China's Efforts and Achievements in Promoting the Rule of Law

Information Office of the State Council of the People's Republic of China

February 2008, Beijing

Contents:

Foreword

I. Historical Course of Building a Socialist Country under the Rule of Law

II. Legislation and Legal System with Chinese Characteristics

III. Legal Systems of Respecting and Safeguarding Human Rights

IV. Legal Systems Regulating the Order of the Market Economy

V. Administration by Law and Building a Government under the Rule of Law

VI. Judicial System and Fair Administration of Justice

VII. Popularization and Education of the Law

VIII. International Exchange and Cooperation in Legal Construction

Conclusion

Appendix

List of Current Effective Laws of the People's Republic of China
Foreword

The rule of law signifies that a political civilization has developed to a certain historic stage. As the crystallization of human wisdom, it is desired and pursued by people of all countries.

The Chinese people have made protracted and unremitting struggles for democracy, freedom, equality and the building of a country under the rule of law. They know well the significance and value of the rule of law, and thus cherish the fruits they have achieved in building China into a country under the rule of law.

The rule of law in a country is determined by and conforms to its national conditions and social system. To govern the country according to law and build a socialist country under the rule of law is the Chinese people's demand, pursuit and practice.

The Communist Party of China (CPC) has led the Chinese people in successfully opening up the road of socialism with Chinese characteristics. Along this road, China, in line with the objective requirements arising in the course of continuous economic, political, cultural and social development, has upheld the organic unity of the CPC's leadership, the position of the people as masters of the country and law-based governance, stuck to the principle of people first, advocated the spirit of the rule of law, fostered the idea of democracy and rule of law, freedom and equality, fairness and justice, developed and improved the socialist legal system with Chinese characteristics, promoted the exercise of administrative functions in accordance with the law in all respects, deepened the reform of the judicial system, perfected the mechanism of restraint of and supervision over the use of power, guaranteed the citizens' lawful rights and interests, maintained social harmony and stability, and continuously promoted institutionalization of all work.

The Chinese people are comprehensively implementing the rule of law as a fundamental principle, and speeding up the building of a socialist country under the rule of law. This is a great, unprecedented social practice involving 1.3 billion Chinese people under the leadership of the CPC. The Chinese nation, with a long history and splendid civilization, is striding ahead on the road of democracy and the rule of law, and opening up a new realm in the development of human political civilization.

I. Historical Course of Building a Socialist Country under the Rule of Law

China has a 5,000-year history of civilization. And the Chinese legal system goes back to ancient times. As early as in the 21st century BC, consuetudinary law appeared in China's slave society. In the Spring and Autumn and Warring States periods (770-221 BC), written law was promulgated in China, and a systematic written code of laws appeared. In the Tang Dynasty (618-907), China had a fairly complete code of feudal laws, which was passed on and developed in the following feudal dynasties. The Chinese system of law emerged as a unique one in the world. Ancient China made significant contributions to the legal civilization of mankind.
After the Opium War broke out in 1840, China was reduced to a semi-colonial and semi-feudal society. To obliterate the sufferings of the country and rejuvenate the Chinese nation, people with lofty ideals tried to transplant to China modes of the rule of law from modern Western countries, but failed for various historical reasons.

Under the leadership of the CPC, the Chinese people, after revolution, construction, reform and development, gradually took the road of building a socialist country under the rule of law.

The founding of the People's Republic of China in 1949 ushered in a new era for China's promotion of the rule of law. The period from 1949 to the mid-1950s was the period when China's socialist legal system was first set up. In this period, China promulgated the Common Program of the Chinese People's Political Consultative Conference, in the character of an interim constitution, and some other laws and decrees, which played an important role in consolidating the new-born political power, maintaining social order and reviving the national economy. In 1954, at the First Session of the First National People's Congress (NPC), the Constitution of the People's Republic of China was promulgated. The Constitution and other laws enacted later defined China's political and economic systems, citizen's rights and freedom, set the standards for the organizational structure, functions and powers of state organs, and established the basic principles for China's legal system, thus initially laying the foundation for the rule of law in China. From the late 1950s, and especially during the chaotic period of the "cultural revolution" (1966-1976), China's socialist legal system was severely damaged.

At the end of the 1970s, the CPC, after summarizing historical experiences, and especially learning painful lessons from the "cultural revolution," made an important decision to shift the focus of national work to socialist modernization, and adopted the policies of reform and opening-up. It also made clear the importance of the principle of governing the country by law. To guarantee democracy for the people, it is necessary to strengthen the socialist legal system, institutionalize democracy and make laws to ensure democracy. The goal was to make the system and laws stable, consistent and authoritative - not changing with changes of state leaders or state leaders' opinions or attention - and achieve the goal of having laws to go by, laws that must be observed and strictly enforced, and lawbreakers prosecuted. This was set up as the basic idea for the rule of law in the new era of reform and opening-up. Under the guidance of the basic principle of developing socialist democracy and improving the socialist legal system, China promulgated the present Constitution and basic laws, such as the Criminal Law, Criminal Procedure Law, Civil Procedure Law, General Principles of the Civil Law and Administrative Procedure Law, ushering in a new development stage of the rule of law.

In the 1990s, China started to promote the development of a socialist market economy in an all-round way, further laying the economic foundation and putting forward higher demands for the rule of law. In 1997, the 15th CPC National Congress decided to make "the rule of law" a basic strategy and "building a socialist country under the rule of law" an important goal for socialist modernization, and put forward the
significant task of building a socialist legal system with Chinese characteristics. In 1999, "the People's Republic of China exercises the rule of law, building a socialist country governed according to law" was added to the Constitution, ushering in a new chapter in China's efforts to promote the rule of law.

Entering the 21st century, China is continuing this undertaking. In 2002, the 16th CPC National Congress decided to take further improvement of the socialist democracy and socialist legal system, comprehensive implementation of the rule of law as important goals for building a moderately prosperous society in all respects. In 2004, "the state respects and guarantees human rights" was included in the Constitution. In 2007, the 17th CPC National Congress expressly called for comprehensively implementing the fundamental principle of rule of the country by law and speeding up the building of a socialist country under the rule of law, and made arrangements for strengthening the rule of law in an all-round way.

Over almost six decades since its founding, especially during 30 years since the introduction of the reform and opening-up policies, China has made tremendous achievements in promoting the rule of law in its great task of building socialism with Chinese characteristics.

- The rule of law has been established as a fundamental principle. It is a fundamental state principle as well as the common understanding of all sectors of society to govern the country according to law and build a socialist country under the rule of law. Moreover, the socialist idea of the rule of law has been gradually established, with the rule of law at the core, law enforcement for the people as an essential requirement, fairness and justice as a value to be pursued, serving the overall interests as an important mission, and with the leadership of the CPC as a fundamental guarantee. The awareness of law and the rule of law has been generally strengthened in all sectors of society, and a social atmosphere of consciously learning, observing and employing law is coming into being.

- The CPC has markedly improved its governance capability. The Party has constantly enhanced its consciousness and firmness in governing the country in a scientific and democratic way, and by law. It has led the people in making the Constitution and laws. Meanwhile, it has carried out activities within the scope prescribed by the Constitution and the law, with the Constitution as the fundamental criterion; it upholds the Constitution and persists in the rule of law, and takes the lead in safeguarding the authority of the Constitution and the law; and it has mobilized and organized the people to the maximum extent to manage state and social affairs, the economy and cultural undertakings. By leading the people in making and abiding by laws and guaranteeing law enforcement, the Party has continuously consolidated its ruling position.

- A Constitution-centered socialist legal system with Chinese characteristics has basically taken shape. On the basis of the present Constitution, the state has enacted and improved a large number of laws, administrative regulations, local regulations, autonomous regulations, and separate regulations, making the legal system more complete and providing the state with laws to go by in economic, political and cultural
sectors, as well as in social life. Legislation has become more scientific and democratic, and its quality has been improved. Laws now play an increasingly greater role in promoting economic and social development, ensuring social fairness and justice, and guaranteeing the people's rights and the proper exercise of the state power.

- Human rights are under reliable legal protection. While improving the people's rights to subsistence and development through economic and social development, the state attaches great importance to protecting citizens' basic rights and freedom in accordance with the Constitution and the law. It protects in accordance with the law the right of all members of society to equal participation and development. With the continuous improvement of laws, regulations, the judicial system and the mechanism for safeguarding rights and interests, human rights have been better guaranteed in legislation, law enforcement, the judiciary and other aspects. The undertaking to protect human rights has been developing in a sound way, and citizens' political, economic, social and cultural rights are now fully respected and guaranteed in all aspects.

- The environment for the rule of law, which promotes economic development and social harmony, has been constantly improved. In response to the demands of building a socialist market economy, the state has been strengthening economic legislation and improving macro-control. It prohibits any organization or individual from disrupting the economic and social order in accordance with the law. China has enacted and improved a series of laws and systems promoting economic development, safeguarding market order and achieving social fairness and justice, established an initial law regime for the socialist market economy. The social security system has been continuously improved, with social insurance, social relief and social welfare as the bases, with basic endowment insurance, basic medical insurance and the subsistence allowance system as focuses and supplemented by charities and commercial insurance.

- Administration by law and fair administration of justice have been constantly improved. By establishing and improving the organizational and working mechanisms for administrative law enforcement and the judiciary, China guarantees that the administrative and judicial organs exercise their power and perform their duties in accordance with their legitimate authorization and legal procedures. Administrative legislation and institutional improvement have been further strengthened, the system of keeping the public informed of matters being handled is being constantly improved, and government administration based on the rule of law is being furthered. Public security organs fulfill their duties in accordance with the law, safeguarding state security and public order, and guaranteeing that people can live and work in peace and contentment. Courts and procuratorates exercise their powers independently in accordance with the law, make judgments based on facts and with the law as the sole benchmark, and insist on the principle that all citizens are equal before the law, thereby safeguarding and enforcing judicial justice and authoritativeness.

- Restraint of and supervision over the use of power have been strengthened. A power structure and a power operating mechanism featuring decision-making authority, enforcement power and supervision right restraining and coordinating each other have
been set up and improved continuously; fairly complete supervision systems and rules have been established; and the composite force and effectiveness of supervision have been constantly strengthened. The people's congresses at all levels and their standing committees exercise supervision over the governments, people's courts and people's procuratorates of the same level. The people's political consultative conferences at different levels give full scope to their role of democratic supervision, and such supervision has been gradually institutionalized and standardized. The general public and news media have more and more ways and means to supervise government and judicial work. The constantly improved systems of inquiry, accountability, economic accountability audit, resignation and recall guarantee that the supervision over government functionaries is powerful and effective.

II. Legislation and Legal System with Chinese Characteristics

The People's Republic of China is a united, multi-ethnic and unitary socialist country. To guarantee the uniformity of the legal system of the state and reflect the common will and overall interests of the people, China exercises uniform yet multi-tiered legislation.

The Constitution prescribes that the NPC and its Standing Committee exercise the legislative power of the state. The NPC enacts and amends basic laws, such as the criminal law and civil law as well as organic laws on state organs and other matters. The Standing Committee of the NPC enacts and amends laws other than those that should be enacted by the NPC, and it can partially supplement and amend, when the NPC is not in session, laws enacted by the NPC, provided that the basic principles of these laws are not contravened.

In accordance with the Legislation Law of the People's Republic of China, laws on the following affairs must be made exclusively by the NPC and its Standing Committee: affairs involving state sovereignty, the formation, organization as well as the functions and powers of state organs, the system of regional ethnic autonomy, the system of special administrative regions, the system of self-government of people at the grassroots level, criminal offences and their punishment, deprivation of citizens' political rights, mandatory measures and penalties involving restriction of the freedom of the person, expropriation of non-state-owned property, basic civil system, basic economic system and basic systems of finance, taxation, customs, banking and foreign trade, and systems of litigation and arbitration.

With a vast land, China faces complicated conditions and imbalanced development among different regions. To guarantee the uniformity of the state's legal system and yet adapt to different conditions in different regions, the Constitution and Legislation Law both prescribe that, in addition to the NPC and its Standing Committee, the State Council may enact administrative regulations in accordance with the Constitution and the law; the people's congresses or their standing committees of the provinces, autonomous regions and municipalities directly under the central government may enact local regulations,
provided that such regulations do not contradict the Constitution, the laws and administrative regulations, and approve local regulations formulated by people's congresses or their standing committees of the larger cities; the people's congresses of the ethnic autonomous areas have the power to enact autonomous regulations and separate regulations on the basis of the political, economic and cultural conditions of the local ethnic group(s). Moreover, the ministries and commissions of the State Council and the other organs endowed with administrative functions directly under the State Council may, in accordance with the laws and administrative regulations, enact rules within the limits of their power; and the people's governments of the provinces, autonomous regions, municipalities directly under the central government and the larger cities may, in accordance with laws, administrative regulations and local regulations of their respective province, autonomous region or municipality, enact rules.

To conform to the fundamental interests of the public and the overall interests of the state, and at the same time take into consideration all types of specific interests and guarantee scientific and democratic legislation, the Chinese legal system prescribes the legislative procedures of the NPC and its Standing Committee, procedures for the State Council in making administrative regulations, and procedures for local people's congresses and their standing committees at various levels in enacting local regulations. The Standing Committee of the NPC follows the "system of three deliberations" in making laws, which means that a legal bill should be deliberated at three meetings of the Standing Committee of the NPC before it is voted on; and in the case of an important or controversial legal bill, it may undergo more than three deliberations. For instance, the bill of the Property Rights Law went through seven rounds of deliberation at the meetings of the Standing Committee of the NPC before being submitted to the Fifth Session of the Tenth NPC for discussion and adoption. A legal bill submitted to the NPC should be repeatedly deliberated at the plenary meetings, delegation sessions and group discussions of the Congress; and a legal bill submitted to the Standing Committee of the NPC should go through deliberations at the plenary sessions and group discussions of the Standing Committee. Before being promulgated, each law must go through repeated deliberations until a consensus is reached, and then be submitted to the NPC or its Standing Committee for final voting at a plenary meeting. This process, involving many rounds of deliberation, is precisely aimed at giving full expression to all kinds of interests through consultation, and adjusting and balancing relations between different interests. This democratic process, focusing on full consultation before a bill is submitted for final voting, displays a distinctive feature of the system of the NPC of China.

In the legislative process, we uphold democracy, pool the people's wisdom and reflect the people's will. To propose legal bills and bills concerning administrative regulations and local regulations, the legislation authorities listen to opinions from all sectors of society through various ways, such as holding forums, feasibility study meetings, hearings, so as to enhance transparency and public participation. Bills of laws, regulations and rules concerning vital public interests or dictating the obligations of citizens are published in full in the news media to ask for comments from the people. After being adopted, the laws and regulations are published in a timely way in gazettes of the people's congresses and governments at all levels, government websites and the mass
media. In recent years, the Standing Committee of the NPC and the State Council have sought advice from all sectors of society regarding draft laws and administrative regulations, including the Property Rights Law, Law on Labor Contracts, Law on the Promotion of Employment and Regulations on the Administration of Properties. The Standing Committee of the NPC has held feasibility study meetings and hearings regarding revisions of the Law on the Protection of Cultural Relics, Law on Individual Income Tax, and others.

To guarantee the uniformity of the state's legal system and coordination of various laws and regulations, the Chinese legal system prescribes the validity of laws or regulations at different levels: The Constitution has the supreme legal authority, and no laws, administrative regulations, local regulations, autonomous regulations, separate regulations, or rules may contravene the Constitution. The authority of laws is higher than that of administrative regulations, local regulations and rules. The authority of administrative regulations is higher than that of local regulations and rules; and the authority of local regulations is higher than that of the rules of local governments at and below the corresponding level. The legal system also prescribes a system of record and examination for regulations and rules: Administrative regulations shall be filed to the Standing Committee of the NPC for the record; local regulations shall be filed to the Standing Committee of the NPC and the State Council for the record; and the rules of a department and of a local government shall be filed to the State Council for the record. The NPC has the power to alter or annul any inappropriate laws enacted by its Standing Committee; the Standing Committee of the NPC has the power to annul any administrative regulations that contradict the Constitution and the law, and to annul any local regulations that contradict the Constitution, laws or administrative regulations; and the State Council has the power to alter or annul any inappropriate rules of the government departments and of local governments. The NPC gives the Hong Kong and Macao special administrative regions (SAR) the power of legislation in accordance with their respective Basic Law, and no laws of the SAR may contradict the Basic Law of the SAR.

The legal system of China also prescribes the procedure of examination of administrative regulations, local regulations, autonomous regulations and separate regulations on whether they contradict the Constitution or the law: When the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate and the standing committees of the people's congresses of the provinces, autonomous regions and municipalities directly under the central government consider that any administrative regulation, local regulation, autonomous regulation or separate regulation contradicts the Constitution or any law, they may submit to the Standing Committee of the NPC written requests for examination; and when other state organs, public organizations, enterprises and public institutions or citizens consider that any administrative regulation, local regulation, autonomous regulation or separate regulation contradicts the Constitution or any law, they may also submit to the Standing Committee of the NPC written requests for examination.
The precondition for building a socialist country under the rule of law is that there must be laws to go by. Unremitting efforts over many years have seen the establishment of a socialist legal framework with Chinese characteristics and with the Constitution at the core. The modern Chinese legal system, with complete branches, distinctive levels, a balanced structure and scientific style, mainly consists of seven branches of legislation and three levels. The seven branches of legislation are: the Constitution and the Constitution-related laws; civil and commercial laws; administrative laws; economic laws; laws on society; criminal law; and litigation and non-litigation procedural laws. The three levels are: laws; administrative regulations; and local regulations, autonomous regulations and separate regulations. The NPC and its Standing Committee have enacted 229 laws currently in effect, covering all the above seven branches; and have made most of each branch, including basic laws as the framework of the socialist legal system with Chinese characteristics and laws urgently demanded by reform, development and stability. As supplements, the State Council has enacted nearly 600 administrative regulations currently in effect; local people's congresses and their standing committees at various levels have enacted over 7,000 local regulations currently in effect; and the people's congresses of the ethnic autonomous areas have enacted over 600 autonomous regulations and separate regulations currently in effect. The departments under the State Council, the people's governments of the provinces, autonomous regions, municipalities directly under the central government, and the larger cities have also enacted numerous rules.

In the socialist legal system with Chinese characteristics, the Constitution is at the core and dominant. The present Constitution, on the basis of the 1954 Constitution, was adopted at the Fifth Session of the Fifth NPC in 1982 after public discussion. The Constitution, as the fundamental law of the state, has supreme legal authority. The people of all ethnic groups, all state organs, the armed forces, all political parties and public organizations and all enterprises and public institutions in the country must take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation. To implement the basic principle of governing the country by law, it is first of all necessary to implement the Constitution in an all-round and thorough way.

The present Constitution of China, summarizing historical experiences and taking lessons from the "cultural revolution," has not only prescribed the fundamental rights and duties of citizens, but also included specific provisions guaranteeing the inviolability of the personal dignity and freedom of the person of Chinese citizens, and that Chinese citizens enjoy freedom of religious belief. The Constitution, based on the principle of democratic centralism for the state organs and experience in building political power since the founding of New China, has comprehensive stipulations on the state organs: The state strengthens the system of the People's Congress as the basic political system of China; part of the NPC's functions and powers are delegated to and exercised by its Standing Committee; the state has the president and vice-president; the state establishes the Central Military Commission to lead all the armed forces of China; under the uniform leadership of the Central Authorities, the state strengthens the building of local organs of state power, and people's congresses at and above the county level have their standing
committees; and the president and vice-president of the state, chairman and vice-
chairmen of the Standing Committee of the NPC, premier, vice-premiers and state
councilors, president of the Supreme People's Court and procurator-general of the
Supreme People's Procuratorate shall serve no more than two consecutive terms each.
The Constitution also stipulates that regional autonomy is practiced in areas where people
of ethnic minorities live in compact communities, where organs of self-government are
established to exercise the power of autonomy; grassroots autonomy is practiced in both
urban and rural areas in the form of residents committees and villagers committees,
respectively; and the state may establish special administrative regions when necessary,
and the systems to be instituted in the special administrative regions shall be prescribed
by law enacted by the NPC in the light of the specific conditions there.

After the present Constitution was adopted in 1982, the NPC, to adapt to the changes
in Chinese society, made amendments as many as four times to its content and some
articles. The Amendments to the Constitution made in 1988 prescribes: The state permits
the private sector of the economy to exist and develop within the limits prescribed by law;
and the right to the use of land may be transferred in accordance with the law. The
Amendments to the Constitution made in 1993 prescribes: The state practices socialist
market economy; and the system of multi-party cooperation and the political consultation
under the leadership of the Communist Party of China shall exist and develop for a long
time to come. The Amendments to the Constitution made in 1999 prescribes: The
People's Republic of China exercises the rule of law, building a socialist country
governed according to law; and in the primary stage of socialism, the state upholds the
basic economic system with the dominance of the public ownership and the simultaneous
development of an economy of diverse forms of ownership, and upholds the distribution
system with the dominance of distribution according to work and the coexistence of
diverse modes of distribution. The Amendments to the Constitution made in 2004
prescribes: The state encourages, supports and guides the development of the non-public
sectors of the economy, and exercises supervision and control over the non-public sectors
in accordance with the law; the lawful private property of citizens may not be encroached
upon, and the state protects by law the right of citizens to own and inherit private
property; and the state respects and protects human rights.

The legal system of China accords with the principle of universality for the
development of human political civilization, and conforms to the basic conditions of the
primary stage of socialism in China. It is in line with the basic tasks of socialism, and has
distinctive Chinese characteristics. The essence of this legal system is to put people first,
reflects the common will of the people and guarantees the fundamental interests of the
people. It is in line with the economic development and social progress of China, and
provides legal safeguards for scientific, harmonious and peaceful development of the
country.

China's socialist legal system with Chinese characteristics is open and developing.
As China is at a stage of social transformation, its legal system is phased and forward-
looking. It will continue to promulgate new laws and revise present ones, so as to develop
and improve the legal system.
III. Legal Systems of Respecting and Safeguarding Human Rights

China takes as its constant goal the elimination of poverty, enjoyment of human rights to the full by everyone and building of a prosperous, strong, democratic, culturally advanced and harmonious modern socialist country. China's basic stand on the development of human rights is: placing top priority on people's rights to subsistence and development, making development the principal task, and promoting citizens' political, economic, social and cultural rights to achieve their all-round development.

Based on its Constitution, China has formulated and improved a series of legal systems to codify and institutionalize the safeguarding of human rights.

- Legal safeguard of the right to life. China attaches great importance to safeguarding its citizens' right to life. The Constitution, Criminal Law and General Principles of the Civil Law all include fundamental stipulations on protecting citizens' right to life. The Production Safety Law, the Law on the Prevention and Treatment of Occupational Diseases, and other laws and regulation slay down provisions for the protection of working people's life and health. In view of the country's situation, China retains the death penalty in the law, but upholds the policy of "killing fewer and with caution" and exercises strict and cautious control over the use of the death penalty to ensure that it is applied only in the most serious cases. The death penalty shall not be imposed on persons who have not reached the age of 18 at the time the crime is committed or on women who are pregnant at the time of adjudication. The Criminal Law also prescribes the system of a two-year probation of execution, which is conducive to rigorously controlling the death penalty and reducing the actual number being executed.

- Legal safeguard of the right to personal freedom and dignity. The Constitution rules that freedom of the person of citizens of the People's Republic of China is inviolable. No citizen may be arrested without the approval or decision of a people's procuratorate or a decision of a people's court, and any arrest must be made by a public security organ. Unlawful detention and deprivation or restriction of citizens' freedom of the person by other means is prohibited. The residences of citizens are inviolable, and unlawful search of, or intrusion into, a citizen's residence is prohibited. The freedom and privacy of correspondence of citizens are protected by law, and unlawful censorship of citizens' correspondence is prohibited. The Criminal Procedure Law expressly outlaws extortion of confessions by torture, and prescribes strict legal procedures for compulsory measures and means, including detention, execution of arrests, investigation and gathering of evidence, related to personal freedom and safety. The Criminal Law lays down a special provision on the crime of extorting confessions by torture by judicial functionaries. Both the Legislation Law and Law on Administrative Punishment provide too that no administrative regulation or local regulation may impose any penalties restricting personal freedom. Any compulsory measures or penalties restricting personal freedom shall only be enacted by law. In 2003 the State Council annulled the Measures for Taking in and Sending back Vagrants and Beggars in Cities and, at the same time, enacted the...
Measures for Assisting Vagrants and Beggars with No Means of Support in Cities. The Constitution stipulates that the personal dignity of citizens is inviolable, and that insult, libel, false accusation or false incrimination directed against citizens by any means is prohibited. The General Principles of the Civil Law protects citizens' right to personal name, honor and portrait.

- Legal safeguard of the right to equality. The Constitution establishes the principle that all citizens of the People's Republic of China are equal before the law. Every citizen is entitled to the rights and, at the same time, must perform the duties prescribed by the Constitution and the law. Protection or punishment is applied equally to everyone regardless of personal differences. No organization or individual is privileged to be beyond the Constitution or the law, and all acts in violation of the Constitution or the law must be investigated. The Constitution and the Law on Regional Ethnic Autonomy prescribe that all ethnic groups in the People's Republic of China are equal, and that the state protects the lawful rights and interests of ethnic minorities, and discrimination against and oppression of any ethnic group are prohibited. All ethnic groups have the freedom to use and develop their own spoken and written languages, as well as the freedom to preserve or reform their own folkways and customs. The Constitution, the Law on the Protection of Rights and Interests of Women and other laws stipulate that women enjoy equal rights with men in all spheres of life - political, economic, cultural, social and family.

- Legal safeguard of political rights. It is stated in the Constitution that all power in the People's Republic of China belongs to the people. The Legislation Law prescribes that deprivation of any citizen's political rights can only be done in accordance with the law. The right to election is an important political right for citizens. It is stipulated by the Constitution and the law that all citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence, except for persons deprived of political rights in accordance with the law. The Electoral Law and the Organic Law of the Local People's Congresses and People's Governments prescribe that a group of ten or more voters or deputies may recommend candidates, who enjoy equal legal status with those nominated by political parties and social organizations. Deputies to the people's congresses at all levels, vice-chairmen of the standing committees of local people's congresses and deputy heads of the local people's governments must all be selected through competitive election. The chairmen of the standing committees of local people's congresses, heads of the local people's governments, presidents of local people's courts and chief procurators of local people's procuratorates must also be selected through competitive election, although a non-competitive election may be conducted if only one candidate is nominated. Citizens' freedom of speech, of the press, of assembly, of association, of procession and of demonstration is also guaranteed by the Constitution and the law. The Electoral Law, Law on Assemblies, Processions and Demonstrations, and administrative regulations regarding publication and registration and management of social organizations provide legal guarantees for the political rights and freedom of citizens. The Regulations on Written and Personal Petitions promulgated by the State Council protects citizens' rights
to criticism, suggestion, petition, accusation and impeachment through strengthening governments' responsibility for handling people's letters and visits regarding petitions.

- Legal safeguard of freedom of religious belief. The Constitution stipulates that citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in or not believe in any religion; nor may they discriminate against citizens who believe in or do not believe in any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination. The Regulations on Religious Affairs promulgated by the State Council prescribes that the state, in accordance with the law, protects the lawful rights and interests of religious bodies, venues of religious activities and religious believers, and their normal religious activities. Since the adoption of the reform and opening-up policies in 1978, Chinese citizens' freedom of religious belief has been fully respected and protected. In 1994 the State Council enacted the Provisions on the Administration of Religious Activities of Aliens within the Territory of the People's Republic of China to respect freedom of religious belief of aliens within Chinese territory, protect and administer their religious activities in accordance with the law and safeguard friendly contacts and cultural and academic exchanges of aliens with Chinese religious circles in respect of religion.

- Legal safeguard of the rights and interests of the working people. The Labor Law, Law on Labor Contracts, Law on Labor Disputes Mediation and Arbitration, Law on the Promotion of Employment, Regulations on Paid Annual Leave of Employees, Regulations on Labor Security Supervision and other regulations and laws regulate and promote employment, rationally define the rights and obligations of employers and employees, and protect the lawful rights of employees. The Regulations on Work-related Injury Insurance, Regulations on Unemployment Insurance, Provisional Regulations on Collection and Payment of Social Insurance Premiums, Interim Measures on Maternity Insurance for Enterprise Employees and other regulations and rules guarantee necessary material assistance to the working people in regard to old age, unemployment, illness, work-related injury and childbearing. The Regulations on the Employment of the Disabled, Provisions on the Labor Protection of Female Employees, Provisions on the Prohibition of Child Labor and other regulations and rules provide special protection for the physical and psychological health and lawful rights of all underprivileged groups.

- Legal safeguard of economic, social, cultural and other rights. The Constitution rules that the lawful private property of citizens is inviolable. The Property Rights Law stipulates that the property rights of the state, collective, individual and any other holder of such rights shall be protected by law, and may not be encroached upon by any entity or individual. The Law on the Protection of the Rights and Interests of the Elderly, Law on Maternal and Infant Health Care, Law on the Protection of Minors, Law on the Protection of the Disabled and other laws reinforce the protection of special groups. The Regulations on the Minimum Standard of Living of Urban Residents, Regulations on Rural "Five-Guarantee" Work and other regulations prescribe basic living security for urban poverty-
stricken people and farmers without labor ability, sources of income, or any supporter, provider or fosterer. The Regulations on Special Care and Preferential Treatment for Servicepersons, Regulations on the Placement of Demobilized Compulsory Servicepersons, and other regulations lay down the state's special care and preferential treatment system for demobilized, injured or dead servicepersons and their families. Citizens' right to education is protected by the Constitution and the law. The Compulsory Education Law intensifies the state's responsibility for guaranteeing the implementation of compulsory education, brings compulsory education completely under the coverage of national financial guarantee, and ensures the equal right of all school-aged children and other teenagers to compulsory education. The Constitution also prescribes that citizens of the People's Republic of China have freedom to engage in scientific research, literary and artistic creation and other cultural pursuits.

China has joined 22 international human rights conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural Rights, and other key international conventions in this respect. The Chinese government earnestly fulfills its obligations, submits implementation reports on its own initiative, and gives full play to the role of international human rights conventions in promoting and protecting human rights of the Chinese people.

IV. Legal Systems Regulating the Order of the Market Economy

During the transition from a planned economy to a market economy since the adoption of the reform and opening-up policies in 1978, China has continuously strengthened its legislation in economic and related fields. A legal system compatible with the socialist market economy has basically taken shape.

- Civil law system. China makes the confirmation, alteration, exercise, circulation, termination and protection rules of property ownership the core of its civil law system compatible with the building of a socialist market economy. A series of laws, such as the General Principles of the Civil Law, Contract Law, Security Law and Property Rights Law, have set up and improved the system of creditor's rights and property rights system that covers ownership, usufructuary right and property right for security of realty or chattel, established the principle of freedom of contract and the principle that property rights of the state, collective, individual or any other rights holder are equally protected by law, and formed a new pattern that all economic entities with different types of ownership lawfully coexist, equally compete and mutually enhance each other.

- Legal systems for market entities. China's legal systems for market entities have been accommodated to the basic requirements of a market economy for market entities after the transformation from ownership-oriented legislation to one oriented toward the forms of organization and liabilities. The Company Law, Partnership Law, Sole Proprietorship
Enterprise Law, Law on Commercial Banks, Law on Farmers Specialized Cooperatives and other laws guarantee the legitimacy of various market entities and their equitable participation in market competition. The Company Law establishes basic systems, such as the limited liability company system and the system of company limited by shares, and improves corporate governance structure, laying an institutional foundation for building a modern enterprise system and safeguarding the lawful rights and interests of corporate investors and stakeholders. The Law on Enterprise Bankruptcy set up the bankruptcy system, regulating the withdrawal from the market of market entities. China has also set up a great number of organizations offering legal, financial and information consultation services, and actively improves legal systems concerning market agents.

- Legal systems for market management. The Anti-monopoly Law and Law on Countering Unfair Competition regulate market competition behavior, facilitate the reform of monopolized industries, intensify government and public supervision, and accordingly establish a legal remedy system combining civil and administrative compensation. The Law on the Protection of the Rights and Interests of Consumers and Product Quality Law have established a legal system for protecting the interests of consumers and for ensuring product quality. The Law on the Administration of Urban Real Estate has set up a system conducive to administering urban real estate, safeguarding the order of the real estate market and guaranteeing the lawful rights and interests of real estate owners. The Insurance Law, Securities Law, Law on Regulation of and Supervision over the Banking Industry, Regulations on Foreign Exchange Control, and other laws and regulations have set up a financial supervision and regulation system with open, fair and just value orientation, to effectively prevent and dissolve financial risks. The Regulations on Direct Selling Administration, Regulations on Commercial Franchise Administration and other regulations effectively regulate market behavior.

- Legal systems for macro-control. Exercising macro-control over the economy by means of law is a major characteristic of China's socialist market economy. While giving full play to the role of the market mechanism in optimizing resource allocation, and for the sake of expediting the sound and rapid development of the national economy, the Budget Law, Audit Law, Government Procurement Law, Pricing Law, Individual Income Tax Law, Enterprise Income Tax Law, Law on the Administration of Tax Collection, Law on the Promotion of Small and Medium-sized Enterprises, and other laws put forth provisions on macro-control in their corresponding fields. The Law on the People's Bank of China and other laws provide an institutional guarantee for maintaining currency value, dissolving financial risks and ensuring financial security. The Statistics Law forms the legal foundation for scientific decision-making regarding national economic and social development. The construction of legal systems for macro-control effectively gives full scope to the guiding role of national development plans and industrial policies, and thus elevates the level of macro-control.

- Legal systems for the protection of intellectual property rights. The enactment of laws such as the Patent Law, Trademark Law, Copyright Law and Law on Countering Unfair Competition, and the promulgation of a series of administrative regulations, including the Regulations on the Protection of Computer Software, Regulations on the Protection of
Layout-design of Integrated Circuits, Regulations on the Collective Management of Copyrights, Regulations on the Protection of Dissemination of Information Through Internet, Regulations on Customs Protection of Intellectual Property Rights and Regulations on the Protection of New Varieties of Plants, have established relatively complete legal systems for the protection of intellectual property rights in their corresponding aspects. China adopts a law enforcement and protection mechanism for intellectual property rights through the coordinated implementation of judicial justice and administrative execution. Judicial justice has a fundamental status and plays a guiding role in the law enforcement and protection of intellectual property rights. The combination of investigation by law enforcement agencies in accordance with the law on their own initiative with mediation at the request of the parties concerned offers optional channels for the latter. The Interpretation of Issues Regarding the Specific Application of Laws in the Handling of Criminal Cases of Intellectual Property Right Infringement (I) and (II) enacted by the Supreme People's Court and Supreme People's Procuratorate of the People's Republic of China serve to crack down on crimes infringing intellectual property rights.

- Legal systems for resource conservation and environmental protection. China regards resource conservation and environmental protection as two basic state policies, and continuously strengthens the building of the legal systems in these two aspects. China has enacted nine laws concerning environmental protection, including the Environmental Protection Law, Law on Environmental Impact Assessment, Law on the Prevention and Control of Atmospheric Pollution, Law on the Prevention and Control of Water Pollution, Law on the Prevention and Control of Environmental Noise Pollution, Law on the Prevention and Control of Environmental Pollution by Solid Waste and Law on the Prevention and Control of Radioactive Pollution, and 17 laws with regard to resource conservation and protection, such as the Renewable Energy Law, Energy Conservation Law, Land Administration Law, Water Law, Forest Law, Grassland Law, Mineral Resources Law, Coal Law, Electric Power Law and Clean Production Promotion Law. The state has also promulgated over 50 administrative regulations, more than 660 local and sectoral regulations as well as government rules, and over 800 national standards related to environmental and resource protection. It has established and improved legal systems by establishing environmental impact assessment, synchronous project design, construction and completion of safety and sanitation facilities, pollution discharge declaration and registration, pollution discharge fee, elimination or control of pollution within a prescribed period of time, control of levels of pollution and pollution discharge permission, and legal systems concerning the planning, ownership, permission, paid use and energy conservation assessment of natural resources. At the same time, China sets great store by international cooperation in resource conservation and environmental protection. It has acceded or joined over 30 international conventions on environmental and resource protection, including the United Nations Framework Convention on Climate Change, Kyoto Protocol on Global Warming, Convention on Biological Diversity and United Nations Convention to Combat Desertification, and actively performs its obligations under these conventions.
- Legal systems for foreign economic and trade cooperation. A series of laws, such as the Law on Chinese-Foreign Equity Joint Ventures, Law on Chinese-Foreign Cooperative Joint Ventures, Law on Foreign-Capital Enterprises and Foreign Trade Law, provide multiple modes or organizational forms for foreigners to invest in China, and fully guarantee the lawful rights and interests of foreigners who invest and conduct economic and trade activities in China. Following its accession to the World Trade Organization (WTO) in 2001, China, by revising its Foreign Trade Law, has further standardized the rights and interests of foreign trade operators, improved the trade administration systems of import and export of goods and technologies, and international services, established foreign trade investigation and promotion systems suited to Chinese conditions, perfected the trade remedy system and improved the systems of customs supervision and inspection and quarantine of imported and exported commodities, to form a unified, transparent foreign trade system pursuant to the WTO rules. In light of the requirements for developing its socialist market economy and its commitments to the WTO, China has comprehensively straightened out laws and regulations concerning the utilization of foreign capital. Over the past six years, the state has sorted out a total of 887 sectoral regulations and other regulatory documents in the field of foreign economy and trade.

V. Administration by Law and Building a Government under the Rule of Law

Administration by law and building a government under the rule of law are essential for the overall implementation of the fundamental principle of governing the country by law. They are basic norms of the Chinese government for its administration. For many years the Chinese government has taken a series of measures to promote the work in a down-to-earth way in this regard. After promulgating the Decision of the State Council on Promoting Law-based Administration in an All-round Way in 1999, the Chinese government issued the Outline for the Implementation of Promoting Law-based Administration in an All-round Way in 2004, specifying the goal of building a government under the rule of law, and setting forth the guidelines and specific targets, basic principles and requirements, as well as major tasks and measures for the full-scale promotion of administration by law in the ensuing ten years. Currently, the administrative powers of the people's governments at various levels have been gradually guided along the track of a legal system; the legal system that regulates the acquisition and operation of government power has taken shape; and significant improvement has been achieved in administration based on the law.

- Legal systems for subjects of administration. In accordance with the stipulations of the Constitution, Organic Law of the State Council, Organic Law of the Local People's Congresses and Local People's Governments, the Chinese government has five administrative levels: namely, the State Council; the people's governments of provinces, autonomous regions and municipalities directly under the central government; the people's governments of autonomous prefectures and cities that have districts; the people's governments of counties, autonomous counties, cities that have no districts, and districts under cities; and the people's governments of townships, townships of ethnic minorities and towns. The Constitution stipulates that the State Council is the central
people's government, and is the executive body of the NPC and the highest state administrative organ; local people's governments at different levels are the executive organs of local people's congresses and local state administrative bodies at different levels and local people's governments at all levels are state administrative organs subject to the unified leadership of the State Council.

- Legal systems for administrative acts. First, the administrative licensing system. The Law on Administrative Licensing sets strict limitations and stipulations on the matters and procedures of administrative licensing: Administrative licenses are not required for matters that can be decided by citizens, legal persons or other organizations themselves; that can be effectively regulated by the market competition mechanism; that may be subject to the self-discipline management of trade organizations or intermediary institutions; that can be handled by the administrative organs by means of supervision afterwards or through other administrative methods. The Law on Administrative Licensing also stipulates that the administrative licensing work conducted by administrative organs must be legitimate, open, impartial and convenient for the people, and must not contradict the trust protection principle by altering an effective administrative license without authorization.

Second, the system of administrative expropriation and administrative requisition for use. According to the Constitution and the Property Rights Law, in order to meet the demands of public interest, the state may expropriate collectively owned land, housing properties and other immovable properties owned by entities and individuals according to authorization and procedures prescribed by law. Adequate amount of land compensation fee, relocation subsidy and compensation for attachments on the ground and young crops, etc. shall be paid for expropriation of collectively owned land; social security fees shall be arranged for farmers affected by the land expropriation, so that the livelihood of farmers affected by the land expropriation shall be assured and the legitimate rights and interests of farmers affected by the land expropriation shall be safeguarded. Compensation for relocation shall be made according to law for expropriation of housing properties and other immovable properties of entities and individuals, so that the legitimate rights and interests of the persons affected by the expropriation shall be safeguarded. In the case of expropriation of residential property of individuals, the living conditions of the persons affected by the expropriation shall be assured.

Third, the administrative penalty system. The Law on Administrative Penalties prescribes that where administrative penalties need to be imposed for violations of the order of administration, they shall be prescribed by laws, regulations or rules, and enforced by administrative organs according to the procedures prescribed by relevant laws, regulations or rules. Any administrative penalty that is not imposed in accordance with the law or legal procedures shall be invalid. Administrative organs, upon discovering that citizens, legal persons or other organizations have committed acts for which administrative penalties should be imposed according to law, shall conduct investigation in a comprehensive, objective and fair manner to collect relevant evidence. After an administrative penalty has been decided on, the penalized party shall have the
right to apply for administrative review, lodge administrative litigation, or demand compensation in accordance with the law.

- Legal systems for administrative supervision and remedy. First, the system of administrative review. The Law on Administrative Review stipulates that a citizen, legal person or any other organization considering that his/her or its lawful rights and interests have been infringed upon by a specific administrative act may apply for administrative review to an administrative organ. After the administrative review organ has examined the specific administrative act, it may annul, alter, or confirm the act as illegal in accordance with the law, and order the administrative organ concerned to perform its statutory duty and undertake a new specific administrative act within a time limit.

Second, the administrative procedure system. The Administrative Procedure Law stipulates that citizens, legal persons or other organizations refusing to accept a disposition imposed by an administrative organ or administrative official have the right to institute proceedings to a people's court. After hearing the case, the people's court shall make the judgment to annul or partially annul the disposition, or to require the defendant to undertake a new specific administrative act, if the specific administrative act has been found to have inadequacy of essential evidence, erroneously applied the law or regulations, violated legal procedure, exceeded authorization or abused power.

Third, the system of administrative compensation. The Law on State Compensation prescribes that the aggrieved person shall have the right to demand compensation when an administrative organ or its personnel has infringed upon his/her right of the person or property right in violation of the law when exercising administrative functions and powers. The law also contains provisions covering claimants for administrative compensation, organs having obligation for administrative compensation, compensation procedures, methods of compensation and calculation standards.

Fourth, the administrative supervision and auditing systems. The Law on Administrative Supervision stipulates that the supervisory organs shall exercise supervision over state administrative organs' problems in their observation and enforcement of laws, regulations, decisions and orders of the people's government. In accordance with the Auditing Law, audit institutions shall audit revenues and expenditures of departments of the State Council and the local people's governments at different levels, as well as revenues and expenditures of state-owned financial institutions, enterprises and public institutions.

- Legal systems concerning civil servants. Administrative acts are mainly performed by civil servants. The Law on Civil Servants and the Regulations on Punishment of Civil Servants of Administrative Organs have defined the civil servants' qualifications, obligations and rights, posts and ranks, recruitment, assessment, appointment and removal, promotion and demotion, rewards and penalties, training, exchange of posts and withdrawal, salary and welfare benefits, resignation and dismissal, retirement, complaint and accusation, post appointment and legal liability. The law and the regulations have
prescribed administration of civil servants by classification and a post appointment system, as well as a penalty system for civil servants in administrative organs.

In recent years, the Chinese government has further transformed its functions and stepped up the building of a government under the rule of law by strengthening its self-improvement. First, it has expedited the establishment of a public emergency response mechanism to enhance its capability to handle emergencies, and strives to build a government of service. The Standing Committee of the NPC has promulgated the Law on Emergency Response, and the State Council has issued the National Overall Emergency Response Program for Unexpected Public Emergency Incidents. Based on this overall program, relevant government departments have enacted 25 specialized emergency response plans, 80 sectoral emergency response plans, and 31 provinces, autonomous regions and municipalities directly under the central government have worked out their regional overall emergency response plans, thus basically bringing into being a nationwide system of emergency response programs. Second, further efforts have been made to build a government in "sunshine" by making government information more open and available to the public. The State Council has deliberated and adopted the Regulations on Open Government Information. In 2006, the central government launched its official web portal, and so far over 80 percent of the governments and their departments at and above county level have established their own official web portals. Seventy-four State Council departments and institutions, governments of 31 provinces, autonomous regions and municipalities directly under the central government have established the news release system and have their own spokespersons. Third, greater efforts have been made to enforce the administrative accountability system in order to establish a government of accountability. Governments at all levels and their departments have gradually adopted the administrative accountability system. According to the principle of whoever has made the decision is responsible for its consequences, where serious losses have resulted from decisions made by going beyond authorized power or violating the established procedures, liabilities of decision-makers shall be strictly investigated.

Pressing on with the accountability system of administrative law enforcement and continuously improving the government's capacity in this regard are inevitable requirements for building a government under the rule of law. The Chinese government sets great store by the reform of the administrative law enforcement system, requires its administrative organs at all levels to exercise their power within authorization and legal procedures, promotes the accountability system for administrative law enforcement in all aspects, and implements the accountability system in a stringent manner. As required by the Several Opinions on Pushing Forward the Administrative Law Enforcement Accountability System issued by the General Office of the State Council in July 2005, all regions and all departments have focused on promoting the administrative law enforcement accountability system by defining law enforcement duties and responsibilities according to law, setting up law enforcement posts in a scientific way, standardizing law enforcement procedures, clarifying the duties and powers of law enforcement bodies, and removing illegal law enforcement bodies. According to incomplete statistics, since the adoption of the said accountability system, over 280,000
cases of irregularities of administrative law enforcement have been dealt with by administrative organs of various levels throughout the country.

In the process of building a law-based government, the Chinese government has been strengthening its responsibility for administrative supervision and taking an active approach to solving administrative disputes. More efforts have been made to supervise abstract administrative acts such as the formulation of regulations, rules and regulatory documents. On January 15, 2008, the premier of the State Council signed the order to issue the Decision of the State Council on the Annulment of Some Administrative Regulations. A total of 655 administrative regulations in force that had been promulgated before the end of 2006 have been reexamined, of which 49 have been repealed since the main content of these regulations have been replaced by new laws or administrative regulations; 43 declared invalid because their effective validity period had expired or they had lost their validity with the disappearance of their objects of regulation. While strengthening examination on regulations and rules filed for the record, the State Council has further improved the filing system concerning regulations and regulatory documents formulated by the governments of provinces, cities, counties and townships, and three lower levels of governments should file such regulations and regulatory documents to the next-higher levels for the record so as to promote law-based administration of local governments at different levels. From March 2003 to the end of 2007, the State Council examined 8,402 local regulations, autonomous regulations, separate regulations, local governments' rules and rules enacted by the departments of the State Council, which had been filed for the record by local governments and the departments under the State Council with legislative power, and addressed 323 problematic regulations and rules in accordance with the law. The State Council has enacted the Regulations on the Implementation of the Law on Administrative Review, and has made active attempts to reform the system of administrative review in order to enhance the ability of all personnel involving in the administrative review work. Since the Law on Administrative Review came into force in 1999, over 80,000 administrative disputes have been settled through administrative review each year.

VI. Judicial System and Fair Administration of Justice

The people's court is the judicial organ in China and the people's procuratorate is the supervisory organ for law enforcement. The people's court and the people's procuratorate, in accordance with the Constitution, Organic Law of the People's Courts, Organic Law of the People's Procuratorates, Civil Procedure Law, Administrative Procedure Law and Criminal Procedure Law, independently exercise their adjudicative power and supervisory power, respectively, free from any interference of administrative organs, public organizations and individuals.

Judicial organs in China include the Supreme People's Court, local people's courts at different levels and special people's courts such as military courts. Local people's courts are classified into primary people's courts, intermediate people's courts and higher people's courts. As the highest judicial organ, the Supreme People's Court supervises the
judicial work of all local people's courts and special people's courts. The people's court at a higher level supervises the judicial work of the people's court at the next-lower level.

China has established a sound judicial system, completed the adjudicative systems for civil, administrative and criminal cases, forming a modern judicial system in line with the requirements for building a socialist country under the rule of law, in a bid to safeguard judicial justice and social justice.

- The system of public trial. The people's court follows the principle of openness according to law and timely openness in adjudication of cases. Some civil cases, such as divorce cases or cases involving commercial secrets, may be heard in private sessions if the parties concerned so request. Except for cases involving state secrets, individual privacy and minors, all other cases are heard and decided by the people's court in an open manner. A public notice is issued about a forthcoming public trial, allowing citizens and the media to observe the trial. The people's court often invites deputies to the people's congresses and members of the Chinese People's Political Consultative Conference and their local branches to observe the trial process. In the course of adjudication of a case, evidences are given, cross-examination is carried out, and the trial is conducted in an open way. All effective information relating to the protection of the rights of the parties concerned, such as the filing of the case, its trial and enforcement of judgment, is publicized promptly and completely within the time frame provided by the law.

- The system of collegiate panels. When a people's court hears and decides a case of first instance, unless it is a simple civil case, or a minor criminal case or other cases that may use the summary procedure as provided by the law and in which case a single judicial officer will hear and decide the case, the case will be heard and decided by a collegiate panel composed of several judicial officers or by a collegiate panel composed of judicial officers and people's assessors. A collegiate panel of judicial officers is formed when adjudicating cases on appeal or protested cases. The number of a collegiate panel must be an odd number.

- The system of people's assessors. To guarantee all citizens' lawful right to participate in trials and promote justice, except for cases suitable for summary procedure or cases provided otherwise by the law, all civil, administrative and criminal cases, including all cases of first instance in which the defendant in a criminal case, the plaintiff or defendant in a civil case or the plaintiff in an administrative case, has requested to have people's assessors participate in the trial, will be heard and decided by a collegiate panel composed of people's assessors and judges. People's assessors hear and decide cases as members of the collegiate panel in accordance with provisions of the law. They are entitled to the same rights and shoulder the same duties as other members of the collegiate panel, and independently exercise their voting right, together with other members of the collegiate panel, when it comes to the confirmation of evidence and application of law. However, they cannot serve as chief judges.

- The system of defense. In order to guarantee the human rights of criminal suspects and defendants, and ensure the fairness of the criminal proceedings, criminal suspects and
defendants have the right to defense according to law and the people's court has the obligation to ensure that all defendants are entitled to defense. Criminal suspects and defendants may defend themselves or ask one or two people to serve as their counsels. Based on facts and the law, the counsels provide the court with their own materials and give their views. They may claim that the criminal suspect or the defendant is not guilty, or has committed a lighter crime than he/she is accused of, or ask the court to lessen or relieve his/her criminal liabilities in a bid to safeguard the legitimate rights and interests of the criminal suspect or the defendant.

- The system of agent ad litem. In a civil or administrative procedure, if a person has no capacity for an act of procedure, his/her guardian will undertake the litigation as the legal representative. If he/she has more than one guardian and they all refuse to serve as his/her legal representative, the people's court will designate one of them as his/her legal representative in the case. The party to the lawsuit or his/her legal representative may ask one or two persons to serve as agent ad litem on his/her behalf. If it is a criminal procedure, the victim and his/her legal representative or close relative in the case of a public prosecution, the voluntary prosecutor and his/her legal representative in the case of a private prosecution, the party concerned in incidental civil action and his/her legal representative, are all entitled to entrust someone as agent ad litem. Attorneys, close relatives of the person concerned, people recommended by relevant organizations or their employers, or any citizen approved by the people's court can serve as agent ad litem for others. The agent ad litem takes part in the litigation on behalf of the person concerned to materialize and safeguard the legitimate rights and interests of the person concerned.

- The system of challenge. Any party concerned in a case is entitled to apply to the court to remove anyone from the adjudication personnel whom he/she believes has an interest in the case or is otherwise related to the party concerned in the case and may endanger the defendant's right to a fair trial. If any of the adjudication personnel is a party concerned in the case, a close relative of a litigating party, or when he/she believes he/she has an interest in the case, he/she must withdraw from the case.

- The system of mediation. When a people's court hears a civil case, it follows the principle of "doing all it can to mediate first, adjudicating when so doing is proper, and combining mediation with adjudication to close the case." According to the requirements of voluntaries, legitimacy and democracy, judicial personnel will try, through mediation, to persuade the opposing parties to reach a compromise to solve their dispute about civil rights and interests. In 2006, about 56 percent of civil cases of first instance in China were solved through mediation.

- The system of judicial relief. The judicial relief system issued by the people's court when financially straitened litigants take legal action in a civil or administrative case, in order to safeguard their legitimate rights and interests. The people's court may allow such litigants to postpone paying, reduce or even waive their legal expenses. The Provisions on Judicial Relief for Financially Straitened Litigants was enacted by the Supreme People's Court for the purpose of guaranteeing the procedural rights of underprivileged people.
- The system of judgment of the second instance as final. The party concerned has the right to appeal to the people's court at a higher level, within the time period prescribed by the law, against the ruling or judgment made by a local people's court in a case of first instance. If the party concerned does not appeal against the ruling or judgment, the ruling or judgment will come into force once the time period expires. Regarding rulings and judgments in cases on appeal or protested cases, the rulings and judgments made by a higher people's court are final, except for cases involving the death penalty, which need to be reviewed by the Supreme People's Court. All rulings and judgments made by the Supreme People's Court in cases of first instance it hears are final.

- The system of review of death sentence. The system of review of death sentences is independent of the system whereby the judgment of the second instance is final. This is important because it requires that all death sentences be reexamined and approved. Apart from the death sentences given by the Supreme People's Court according to law, all death sentences must be reported to the Supreme People's Court for review and approval. The Supreme People's Court has enacted the Decisions on Several Issues Regarding the Review of Death Sentences. This document contains strict and uniform criteria on the use of the death sentence. It also contains uniform criteria on evidences for death sentences, and strictly standardizes the procedure for review of death sentences, in a bid to ensure that capital punishments are given sparingly and fairly. Starting from the latter part of 2006, all death penalty cases of second instance are tried publicly.

The procuratorial organs in China include the Supreme People's Procuratorate, local people's procuratorates at different levels and special procuratorates, such as military procuratorates. The Supreme People's Procuratorate is the highest procuratorial organ. It directs the work of local people's procuratorates and special procuratorates. A people's procuratorate at a higher level directs the work of a people's procuratorate at the next-lower level.

It is the duty of the people's procuratorates to ensure justice and the proper enforcement of law. Provisions in laws stipulate that the people's procuratorates shall use their procuratorial power to deal with treason, attempts to split the country and other serious criminal cases that sabotage the implementation of state policies, laws and administrative orders; that they shall investigate criminal cases directly by themselves involving personnel of state agencies, such as cases of embezzlement, taking bribes, dereliction of duty and infringement of others' rights; that they shall decide, in accordance with the law, whether to approve proposals for arrest put forth by the organs of public security; that they shall, upon examination of cases transferred to them from the organs of public security for action, decide, in accordance with the law, whether to bring the cases to court or not; and that they shall bring criminal cases to court or support legal action in such cases. The law also stipulates that procuratorial organs shall supervise legitimacy of the trials of the people's courts, the investigatory activities of the organs of public security and state security, as well as law enforcement in prisons. People's procuratorates at all levels establish procuratorial committees to discuss and decide major cases and other issues of importance under the guidance of the chief procurator.
China has enacted the Arbitration Law, the Lawyers Law, the Notarization Law and the Law on Labor Dispute Mediation and Arbitration, and established an arbitration system, attorney system, notary system, legal aid system and judicial examination system.

The Arbitration Law stipulates that on the principle of voluntariness, contractual disputes or other property right disputes arising between the citizens, legal persons and other organizations can be submitted for arbitration; disputes arising from marriage, adoption, guardianship, fosterage and inheritance, and administrative disputes that should be handled by administrative organs may not be submitted for arbitration. In China, all arbitration awards are final. Unless a people's court revokes an arbitration award or makes a ruling that the arbitration award shall not be implemented, the parties concerned may not request a second arbitration on the same dispute or bring the case again to a people's court.

The Law on Labor Dispute Mediation and Arbitration stipulates that where a labor dispute arises, if a party does not desire consultation, the parties fail to settle the dispute through consultation, or a party does not execute a reached settlement agreement, any of the parties may apply to a mediation organization for mediation; if a party does not desire mediation, the parties fail to settle the dispute through mediation, or a party does not execute a reached mediation agreement, any of the parties may apply to a labor dispute arbitration commission for arbitration; and a party disagreeing with the award may bring an action in a people's court except as otherwise provided for by the law.

The Lawyers Law stipulates that anyone who applies to become a professional practitioner must first of all pass the state's standard judicial examination, must endorse the Constitution, must work as an intern in a law firm for 12 months and demonstrate that he/she is a person of integrity before receiving a certificate to practice. Professional practitioners can serve as legal counsels or agent ad litem for others. They can provide legal aid to criminal suspects in criminal cases, serving as defenders for criminal suspects and defendants in criminal cases. Their practice according to law is protected by the law. By the end of 2006 there were over 13,000 law firms in China with more than 130,000 professional practitioners. In China law firms can be established as a partnership or by an individual. They can also be set up with the funds of the state.

The Notarization Law stipulates that notaries must pass the state's judicial examination before they can practice. Notary agencies can, at the request of their clients, verify the truthfulness and legitimacy of civil juristic acts, or of facts and documents with legal significance. Notarial deeds have legal effect, mainly including evidentiary effect, compulsory execution effect, effect of major factors for a juristic act, public notification effect, against-third-party effect and irreversibility effect. The number of notarial deeds issued by notary agencies across China in the past few years has remained at about 10 million each year, of which 3 million are foreign-related and have involved over 100 countries and regions. By the end of 2006, there were more than 3,000 notary agencies in China, employing close to 12,000 notaries.
China set up a legal aid system in 1994. Financially straitened citizens can apply for legal aid according to state stipulations when they demand state compensation, social security or subsistence allowance, or when they demand that pension (for the disabled or for the family of a deceased person), relief payment, alimony, maintenance, child support, or remuneration of labor be paid, or when they claim civil rights or interests arising from offering assistance in a just cause. In criminal procedures, financially straitened citizens may apply for legal aid according to state stipulations for commissioning lawyers, agent ad litem, or defenders. If the defendant is blind or deaf-mute, or is a minor, and has not entrusted someone to serve as his/her defender, or if the defendant is likely to be sentenced to death but has not entrusted someone as his/her defender, the people's court should designate a lawyer who is responsible for providing legal aid to serve as the defender. Legal aid departments have been established by the governments at all levels and equipped with specialized staff.

The state adopts a standard judicial examination system for those who want to be judges, prosecutors and those who want to acquire the qualification of the lawyer. The best of the examinees who pass the state judicial examination are employed as junior judges and prosecutors. The first nationwide uniform examination for the qualification of the lawyer was held in China in 1986. In order to establish and standardize a uniform state judicial examination system, the Measures for the Implementation of State Judicial Examination (Trial) contains provisions on the content, manner and organization of the examination, and for the conditions for entering the examination and the conferring of qualifications. From 2002 to 2007, China successively held six state uniform judicial examinations, which promoted the building of the professional ranks of judges, prosecutors, lawyers and notaries.

China has quickened the pace of judicial system reform in recent years. It has carried out the reform based on national conditions while drawing on the sound practices of other countries. The purpose of the reform is to maintain justice in the judicial field. By first tackling problems of particular concern to the people, with focuses on how to restrain and supervise power more effectively, the reform is aimed to optimize the allocation of judicial responsibilities and functions, standardize judicial acts, and promote democracy and openness in the judicial field. China is working hard to establish a socialist judicial system featuring fairness, efficiency and authority, to ensure that judicial organs and procuratorial organs can exercise judicial power and procuratorial power fairly, independently and according to law.

As restraint and supervision of judicial powers are tightened, some prominent problems affecting judicial fairness are being solved. A system of openness has been improved in relation to trials, procuratorial work, police work and prison work. The rights of the general public to participate, to know and to sue are better protected. The mechanism of procuratorial supervision of litigation, particularly the mechanism of supervision of malfeasance among judicial personnel, has been further improved. The pilot work of instituting people's supervisors is proceeding smoothly. The focus of their supervision will be on cases in which the arrests are not accepted, or cases that are
expected to be canceled or no action to be taken. Complaints about uncivilized, non-standardized handling of cases by procuratorial personnel have been reduced significantly.

- New progress has been made in respecting and guaranteeing human rights through the improvement of the criminal justice system. The procedures for handling capital punishment cases have been further improved. The judicial system with respect to minors has also been improved, with the gradual adoption of methods for investigation, arresting, charging and trial suitable to the situation of minors. There has been an obvious drop in the number of overdue detainees. Legal supervision of the execution of punishment has become more standard. Pilot programs in the reform of the prison system are proceeding smoothly. The quality of education and reformation in prisons has been improved, and the legitimate rights and interests of those incarcerated protected according to law. There has been a big drop in escapes and crimes committed in prisons. Pilot programs featuring reform of criminals in communities and the system of people's supervisors have yielded good results. Pilot work for the reform of criminals in communities has been carried out in 25 provinces, autonomous regions and municipalities directly under the central government throughout China. Less than one percent of the convicted criminals who serve their time in such communities re-offend.

- The efficiency of judicial work has been raised by reforming and improving the working mechanism. At present, 38.87 percent of the criminal cases and 71.26 percent of the civil and commercial cases heard by people's courts are adjudicated using the summary procedure. Cases can be put on file for investigation directly in an overwhelming majority of the people's courts throughout the country. The mediation mechanism for settling conflicts of varied nature, such as people's mediation, administrative mediation and judicial mediation, has been improved. In 2006, mediation organizations in China conducted mediation for over 4 million civil disputes, and more than 95 percent of the disputes were settled. In order to improve and standardize the management system of judicial expertise, the Standing Committee of the NPC adopted the Decision on the Management of Judicial Expertise. Efficiency has been raised with case-filing for investigation through the Internet and from a distance, and the creation of "digital courts."

- By strengthening judicial relief and legal aid, the difficulties of filing a lawsuit and of enforcing a court's judgment have been eased. The newly promulgated Measures on the Payment of Litigation Fees has reduced litigation fees by 60 percent on average. The newly adopted Measures on the Administration of Lawyers' Service Fees has strict provisions on the procedures for the fees charged by lawyers, as well as provisions specifying severe punishment for violations. In recent years, the state has increased, year by year, the expenditure on legal aid. The transfer payment system for legal aid in poverty-stricken areas has been established by the central treasury and some provincial treasuries. In 2006, the number of cases handled with legal aid totaled 318,514, and law consultancy services were provided to 3,193,801 person-times across the country, up 25.6 percent and 19.9 percent, respectively, over the previous year.
- Justice is further guaranteed through reforming and improving the management system of personnel and the mechanism that ensures the availability of working funds. The management system that separates administrative work from judicial and procuratorial work has also been improved. Systems such as public recruitment and testing of judicial personnel, competition for posts and exchange of judicial personnel have been established and improved. In recent years the state and local financial departments have all greatly increased spending in the judicial field, providing a solid material guarantee for law-enforcing departments to carry out their duties.

VII. Popularization and Education of the Law

China has actively promoted the awareness of the rule of law among the public. For many years, the state has unremittingly carried out education and publicity of the legal system, promoting the spirit of law, and enhancing public awareness. It strives to develop the fine tradition of studying, observing and applying the law.

Since 1985, the Standing Committee of the NPC has adopted five decisions to popularize the knowledge of law among the people, and has successively implemented four five-year plans for the dissemination of general knowledge of the law. During the first five-year plan for popularization of knowledge of the law (1986-1990), over 700 million citizens studied elementary knowledge of the law; during the second five-year plan for popularization of knowledge of the law (1991-1995), 96 industries made plans for the dissemination of general knowledge of the law, organizing study programs for more than 200 laws and regulations; and during the third five-year plan (1996-2000), 30 provinces, autonomous regions and municipalities directly under the central government dealt with irregularities according to law, accompanied by activities to popularize knowledge of the law. Some 95 percent of prefecture-level cities, 87 percent of counties (districts, cities) and 75 percent of grassroots units joined efforts in this regard. During the fourth five-year plan for popularization of knowledge of the law (2001-2005), 850 million citizens received various forms of education in law. At the moment, the fifth five-year plan for popularization of knowledge of the law is being vigorously implemented.

The target of popularizing the knowledge of law is every citizen, and the focus is civil servants. For ordinary citizens, popularizing the knowledge of law not only aims to make them know the laws and abide by them, more importantly, is to enable them to use the laws as a weapon to protect their lawful rights and interests. For civil servants, popularizing the knowledge of law aims to make them develop a clear understanding of the rule of law, and act according to law more consciously. China has all along insisted on combining the popularization of knowledge of the law with governance according to law. Activities, including "Governing the Province According to the Law" and "Governing the City According to the Law," are widely carried out to promote the construction of the rule of law in daily work of different regions, departments and units, as well as the production and life of the citizens, so as to strive to enhance the level of the rule of law of the whole society and promote the combination of studying the law and practicing the law.
Today, disseminating the general knowledge of law has become a common act of the whole society. Since the 16th National Congress of the CPC was held in 2002, the Political Bureau of the CPC Central Committee has held more than 20 study sessions in relation to the rule of law, which have played an exemplary role for the whole society, especially for civil servants, in studying the law and fostering the concept of the rule of law. The Standing Committee of the NPC, the executive meeting of the State Council and the Standing Committee of the National Committee of the Chinese People's Political Consultative Conference have held a number of meetings to study the law. It has become a system for Party and government organizations at all levels to organize collective law study sessions. Various activities for popularizing the knowledge of law have been organized by the state. December 14, the day when the present Constitution was promulgated, is celebrated as Chinese law publicity day. Legal publicity has also become a focus on the March 15 International Day for Protecting Consumers' Rights, the June 5 World Environment Day, the June 26 International Day against Drug Abuse and Illicit Trafficking, as well as on days marking the promulgation of important laws and regulations. Schools of different types at all levels have brought law education into required courses. The media, including radio, television, newspapers and the net, have all enhanced their efforts in law publicity. At present, over 300 TV stations at provincial and municipal levels have started programs on the law. Some places have also launched websites for law publicity and education.

The state attaches great importance to law education. In the early years of the People's Republic of China, the central government established the Beijing Institute of Political Science and Law, the East China Institute of Political Science and Law, the South Central Institute of Political Science and Law, the Southwest Institute of Political Science and Law, and the Northwest Institute of Political Science and Law, as well as departments of law in such comprehensive universities as the Renmin University of China, Northeast People's University, Peking University and Fudan University in line with a uniform national plan. Thus, law education in China developed into a considerable scale. Since the introduction of the reform and opening-up policies in 1978, law education in China has entered a period of rapid development. By the end of 2006, some 603 institutions of higher learning had offered bachelor's degrees in law, with nearly 300,000 students majoring in law. In addition, some 333 institutions of higher learning and scientific research institutes were entitled to confer master's degrees in law, 29 were entitled to confer doctorates in law, and 13 law education institutions had launched mobile stations for postdoctoral law studies. After nearly 30 years' restoring, rebuilding, reforming and developing efforts, a law education system has taken shape and it focuses on bachelor, master and doctorate education and combines the education of law majors and vocational education in law, basically satisfying the needs to build a modern socialist country.

VIII. International Exchange and Cooperation in Legal Construction

China upholds that the practice in regard to the rule of law should proceed from the country's actual conditions. At the same time, it pays attention to draw on other countries'
valuable experience in legal construction and the achievements in legal civilization made by mankind to enrich and improve the socialist legal civilization with Chinese characteristics.

China pays attention to making reference to and learning from other countries' experience in legislation. In the field of civil and commercial legislation, the General Principles of the Civil Law, Property Rights Law and Contract Law have adopted the basic systems of both common law countries and continental law countries, used the spirit of the private law and legislation principles applicable throughout the world, confirmed the liberty of contract, autonomy of the will and subject equality, and safeguarded both public property and legitimate private property of citizens. In the field of administrative legislation, China has adopted the principle of trust protection and the principle of proportionality applicable in modern administrative law. In the field of criminal legislation, the Criminal Law and the Criminal Procedure Law have consulted and adopted the basic principles and spirits of other countries, including punishments determined by law and open trials. In recent years, in view of the new development in criminal offences and consulting foreign experience in criminal legislation, China has prescribed new charges in its criminal laws, such as the crime of financially aiding terrorist activities, the crime of money laundering, the crime of insider trading, the crime of manipulating trading prices of futures and securities, and the crime of impairing credit card administration. Regarding legislation for the protection of intellectual property rights and environmental protection, China has also learned much from foreign experience.

China has established relations of equal and mutually beneficial judicial cooperation with many countries and international organizations, accepting and adopting judicial cooperation regulations common throughout the world. Up to October 2007, China had signed 98 bilateral treaties and agreements on international judicial cooperation with 53 countries, and joined over 20 multilateral international conventions that include provisions of judicial cooperation. In 2001, China signed the Shanghai Convention against Terrorism, Separatism and Extremism with other member countries of the Shanghai Cooperation Organization. China joined the UN Convention against Transnational Organized Crime and UN Anti-corruption Convention in 2003 and 2005, respectively, thus enhancing judicial cooperation in combating crimes. China also promotes international exchange in the enforcement of law in various forms, including international meetings. In 1990 and 2005, it hosted the 14th and 22nd International Law Congress, respectively. In 2006, the International Anti-corruption Conference was held in China.

China pays great attention to turning international judicial cooperation into concrete operational rules by way of domestic legislation. The Civil Procedure Law rules that, when there is discrepancy between domestic laws and regulations and international treaties acceded or joined by China, the people's court gives priority to the stipulations of international treaties in handling foreign-related civil cases. It also prescribes the principles, conditions and procedures for judicial administration and assistance in foreign-related cases. The Civil Procedure Law sets the principles of international treaty relationships and mutual benefit as the base for Chinese judicial organs to conduct
judicial assistance in foreign-related cases. The Extradition Law draws on the universally applicable principles of the world for extradition cooperation to decide the concrete rules, conditions and procedures for extradition cooperation between China and other countries. At present, a growing trend has appeared in the number of judicial assistance cases handled by the competent Chinese authorities in accordance with bilateral treaties and multilateral conventions, and large numbers of requests for civil and commercial judicial assistance have been implemented effectively, safeguarding the rights and interests of both foreign and domestic litigants. In the field of criminal litigation, international judicial cooperation has been playing a more and more important role. In the last decade, China has carried out effective criminal judicial cooperation with some countries and international organizations, focusing on the crimes of murder, embezzlement, bribery, terrorism, infringement of intellectual property rights and money laundering, in offering mutual help to gather evidence, freeze, seize and recover illegally transferred proceeds of crime, and extradite and repatriate suspects on the run. These have effectively safeguarded the judicial justice.

In recent years, China has held dialogues on the rule of law regularly with the United Nations, international human rights organizations and the WTO, and launched multilateral and bilateral legal exchange mechanisms with the European Union, the Association of Southeast Asian Nations, the League of Arab States, and the Shanghai Cooperation Organization, as well as the United States, the United Kingdom, Germany, France and Australia, greatly enhancing mutual understanding and trust.

Conclusion

China is the largest developing country in the world. It is, and will be, in the primary stage of socialism for a long time to come. China's legal construction is still facing some problems: The development of democracy and the rule of law still falls short of the needs of economic and social development; the legal framework shows certain characteristics of the current stage and calls for further improvement; in some regions and departments, laws are not observed, or strictly enforced, violators are not brought to justice; local protectionism, departmental protectionism and difficulties in law enforcement occur from time to time; some government functionaries take bribes and bend the law, abuse their power when executing the law, abuse their authority to override the law, and substitute their words for the law, thus bringing damage to the socialist rule of law; and the task still remains onerous to strengthen education in the rule of law, and enhance the awareness of law and the concept of the rule of law among the public.

The great practice of socialist legal construction has made the Chinese people realize that the following principles must be observed to carry out the fundamental policy of governing the country by law: adhering to the leadership of the CPC, the people as the masters and ruling the country by law, ensuring that the CPC always plays the role as the core of leadership in directing the overall situation and coordinating the efforts of all quarters in legal construction, ensuring the people's position as masters of the country according to prescriptions of the Constitution and the law, and making sure that all work
is carried on according to law; persevering in focusing on both construction and the rule of law, continuously improving the legal system in the light of the objective needs of economic and social development, and making legal construction serve economic and social development as well as the construction of a harmonious society; striving for rooting the legal construction in the reality of Chinese society, drawing on valuable foreign experience for reference while basing our efforts on China's actual conditions without copying indiscriminately other countries' legal systems or political mechanisms; and persisting in basing legal construction on institutional building and enhancing the public's awareness of the rule of law, and unremittingly enhancing the level of legal civilization of the whole society.

In this new century, China will uphold the scientific outlook on development, focus on perfecting legislation, strict enforcement of the law, impartial administration of justice, and conscious observation of the law to implement the fundamental policy of governing the country by law in an all-round way and quicken the tempo of building a socialist country under the rule of law. By strengthening and improving legislation work, we will further improve the quality of legislation to form as soon as possible a more comprehensive socialist legal system with Chinese characteristics. By strengthening the implementation of the Constitution and the law, we will safeguard people's legitimate rights and interests and social justice, and defend the uniformity, dignity and authority of the socialist legal system. By enhancing the supervision over law enforcement, we will guarantee the proper operation of power, ensure that power must be linked to responsibility and under supervision, and offenders must be prosecuted. By carrying out intensive publicity of the law and education in the law, we will further enhance the awareness of law and the concept of the rule of law among the public, and develop asocial atmosphere of consciously studying, observing and applying the law.

The Chinese people are now going all out to build a well-off society in all aspects. Along with the sound and rapid development of the economy and society, the rights and interests of the Chinese people will certainly enjoy better protection, the construction of a socialist country under the rule of law will certainly witness more fruitful results, and China will surely make more contributions to the development and advancement of human society.

Appendix

List of Current Effective Laws of the People's Republic of China (229)

I. Constitution and the Constitution-related Legislation (39)

Amendments to the Constitution of the People's Republic of China (1988)
Amendments to the Constitution of the People's Republic of China (1993)
Amendments to the Constitution of the People's Republic of China (1999)

Amendments to the Constitution of the People's Republic of China (2004)

2. Organic Regulations of Urban Sub-district Offices (1954)


10. Provisions of the Standing Committee of the National People's Congress on the Direct Election of Deputies to People's Congresses at or below the County Level (1983)


15. Decision of the Standing Committee of the National People's Congress Approving the "Provisions on Conferring Honorary Medals of the People's Liberation Army on Retired Officers Who Joined the Army before the Founding of New China for Their Meritorious Service" (1988)
Annex: Provisions on Conferring Honorary Medals of the People's Liberation Army on Retired Officers Who Joined the Army before the Founding of New China for Their Meritorious Service


19. The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (1990)

Annex I: Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region

Annex II: Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures

Annex III: National Laws to Be Applied in the Hong Kong Special Administrative Region


25. Law of the People's Republic of China on Deputation to the National People's Congress and the Local People's Congresses at Various Levels (1992)

Annex I: Method for the Selection of the Chief Executive of the Macao Special Administrative Region

Annex II: Method for the Formation of the Legislative Council of the Macao Special Administrative Region

Annex III: National Laws to Be Applied in the Macao Special Administrative Region


31. Electoral Measures on Deputation of the People's Liberation Army to the National People's Congress and the Local People's Congresses at the County and Above Levels (1981, revised and changed to the current title in 1996)


II. Civil and Commercial Legislation (32)

1. Law of the People's Republic of China on Chinese-Foreign Equity Joint Ventures (1979, revised respectively in 1990 and 2001)


III. Administrative Legislation (79)
2. Resolution of the Standing Committee of the National People's Congress Approving the "Decision of the State Council on the Issue of Rehabilitation Through Labor" (1957)
3. Resolution of the Standing Committee of the National People's Congress Approving the "Measures of the State Council on the Establishment of Schools with Donations of Overseas Chinese" (1957)

   Annex: Measures of the State Council on the Establishment of Schools with Donations of Overseas Chinese

4. Regulations of the People's Republic of China on Residence Registration (1958)

5. Resolution of the Standing Committee of the National People's Congress Approving the "Interim Measures of the State Council on Settlement of Cadres Who Are Old, Weak, Sick or Disabled" (1978)

   Annex: Interim Measures of the State Council on Settlement of Cadres Who Are Old, Weak, Sick or Disabled

6. Resolution of the Standing Committee of the National People's Congress Approving the "Supplementary Provisions of the State Council on Rehabilitation Through Labor" (1979)

   Annex: Supplementary Provisions of the State Council on Rehabilitation Through Labor


   Annex: Interim Provisions of the State Council for Veteran Cadres to Leave Their Posts for Retirement


42. Law of the People's Republic of China on Administrative Penalties (1996)


60. Law of the People's Republic of China on Military Officers on Service (1988, revised respectively in 1994 and 2000, and changed to the current title)
64. Law of the People's Republic of China on the Popularization of Science and Technology (2002)


IV. Economic Legislation (54)

1. Regulations on Application for Use of the State-owned Wasteland and Barren Hills by Overseas Chinese (1955)

2. Resolution of the Standing Committee of the National People's Congress Approving the "Regulations on Special Economic Zones in Guangdong Province" (1980)

Annex: Regulations on Special Economic Zones in Guangdong Province


26. Decision of the Standing Committee of the National People's Congress Regarding the Application of Provisional Regulations on Such Taxes as Value-added Tax, Consumption Tax and Business Tax to Enterprises with Foreign Investment and Foreign Enterprises (1993)


43. Law of the People's Republic of China on the Administration of Use of Sea Areas (2001)  

V. Legislation for the Public (17)  
1. Resolution of the Standing Committee of the National People's Congress Approving the "Interim Measures of the State Council on the Workers' Retirement and Leaving of Posts" (1978)  

Annex: Interim Measures of the State Council on the Workers' Retirement and Leaving of Posts  


VI. Criminal Legislation (1)

Criminal Law of the People's Republic of China (1979, revised in 1997)

Decision of the Standing Committee of the National People's Congress Regarding the Punishment of Fraudulent Purchase of Foreign Exchanges, Evasion of Foreign Exchange Control and Illegal Purchase and Sale of Foreign Exchanges (1998)
Amendments to the Criminal Law of the People's Republic of China (1999)
Amendments to the Criminal Law of the People's Republic of China (2) (2001)
Amendments to the Criminal Law of the People's Republic of China (3) (2001)
Amendments to the Criminal Law of the People's Republic of China (4) (2002)
Amendments to the Criminal Law of the People's Republic of China (5) (2005)

VII. Litigation and Non-litigation Procedural Legislation (7)


2. Decision of the Standing Committee of the National People's Congress Regarding Exercising Criminal Jurisdiction over the Crimes Prescribed in the International Treaties to Which the People's Republic of China Has Acceded or Is a Party (1987)


