	Xiangshan District Station	Beaten	Xiangshan, Guilin, Guangxi
Oct 16, 2010 ³⁰⁸	Mr. Li Fujun (homeowner with physical disabilities)	5	Erqi District Huaihe Road Unit	Home demolished, beaten and thrown into a ditch 30km away from home in the middle of the night	Erqi, Zhengzhou, Henan
Oct 14, 2010 ³⁰⁹	Unnamed street vendor, Ms. Zhao Juan (passerby who filmed the beating of street vendor)	3	Yancheng City Bureau	Street vendor beaten; Ms Zhao Juan strangled, beaten, dragged by the hair, detained for several hours	Tinghu, Yancheng, Jiangsu
Oct 14, 2010 ³¹⁰	Ms. Shi (street vendor) and unnamed security guard	4	Longquan Street Bureau	Slapped and beaten, car tires slashed, goods smashed. Security guard taken away for using mobile phone (suspected of filming)	Panlong, Kunming, Yunnan

³⁰⁶ 李岚, “群众一生气 掀了执法车 执法时打伤小贩夫妻俩 , 负有领导责任的科长、副科长被免职,” (“Angry mob flips over law enforcement vehicle, chengguan beats up street vendor couple when enforcing law, chief and deputy chief of chengguan bureau dismissed”), *河南热线*, October 21, 2010, http://newspaper.dahe.cn/dhb/html/2010-10/21/content_401877.htm (accessed March 14, 2012).

³⁰⁷ 邓振福, “桂林男子与城管发生冲突 男子住院市容局垫医药费,” (“Guilin man and chengguan involved in physical altercation, chengguan station pays for part of man’s hospital bill”), *南国早报*, October 25, 2010, <http://news.gxnews.com.cn/staticpages/20101026/newgx4cc60629-3356677.shtml> (accessed March 14, 2012).

³⁰⁸ 吴勇, “郑州执法局深夜强拆民房 残疾房主被扔到 30 公里外,” (“Zhengzhou law enforcement station demolishes a house in the middle of the night, disabled homeowner thrown into a ditch 30 km away”), *河南商报*, October 19, 2010, <http://news.dahe.cn/2010/10-19/100497368.html> (accessed March 14, 2012).

³⁰⁹ 谷岳飞, “城管局长当街殴打小姑娘 神秘力量致事态平息,” (“ Head of chengguan station beats up young lady on the streets, mysterious force smoothes incident over”), *扬子晚报*, October 20, 2010, <http://xw.chinawestnews.net/system/2010/10/20/010316834.shtml> (accessed March 14, 2012).

³¹⁰ 程权, “城管与小贩起冲突后怕被拍 强行拖走玩手机保安,” (“Chengguan afraid of being photographed after a clash with street vendor, security guard using mobile phone taken away by force”), *都市时报*, October 15, 2010, <http://news.sohu.com/20101015/n275738177.shtml> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Oct 8, 2010 ³¹¹	Street vendors and Mr. Liu Sheng (passerby trying to help)	7 - 8	Zhengzhou Songshan Road Bureau	Brutally beaten, threatened by knives	Erqi, Zhengzhou, Henan
Oct 2, 2010 ³¹²	Mr. Zhu Puji (part-time sales promoter, college student)	> 10	Wuchang District Station	Beaten	Wuchang, Wuhan, Hubei
Sep 22, 2010 ³¹³	Mr. Zhang	> 10	Xi'an City Station	Beaten	Weiyang, Xi'an, Shaanxi
Sep 20, 2010 ³¹⁴	Mr. Wang Can and father, Mr. Wang Quanwei	>10	Shunping County Unit	Beaten	Shunping, Baoding, Hebei
Sep 16, 2010 ³¹⁵	Mr. Ji Yongqing and wife (street vendors), Mr. Chen Quanxin (sanitation worker)	3	Nanyang Xincun Bureau	Street vendors beaten, whipped with belth, pushed out of chengguan car, goods confiscated. Sanitation worker slapped	Jinshui, Zhengzhou, Henan
Sep 14, 2010 ³¹⁶	Mr. Wang	1	Xinkaipu Bureau	Beer bottle smashed on head	Tianxin, Changsha, Hunan

³¹¹ 梁辰, “郑州城管与摊贩冲突 遭群众围堵拔刀”威慑,” (“Zhengzhou chengguan clashes with street vendors, chengguan uses knives to intimidate crowd gathered around the incident”), *河南商报*, October 11, 2010, <http://news.163.com/10/1011/03/6IMDVVVJ00011229.html> (accessed March 14, 2012).

³¹² 吴睿, “城管协管员被指打伤兼职大学生,” (“Chengguan manager accused of beating up a college student working part-time”), *长江商报*, October 3, 2010, <http://news.cnxianzai.com/2010/10/293334.html> (accessed March 14, 2012).

³¹³ 卿荣波、郭晓蓉, “西安十余名城管围殴商户 群众掀翻执法车,” (“More than ten Xian chengguan beat up merchant, crowds overturn law enforcement vehicle”), *华商报*, September 23, 2010, http://news.jcrb.com/jxsw/201009/t20100923_448054.html (accessed March 14, 2012).

³¹⁴ 郭志昆, “河北顺平县父子俩称一天内被城管殴打两次,” (“Father and son from Hebei, Shunping County claim to be beaten by chengguan twice in one day”), *燕赵都市报*, September 28, 2010, <http://yanzhao.yzdsb.com.cn/system/2010/09/28/010720599.shtml> (accessed March 14, 2012).

³¹⁵ 王文凯, “郑州 5 名便衣城管暴打女小贩 抢走 8 箱石榴,” (“5 plainclothes Zhenzhou chengguan brutally beat up female street vendor, snatched 8 cartons of pomegranate”), *大河商报*, September 21, 2010, http://news.china.com/zh_cn/social/1007/20100921/16157044.html (accessed March 14, 2012).

³¹⁶ 冯钧, “街道城管办执法抄起啤酒瓶就打 经营户脸上缝十针,” (“Chengguan patrolling the streets attacked store owner with beer bottle, store owner’s face injuries required ten stitches”), *红网*, September 19, 2010, <http://hn.rednet.cn/c/2010/09/19/2071393.htm> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Sep 14, 2010 ³¹⁷	Ms. Han Shuqin, Mr. Li Jinfeng	> 10	Yongji County North Unit	Brutally beaten	Yongji, Jilin
Sep 13, 2010 ³¹⁸	Ms. Wang (hair salon owner)	1	Fengtai District Xiluoyuan Unit	Beaten and strangled	Fengtai, Beijing
Sep 10, 2010 ³¹⁹	Female journalist	1	Nanning City, Xixiangtang District Unit	Camera snatched, beaten, strangled, pushed into chengguan car	Xixiangtang, Nanning, Guangxi
Sep 8, 2010 ³²⁰	Mr. Li (street vendor)	4 - 5	Nanhu Street Bureau	Brutally beaten, goods confiscated	Jianye, Nanjing, Jiangsu
Sep 2, 2010 ³²¹	Mr. Ding Liuyi (street vendor)	5 - 6	Baqiao Hongqing Street Bureau	Brutally beaten, wares snatched	Baqiao, Xi'an, Shaanxi
Sep 1, 2010 ³²²	Ms. Wang Xifen and Mr. Zhang Huiyuan	9 - 10	Wuxi Huazhuang Street Bureau	Brutally beaten, goods confiscated	Binhu, Wuxi, Jiangsu
Aug 28, 2010 ³²³	Mr. Li	1	Zhendian Street Bureau	Beaten by drunk chengguan	Jiangxia, Wuhan, Hubei

³¹⁷ 郑向东, “十余城管持钢管围攻蔬菜店主 民警鸣枪制止,” (“More than a dozen steel bar wielding chengguan attack vegetable store owner, police fired shots to stop the attack”), *吉林市讯*, September 16, 2010, <http://society.people.com.cn/GB/12737553.html> (accessed March 14, 2012).

³¹⁸ 王奕, “城管被指与小店老板冲突”, (“Chengguan accused of clashes with storeowner”), *京华时报*, September 15, 2010, <http://news.163.com/10/0915/02/6GJC9OLK00014AED.html> (accessed March 14, 2012).

³¹⁹ 杨小柏, “早报女记者被打后续：打人城管被停职 暂调离岗位,” (“Chengguan suspended for beating up female journalist”), *南国早报*, September 11, 2010, <http://news.ngzb.com.cn/staticpages/20100911/newgx4c8ba6d7-2099185.shtml> (accessed March 14, 2012).

³²⁰ 曹卢杰, “男子摆摊被城管没收 找城管说理成”血人,” (“Street vendor’s stall confiscated by chengguan, given bloody beating for attempting to reason with chengguan”), *新华报*, September 13, 2010, <http://news.xinmin.cn/shehui/2010/09/13/6795444.html> (accessed March 14, 2012).

³²¹ 陈静涛, “摆摊男子与城管发生冲突被打骨折,” (“Street vendor clashes with chengguan, beaten and sustained fracture”), *华商报*, September 3, 2010, <http://news.sina.com.cn/s/2010-09-03/021821028507.shtml> (accessed March 14, 2012).

³²² 季娜娜, “摊贩夫妇被城管打折鼻梁 百多斤葡萄被没收,” (“Street vendor couple beaten by chengguan, nose broken and more than a hundred kilograms of grapes confiscated”), *扬子晚报*, September 13, 2010, <http://pic.people.com.cn/GB/159992/159994/12712517.html> (accessed March 14, 2012).

³²³ 陈希, “城管临时工酒后“执法”施暴打人被制服,” (“Subcontracted chengguan “enforces law” while intoxicated, subdued after violently beating people”), *楚天都市报*, August 29, 2010, http://news.ifeng.com/society/2/detail_2010_08/29/2349446_0.shtml (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Aug 25, 2010 ³²⁴	Ms. Guo Hongxiu and husband	> 20	Yangluo Street Unit	Brutally beaten	Xinzhou, Wuhan, Hubei
Aug 24, 2010 ³²⁵	Mr. Yan, wife and son	> 10	Changzhou Wuxin Unit	Beaten	Zhonglou, Changzhou, Jiangsu
Aug 18, 2010 ³²⁶	Mr. Han (passerby)	20 - 30	Mifeng Zhang Street Bureau	Beaten	Erqi, Zhengzhou, Henan
Aug 16, 2010 ³²⁷	Ms. Xie Huaxiang (street vendor) and Mr. Jiang Bing (passerby)	3	Furong District Unit	Beaten	Furong, Changsha, Hunan
Aug 5, 2010 ³²⁸	Mr. Qi Peng and his wife, Ms. Yan Yuqun	> 10	Jiangan Station	Mr. Qi injured, Ms. Yan scalded	Jiang'an, Wuhan, Hubei
Aug 5, 2010 ³²⁹	Mr. Zheng Kejin and an unnamed female street vendor	4	Xiadu Street Bureau	All beaten, street vendor's melons destroyed	Cangshan, Fuzhou, Fujian

³²⁴ 王兴渠、胡新成、陈亚平, “阳逻摊贩夫妇被 20 多个城管围殴十多分钟?” (“Yangluo street vendor couple beaten up by more than 20 chengguan for over 10 minutes?”), *长江商报*, August 26, 2010, <http://hb.qq.com/a/20100826/000571.htm> (accessed March 14, 2012).

³²⁵ 张斌, “商贩：城管将我一家打伤 城管回应称小贩先动手,” (“Vendor: Chengguan beat up my entire family; chengguan's rebuttal: the vendor attacked him first”), *扬子晚报*, August 25, 2010, <http://news.sohu.com/20100825/n274447762.shtml> (accessed March 14, 2012).

³²⁶ 吴勇, “郑州市民要求城管“应人性化执法” 反遭一顿暴打,” (“Zhengzhou residents implore for chengguan to enforce law humanely, gets brutally beaten instead”), *大河报*, August 24, 2010, <http://news.dahe.cn/2010/08-24/100442751.html> (accessed March 14, 2012).

³²⁷ 张祥、龙涛, “便衣城管打伤小贩及围观市民 态度粗暴被停岗,” (“Plainclothes chengguan beats up and injures street vendor and passer-bys, suspended for violent behavior”), *潇湘晨报*, August 20, 2010, <http://hunan.voc.com.cn/article/201008/201008201115358641.html> (accessed March 14, 2012).

³²⁸ 张皓, “武汉商户城管冲突：协管员被刺 女店主被烫伤,” (“Conflict in Wuhan between shopkeeper and chengguan: chengguan stabbed and female storeowner scalded”), *楚天都市报*, August 6, 2010 www.hb.xinhuanet.com/newscenter/2010-08/06/content_20548415.htm (accessed March 14, 2012).

³²⁹ 华敏, “女摊贩被打路人劝架被围殴 城管：不是我们的人,” (“Female street vendor beaten, passer-by trying to mediate also beaten, chengguan claims incident does not involve them”), *福州晚报*, August 6, 2010, http://www.fjsen.com/d/2010-08/06/content_3583477.htm (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Aug 4, 2010 ³³⁰	Deng Chunping	> 10	Jiangxia District Station	Beaten, provoked into taking poison (Dichlorvos) as a form of protest	Jiangxia, Wuhan, Hubei
Aug 2, 2010 ³³¹	Ms. Lin (passerby filming incident)	2	Shaoguan City Shixing County Unit	Beaten	Shixing, Shaoguan, Guangdong
Jul 29, 2010 ³³²	Mr. Cheng and an unnamed woman	4 - 5	Nanchang City Station	Beaten and strangled	Nanchang, Jiangxi
Jul 28, 2010 ³³³	Seven street vendors	> 7	Baohe District, Binhu Bureau	Physical altercation	Baohe, Hefei, Anhui
Jul 27, 2010 ³³⁴	More than 20 staff members of Beijing TCTD Construction and Decoration Engineering Co, Ltd	10	Daxing District Unit	Beaten	Yizhuang, Daxing, Beijing
Jul 23, 2010 ³³⁵	Mr. Chen Hanzhou	20 - 30	Ganghua Village Station	Detained and brutally beaten	Qingshan, Wuhan, Hubei

³³⁰ 许洋, “菜贩遭城管围殴后服下敌敌畏 目前仍未脱离危险,” (“Vegetable seller consumes poison after being beaten by several chengguan, currently still in critical condition”), *楚天都市报*, August 5, 2010, <http://news.sina.com.cn/s/2010-07-29/172420785335.shtml> (accessed March 14, 2012).

³³¹ 卜瑜, “女子拍摄城管执法手机被抢 嘴部胸部大腿有轻微伤,” (“Woman who filmed chengguan in law enforcement incident on mobile phone had phone snatched, suffered injuries on mouth, chest and thighs”), *广州日报*, March 4, 2011, <http://tech.hexun.com/2011-03-04/127718333.html> (accessed March 14, 2012).

³³² 刘士朋, “南昌城管强拆广告牌被指暴力执法 否认打人,” (“Nanchang chengguan accused of violent law enforcement in demolition of billboard, denies beating up people”), *大江网*, July 29, 2010, <http://news.sohu.com/20100729/n273861852.shtml> (accessed March 14, 2012).

³³³ 李丹, “城管与瓜贩争执引发群殴 双方多人受伤,” (“Dispute between chengguan and melon vendor results in mass physical altercation, many injured from both sides”), *市场星报*, July 29, 2010, http://www.ncnews.com.cn/xwzx/fzxw/t20100729_605415.htm (accessed March 14, 2012).

³³⁴ 彭科峰, “镇政府疑违法强挖道路引冲突 公司员工被城管殴打,” (“Company suspected by town government of illegal roadwork, resulting in clashes, employees of company beaten by chengguan”), *京华时报*, July 28, 2010, <http://society.huanqiu.com/roll/2010-07/964497.html> (accessed March 14, 2012).

³³⁵ 张皓, “城管派出所内打断占道经营小贩肋骨,” (“Street vendor beaten up by Chengguan at station for obstructing pathway with stall, ribs broken”), *楚天都市报*, July 24, 2010, <http://news.sina.com.cn/s/2010-07-24/062520747603.shtml> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Jul 14, 2010 ³³⁶	Eight street vendors	60	Nanning City Xingning District Squad	Physical altercation, 8 street vendors injured	Nanning, Guangxi
Jul 14, 2010 ³³⁷	Mr. Che Xuan	3	Gulou District Station	Beaten	Gulou, Kaifeng, Henan
Jul 12, 2010 ³³⁸	Mr. Li, (vegetable seller), his wife Ms. Zhang and their son	> 20	Unknown	Brutally beaten	Jiutai, Changchun, Jilin
Jul 9, 2010 ³³⁹	Xiong Junzhi (sanitation worker)	3	Guiyang City Yunyan Unit	Hit and run incident	Yunyan, Guiyang, Guizhou
Jul 8, 2010 ³⁴⁰	Mr. Luo	7 - 8	Unknown	Beaten, car smashed, two cell phones snatched	Yanta, Xi'an, Shaanxi
Jul 8, 2010 ³⁴¹	Mr. and Mrs. Jie (restaurant owners)	1	Jiang'an District Xincun Street Unit	Physical altercation, both parties injured	Jiang'an, Wuhan, Hubei

³³⁶ 胡铁军, “城管执法人员与夜宵摊主发生冲突致 8 人受伤,” (“Physical altercation between night vendor and chengguan, 8 injured”), *广西新闻网*, July 16, 2010, <http://news.qq.com/a/20100716/001562.htm> (accessed March 14, 2012).

³³⁷ 田霖, “商户因口角当街遭城管暴打 数名执法者旁观,” (“Merchant beaten after argument with chengguan, while several others look on”), *东方今报*, July 15, 2010, <http://news.sina.com.cn/s/2010-07-15/045920681589.shtml> (accessed March 14, 2012).

³³⁸ 刘洋, “商贩称遭 20 多名城管队员围殴,” (“Street vendors beaten up by more than 20 chengguan”), *新文化报*, July 13, 2010, <http://news.sina.com.cn/s/2010-07-13/015220663078.shtml> (accessed March 14, 2012).

³³⁹ “环卫工人被城管撞伤 肇事司机称不知情,” (“Sanitation worker run over by chengguan, driver claims to be unaware of incident”), *央视《今日说法》*, July 29, 2010, <http://news.sina.com.cn/s/2010-07-29/172420785335.shtml> (accessed March 14, 2012).

³⁴⁰ 张志杰, “男子被多名穿城管制服者罚款砸车 欲报警遭打,” (“Man fined and had his car smashed by chengguan, beaten when he wanted to call the police”), *西安晚报网络版*, July 9, 2010, http://news.southcn.com/c/2010-07/09/content_13610360.htm (accessed March 14, 2012).

³⁴¹ 廖桥、严斯林, “商户城管起冲突争执中双方受伤,” (“Merchants and chengguan involved in conflict, both parties injured”), *楚天金报*, July 9, 2010, <http://news.sina.com.cn/o/2010-07-09/04401777964s.shtml> (accessed March 14, 2012).

Date	Victims	Chengguan		Alleged Act	Location ¹⁸¹
		Number ¹⁸²	Division		
Jul 6, 2010 ³⁴²	More than four street vendors	2	Bantian Street Bureau	Four stalls and their wares wrecked, several people beaten	Longgang, Shenzhen, Guangdong
Jul 5, 2010 ³⁴³	Crowd attempting to defend melon vender	1	Qixia District Yanziji Street Division	Pepper sprayed	Nanjing, Jiangsu
Jul 1, 2010 ³⁴⁴	Ms. Luoyan (storeowner), Mr. Luomeng and, Ms. Luo Xihuan	>20	Songyang Road Station	Beaten	Dengfeng, Zhengzhou, Henan

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

³⁴³ “市民说公道话遭城管喷辣椒水续: 当事人被停职”, (“Citizens pepper sprayed for speaking up for justice; chengguan involved suspended”) *现代快报*, July 2, 2010, <http://www.66law.cn/news/39973.aspx> (accessed March 14, 2012).

³⁴⁴ “河南登封数十城管殴打店主姐弟 指挥者称打死没事,” (“Dozens of chengguan in Dengfeng, Henan beat up shopkeeper and her siblings, ordered that it would not be an issue if they were beaten to death”), *郑州晚报*, July 1, 2010, <http://finance.ifeng.com/city/cskx/20100701/2363481.shtml> (accessed March 14, 2012).

“Beat Him, Take Everything Away”

Abuses by China’s *Chengguan* Para-Police

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

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



A woman fights with *chengguan* police as they dismantle part of her small restaurant and confiscate equipment that she stored on the sidewalk outside of her shop in the Fuzi Miao tourist market in central Nanjing, Jiangsu, China. The *chengguan* in Nanjing began a crackdown on sidewalk vendors and shop-owners in advance of the May 1, 2008, May Day holiday.

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