

V. Telephone numbers and addresses of government departments concerned

City
<p>Mengzi Public Security Bureau: 3724241, 71 Yinhe Rd. People's Procuratorate: 3722735, New Government Compound People's Congress: 3723640, New Government Compound Bureau for Complaints: 3723162, New Government Compound Bureau of Supervision: 3723702, New Government Compound</p>
<p>Gejiu Public Security Bureau: 2131375, Zhongshan Rd. People's Procuratorate: 2138333, Near No. 3 Municipal Hospital, Wuyi Rd. People's Congress: 2123271, Wuyi Rd. Bureau for Complaints: 2124015, Wuyi Rd. Bureau of Supervision: 2123604, Municipal CPC Committee, Zhongshan Rd.</p>
<p>Kaiyuan Public Security Bureau: 7231046, Renminzhong Rd. People's Procuratorate: 7231308, East Lingquan Rd. People's Congress: 7125478, Nanzheng Rd. Bureau for Complaints: 7225195, Administration Center</p>
County
<p>Jianshui Public Security Bureau: 7629026, 83 Beizheng St. People's Procuratorate: 7619260, 16 Beizheng St. People's Congress: 7612045, 2 West Yongzhen Rd. Bureau for Complaints: 7613625, County Government Compound Bureau of Supervision: 7660099, 184 Lin'an Rd.</p>
<p>Mile Public Security Bureau: 6125701, Extended West Ranweng Rd. People's Procuratorate: 6122298, South Jishang Rd. People's Congress: 6122258, Administration Center of County Government Bureau for Complaints: 6122249, Shijin St. Bureau of Supervision: 6224322, 215 Shijin St.</p>

January 2012

Booklet on Legal Rights for People Who Use Drugs

Citizens of the People's Republic of China have legal rights to personal freedom, dignity, and private property.

Actions of police or other public security officers that restrict your personal freedoms must be conducted in accordance with the law. This includes the conduct of investigations, searches of your person or your property, and medical examinations or tests. Police and public security officers must also act lawfully if they arrest you or require you to be present at a police station or Public Security office for the purposes of investigating a crime.

You have the right to take legal action against any police officer or other public security officer who violates the law. If a public security officer commits an unlawful act, an administrative sanction can be applied. If the circumstances are serious, the responsible person may have committed a criminal offense and can be punished accordingly.

If you cannot afford to pay full legal fees, the following lawyers may offer their services to you at a reduced fee or without charge:

Contact Information for lawyers who provide pro bono service

Law Firm	Name	Tel. No.	Email
Yunnan Righteous Law Firm	Yin Zenghua	13529102407	306532389@qq.com
Yunnan Righteous Law Firm	Tang Rong	13888089200	7088918@qq.com
Yunnan Righteous Law Firm	Huang Xiang	13888583599	hx7068@163.com
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Yunnan Sword Law Firm	Liu Jiayong	13888329949	Ljiujiayong@yahoo.com.cn
Yunnan Longyun Law Firm	Wang Yi	13808750047	Wangyi9876543210@126.com
Yunnan Longyun Law Firm	Li Yunbo	13708762601	
Beijing Dacheng Law Firm, Kunming Branch	Zhou Dayong	13888292598	ashry@sina.com
Yunnan Beichuan Law Firm	Hu Wenlin	13888234545	hotlaw@163.com
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Contact Information for lawyers who provide pro bono service (continued)

Law Firm	Name	Tel. No.	Email
Yunnan Cuifeng Law Firm	Wen Shaohua	13987621296	vanelawyer@126.com
Yunnan Jindongfang Law Firm	Wang Qingshan	13888547958	
Yunnan Dehe Law Firm	Peng Simei	13033352187	

Telephone numbers and addresses of relevant government departments in Honghe Prefecture are included in section 5 of this document.

The forms below can be used to record your contact information and make a record of your interactions with police.

Name: _____
 Age: _____
 Mobile phone: _____
 Name of emergency contact: _____
 Emergency contact telephone: _____
 MMT number: _____

Urine Test Records

Time	Location	Test Result	Tester

Records of Police Inquiries and Interrogation

Time	Location	Name of Public Security Bureau Office/Police No.	Law Enforcement Records

Article 56. Any medical institution that violates the provisions of paragraph two of Article 39 of the present regulation and publicizes the information of any individual living with HIV/AIDS or any family member thereof, shall be given punishment in accordance with the provisions of the Law on the Prevention and Treatment of Epidemic Diseases.

Where any entry-exit inspection and quarantine organ, family planning technical service organ, or other entity or individual violates the provisions of paragraph two of Article 39 of the present regulation by publicizing the information of any individual living with HIV/AIDS or any family member thereof, its competent department at the higher level shall order it to correct, circulate a report of criticism, and give warnings, and to punish according to the law the person in charge who is accountable and other personnel directly liable. If the circumstance is serious, the original license-issuing department shall suspend the practicing license of the relevant organs or personnel who are held liable.

Anyone who refuses to accept the reconsideration decision may bring a suit before a people's court within 15 days from the day of the receipt of the reconsideration decision. If the administrative organ conducting the reconsideration fails to make a decision on the expiration of the time limit, the applicant may bring a suit before a people's court within 15 days after the time limit for reconsideration expires, except as otherwise provided for by law.

Article 39. If a citizen, a legal person, or any other organization brings a suit directly before a people's court, that person or organization must do so within 3 months from the day when that person or organization knows that a specific administrative act has been undertaken, except as otherwise provided for by law.

Regulations on the prevention and treatment of HIV/AIDS

Article 3. No entity or individual may discriminate against people infected with HIV, AIDS sufferers, or their family members. The lawful rights and interests enjoyed by people living with HIV/AIDS and their family members in marriage, employment, medical treatment, and education shall be protected by law.

Article 39. When any disease prevention and control organ or entry-exit inspection and quarantine organ conducts an epidemiological investigation on HIV/AIDS, the entities and individuals under investigation shall provide the relevant information according to the facts.

No entity or individual may publicize the name, address, working entity, portrait, or records of disease history of any people living with HIV or any of their family members, or any other information from which their concrete identity may be inferred.

Article 41. Medical institutions shall provide HIV prevention and treatment counseling, diagnosis, and treatment services for people living with HIV/AIDS.

No medical institution shall dismiss or refuse to treat any other illness of any patient because he or she has HIV/AIDS.

Acknowledgements

The booklet was developed by the Mengzi Kangxin Home, a small community-based organization that works with people who use drugs and is based in Mengzi County in Honghe Prefecture, Yunnan Province, China. The Kangxin Home was established in 2007 to respond to HIV and drug use issues faced by people in Mengzi County who use drugs. In April 2010, with technical and financial support from the United States Agency for International Development (USAID) | Health Policy Initiative in the Greater Mekong Region and China (HPI/GMR-C), the Kangxin Home carried out research to better understand the HIV-related legal issues faced by 100 people who use drugs living in Mengzi. As a result, the Kangxin Home, working with legal advisors and the local community of people who use drugs, produced this booklet aimed at providing them with information about their legal rights. It is hoped that this booklet will contribute to protecting the legal rights of people living in China who use drugs.

The authors would like to particularly thank Mr. Zhou Dayong and Ms. Wu Xiaojing from the Beijing Dacheng Law Firm for their leadership and dedication in preparing this booklet and for traveling to Mengzi to meet with and understand the needs of the local community of people who use drugs. We would also like to thank Ms. Huang Shan and Mr. John Godwin from HPI/GMR-C for their contributions to this product.

Administrative procedure law of the People's Republic of China

Article 11. The people's courts shall accept suits brought by citizens, legal persons, or other organizations against any of the following specific administrative acts which that entity refuses to accept:

- (1) An administrative sanction, such as detention, a fine, rescission of a license or permit, an order to suspend production or business, or confiscation of property;
- (2) A compulsory administrative measure, such as restricting freedom of the person or the sealing up, seizing, or freezing of property; or
- (3) An instance where an administrative organ is considered to have infringed upon other rights or property of the entity.

Apart from the provisions set forth in the preceding paragraphs, the people's courts shall accept other administrative suits that may be brought in accordance with the provisions of relevant laws and regulations.

Article 37. A citizen, a legal person, or any other organization may, within the scope of cases acceptable to the people's courts, apply for reconsideration to an administrative organ at the next highest level or to an administrative organ as prescribed by the law or regulations. Anyone who refuses to accept the reconsideration decision may bring a suit before a people's court. A citizen, a legal person, or any other organization may also bring a suit directly before a people's court.

In circumstances where—in accordance with relevant provisions of laws or regulations—a citizen, a legal person, or any other organization first applies to an administrative organ for reconsideration and then brings a suit before a people's court but then refuses to accept the reconsideration decision, the provisions of the laws or regulations shall apply.

Article 38. If a citizen, a legal person, or any other organization applies to an administrative organ for reconsideration, the organ shall make a decision within 2 months from the day of the receipt of the application, except as otherwise provided for by law or regulations.

USAID | Health Policy Initiative in the Greater Mekong Region and China (HPI/GMR-C) is funded by the U.S. Agency for International Development under Contract No. GPO-I-01-05-00035-00, beginning September 28, 2007. HIV-related activities of the initiative are supported by the President's Emergency Plan for AIDS Relief. HPI/GMR-C is implemented by RTI International and the Burnet Institute

them. The administrative organs at higher levels or relevant departments shall confiscate and destroy the illegal documents in use and shall, in accordance with law, impose administrative sanctions upon the persons who are directly in charge and other persons who are directly responsible for the offense.

Article 58. The fines, confiscated illegal gains, or property or things of value that are withheld, shared privately, or hidden by administrative organs shall be recovered by finance departments or relevant departments. The persons who are directly in charge and other persons who are directly responsible for the offense shall be given administrative sanctions according to law; if the offense is serious enough to constitute a crime, criminal responsibility shall be investigated in accordance with the law.

If law enforcement officers take advantage of their functions, ask for or accept another person's property or things of value, or take into their own possession fines they have collected, and if the offense constitutes a crime, they shall be investigated for criminal responsibility in accordance with the law; if the offense is of a minor nature and does not constitute a crime, administrative sanctions shall be imposed on them in accordance with the law.

Administrative reconsideration law of the People's Republic of China

Article 2. This law is applicable to citizens, legal persons, or any other organizations who believes their lawful rights and interests have been infringed upon by a specific administrative act and apply for administrative reconsideration to an administrative organ that accepts the application for administrative reconsideration and makes a decision of administrative reconsideration.

Article 6. A citizen, legal person, or any other organization may, in accordance with this law, file an application for administrative reconsideration under any one of the following circumstances:

- (1) That entity refuses to accept an administrative sanction, such as a warning, a fine, confiscation of illegal gains or property, an order to suspend production or business, suspension or rescission of license or permit, or administrative attachment.
- (2) That entity refuses to accept a compulsory administrative measure, such as restriction of personal freedom or the sealing up, seizing, or freezing of property.

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- (1) Seriously encroaching the lawful rights and interests of the parties concerned through severe dereliction of duties,
- (2) Deliberately providing a false test report, or
- (3) Under other circumstances prescribed by laws and administrative regulations.

Law of the People's Republic of China on public security administration punishments

Article 72. Anyone who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days, and may be concurrently fined not more than 2,000 yuan. If the circumstances are appropriate for leniency, he or she shall be detained for not more than 5 days or shall be fined not more than 500 yuan:

- (1) Illegally holding less than 200 grams of opium, heroin, or methyl amphetamine, or a small quantity of other drugs;
- (2) Providing any drug to any other person;
- (3) Taking or injecting any drug; or
- (4) Coercing or deceiving any medical worker into prescribing any narcotic or psychotropic drug.

Article 102. If the offender refuses to accept the public security punishment decision, he or she may apply for administrative reconsideration or lodge an administrative lawsuit.

Article 113. During the process of handling a public security administration case, the public security organ and the people's police officers are prohibited from beating, scolding, maltreating, or insulting any violator of public security.

Law of the People's Republic of China on administrative penalties

Article 56. If administrative organs, when imposing penalties on the parties, do not use the documents for fines and confiscation of property or things of value, or use the documents for fines and confiscation of property or things of value that are prepared and issued by non-statutory departments, the parties shall have the right to refuse to accept the penalties and the right to accuse

The public security organ shall improve a standardized management of quarantined, compulsory drug detoxification. Workers at quarantined, compulsory drug detoxification centers shall fulfill their duties in accordance with the law and enforce the law in a polite and civilized manner.

The measures for determining drug addiction

Article 6. In determining drug addiction, there shall be no less than two police officers present; the determination result shall be made within 24 hours from the time when human biological sample test result is returned, and the result will be affixed with the signatures of the persons who made the determination and the seals of the public security organs conducting the determination upon approval of the persons in charge.

Related evidence and materials shall be recognized as constituents of the determination result.

Article 10. The people's police officers who undertake the responsibility of determining drug addiction shall meet all of the following requirements:

- (1) Ranking at or above second-grade police constable and having no less than 2 years of relevant law enforcement experience;
- (2) Trained, tested, and found qualified by public security and public health organs at the provincial level.

Regulations on drug testing procedures

Article 9. When onsite testing is conducted, a test report shall be provided, affixed with the signatures of the testers and seals of the public security organ that conducts the testing.

The result of the onsite test shall be provided to the person tested, and his or her signature will be affixed to the test report. Where the tested person refuses to affix his or her signature, it shall be remarked on the test report by the people's police officer.

Article 19. Where public security organs, appraising entities, or their workers violate this regulation and conduct any of the following acts, the liable persons shall be given discipline or administrative sanctions, and if any crime is constituted, they shall be subject to criminal liabilities:

I. Obligations

Obligation to undergo treatment for addiction

According to Article 31 of the Anti-Drug Law of the People's Republic of China

A person who is addicted to narcotic drugs has a legal obligation to undergo treatment of their addiction.

Obligation to submit to drug testing

According to Article 32 of the Anti-Drug Law of the People's Republic of China

A person who is required by a public security officer to submit to a test to determine whether they have used narcotic drugs has a legal obligation to cooperate.

Obligation to fulfil agreements on treatment in the community

According to Article 35 of the Anti-Drug Law of the People's Republic of China

A person receiving treatment for his or her drug addiction in the community has a legal obligation to abide by laws and regulations, conscientiously fulfill the agreements on treatment of drug addiction in the community, and accept regular tests as required by public security officers.

Obligation not to use or possess illegal drugs

According to Article 72 of the Law of the People's Republic of China on Public Security Administration Punishments

A person may be subject to administrative penalties, including a fine or detention for up to 15 days for use or possession of illegal drugs.

II. Rights

All citizens of the People's Republic of China are entitled to be treated equally under the law.

Rights of personal freedom

According to Article 37 of Constitution of the People's Republic of China

Personal freedoms of citizens cannot be violated. No citizen may be arrested except with the approval of a public prosecutor (People's Procuratorate) or by a decision of a court. No citizen may be arrested except by an officer of the Public Security Bureau. There must be legal grounds for detention or restriction of your personal freedom or for conducting searches.

Right of personal dignity

According to Article 38 of the Constitution

The personal dignity of citizens cannot be violated. Insult, libel, false accusation, or false incrimination directed against citizens is prohibited.

Right of complaint against officials

According to Article 41 of the Constitution

Citizens have the right to criticize and make suggestions regarding any government body or official, including police. Citizens have the right to make complaints or to take legal action against government bodies and officials for violation of the law or failure to properly perform their duties.

The compulsory drug detoxification centers shall provide necessary attendance and treatment to those who suffer from serious disabilities or diseases. In accordance with the law, necessary quarantine and treatment measures shall be taken for those who suffer from communicable diseases. Restrictive measures for protection purposes may be taken for those who are liable to harm or injure themselves.

The workers at the compulsory drug detoxification centers shall not inflict physical suffering on, maltreat, or insult their inmates.

Article 69. Where a worker employed by public security, justice, or administrative organs, or any other liable organs in charge, conducts any of the following acts, he or she shall be given an administrative sanction. If any crime is constituted, he or she shall be subject to criminal liabilities:

- (1) Covering up or conniving at violations of law by criminals;
- (2) Inflicting physical suffering on, maltreating, or insulting the drug-addicted persons;
- (3) Misappropriating, embezzling, or occupying narcotics control funds;
or
- (4) Deliberately disposing of the confiscated drugs or seized, sealed-up property or frozen deposits involved in drug crimes.

Article 70. If any entity or its worker discriminates against drug users receiving drug rehabilitation treatment or detoxification during their schooling or employment, or while they are accessing social welfare, the entity or worker shall be ordered by the education and human resources authorities to make restitution. Where the person who uses drugs suffers losses, the entity or worker shall give compensation to the user according to the law.

Regulations of Yunnan Province on narcotics control

Article 24. The decision of imposing quarantined, compulsory drug detoxification upon a drug-addicted person shall be made by the public security organ under the People's Government at or above the county level.

Article 31. The lawful rights and interests of drug-addicted persons are protected by the law.

V. Frequently cited laws and regulations

Constitution of the People's Republic of China

Article 37. Personal freedom of citizens of the People's Republic of China is inviolable. No citizen may be arrested except 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.

Unlawful detention or deprivation or restriction of citizens' personal freedom by other means is prohibited, and unlawful search of a citizen's person is prohibited.

Article 38. The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false accusation, or false incrimination directed against citizens by any means is prohibited.

Law of the People's Republic of China on narcotics control

Article 40. Where a decision of quarantined, compulsory drug detoxification is made, the public security organ that makes the decision shall produce and send a written decision to the drug-addicted person subject to the decision before the detoxification is enforced. The family members, work entity, and the police station of the place of his or her registered permanent residence shall be informed of the decision within 24 hours from the acknowledgement of the decision by the drug-addicted person himself or herself. Where the drug-addicted person subject to the decision refuses to provide his or her real name, address, and identity, the public security organ shall make the notification after verifying such information.

Where the drug-addicted person subject to the decision refuses to accept the decision, he or she may apply for an administrative reconsideration or bring an administrative suit in accordance with the law.

Article 44. The compulsory drug detoxification centers shall classify and manage their inmates by gender, age group, and type of illness.

You have the following rights when arrested

1. There are two ways that a police officer may lawfully detain you.

First, a police officer may detain you by presenting an arrest warrant. If you are detained, you have the right to ask the police officer handling the case to show you the arrest warrant and inform you of the reason for the arrest. A police officer may use an arrest warrant to order a person who is suspected of violating public security to appear at a police station to answer questions. The arrest warrant must be issued by the person in charge of the case-handling department of the Public Security office.

Second, a police officer may detain you without a warrant if the officer witnesses you committing a violation of public security or has strong evidence that a violation of public security has very recently been committed. In these circumstances, the police officer must show you a document confirming his or her identity. The police officer is also required to record the explanation for detaining you in the officer's official notebook.

2. The Public Security office is required to inform you of the reasons and grounds for your detention.
3. The Public Security office is required to inform your family member(s) by telephone, short message service, or facsimile of the reasons that you have been detained and your whereabouts. Although you may choose not to provide the contact information of family member(s), not providing this information may complicate the situation. A police officer may detain you at your place of residence or work or at other locations in the city or county where you live.
4. Under normal circumstances, you may not be detained for questioning by the Public Security office for more than **8 hours**. In exceptional circumstances, where the case is complex and a punishment of administrative detention may apply, you may be legally held for questioning for up to **24 hours**. If your detention exceeds 24 hours, you have the right to complain and to take legal action to claim compensation for unlawful detention.

You have the following rights when questioned

1. The Public Security office must conduct investigations in compliance with the law. Police are prohibited from collecting evidence by illegal methods, such as use of torture, threats, or extortion during questioning. Evidence gathered by illegal means cannot be used in court as a basis for a criminal prosecution.
2. The law requires that there shall be no less than two police officers present when an interview is conducted for the purpose of investigating a crime. The police officers are required to show you identification documents confirming their status as police officers (work certificates) and their authorization to conduct a search. If the police officers fail to show you documents that confirm their identity and authority, you may refuse to cooperate.
3. If any of the following circumstances arise, you have the right to request that a police officer be disqualified from involvement in a case:
 - a. if the police officer or a close relative of the police officer is a party in the case or has any interest in the case; or
 - b. if the police officer has any other relationship with any party concerned in the case that may affect the officer's impartial handling of the case.
4. The Public Security office and the police shall ensure the confidentiality of private information that is obtained in handling cases.
5. You have the right to refuse to answer questions that are not related to the case being investigated.
6. You have the right to make a statement and to present your defense to the allegations made against you. The Public Security office is required to check the facts and evidence that you provide. The Public Security office cannot increase your punishment because you make a statement in your own defense.

3. There is evidence that proves that the person, after using drugs, has participated in unlawful sexual conduct with others, harmed himself or herself, or infringed upon the safety of other persons or the security of their property.

Circumstances for quarantined, compulsory drug detoxification

1. The Public Security office at or above the county level may order quarantined, compulsory drug detoxification of a person who is addicted to drugs, if the person:
 - a. Refuses to receive community drug rehabilitation treatment,
 - b. Takes or injects drugs during community drug rehabilitation treatment,
 - c. Seriously breaches a community rehabilitation agreement, or
 - d. Relapses after receiving community drug rehabilitation treatment or compulsory drug detoxification.
2. Where a person who is addicted to drugs has a strong addiction and it is difficult for the person to detoxify through community drug rehabilitation treatment, the Public Security office may order quarantined, compulsory drug detoxification.

4. If you do not accept an on-site test result, you may apply for a laboratory test to be conducted. The application for the laboratory test should be made to the Public Security office that was responsible for performing the on-site test. You must apply for a laboratory test within 3 days from the day of being informed of the on-site test result. Within 3 days from the day it receives the request, the Public Security office must decide whether it agrees with the request and must inform you of its decision.

Criteria for determining drug addiction

The Public Security office may determine that a person has a drug addiction in the following circumstances:

1. A test of a human biological sample shows that there are narcotic substances in the person's body.
2. There is evidence to prove that the person uses a drug.
3. The person shows drug withdrawal symptoms or there is evidence to prove the person's drug-use history (including evidence of sanctions or punishment by Public Security offices, voluntary drug detoxification, etc.).

Criteria for determining strong drug addiction

The Public Security office may determine that a person has a strong drug addiction in the following circumstances:

1. The person has taken or injected drugs again after being ordered by the Public Security office to accept community drug rehabilitation treatment or compulsory drug detoxification (including compulsory detoxification or detoxification at labor camps imposed before the promulgation of the Law on Narcotics Control), or after receiving methadone maintenance treatment in the past.
2. There is evidence to prove that the person injected narcotic drugs or repeatedly used no less than two types of narcotic drugs.

7. The police must present you with a written record of your interview for verification. Where there is any omission or mistake in the record of the interview, you may suggest additional words or corrections. If you agree that the record of interview is accurate, you are required to sign the record or affix your seal to it. The police officer that questions you is also required to sign the record of the interview. If the person who has been interviewed cannot read, the transcript of the interview must be read aloud to the person.
8. You may request a copy of the record of interview.

You have the following rights if an administrative penalty is imposed

1. Before deciding to impose administrative penalties, administrative agencies (such as the Public Security office) must notify you of the facts alleged against you and the grounds for the penalties. You have the right to defend yourself. Administrative agencies cannot impose heavier penalties on you merely because you try to defend yourself.
2. Before the Public Security office can impose a fine of 2,000 yuan or more, you have the right to request a hearing. Administrative agencies cannot impose heavier penalties on you just because you request a hearing. The hearing must be held in a court that is open to the public, except when the case involves state secrets, business secrets, or confidential personal information.
3. If you have committed the offense on only one occasion, you can be given an administrative penalty only once. You cannot be penalized twice for the same incident.
4. Administrative penalties cannot be applied to conduct that occurred more than 6 months prior to the date when the agency is determining the penalty.

5. Warnings or fines of not more than 200 yuan may be given “on the spot” where there are clear facts and evidence of a violation of public security. To collect an on-the-spot fine, the police officer is required to give you a receipt. The receipt must be issued according to a standard format as produced by the Public Finance department of the People’s Government of the province, autonomous region, or municipality directly under the Central Government. If the police officer fails to give you a receipt, you may refuse to pay the fine. If you are unable to pay the fine due to financial difficulties, you may apply to the administrative agency for the date of payment of the fine to be deferred or for the fine to be paid in installments.

Appealing administrative penalties

1. If you want to appeal a decision to impose a penalty of administrative detention, you may apply for **administrative reconsideration**. This application should be made to the Public Security office at one level higher than the office that imposed the penalty. This application must be made no more than **60 days** after the date of the original decision to impose the penalty of administrative detention.

You may also apply for the detention decision to be suspended. The request for the detention to be suspended should be made to the agency that made the original decision to detain you. If you are unhappy with the result of the first appeal, you can appeal to a court. You may bring a suit before a People’s Court within **15 days** from the day you received the written administrative reconsideration decision.

2. As an alternative to applying for administrative reconsideration, you may bring an administrative suit directly before a People’s Court. This must be done within **3 months** of the day you were informed of the original administrative decision to impose a penalty.

IV. Tips on how to safeguard your legal rights

What should I do if a police officer seeks to question me or to search my person or property?

1. Politely ask the police officer to show you his or her official identification papers (work certificate).
2. Present this booklet as a reminder that law enforcement practices must conform to laws and regulations.
3. If you have undertaken a urine test recently, you should show the police officer the test report made by the Public Security office or police station as well as any record of the urine test that you have made in this booklet.
4. Present your own work certificate or other identification papers to the police officer to show that you are not trying to hide anything and that you are an active and productive citizen.
5. You should reply to police questioning patiently and truthfully. Try to cooperate with them and avoid heated arguments if they conduct searches or inspections.

Procedures for testing of urine samples for drugs

1. Special equipment approved by the national office in charge of medical technologies must be used in the collection of urine samples for drug testing.
2. At least two police officers must be present to collect, deliver, and test the sample. The collection of a urine sample from a woman must be conducted by a female officer.
3. To impose a urine test “on the spot,” the police officers must provide you with a test report. The police officers must sign and affix the seals of the Public Security office to the test report, and you must be informed of the test results.

3. Where it is verified that an article is the lawful property of another person, it shall be returned to that person after being recorded.
4. Where no person claims a right to the property or where it is impossible to identify the owner after 6 months, the property shall be publicly auctioned or dealt with according to the relevant provisions of the state. The proceeds from the auction or sale shall be given to the State Treasury.

How can I safeguard my rights when given a fine by the Public Security office?

1. A decision to impose a penalty for a violation of public security may be made on the spot only for violations to which a warning or a fine of not more than 200 yuan applies. An on-the-spot penalty may be given only if there are clear facts and exact evidence of the violation.
2. To collect a fine on the spot, the police officer must give you an official receipt in the standard format of the Public Finance department of the People's Government of the province, autonomous region, or municipality directly under the Central Government. If the officer fails to do so, you may refuse to pay the fine.
3. If the Public Security office imposes on you a fine of 2,000 yuan or more for a public security violation, you must be informed of your right to request a hearing. If you request a hearing, the Public Security office must hold a hearing in a timely manner according to law.

How can I safeguard my rights when asked to take a urine test?

1. Where it is necessary to order that you take a urine test at a Public Security office, the police officer shall present his or her official identification (work certificate) and a warrant stating the requirement to undertake the urine test at the Public Security officer.
2. To impose a urine test on the spot, the police officer shall issue to the recipient a test report. The police officer must sign the test report and affix the seal of the Public Security office.
3. You must be informed of the results of the on-site test. The police officer must ask you to sign the test report. If you refuse to sign the test report, the police officer should make a note of this on the test report.

III. Frequently Asked Questions

How can I safeguard my rights if I am questioned by the police in the street or in public?

1. You have the right to ask the police officer to show you his or her identification papers (work certificate) and to ask the police officer to explain the reason for questioning you.
2. If approval is given by the person in charge of the case-handling department of the Public Security office, you may be taken to the Public Security office for further questioning. Further questioning at the Public Security office is permitted only in the following situations:
 - a. If the police intend to charge you with criminal acts,
 - b. If you are suspected to have committed crimes "on the spot,"
 - c. If you are suspected to have committed a crime and your identity cannot be confirmed, or
 - d. If you are suspected to be in possession of stolen goods.
3. The questioning at the Public Security office may not last more than **24 hours**. Under special circumstances and upon approval of the Public Security office at a higher level, the period allowed for questioning may be extended to **48 hours**. A written record of the interview must be kept. If you are detained for questioning for an extended period, your relatives and workplace must be informed in a timely manner. Where an extension of the time period of your detention for questioning is not approved, you will be released immediately.
4. If it is necessary to impose on you a penalty of administrative detention or another compulsory measure, the decision to impose the penalty must be made by the Public Security office before the end of the extended 48-hour period. If the Public Security office fails to do so, you must be released in a timely manner.

What should I know if I am detained by a public security officer?

1. An arrest warrant is normally used if a person is suspected of violating public security and it is necessary for the police to detain that person for the purpose of questioning. Approval to issue the warrant must be given by the person in charge of the case-handling department of the Public Security office.
2. Public security officers must inform you of the reasons and grounds for the arrest warrant.
3. If a police officer observes you in the act of committing a violation of public security, the officer can detain you for questioning without a warrant. If the officer detains you without a warrant, the officer must show you his or her official identification papers (work certificate), and make a record of the reasons for detaining you in the officer's official notebook.
4. If you have been detained for questioning without a warrant, the Public Security office may not hold you for questioning for more than **8 hours**. Where the circumstances are complicated and a punishment of administrative detention may apply, you may be held for questioning for up to **24 hours**.
5. If you have been detained for questioning without a warrant, the Public Security office must inform a member of your family in a timely manner where you are and the reason that you are being detained.

How can I safeguard my rights when I am searched by the Public Security office?

1. Police officers are permitted to search only places, articles, and persons who are suspected of being involved in a violation of public security.
2. To conduct the search, at least two police officers must be present. The police officers are required to show you their official identification papers (work certificates) and a search warrant issued by the Public Security office at the county level or above.

3. Where it is necessary to make an immediate search, a police officer may carry out an on-site search, with the exception of searching a citizen's home. To search a citizen's home, an officer must produce a search warrant issued by the Public Security office at the county level or above.
4. A bodily search conducted on a woman must be conducted by a female officer.
5. A written record must be kept of any searches conducted. The officer conducting the search, the searched person, and a witness are required to sign or affix their seal to the written record. Where the searched person refuses to sign the record, this must be noted by the police officer in his or her official notebook.

How can I safeguard my rights when my money or property is confiscated or detained by the Public Security office?

1. You may request that the police officer show you his or her official identification papers (work certificate) and inform you of the facts of the alleged violation of public security.
2. You may make statements and defend yourself, and the police officer must listen to your statements and defense in full.
3. The Public Security office must accept the facts, reasons, and evidence that you present if they are verified.
4. When handling a public security case, the Public Security office shall not detain any article that is irrelevant to the case in question.
5. A police officer who makes an "on the spot" decision about a penalty for a violation of public security is required to make a written record of the decision at the time. When the decision is made, a copy of the written record must be given to the person who has received the penalty.

How can I safeguard my rights when my property is detained?

1. Detained articles must be properly stored and may not be used for any purpose other than as evidence of a violation of public security.
2. Where it is found that any detained article is irrelevant to the case in question, it must be returned to the owner in a timely manner.