

Reporting of Corrupt Offences and Protection of Reporting Persons in China

The Chinese Government highly emphasize the role of public participation in combating corruption and promoting clean governance. Unremitting efforts are made to facilitate public reporting of possible corruption offences and safeguard legal rights of the reporting persons.

I Protect the legal right of citizens to participate in the fight against corruption through impeaching and lodging lawsuit

The Constitution of the People's Republic of China provides that citizens of the People's Republic of China have the right to criticize and make suggestions to any state organ or functionary and the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary. This constitutional right provides a most important means for citizens to criticize and supervise the government and to participate in the combat against corruption.

II Reporting of corrupt offences in China

1. Reporting channels

In China, citizens can report corrupt offences and clues through correspondence, E-mails, faxes, phone calls, visits, and so on. Such organs as having within their jurisdiction the responsibility to receive and process corruption reporting materials are required to make known to the public such matters as the correspondence and E-mail addresses, telephone numbers for complaints, time and places for receiving letters and visitors, methods of inquiring about the progress and results of the letter-or-visit matters handled. In order to encourage public reporting of corrupt offences, many provinces provide free mailing for reporting letters and some departments have established a unified national reporting hotline or website. For instance, the discipline inspection and supervision bodies in China adopt the unified reporting hotline 12388 and the reporting website <http://www.12388.gov.cn>.

2. Responsible authorities

The governments at all levels in China have set up special organs such as the State Bureau of Letters and Calls and the local offices of letters and calls to handle citizens' complaints and accusations against as well as opinions and suggestions to state organs or functionaries. State procuratorial organs, government supervisory organs, and audit organs have all established the offence reporting system, launched offence reporting hotlines and set up offence reporting websites to ensure the reporting channel unimpeded. The reporting center of the government supervisory organs, responsible for receiving and processing citizens' reporting of law-breaching activities or dereliction of duty committed by administrative organs or functionaries, have been working in joint office since 1993.

3. Processing procedures and methods by reporting centers of discipline inspection and supervision organs

The reporting centers of the discipline inspection and supervision organs in China categorize reporting materials according to their content and apply different processing procedures accordingly. For cases that fall within the jurisdiction of the discipline inspection and supervision organs with clear clues and facts worth investigating, the reporting center will hand the materials to relevant investigation departments or other competent departments under the same discipline inspection and supervision organ. Having received reporting materials that are not within their jurisdiction, the reporting center will transfer the materials to such discipline inspection and supervision organs or other competent authorities as having within their jurisdiction the right to process the reporting materials. For cases transferred to related administrative organs or discipline inspection and supervision organs of the lower level for investigation, inspection measures may be taken by the reporting center to ensure efficient and just solution. For urgent matters, issues with easily ascertained clues or those involving the retaliation of reporting persons, direct investigation may be conducted by the reporting center in accordance with set procedures. For minor misbehaviors of carders or state functionaries, the reporting center may hold admonition talks with or issue warning notices to the offender. For issues that involve several departments, a joint meeting may be called by the reporting center to exchange ideas, combine efforts and seek solutions.

III Protection of legal rights of reporting persons

While encouraging citizens to report on cases of corruption, the Chinese government attach great importance to protecting the legal rights and interests of reporting persons. Clear stipulations are provided in the Criminal Law, Criminal Procedure Law, Law on Administrative Supervision.

1. *Protection of reporting persons.* It is stipulated that no department or person shall with any excuse stop or obstruct any person from lawfully launching a report of corruption. Those whose legal rights are infringed because of launching a report against corruption are entitled to require protection from competent authorities. Whoever retaliates against a reporting person shall be given a sanction according to law and discipline and in case a crime is constituted, shall be investigated for criminal liability according to law.

2. *Protection of secrecy.* The name, work place, home address and other personal information about the reporting person must be strictly kept confidential. Disclosure of a reporting person's identity, conditions or reporting materials to the accused department or person is strictly prohibited.

3. *Avoidance.* It is stipulated that those who work with a reporting organ shall voluntarily apply for avoidance where there is any circumstance under which the fair handling of the reporting materials may be affected. All interested citizens, legal persons and organizations have the rights to apply for avoidance of those concerned.

4. *Incentives.* The reporting person may be given certain incentives whose reporting materials, once verified, have facilitated the investigation into corrupt cases and therefore, reduced the loss of the country or individuals.