



Australian Government
Refugee Review Tribunal

Country Advice

China

China – CHN35922 – Article 310 of
The Criminal Law of the People's Republic
of China – Number of Protests in 2007 –
Reporting of Protests in 2007

12 January 2010

1 What is the penalty (for the main perpetrator and for an accessory) for concealing a wanted criminal under the Chinese criminal code?

According to Article 310 of *The Criminal Law of the People's Republic of China*, the penalty for providing support to a person who has committed a crime is no more than three years imprisonment. Where the circumstances are serious, the penalty is no less than three years and no more than 10 years imprisonment:

Article 310

Whoever, while clearly knowing that another person has committed a crime, provides a concealed place or property for him, assists him in fleeing or provides false evidence to protect him shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

Conspirators to a crime mentioned in the preceding paragraph shall be punished as for a joint crime.¹

2 Is anything reported concerning any street violence or Falun Gong protests in Changchun during 2007?

No information on street violence or Falun Gong protests in Changchun during 2007 was found amongst the English language sources consulted. *Reuters* reports that there were over 80,000 mass incidents across China in 2007. Mass incidents are protests involving more than five people.² In 2007, the Chinese government ban against media reporting of mass protests was still in place.³ Journalists in China face blanket coverage bans on particular topics such as the Falun Gong:

¹ *Criminal Law of the People's Republic of China* (Promulgated 14 March 1997 & Effective 1 October 1997), AsianLII website <http://www.asianlii.org/cn/legis/cen/laws/clotproc361/> – Accessed 4 January 2010 – Attachment 1.

² Zhen, Liu & Hornby, Lucy 2009, 'China to sack officials who mishandle protests', *Reuters*, 13 July <http://www.reuters.com/article/idUSTRE56C0U520090713> – Accessed 11 January 2010 – Attachment 2.

³ Shirk, Susan L. 2010, 'Introduction', *China Media, Changing China*, Oxford University Press, Ning website, p.30 http://api.ning.com/files/VWBXveaw2Vta0ATH7QnNkvvnWmvZuEYS9r1xJrowiKA_/ChangingMediaChangingChinaIntroduction.pdf – Accessed 11 January 2010 – Attachment 3.

Domestic censorship remains in force across all regions and types of media. All news outlets are subject to orders from the Central Propaganda Department. Provincial officials cooperate with their counterparts in other regions to shut down coverage of sensitive local issues.

Journalists face blanket coverage bans. They must avoid stories about the military, ethnic conflict, religion (particularly the outlawed spiritual movement Falun Gong), and the internal workings of the party and government.

Coverage directives are issued regularly on issues large and small. Authorities close publications and reassign personnel as penalties for violating censorship orders.

...Denouncing the president, covering pro-democracy activities, mentioning Falun Gong, exposing corruption, reporting on the military, or even publishing photos of sleeping representatives at the National People's Congress is off-limits online. If such material is posted domestically, authorities will move to delete it.⁴

List of Attachments

1. *Criminal Law of the People's Republic of China* (Promulgated 14 March 1997 & Effective 1 October 1997), AsianLII website
<http://www.asianlii.org/cn/legis/cen/laws/clotproc361/> – Accessed 4 January 2010.
2. Zhen, Liu & Hornby, Lucy 2009, 'China to sack officials who mishandle protests', *Reuters*, 13 July <http://www.reuters.com/article/idUSTRE56C0U520090713> – Accessed 11 January 2010.
3. Shirk, Susan L. 2010, 'Introduction', *China Media, Changing China*, Oxford University Press, Ning website
http://api.ning.com/files/VWBXveaw2Vta0ATH7QnNkvvnWmvZuEYS9r1xJrowiKA_/C_hangingMediaChangingChinaIntroduction.pdf – Accessed 11 January 2010.
4. Committee to Protect Journalists 2007, *Falling Short: As the 2008 Olympics Approach, China Falts on Press Freedom*, August
http://www.cpj.org/Briefings/2007/Falling_Short/China/china.pdf – Accessed 11 January 2010.

⁴ Committee to Protect Journalists 2007, *Falling Short: As the 2008 Olympics Approach, China Falts on Press Freedom*, August, pp.8 & 43 http://www.cpj.org/Briefings/2007/Falling_Short/China/china.pdf – Accessed 11 January 2010 – Attachment 4.