

# NPC



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## Aging problem challenges China

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Students in Hongqi (Red Flag) Primary School in the city of Zaozhuang, Shandong Province participate an event to mark the 90th anniversary of the establishment of the Party on June 29. CFP



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General Editorial

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# Cementing neighborly friendship and seeking common prosperity

**–Chinese top legislator  
Wu Bangguo’s visit to Russia,  
Belarus, Uzbekistan and Kazakhstan**

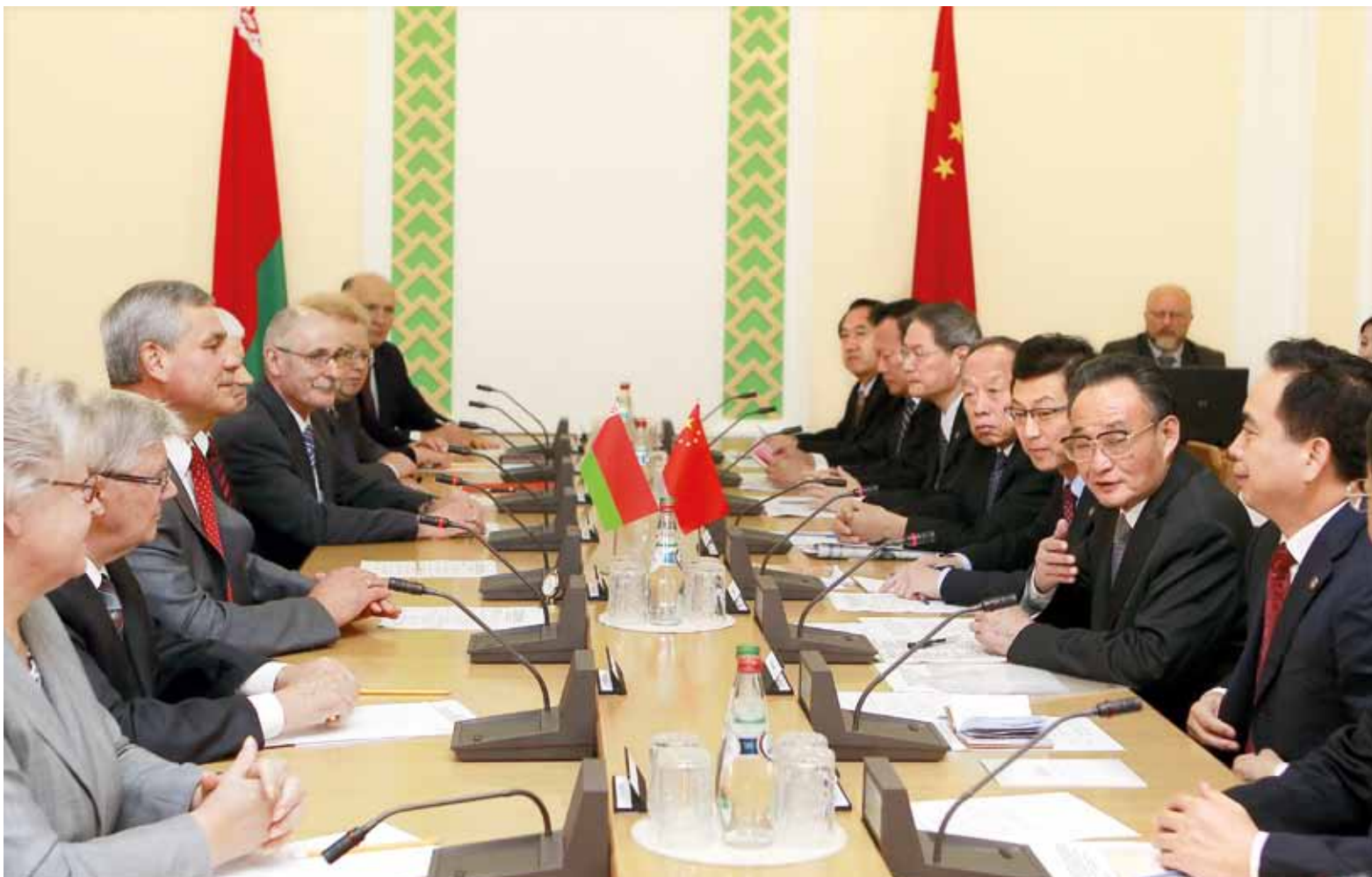
**W**u Bangguo, Chairman of the Standing Committee of the National People’s Congress (NPC), made a formal visit to Russia, Belarus, Uzbekistan and Kazakhstan from September 14 to 27. He also attended the fifth meeting of China-Russia Parliamentary Committees on Cooperation. Aimed at deepening strategic trust and pragmatic cooperation and carrying on the long-time friendship, Wu met with presidents of the four countries and prime ministers of Russia and Belarus, talked with heads of the four countries’ parliaments, gave speeches at various occasions, inspected cooperation projects and discussed with business representatives. The successful tour further consolidated the political, material, social and public opinion foundations.





NPC Standing Committee Chairman Wu Bangguo and Russian State Duma Chairman Boris Gryzlov attend the 5th session of the Cooperation Committee between the NPC and the lower chamber of Russian parliament, or the State Duma on September 15. *Ju Peng*





NPC Standing Committee Chairman Wu Bangguo, who is in Belarus for an official goodwill visit, holds talks with Belarusian House of Representatives Chief Vladimir Andreichenko and Chairman of the Council of the Republic of National Assembly of Belarus Anatoly Rubinov on September 17. Xie Huanchi

## Enhancing strategic mutual trust and carrying forward traditional friendship

China and Russia are the largest neighbors and strategic partners with each other. With a new friendship treaty signed in the 21st century, the two countries' relationship has gained major momentum, with cooperation in various areas reaching highest-ever levels. The high-level relationship also reflects in the establishment of regular mutual visits by the two countries' heads of State, top legislators and prime ministers.

China's high-level exchanges with Belarus, Uzbekistan and Kazakhstan are also frequent. One of the major goals of Wu's visits was to realize the agreements reached by the leaders of the five countries and to push forward the mutual relations.

Wu highly commented on the relations with the countries he visited, saying that it is the best time of relationship in history,

and parties involved can continue the high-level exchanges in order to improve political mutual trust and make the relationship more solid, more diversified in content. China always prioritizes Sino-Russian relationship in international relations, seeing the relationship from a strategic and long-term perspective. China and Belarus are also good friends. China will unswervingly build on the cooperative and friendly relationship. China is willing to upgrade the strategic cooperation with Central Asian countries based on political trust, and seek closer economic exchanges that aim at a win-win result. Leaders of the four countries said that China is a trustworthy friend and partner. The friendly cooperative relationship with China is a strategic choice based on the interests of both countries and their peoples, it has won resolute support from the government as well as the public.

One of the major advantages of China's relationship with the four countries is the mutual support in the stances of major issues concerning China's core interests. Wu reiterated that China respects the choice of each country on its own path of development according to their national conditions and their pursuit of





NPC Standing Committee Chairman Wu Bangguo, who is in Belarus for an official goodwill visit, attends the opening ceremony of the Confucius Institute under the Minsk State Language University on September 18. *Xie Huanchi*

domestic and international policies, and supports their efforts in safeguarding national sovereignty, promoting economic development, improving people's livelihood and keeping social stability. Leaders of the four countries also confirmed their One-China policy, and that they will stand firmly with Chinese people on the issues concerning China's core interests.

Wu had in-depth exchange of views with the leaders of the four countries on the current international and regional situations, agreeing to push forward the strategic cooperation in international and regional affairs, including fighting terrorism and separatism, illegal drug trafficking and international organized crimes so as to better preserve regional and world peace.

The four countries are all Chi-

na's close neighbors, and have been playing important roles in China's diplomatic relations with neighboring countries. On September 22, Wu was invited to address the legislature of Uzbekistan with the title of "Cementing Neighborly Friendship and Seeking Common Prosperity", elaborating comprehensively and systematically China's foreign policy of "building friendship and partnership with its neighbors".

China has always been working hard to develop a good relationship with its neighbors, with mutual respect as the political basis, peace and tranquility as the important guarantee, and common development as the primary purpose, according to Wu.

He also stated that proceeding firmly along the path of peaceful development has been China's

**China has always been working hard to develop a good relationship with its neighbors, with mutual respect as the political basis, peace and tranquility as the important guarantee, and common development as the primary purpose.**





Ilgizar Sabirov, President of the Uzbek Senate welcomes NPC Standing Committee Chairman Wu Bangguo at the airport in Tashkent, capital of Uzbekistan on September 20. *Ju Peng*



strategic choice based on the trend of times and its own fundamental interests, and it won't be changed with the enhancement of China's comprehensive national strength. Facts have proved and will continue to prove that China's development is an opportunity for and contribution to its neighboring countries and the world as well, not a trouble or threat. China has been, and will always be, an active and resolute force in keeping world and regional peace and promoting common development. China will join its neighboring countries in deepening friendly relations, expanding practical cooperation and promoting common development, and will always be good neighbors, good partners and good friends with its neighboring countries and write a new chapter of peace, cooperation and development.

Wu's speech received positive and strong responses in Uzbekistan and surrounding countries. Uzbekistan President Islam Abdughanievich Karimov and Kazakhstan President Nursultan Nazarbayev told Wu that the speech gave the neighboring countries a better understanding of China's foreign policy toward good neighborly and friendly relations, and the inspiring suggestion to strengthen China's relations with Central Asian countries is constructive and practicable. Local media speak highly of China's peaceful development which has made contribution to regional and world peace, stability and prosperity, cheering for having China as a good neighbor, good partner and good friend.

### **Promoting pragmatic cooperation and conducting mutually-beneficial and win-win cooperation**

In recent years, China's economic and trade cooperation with the four countries have been growing rapidly, presenting the characteristics of wide fields, rich contents and large scale. Wu stressed on many occasions, including meeting with state leaders, inspecting cooperative projects and discussing with business people, that both sides should fit into the development of economic and trade cooperation, establish and improve the cooperative mechanisms, strengthen strategic planning and overall coordination, and work hard to convert economic complementary advantages and strong desire of cooperation into real fruits of cooperation, commonly building a close, long-term and sustainable relationship of economic and trade cooperation.

Wu paid great attention to China's energy cooperation with the four countries. He said Russia, Kazakhstan and Uzbekistan, rich in oil and gas resources, are important energy producers and exporters in the world. They need a stable and growing energy consumption market like China. Promoting mutually beneficial cooperation in energy areas complements each other and





During his official goodwill visit to Uzbekistan, NPC Standing Committee Chairman Wu Bangguo holds talks with Dilorom Toshmuhamedova, Speaker of the Legislative Chamber, Uzbek Parliament's lower house on September 22. *Xie Huanchi*

**As the world's fastest-growing emerging economy, China has been making increasingly-prominent contribution to the economic growth of the world, especially that of the neighboring regions.**

conforms to the interests of both sides. With a solid foundation, the cooperation between both sides has a broad prospect. While guaranteeing the safe and steady operation of the existing oil and gas pipelines, all the parties involved need to speed up the China-Central Asia gas pipeline C, China-Russia gas pipeline and the second phase of expansion project of the China-Kazakhstan crude oil pipeline, Wu suggested, so as to expand the development and cooperation of oil, gas and uranium resources and building a long-term and stable energy cooperation partnership.

As the world's fastest-growing emerging economy, China has been making increasingly-prominent contribution to the economic growth of the world, especially that of the neighboring regions. The four countries also expressed their will to strengthen cooperation with China in non-resource areas to share more of China's development opportunities.

Wu pointed out that since reform and opening-up policies were adopted more than 30 years ago, China has accumulated rich experiences and had solid strength in the constructions of infrastructure and industrial system. China is willing to expand pragmatic cooperation with the four countries in chemical, machinery, telecommunications, agriculture, transportation, electric power and other areas, so as to extend the industrial chain of cooperation and promote the economic restructuring and the upgrading of the industrial structures of both sides.

It is the major issues of concern to all the countries after the in-

ternational financial crisis to seize the technological high ground and develop emerging industries of strategic importance. When meeting with Russian and Belarus leaders, Wu proposed to encourage enterprises and research institutions from both sides to strengthen scientific and technological innovation and cooperation, especially instructive and cutting-edge technological cooperation, through conducting joint research and development, establishing demonstration projects and increasing mutual investment. Relying on building Science and Technology Parks and Industrial

Parks, both sides should also accelerate the industrialization and commercialization of cooperation and cultivate new growth areas for pragmatic cooperation.

Wu stressed that enterprises constitute the main body of the market, the investment, as well as the economic and trade cooperation. China encourages and supports its enterprises to adopt a "going-out strategy". Wu hoped that both sides can optimize the investment environment, improve the legislation on promoting trade and investment facilitation, and

expand financing channels to create conditions for the entry of foreign commodities, investments and services. We recommended that, in order to deepen China's local cooperation with the four countries, we need to give full play to the geographical advantages of neighborliness or closeness, accelerate to realize the interconnection of infrastructures, build new platforms of cross-border economic cooperation zones so as to further deepen and widen local, especially cross-border, cooperation.

Leaders of the four countries gave positive responses to Wu's insightful analysis and pragmatic recommendations, expressing that they are willing to intensify mutually beneficial cooperation with China in all areas, especially in investment and high-tech areas, promote cooperation on large projects of energy and mineral resources, and establish cross-border economic cooperation zone, science and technology zones and industrial zones, so as to continuously enhance the quality and level of economic and trade cooperation. Meanwhile, they welcome more Chinese enterprises to invest in their countries and will create better conditions and provide more conveniences for their investment.

During the visit, Chinese government and enterprises have signed a total of 19 bilateral cooperative agreements with Belarus, Uzbekistan and Kazakhstan, involving the areas of industrial parks, energy and mineral resources, infrastructure, project contracting and machinery manufacturing.





During his official goodwill visit to Kazakhstan, NPC Standing Committee Chairman Wu Bangguo holds talks with Oral Muhamedjanov, Chairman of the Mazhlis, or the lower chamber of the Kazakh parliament on September 25. *Xie Huanchi*

## Deepening inter-parliamentary bilateral exchanges and enhancing bilateral cooperation

In recent years, one of the major highlights in Chinese NPC's foreign relations is the establishment of mechanisms for regular visits and meetings with other parliaments or parliamentary organizations, which have been playing an important role in maintaining continuity and stability of mutual exchanges and enhancing the target orientation and effectiveness of cooperation. With the joint efforts of Wu and Russian parliamentary leaders, Committees on Cooperation were established in 2005 between China's NPC and Russia's State Duma and Federation Council respectively. This is the highest-level exchange mechanism the NPC has established with foreign legislatures, and also one of the most active and effective.

During his visit in Russia and together with Russian parliamentary leaders, Wu presided over the fifth meeting of China-Russia Parliamentary Committees on Cooperation and delivered a speech, systematically summarizing the precious experiences of the China-Russia inter-parliamentary exchanges.

Firstly, the fundamental direction of inter-parliamentary exchanges is to serve to the overall development of state relations.



NPC Standing Committee Chairman Wu Bangguo meets reporters after holding talks with Kazakh Senate Speaker Kairat Mami (right) on September 26. *Ju Peng*

Secondly, pragmatic cooperation is part and parcel of the inter-parliamentary exchanges. Thirdly, priority of inter-parliamentary exchanges should be given to promoting generations of friendship. Wu also recommended that both sides should improve the working mechanism, diversify the methods of exchanges and enrich the content of cooperation on the basis of past experiences, so as to better uphold, improve and develop the China-Russia inter-parliamentary exchange mechanism.

The Russian side spoke highly of the construction of inter-parliamentary exchange mechanism, lauded that every meeting has produced concrete and positive results, and agreed to further improve the cooperation with China's NPC in order to boost Russia-China relations.

There is a good foundation for cooperation between China's NPC and the Parliaments of Belarus, Uzbekistan and Kazakhstan. Wu's visit to the three countries is his first trip to these countries since he became Chairman of the NPC Standing Committee, having opened a new chapter for China's inter-parliamentary relations with the three countries. During the talks, Wu reached important consensus with the leaders of the three countries on parliamentary cooperation, expressing their will to push forward exchanges at all levels, firmly support each other in vital issues concerning the core interests of both sides, exchange experiences on how to improve governance, economic development and people's livelihood, speed up the approval process



for bilateral cooperation documents and projects, and strengthen coordination and cooperation in multi-lateral parliamentary organizations, so as to make positive contribution to the state relations from parliamentary level. During the visit, the NPC has also signed Memorandums of Cooperation with its counterparts of Belarus and Uzbekistan respectively.

After 10 years of development, the Shanghai Cooperation Organization (SCO), established under China's initiation, has become an important guarantee for preserving regional peace and stability and promoting development and prosperity for member states. In June 2011, China took over the rotating SCO chairmanship. Among the four countries Wu visited, Russia, Kazakhstan and Uzbekistan, along with China, are members of the SCO, while Belarus is its dialogue partner. Wu indicated that China is ready to host a perfect "Good-Neighborly Friendship Year" campaign and help consolidate the relations among member states on the basis of taking into account the concerns of all parties. It will also facilitate the cooperation of SCO in various fields for more practical

**The Russian side spoke highly of the construction of inter-parliamentary exchange mechanism, lauded that every meeting has produced concrete and positive results, and agreed to further improve the cooperation with China's NPC in order to boost Russia-China relations.**

results and comprehensively plan the development blueprint of SCO in the coming decade, aiming to construct the SCO as a regional cooperation organization with sound mechanisms, smooth coordination, all-round cooperation and openness and harmony. The leaders of the four countries highly appreciated Chinese efforts to promote the development of the SCO, stating they are willing to strengthen coordination and cooperation with China and promote the healthy and rapid development of the SCO.

From the Red Square of Moscow to the ancient city of Tashkent, from the heroic city Minsk to the young capital Astana, from

the rolling plains of Eastern Europe to the vast prairie of Central Asia, the strong commitments to enhance mutual trust are spreading. While a new chapter of deepened cooperation has been written, the harmonious melody of consolidating friendship is resonating through. ■

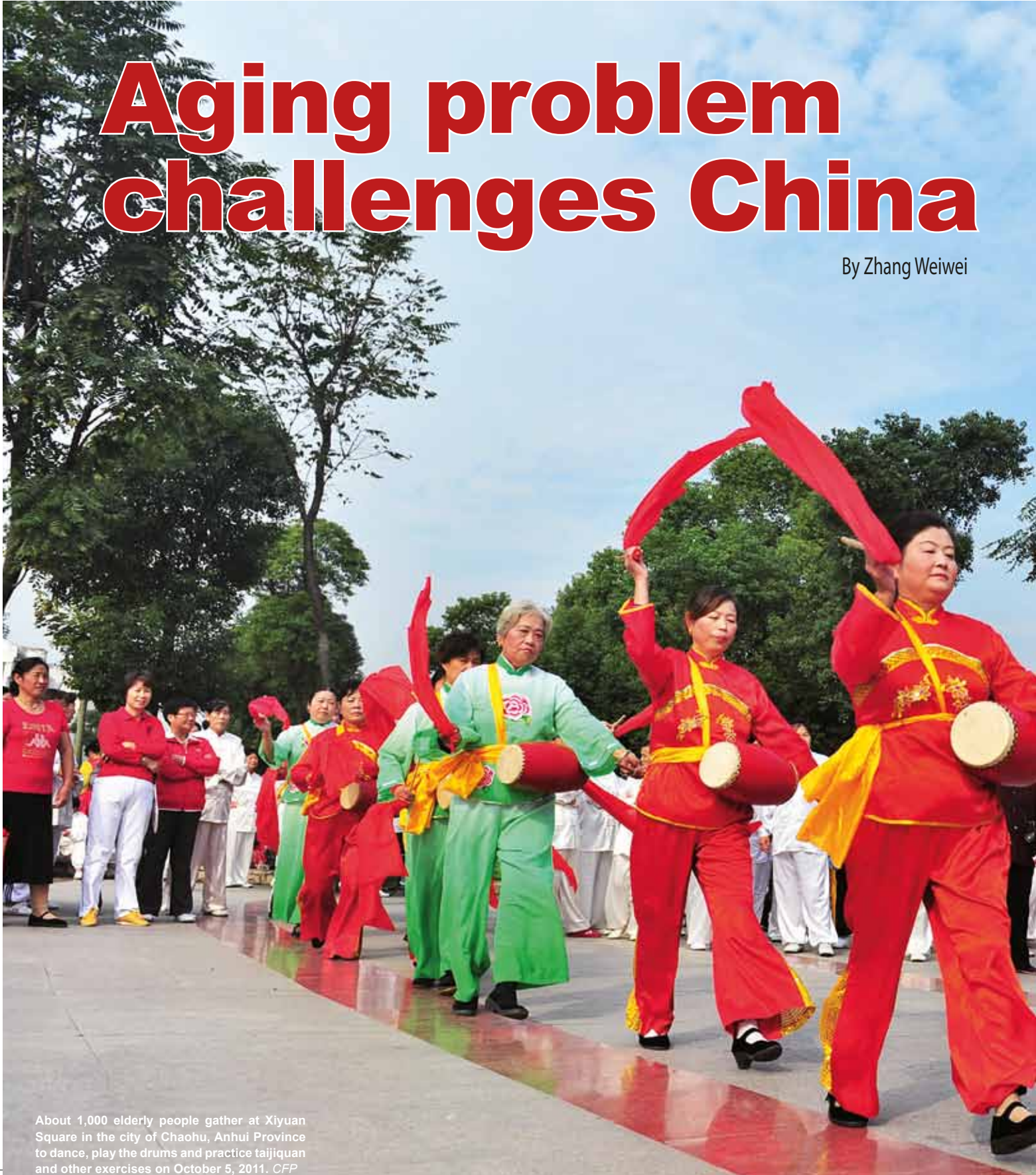


NPC Standing Committee Chairman Wu Bangguo, who is on an official goodwill visit to Kazakhstan, attends a seminar with entrepreneurs from China and Kazakhstan in Astana on September 26. During the event, Wu made an impromptu speech. *Xie Huanchi*



# Aging problem challenges China

By Zhang Weiwei



About 1,000 elderly people gather at Xiyuan Square in the city of Chaohu, Anhui Province to dance, play the drums and practice taijiquan and other exercises on October 5, 2011. CFP



**N**owadays as the Western governments worry about the big shrinkage of pensions due to the ongoing financial crises, China gets another headache.

According to a latest report, the aged population in China will account for 20 percent of the total by 2024, which means that one of every five Chinese people will surpass 60 by that time.

After experiencing the miracle of rapid economic growth, China feels the pressure caused by the increasing aged population, which is a most challenging problem China faces during the 12th Five-Year Plan (2011-15) period.





## Wave of aged population

Statistics from the 6th national census indicate that the population above 60 years of age has surpassed 177 million, or 13.26 percent of the total. The figure rose 2.93 percentages compared with that in the 5th national census conducted in 2000. Among the senior citizens, the number of population above 65 years of age reached 120 million, accounting for 8.87 percent of the total or representing an increase of 1.91 percentages compared with that in 2000.

“In fact, China stepped into the era of aged society in 1999,” said Yuan Xin, a professor and tutor of PhD. students in Tianjin-based Nankai University. A country or a region with population above the age of 65 accounting for 7 percent of the total or population above the age of 60 accounting for 10 percent is called an aged society. In the year 1999, Chinese population above the age of 60 accounted for 10 percent of the total, meaning that China became an aged society at that time, Yuan noted.

According to Ma Li, a member of the NPC Committee on Education, Science, Culture and Health and an advisor to the State Council, China now is only at the beginning of an aged society.

After 2010, people born in the 1950s, when the first population boom took place, are starting to reach 60 years old, indicating that China will fasten its pace into the aged society. The worse thing is that, with people born in the 1960s and 1980s becoming old, China will enter a severe aged society.

Besides, the aging of Chinese population is at an astonishing speed. A latest estimation says that the population above 60 years of age will reach 200 million by 2014. The aged population will surpass 400 million in 2034 and peak 474 million at around 2054, accounting for 30 percent of the total, which will bring serious problems to China.

“Compared with some developed countries that became aging in a slow pace, China entered into the aged society at a running speed,” said Professor Yuan. It will take China less than 50 years to increase its aged people from 10 percent to 30 percent of the total population; meanwhile the major Western industrialized countries, including Britain, France and the United States, spent about a century. Except for Japan, no other country has become aged in such a rapid speed in history.

Many countries in the world, such as countries from the European Union and Japan, are perplexed by problems caused by aged



Farmers in Fule Village of Rongan County, Guangxi Zhuang Autonomous Region listen to a lecture on the plantation of cumquat. The number of aged population in China's rural areas has reached 15.4 percent of the total, higher than that in the urban areas. *Tan Kaixing*





A 79-year-old woman player surnamed Cao practices Mulanquan in Shanghai on March 13. More than 2,000 players practice Mulanquan, a kind of martial art for women that combines basic moves and principles of Taijiquan with qigong. CFP

society; while in contrast, China has more challenging problems to handle. Professor Yuan noted that nearly all the developed countries had strong economic power and sound old-age insurance systems before their aged population increasing from 200 million to 400 million. China has a long way ahead before reaching the goal of common prosperity, therefore it has limited economic power to solve the aging problem and its institutional building lags behind the increase of aged population.

Under such complicated circumstances, it has become one of China's most pressing tasks to protect the interests and rights of the elderly people.

## Social management needs improvement

When we summarize the reasons for China's rapid economic growth during the past three decades, the role that demographic dividend has played cannot be ignored.

"In the past 60 years, especially since the reform and opening-up policies were adopted 30 years ago, China's rapid economic development has benefited a lot from the growth of labor resources. China has been in a golden period of demographic dividend when

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**"China's economic development is comparatively falling behind. So the rapid change in population structure will bring potential crises to China."**

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the burden of raising children decreased rapidly and that of supporting the aged people increased slowly," noted Yuan. The sufficient supply of labor resources guaranteed the great-leap-forward development of Chinese economy.

However, with the speeding-up of an aged society, the so-called demographic dividend is losing its momentum gradually. "In the future, the number of working-age population will shrink while the population of aged people will increase rapidly. As a result, the economic and social development will be influenced greatly," said Yuan. For example, the structural shortage of labor forces in recent years caused by the rise of labor cost has proved such a trend.

The decrease of demographic dividend is pressing, but it is not the only cause. Earlier this year, Shanghai, whose aged population account for the highest percentage nationwide, has already suffered from a deficit of pension input. The news that its social insurance is losing more than 10 billion yuan annually touches the nerves of people.

"The outcome of an aged population is profound, casting an overall influence to people's living," said Yuan. In economy, the aged population will influence the development growth, deposit, investment, consumption, labor market, social insurance, taxation and resources allocations, he noted. In social aspect, the aging of population will definitely influence medical and health care, long-term home-based care service, family structure and the

relationship among family members and their life style, housing and migration.

Since the adoption of the reform and opening-up policies, China's market-oriented reform has greatly accelerated the economic development. But facing with the rapid growth of aged population, China's social management and policy systems, including pension, medical care, home-based services and public resources allocation, have not been prepared well in advance. If all these problems cannot be properly handled, they will influence the economic growth and social stability as a whole.

"China's economic development is comparatively falling behind. So the rapid change in population structure will bring potential crises to China," said Yuan, adding that China should make preparations in economic and social policies as early as possible. ■



# ‘Grey-hair crisis’ challenges China's pension system

By Yu Hao

**A**ccording to the 6th national population census, Chinese people above the age of 60 had reached 178 million, accounting for 13.26 percent of the total population, by November 1, 2010. Census data also indicated that the population above the age of 65 surpassed 119 million, accounting for 8.87 percent of the total.

China has become the only country in the world with senior citizens exceeding 100 million.

Under the current pension system, China can still handle the situation. The problem is that the aged population will reach 200 million in 2014, 300 million in 2025 and will even account for over 30 percent of the total population in 2042.

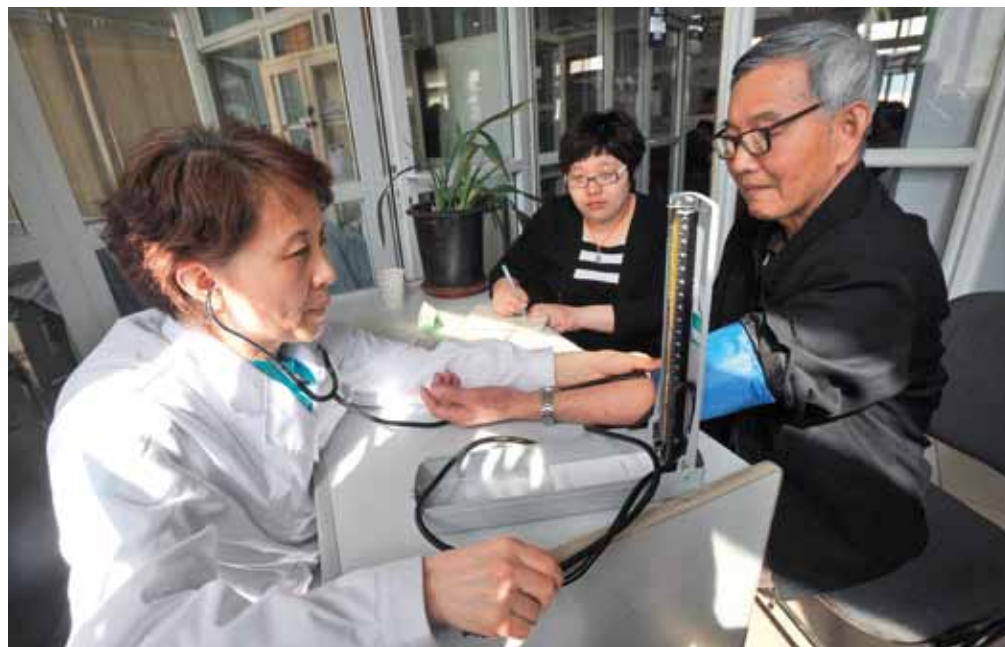


Aged people chat and conduct exercises in a park in Shanghai. According to the international standard, China stepped into an era of aged society in 1999, said Vice Chairman and Secretary-General of the NPC Standing Committee Li Jianguo on August 24. China has become the only country whose aged population surpasses 100 million. CFP



We have reasons to doubt whether China has realized all the risks and made good preparation in advance.

For many families today, those born in the 1970s and 1980s have already felt the pressure in raising their aged parents and grandparents. “My 94-year-old mother cannot take care of herself in daily life. She is confined to her bed by sickness,” said Shi Qiao on the Internet. He loves his mother deeply that he wants to look after her. But he is also worried about his own life. Tremendous pressures come from housing mortgage, raising his own child and having to support his own family. How can he manage to live up to the name of a dutiful son?



A doctor makes a diagnosis for elderly people at a special clinic for the aged, which was established under the standard of German social service model, in Tianjin. Housing nursery knowledge is provided in the clinic on the treatment of chronic, frequently-occurring and commonly-encountered diseases. Medical experts working in the clinic are mainly senior doctors from local big hospitals. *Liu Dongyue*

## Making pension system a state policy?

On the 22nd Session of the 11th National People's Congress (NPC) Standing Committee, Vice Chairman and Secretary-General Li Jianguo submitted a report on the implementation of Law on the Protection of Rights and Interests of the Aged. Li said that a public pension system has been basically established in China. Social insurance, assistance and supporting policies concerning the aged people have already been in place. About 236 million people from urban enterprises have enjoyed basic aged insurance. More than 58 million retirees have already got their monthly pensions. During the past seven years, China has increased the minimum of pension from 700 yuan to 1,500 yuan per month. The pilot projects of new social endowment insurance have been implemented steadily in rural areas, having covered 24 percent of the counties by the end of 2010 and expecting to cover 60 percent in 2011. By the end of May 2011, 190 million rural residents have joined the social endowment insurance and 51.7 million have received their monthly pensions.

With regard to medical care, 237 million urban employees, including 59.44 million retirees, have been covered by the Urban Employees Basic Medical Insurance (UEBMI) by the end of 2010. The population that participated the Urban Residents Basic Medical Insurance (URBMI) and the New Type of Rural Cooperative Medical Care System (NCMS) have reached 195

million and 836 million respectively. The governments of Beijing, Shanghai, Tianjin, Chongqing, Guangdong, Ningxia have broken step by step the barriers of urban-rural differences and household registration system by setting up a medical insurance system “with one unified platform, two standards, balanced urban-rural development and resources sharing”. The three-tiered county, township and village (community) health service network has initially taken shape, providing free health examinations for 57.14 million people above the age of 65. Besides, about 22 million senior citizens in urban and rural areas have been covered by the subsistence allowance system. Seven million elderly people, who don't have legal support obligors, working ability or source of income and who are guaranteed with food, clothing, housing, medical care and burial, are now benefiting from the social endowment insurances. About 615,000 elderly people in poverty in rural areas have received governmental subsidies for renovating their ramshackle houses. The subsidy system for people aged 80 and above has been established in 14 provinces and regions, including Shanghai, Yunnan, Ningxia and Xinjiang, benefiting 8 million senior citizens. Altogether 22 provinces adopted policies to reward urban parents who have only one child. In rural area, about 13 million people have been rewarded for their following family planning policy.

While China's social endowment insurance system is improving gradually, it still suffers from some urgent problems, such as the supply-and-demand contradiction, the unsound



system and mechanism for elderly people, etc. Members of the NPC Standing Committee believe that China's preparation for an aged society is far from satisfaction. More efforts should be given to the construction of nursing homes for the aged. Besides, more professionals should be trained to provide services for senior citizens. Currently, policy fragmentation and lack of coordination among different departments have bottlenecked the nursing of the aged.

In particular, officials from some localities and departments have failed to make psychological preparation and adequate anticipation for the advent of the aging population and its impact on social and economic development, therefore lacking attention to the strategic planning for aging population. In some places, problem of aged population is in short of overall planning and comprehensive coordination, as well as necessary institutional arrangements and material preparations, lagging behind the development of economy. Because of moral failure and weak legal consciousness, some people lack enough respect and care for the elderly and violations to the rights and interests of the elderly can be seen now and then.

Through the inspection on the implementation of the Law on the Protection of Rights and Interests of the Aged, Li noted that there still exist some problems, including the lack of awareness of the importance of aging population, the imperfectness of the pension system, the supply-and-demand contradiction of the social care service, and the unsoundness of the mechanism for aging population.

Some analysts say that if these problems cannot be solved properly, they are bound to impede the rapid economic development when the labour cost increases constantly and the demographic dividend disappears gradually. China's economy will be in an important transition period in the next 10 years. The fact of people getting old before getting rich may lower people's living standards if there are no technological innovations to greatly improve the productivity. Therefore, properly handling the matter of aging population is a major strategic issue of great importance as well as an issue of improving people's living.

China pays great attention to population problems. After the family planning was adopted as a national policy in China, is it possible for the pension to be another one? "In recent years, China has already gained some experiences on the protection of the rights and interests of the elderly people and formulated many effective policies. In this sense, we have solid theoretical and practical foundations for making it as a

national policy," said Member of the NPC Standing Committee Sui Mingtai. According to Sui, promoting the aging population policy to be a national policy will strongly boost the development of undertakings for the aged, since the aging problem has a long-term and decisive influence on the national economic and social development and people's living.

The family planning policy has been in place for three decades. Is it necessary to make some adjustment? According to Song Fatang, Vice Chairman of the NPC Committee on Education, Science, Culture and Health, couples in five provinces and regions were allowed several years ago to have their second child, and as a result, there has been no dramatic increase in local populations and the sex ratio is more balanced than ever. Therefore we need to study the family planning policy more deeply and thoroughly.

### Rethinking the home-based care for the aged

Filial piety takes the lead of all virtues. However, with the deepening of urbanization and the increasing of aging population in China, it is hard for people in both urban and rural areas to balance their work and taking care of their parents, making the nursing of the elderly a thorny problem.

Cong Bin, Member of the NPC Standing Committee, has been doing a five-year tracking survey on the home-based care for the aged and concluded that there are four advantages for the home-based care: First, it accords with the aspirations of the elderly and their children as well the traditional Chinese culture; second, it helps create plenty of employment opportunities; third, the community cultural life has been invigorated through the family support program; last but not least, it promotes the tertiary industry, such as home services industry and aging services industry.

"In view of the four advantages, the home-based care for the aged must have the following three functions: home service, health care and cultural construction", said Cong. He also makes some recommendations. First, service stations for the elderly people must be established in residential areas, and the rooms of the stations should be allocated in accordance with the three functions. Second, it is a mandatory provision for future real estate developers to design service stations in residential areas, which won't be approved by the urban con-

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**The fact of people getting old before getting rich may lower people's living standards if there are no technological innovations to greatly improve the productivity.**

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struction departments if the service stations are not included. Third, the higher education institutes should open a major on health care services to the aged, and graduates from this major enjoy employment priority. In this way many students will apply for this major, promoting the development of aging services industry and creating a virtuous circle. Fourth, the civil affairs agencies should establish a special supervision body to oversight and inspect the home-based support services for the aged, either on regular or ad hoc basis. Sui also suggested

to strengthen home-based care the aged and incorporate it as an important indicator of social construction into the evaluation system of leading officials.

Meanwhile, many Members of the Standing Committee believe it's time to revise the Law on the Protection of Rights and Interests of the Aged after its promulgation 15 years ago, recommending in particular to write the ethical requirement of "visiting parents frequently" into the Law. According to the members, the elderly people need not only the basic living guarantee, but the spiritual comfort and family accompanying as well, especially when China is in a fast track of aging population and more than 50 percent of urban and rural families are "empty nests", it accords to the national conditions and public opinion to include "visiting parents frequently" as a moral obligation of the support person.

During the review of the Law on the Protection of the Rights and Interests of the Aged, Li made the following suggestions. First, we need to study and formulate strategies to cope with aging population in consideration of social security, population policies, employment situation, industrial structure, health care, cultural traditions and economic development, draft and implement the medium- and long-term development planning for the aging-related undertakings in the next 10 to 30 years so as to include the aging-related undertakings into the overall layout of the modernization. The legal system for protecting the rights and interests of the elderly people need to be improved through the education of aging-related laws and regula-



A senior citizen takes a sketch in the peony garden in Huairou District, Beijing on May 3, 2011. Bu Xiangdong

tions and the carrying forward of the traditional Chinese fine quality of respecting, nursing and supporting the aged.

Second, a multi-level sustainable social security system with extensive coverage should be established as soon as possible to benefit all the aged people. Third, relying on communities and supported by relative bodies, a marker-driven aging service system needs to be established on the basis of home care with government guidance, policy support and social participation. Fourth, we should encourage and support the elderly people to teach and participate in school and community education of the youth, provide consultation services, participate in scientific development and application, initiate public welfare campaigns and participate in social management and community services.

At the same time, in accordance with the inspection on law enforcement, the NPC Committee on Internal and Judicial Affairs has organized researches on amendments to the Law on the Protection of Rights and Interests of the Aged and carefully sorted out and studied the opinions from all sides and localities. The NPC Standing Committee has suggested the relevant departments of the State Council speed up the work of drafting laws closely related to the protection of rights and interests of the elderly people, policies and bylaws that closely relate to the rights and interests of the elders, including the Law on Social Assistance and the Charities Law, and submit the drafts in due time to the NPC Standing Committee. ■



# Weaving a service network for aged people

By Xie Sufang



China steps into the era of an aged society rapidly, creating a big challenge for the whole nation during the 12th Five-Year Plan (2011-15) period. CFP



China's population of senior citizens, which is 178 million or 13.26 percent of the total population, will reach the peak of 34.5 percent by 2057.

The protection of the legal rights of the elderly is not only the written articles in the Constitution and laws, but also a social problem that needs tackling. "The aging problem involves many domains, including politics, economy, culture, social life and so on." "Aging problem relates to national economy and people's livelihood, long-term peace and stability of the country." As early as in 2000, the Communist Party of China (CPC) Central Committee made a decision on the work of senior citizens. "Taking measures to strengthen the work of elderly people is an important and urgent strategic task," the decision said.

Both the Central Government and the Party have attached great importance to the work related to the aged people. Established in 1999 and involving 28 ministerial departments, the National Commission on Aging Affairs is committed to dealing with aging problems.

At present, China has formulated a series of laws, regulations, decrees and policies, including the Law on the Protection of the Rights and Interests of the Elderly. The Central Government has so far promulgated and implemented three outlines or plans in this regard. All these laws and regulations, policies and measures helped establish the system of pension and support for the aged people with Chinese characteristics.

"All pension and support measures for the aged are aimed at protecting the interests of the elderly, that's to say, the senior citizens can obtain the support through their offsprings based on their devotions to the families and society at their work ages," said Zhu Junsheng, Deputy Director of the Institute of Social Security Research, Capital University of Economics and Business.

The livelihood and pension of aged people depend on the joint efforts made by the government, the Party, the society and individuals.

## Life security

"Food and health" are two basic requirements of the aged



Wu Jingqiu, 85, has his lunch at a nursery station for the aged in Wuhan, capital of Hubei Province on August 30. Starting from 2010, Wuhan began to construct nursery houses for the aged people. Statistics indicate that aged people above 60 years old have surpassed 1.27 million in Wuhan by the end of 2010. *Cheng Min*

## All these laws and regulations, policies and measures helped establish the system of pension and support for the aged people with Chinese characteristics.

people. In order to provide basic life necessities for aged people after their retirement, China began to establish basic insurance and pension system many years ago. Such system combined the efforts of the society and individuals, that is to say, the pension is paid by the government and individuals.

The development of social security, especially the adoption of social insurance law in 2010, provides legal foundation for the es-

tablishment of basic endowment and insurance system in China. Due to the differences in economic and social aspects between urban and rural areas, the Social Insurance Law has designed different systems of endowment insurance.

In China, urban workers have enjoyed basic endowment and insurance after their retirement for several decades. By the end of 2010, the population who had participated pension and insurance reached 256.7 million, an increase of 82.29 million compared with that during the 10th Five-Year Plan (2001-05) period. Among them, the number of insured retirees is 62.99 million, 19.37 million more than five years ago.

Chinese aged farmers who traditionally depend on the support of their offsprings hardly believe that government pension



is feasible. However, since 2009, the dream has become reality: The pilot project, a new type of rural social endowment insurance, opens the gate for farmers to pension security. Since then, the rural elderly people can also get monthly pensions. The new rural social endowment insurance has developed rapidly. By the end of 2010, 838 counties of China's 27 provinces and regions and 4 municipalities had been brought into the new rural endowment insurance program.

### China has also established social assistance system to protect the urban and rural senior citizens' living.

The complete coverage of new rural social insurance has been realized in Beijing, Tianjin, Jiangsu and etc. According to the latest data, 173 million people have participated in the new rural social insurance, and among them, about 47.66 million rural elderly people of 60 years of age and above have enjoyed the fundamental annuities provided by the national finance.

On July 1, 2011, China officially kicked off endowment insurance projects among urban citizens, which would fill in gaps that

the unemployed residents, self-employed groups and many others used to be excluded from the primary endowment insurance system. Therefore, the basic endowment insurance system, composed of urban worker endowment insurance, new rural social endowment insurance and urban resident endowment insurance, has incorporated all the social groups into the scope of basic insurance. At the same time, the system itself is getting improved continuously, such as the increase of pension standards, enlarged endowment plan, trans-regional endowment insurance relation and so on.

Moreover, China has also established social assistance system to protect the urban and rural senior citizens' living. According to statistics, there are 7 million elderly people in China's urban and rural areas, who have no labor capacity, no source of income, no support from their relatives. About 3.32 million and 18.85 million aged people in urban and rural areas are brought into the resident's minimum life guarantee system. Furthermore, the state has adopted a series of supporting and subsidies policies, such as reward and support for rural family planning, living subsidy for old artists, subsidy for the people more than 80-year-old, etc.

A system that guarantees all the senior citizens to enjoy medical treatment has taken shape with the development of the basic medical insurance system for urban employees, basic medical insurance system for urban residents, new rural medical cooperative system, and urban and rural medical assistance system.

### Insurance service

Another challenge is whether we can provide quality services that meet the demand of aged people. The Party and country have come to realize the importance of building the service system for the elderly people. In 2006, "Suggestions on Speeding up the Development of the Aging Service Industry" was promulgated.

Considering its huge population of aged people, China is facing with increasing challenges. The country has hammered out



With the help of volunteers, several senior citizens come to have dinner at "Little Dinner Table" of Hongguang Community in Xiangyang, Hubei Province on September 25. The community provides delicious food for those whose offspring do not live with them. *Gong Bo*



Doctor Zhu Yan (left) shows a medicine to 71-year-old Chen Daolan, a patient of hypertension, on September 20 at a community nursery house in Shuhong New Village in Hefei, Anhui Province. Since 2010, the community has taken the lead in the establishment of nursery houses to provide medical treatment and cultural activities for the senior citizens. *Guo Chen*

a blueprint that combines China's traditional family-support culture with community-based service and nursing houses.

Nowadays, under the guidance of “Opinions on Comprehensively Advancing the Home-based Service Work for Aging Population”, many towns and communities have established the nursing houses for the aged people, providing day care and short-term service for the senior citizens. As a result, aged people can get handy services on food and medical care in the daytime and enjoy family care at night. Meanwhile, it meets the need of living care and spiritual comfort for the elderly people. The system carried by communities is expected to become a major service model for the aged people in China.

At the same time, China also promotes the construction of the endowment institutions, including public and private ones, to meet the different demands by the aged people. At present, China has 40,000 endowment institutions of all kinds and 3.01 million endowment beds. China plans to increase the number of beds to 6 million by the end of the 12th Five-Year Plan (2011-15) period, which means that there would be at least 30 endowment beds for every 1,000 aged people.

Being a special group, especially those who are heavily ill or disabled, aged people need special nursing personnel to care for them. So, China holds training sessions among and issue certificates for those who engaged in care of elderly people. Through the implementation of professional social worker examinations and evaluation, we can improve the professional qualities and standard of services. By the end of 2009, about 30,000 people have got the nursing certificates. Besides, aged people can enjoy preferential policies in health care, legal service, education and fitness services.

In recent years, the social endowment has been developing rapidly. But it still lags behind the demand of aged people in facilities, personnel and service standard. NPC reporter learned from



Sun Delong, an elderly citizen, holds a 1.5-meter long “Dragon Head” kite at the People’s Square in the city of Jilin on May 11, 2011 in Northeast China’s Jilin Province. Hundreds of aged people participated the event.

Sun Xin

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**As a major social problem for China in the 21st century, respecting and providing for the elderly people must be planned and designed on the basis of the long-term sustainable development of the system.**

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the Ministry of Civil Affairs that China plans to establish supervision mechanism for endowment services. The country will also strengthen the standardization of quality service, facilities and safety and sanitation environment for the elderly people. It will speed up the training and appraisal of nursing personnel for elderly people and strengthen the training of professionals on aged medical care, nutrition and psychology with a final target of establishing a sound endowment service system.

As a major social problem for China in the 21st century, respecting and providing for the elderly people must be planned and designed on the basis of the long-term sustainable development of the system. It also needs to tackle the requirements of the aged population when adopting social security reform policies.

“The society should take an all-round consideration on the establishment of the social security for the aged people and form a multi-level social system in order to give full play to the institutional framework,” noted Zhu Junsheng, who has been researching China’s social security system for a long time, adding that only by so doing can we improve the aged people’s material and spiritual life. ■



# The golden years of China's legislation on criminal proceedings

By Zhang Weiwei

**T**he draft amendments to the Criminal Procedure Law were submitted to the 11th National People's Congress (NPC) Standing Committee on August 24, 2011. As a major step forward in China's rule of law and human rights protection, the issue immediately drew attention worldwide.

From its promulgation in 1979 to the first amendment in 1996 and to the current work of a major overhaul, the Criminal Procedure Law has witnessed the step-by-step reinforcement and clarification of the basic values of democracy, rule of law and human rights protection. While adjusting to the international trend of modernization, China's criminal procedure system has explored a new path of legislation based on China's national conditions.

## 1979: legalizing the criminal proceedings

For the New China's criminal procedure system, the 2nd Plenary Session of the 5th NPC was destined to be a special one, as seven laws were adopted, including the Election Law, the Organic Law of the Local People's Congresses and Local People's Governments and the Criminal Law, and the Criminal Procedure Law was one of them.

However, the road leading to the successful launch of the criminal procedure law was not even. "We finished the draft of the criminal procedure law in 1957 based on our own judicial practices and the Soviet Union's experiences. Soon after the be-



NPC deputies attend the closing ceremony of the 2nd Plenary Session of the 5th NPC on July 1, 1979. The Legislative Affairs Commission of the NPC Standing Committee submitted seven draft laws, including the Criminal Law and the Criminal Procedure Law, to the NPC for deliberation within three months. All the draft laws got approved by the top legislature in July. *Xinhua*

gining of ‘Anti-Rightists’ campaign, the legislation work was halted. In the early 1960s, the authorities made some changes on the 1957 draft according to Chairman Mao’s instructions. But with the picking-up of the ultra-Left trend of thought and the launch of Cultural Revolution (1966-76), the relevant legislation was once again suspended for a long time,” said Mr. Chen Guangzhong, an 81-year-old expert on criminal procedure law, during an interview with the NPC Magazine.

The 1979 Criminal Procedure Law came out at a time when the nation was rethinking about the problems left by the Cultural Revolution and trying to bring order out of chaos and restore legal construction as soon as possible. In that year, since Beijing College of Political Science and Law (predecessor of China University of Political Science and Law) was already shut down during the Cultural Revolution, Chen did not return to the college and therefore missed the legislation work of the criminal procedure law. Although feeling sorry for missing the opportunity, Chen was extremely surprised by the promulgation of the law. He still clearly remembers that the law consisted of a total of 164 articles, and it stipulates in the General Provisions that the aim of the Criminal Procedure Law is to ensure that criminals shall be punished and for the first time declares “to guarantee that innocent people shall not undergo criminal prosecution”.

The law was drafted under the leadership of Peng Zhen, then Chairman of the Legislation Committee of the NPC Standing Committee. Looking back at the legislation process, many participants still can’t forget the difficulties they had gone through. During the drafting, there were many disagreements and arguments on the criminal procedure law. Gu Angran, former Chairman of the Legislative Affairs Commission of the NPC Standing Committee, recalls what Peng had told him, “In the past, we focused too much on the substance merits of the matter, not the legal procedure, and it was taken advantage of by Lin Biao and the ‘Gang of Four’. Now we must pay much attention to the procedure.”

“Chairman Peng Zhen also pointed out that the aim of the criminal procedure law must be established from two perspectives: not to let bad guys get away and not to wrong innocent persons.” The draft originally stipulated that the aim of the criminal procedure law was to “disclose crimes, prove crimes and punish crimes.” During the review, Peng suggested the line be changed to “ensure that the facts of crimes shall be accurately and promptly ascertained, that the application of law shall be correct and that criminals shall be punished”, and proposed to add “to guarantee that innocent people shall not undergo criminal prosecution”.

“These thoughts were very important at that time, indicating that Peng had summarized the lessons from the Cultural Revolution and was hosting the legislation in accordance with the spirit of rule of law,” said Gu.

Besides, the Criminal Procedure Law for the first time intro-



The 4th Plenary Session of the 8th NPC concluded in Beijing’s Great Hall of the People on March 17, 1996. The conference overwhelmingly approved the amendments to the Criminal Procedure Law. *Luo Gengqian*

duced the defense system. It stipulates in the General Provisions that a defendant shall have the right to defense and the people’s courts shall have the duty to guarantee his defense. Correspondingly there is a chapter devoting to specifying the rights and obligations of a defendant.

Most of the leading officials who hosted the legislation had personally experienced the pains with the absence of the rule of law during the Cultural Revolution. They knew better about the importance of guaranteeing a defendant’s right to defense in the criminal procedure to avoiding being wronged by the abuse of power. The 1979 Criminal Procedure Law stressed on the punishment of criminals, but it started to balance the punishment and the protection of citizens’ rights, according to Chen.

Altogether there are four parts. In the opening, the General Provisions include nine chapters, namely, the Guiding Ideology, Jurisdiction, Withdrawal, Defense, Evidence, Compulsory Measures, Incidental Civil Actions, Time Periods and Service and Other Provisions, and in the following, there were three parts: Filing a Case, Investigation and Initiation of Public Prosecution, Trial and Execution, laying a legal procedural foundation for public security organs, procuratorial departments and people’s courts to deal with criminal cases on the basis of division of labor, coordination and power constraints.

“Even after a comprehensive revision in 1996, the current Criminal Procedure Law still keeps the basic framework set in 1979,” said Chen. The Criminal Procedure Law with Chinese characteristics has facilitated the State organs to deal with crimi-





A court hearing in Xunyang county, Shaanxi Province CFP

nal cases in accordance with laws and procedures, both fighting crimes and protecting innocent people from being accused. It has played a significant role in ensuring smooth social and economic development in the early stage of the reform and opening-up.

## Planning and preparing for the 1996 amendments

In October 1993, Chen experienced one thing he would never forget in the rest of his life. As President of China University of Political Science and Law and head of the Society of Criminal Procedure Law Studies, Chen received a letter from the NPC Standing Committee's Legislative Affairs Commission, which appointed him head of a law expert team to draft the amendments to the Criminal Procedure Law. "As a scholar, I felt honored and happy to have an opportunity to convert my research achievements into legislative and judicial fruits, serving the democracy and rule of law," Chen said.

More than 10 years after the reform and opening-up policy was adopted, China's economic and social progresses had brought great changes in many areas, including people's thoughts and values. Under this new circumstance, it was pressing for the legal construction to follow up and the revision to the Criminal Procedure Law was put on the agenda.

The top legislature had realized the importance of this issue. The Criminal Law Office of the NPC Standing Committee's Legislative Affairs Commission held seminars with law professors in as early as 1991 to explore possible changes to the Criminal Procedure Law. In 1993, the revision of the Law was included in the legislation plan of the 8th NPC Standing Committee and

relevant research work was carried out immediately.

During the drafting, the expert team made up of officials from the NPC Standing Committee's Legislative Affairs Commission and professors including Chen visited France, Germany, Italy and other countries to learn their successful experiences. In 1995, the Legislative Affairs Commission held a number of seminars with law scholars and officials from public security, procuraterates and courts to solicit ideas and opinions.

Wang Hanbin, Vice Chairman of the NPC Standing Committee at that time, was responsible for legislation. According to Chen, the legislative body took on a democratic attitude and attached great importance to people's opinions, and fierce arguments were often heard in various discussions.

"The Legislative Affairs Commission did a lot of coordinating work," Chen said. For example, the 1979 Criminal Procedure Law stipulated that a defender can only get involved at the trial stage, proving through years of judicial practices that it did not help protect a defendant's legitimate rights. Therefore, scholars suggested defenders be allowed to get involved during the investigation stage, but the suggestion was strongly opposed by the investigation department, who believed that it would increase difficulties for the detective work. After actively promoting and coordinating relevant parties by the Legislative Affairs Commission, lawyers were eventually allowed to get involved during the investigation stage. Although the identification of defendant was not clarified for the lawyer and there were limitations on the exercise of the right, "it was a great step forward in protecting the human rights of the defendant, and compared with the past, the lawyers could get involved, meet the parties and represent the parties to present petitions," Chen said.

Peng once said the legislation work requires the combined efforts of legislature, judiciary and scholars through hearings, discussions, debates and expert consultations in the spirit of democracy. Chen believed the 1996 revision work inherited this good tradition by widely collecting public opinions and wisdoms and the legislative process was democratic and scientific.

## 1996 overhaul: establishing the value orientation of human rights protection

On March 17, 1996, the 4th Plenary Session of the 8th NPC adopted by an absolute majority the amendments to the Criminal Procedure Law. The amendments reflected an ideological change of paying more attention to procedural fairness in China's legislative and judicial fields since the reform and opening-up policy was adopted, and stressed on the respect for and protection of human rights attaching importance to the punishment of criminals, representing a major reform in China's criminal procedure

and judicial systems.

The amended Criminal Procedure Law has 225 articles, 61 more than the previous one. In the newly-added contents, a series of new measures, including the adoption of the principle of presumption of innocence, the reform of defense system, the abolishment of sheltering for investigation and the introduction of adversary litigation, have provided important legal guarantees for judicial justice. Specific changes are as follows:

The system of sheltering for investigation was abolished. According to Chen, the legal detention measures stipulated in the 1979 Criminal Procedure Law did not include sheltering for investigation; however, in practice the police used this measure extensively: they detained whomever they suspected of committing crimes, then started to collect evidence, and finally announced official arrest after collecting enough evidence. But this measure, as Chen told the journalist, had violated people's freedom and basic human rights and law professors proposed firmly to abolish it at that time.

After many rounds of coordination between legislative and public security departments, the system of sheltering for investigation was abolished. "Mr. Gu Angran proposed in the Explanation on the Criminal Procedure Law (Draft) to supplement and revise the relevant criminal enforcement measures and not to keep sheltering for investigation as a compulsory administrative measure any more," recalled Chen.

The scope of investigation of procuratorate bodies was changed. According to the 1979 Criminal Procedure Law, procuratorate departments had the right to investigate officials' breach of duties as well as crimes that violate human rights and some economic crimes. "Procuratorate departments are supervising bodies, therefore does not help to supervise if they take on too many investigation cases," said Chen. Based on this concern, the Criminal Procedure Law reduced the scope of investigation of procuratorate departments and only allowed them to investigate crimes by taking advantage of duties.

The principle that no person shall be found guilty without being judged as such by a People's Court according to law was established. Correspondingly, the procuratorate's right to exempt criminal prosecution was abolished. As Fan Chongyi told the journalist, before the amendment, the procuratorate bodies' exempt power tended to be overused and evoked wide-spread public complaints. Also in consideration of international criminal procedure codes and development trend, this power was revoked. At the same time the non-prosecution system was improved, and the principle of non-existence of doubted guilt was established in the review of the prosecution and the first-trial judgment.

The trial procedure was reformed. Before the amendment, the court would only start a trial after making sure a suspect committed a crime and broke the law. If not, a charge would be rejected. "It was equal to pre-determining guilty or not before

trial," said Chen. The 1996 amendments shifted from reviewing fact to reviewing procedure, and a court trial was no longer just meaningless procedure with everything already predetermined.

Another important reform of the court trial was the change from inquisitorial system to argument between the accusing party and the defending party. In the past, a trial involved judges questioning a defendant and providing evidence. Chen believed this was unfair, since three kinds of uniformed officers confronting one defendant. The amendments absorbed from adversary litigation mode and strengthened argument between the accusing and the defending, where the accusing was responsible for providing evidence and asking questions, thus establishing the unbiased trial by courts.

The protection of victims' rights was strengthened. In the 1979 Criminal Procedure Law, the victim was only a general participant in the proceedings. During the amendment process in 1996, Vice-Chairman Wang Hanbin actively proposed to make the victim as a party in consideration of balance of rights. "Now we see the victim of a public prosecution can appear in a trial. Although he does not have the right to appeal, but can apply for counter-appeal to procuratorial organs. Meanwhile, a judicial proceeding was added in which the victim change a public prosecuting case to a private prosecuting one. These are all changes after the revision," said Chen.

"At that time, these changes caused strong reaction from the international community, who believed that China was leading the world in protecting the human rights of victims," said Fan Chongyi. In most Western countries, the victim is not considered as a party, but more as a witness. After the 1996 amendments, Fan visited York University in Canada and gave lectures. He happened to see many victims protest in the street to call for more protection by the state. Canadian professors praised that China was doing better in this respect, which deeply impressed Fan.

According to Fan, in terms of the contents of the amendments, the revised Criminal Procedure Law has made more reasonable readjustment and configuration to the state power and reflected the protection of human rights more adequately.

The Criminal Procedure Law is also known as "the Mini Constitution", due to its subtle embodiments to the punishment of crimes and the protection of human rights. During the past fifteen years, significant changes have taken place in political, economic, cultural and ideological spheres in China. The amendments to the Constitution have established the important strategy of governing the country according to law and the fundamental principle of respecting and protecting human rights. People's awareness of human rights has been growing. Also, the world has been integrated more than ever. New changes to the Criminal Procedure Law will better respond to the social concerns and judicial practices. It will be another milestone of China's human rights protection. ■



# Seven highlights of the amendment to the Criminal Procedure Law

By Yin Hong and Wang Yiyin

**F**ifteen years after the first amendments to the Criminal Procedure Law, it now expects another major overhaul. The draft amendment to the Criminal Procedure Law was submitted to 22nd meeting of the 11th National People's Congress (NPC) Standing Committee on August 24.

According to Lang Sheng, Vice-Chairman of the Legislative Affairs Commission of the NPC Standing Committee, the revision involves significant changes in many contents and new parts, chapters and articles will be added.

Scholars and experts sing high praise of this major change. "The country has witnessed significant economic and social changes in the past 15 years, and citizens' awareness of legal rights also increased. These changes require the legislature to make new revisions to the relevant laws," said Wang Jiancheng, a law professor with the Peking University.

## Suspects shall not be forced to testify against themselves

In order to institutionally prevent and contain extortion of confessions by torture and other illegal acts of collecting evidences, the draft amendment stipulates that nobody shall be forced to prove himself or herself guilty, in addition to the existing line that "extortion of confessions by torture is prohibited". The amendment also regulates that testimony collected by force or threats will not be used for a trial.

"It's a significant change, which is positively demonstrative," said Wang Jiancheng, who believes the change will provide legal ground to protect judicial justice and the legal rights of people involved in a criminal proceeding.

Chen Guangzhong, a famous criminal procedure law expert and a professor with the China University of Political Science and Law, said it is a major progress to exclude illegally obtained evidence and forbid forced self-incrimination.

In fact, extortion of confessions by torture has been a long-time problem, partly because police department is often under pressure to crack each case as soon as possible. China's criminal law has long ago made the act of coercing for confession punishable, and the judicial departments all have strict rules in this area, but why does it still exist?

Wang believes the problem lies in the fact that testimony even collected by force could still be used as legal evidence. "As a result, the draft amendment clearly stipulates that such evidence will be excluded. Strict procedure of evidence collection has also been provided. These will greatly restrict the abuse of power in interrogation."

## Close relatives can refuse to testify at a court

Witness appearing in court is an important part of a lawsuit in order to make correct ruling and prevent misjudgment. The draft amendment fixes the problem of witnesses not being able to appear in court.

The amendment stipulates that a witness should appear in court to give testimony if the testimony is vital to final ruling, or if the accused and prosecutors have major disagreement, or if the court be-

lieves it is necessary. Also, if a witness or expert witness does not appear in court without any justified reason, the court can force him or her to do so, except the defendant's spouse, parents or children.

"Forcing close relatives to appear as witnesses in court is not good for family relationship. This is a stipulation with consideration. However, if the family members are willing to appear in court, for example in domestic violence cases, they still can," said Wang.

However, according to Wang Jiuchuan, a lawyer with Beijing King & Capital Law Firm, no witness appeared in court in most of the cases, and it was very rare for close relatives to do so.

## Suspects enjoy the right for defense during investigation period

The existing Criminal Procedure Law allows criminal suspects to get a lawyer for only legal assistance during the police investigation period, and only during the court investigation and trial period can they entrust defendant lawyers.

"Protecting suspects' defense right is a vital principle of the criminal procedure law. Given that suspects or defendants enjoy defense right all through the lawsuit, the draft amendment stipulates that suspects can get defendant lawyers during the police investigation period," said Lang.

Lawyer Wang said this change means a lawyer's identity during investigation period will be changed from "a lawyer who provides legal assistance to a defendant lawyer." During this period, lawyers can not only meet the suspect and provide legal counseling, as allowed in the existing law, they will also be able to fulfill their rights to investigate and collect evidence, including asking to read investigation documents. The protection of suspects' rights will be largely improved.

## Protecting lawyers' right for meeting clients and checking documents

For a long time, it has been a widely-complained problem for lawyers' difficulty in meeting their detained suspects and checking related legal documents. The 2007 amendment to the Law on Lawyers made concrete stipulations on the relevant problems. The current draft amendment to the Criminal Procedure Law has adopted some

of the stipulations in the Law on Lawyers.

The draft amendment stipulates that if a defendant lawyer requests to meet a client in custody, the detention center should arrange the meeting within 48 hours. The meeting should not be monitored.

"Lawyers don't need the approval of investigation bodies to meet suspects, and their right to meet their clients is thus protected. Also, it is impossible for those lawyers who came from out of town to wait too many days to meet their clients. So it's reasonable to set the limit to 48 hours. Besides, the rights of lawyers are also protected in the stipulation of no monitoring during their meeting with clients," said Wang Jiuchuan.

The draft amendment stipulates that defendant lawyers can read, write down and copy all documents about the suspects' accused crimes during the investigation and trial stages. This will obviously help the lawyers in dealing with their cases, said Wang.

## Extending the scope of legal aid

As an important measure to protect the defense right of the criminal suspect and defendant, the legal aid is extended in this amendment to the Criminal Procedure Law. The draft amendment stipulates that if a defendant is blind, deaf or mute, or if he is a minor, and thus has not entrusted anyone to be his defender, the people's court, procuratorate and the public security department shall designate a lawyer that is obligated to provide legal aid to serve as a defender. The current law only requires the court to designate a lawyer to serve as a defender.

Furthermore, the legal aid also extends to entrust a defender for a criminal who may be given life penalty. Previously the legal aid was only provided for persons who were sentenced to death and didn't entrust defenders.

"It is significant to extend the scope and channel of the legal aid, constituting a specific embodiment of protecting the defense right of the suspect and defendant," said Wang Jiuchuan.

## Review of death sentence is more cautious

As the last pass to prevent unjust, false and erroneous cases, the review of death sentence plays an important role in the legal procedures. In order to follow the policy of sentencing or executing death penalty less and carefully and ensure the quality of the review, the amendment regulates that the Supreme People's Court should make a judgment of approval or disapproval of the death penalty. For the cases the court disapproves the death penalty, the Supreme People's Court shall request retrial or change the verdict after the trial.

The draft also adds that the Supreme People's Court shall solicit opinions of the defendant and defender while reviewing the death sentence cases, and the Supreme People's Procuratorate may express its opinions on the cases to the Supreme People's Court.

Zhang Xiangdong, a judge of the third criminal court of the Supreme People's Court, pointed out that the right to life is above all others; therefore handling the review of death penalty with care shows the respect to the right to life of the suspect, which sets higher requirement for the Supreme People's Court.

Wang Jiuchuan also agreed with the amendment, saying that judging from the legislation regulation, the review of death penalty was not a real lawsuit procedure in the past, being influenced by

political concerns and lacking publicity and transparency. It is completely necessary to add such a regulation in order to ensure the quality of death penalty cases and carry out policy of sentencing or executing death penalty less and carefully.

## Criminal records of minors may be kept from public

Minor offenses of under-aged people will be kept away from public, so that they will not carry the label of sins forever, and can go back to society in a natural way. It is another highlight of this draft amendment.

The draft amendment stipulates that the record of a person under the age of 18 and who has received punishment no more than five years of jail term will be kept away and not be provided to any employers or individuals, except when judicial departments need it for legal purposes.

"As long as the criminal record is kept away, the under-aged people who have committed crimes will not be affected by his past when he goes to school and looks for a job; in his daily life and work, he will not be discriminated by colleagues and friends, which will provide a positive space for the youngsters to relive their lives," said Wang Yifei, a Doctor of Law at Peking University.

Besides, the draft amendment also stipulates that for minors who are suspected of crimes involving human rights or democratic rights of citizens, property rights or social orders, but punishable for no more than one year in jail, if the suspects show repentance, the procuratorate bodies may decide non-prosecution of additional conditions.

"This system will provide procedural guarantee for criminal proceedings according to the characteristics of the minor and protection of the right of instituting legal proceedings and other legal rights for the minor," said Wang Yifei.

For the criminal minor suspects at school, the system allows them to continue studying at school and also establishes some conditions to limit their behaviors, so as to urge them to turn over a new leaf, Wang added. (Guangming Daily) ■



The revised Criminal Procedure Law stipulates that criminal records of juveniles should not be made public. CFP





Vice Finance Minister Liao Xiaojun (third from left, horizontal line) picks up questions raised by NPC deputies attending a group discussion during the 21st Meeting of the 11th NPC Standing Committee on June 28, 2011. *Li Jie*



# Special inquiry becomes regular practice

By Li Xiaojian

**T**he 21st Session of the 11th National People's Congress (NPC) Standing Committee conducted a special inquiry into the 2010 Final Accounts Report of the Central Government at the group meeting on June 28, 2011, requiring the main leaders from the Ministry of Finance and National Audit Office to respond to the inquiry. It is the first special inquiry the NPC Standing Committee made in 2011.

Special inquiry is the legal means by which the NPC oversees the State Council, the Supreme People's Court and the Supreme People's Procuratorate. According to the Supervision Law, when the standing committees of local people's congresses at all-levels are discussing and reviewing proposals and reports, the local governments or related departments, local courts or procuratorates should send related officials to listen to suggestions and respond to inquiries. Their answers are promises to solve the problem rather than explanation to the question, promoting the the governments, people's courts and people's procuratorates at all levels to improve their work.

As a form of inquiry, the special inquiry helps people's congresses to make effective supervision on problems systematically with clear target. The topics of the inquiry are normally the popular issues the public are concerned about.

Wu Bangguo, Chairman of the NPC Standing Committee, said on the Third Plenary Session of 11th NPC during his work report on March 9, 2010 that the Standing Committee will select some widely concerned issues and hear reports on those issues from related State Council departments. Main leaders from those departments will be required to listen to suggestions and respond to inquiries and questions.

Three months later, the 5th Session of the 11th NPC Standing Committee held group meetings on June 24 to discuss the 2009 Final Accounts Report of the Central Government and conducted the first special inquiry, which means the special inquiry has transformed from a law article into a political practice.

Focus on the widely-concerned issues is an important part of the supervision work of people's congress. The Standing Committee of the 11th NPC launched two special inquiries on food safety and medical and health system reform in August and December respectively in 2010, which are closely related to the interests of the public.

The three special inquiries into finance, food and medical system were broadcasted through television, the Internet and other media, attracting wide attention from the public with positive influence in the society.



NPC deputies attend a group discussion of the special inquiry on the 2010 final accounts report of the Central Government on June 28. Ma Zengke

Instead of criticizing the government departments on their shortcomings, the special inquiry aims to communicate and interact with them on certain topic and promote the final solution of the problem, benefiting the public and enhancing the development of the harmonious society. The Standing Committee of the NPC hopes to be an example by launching the first special inquiry.

Since the NPC started the first special inquiry, many provinces and municipalities began to adopt the legal means, including Zhejiang, Anhui, Fujian, Hunan, Hubei, Chongqing, Shanghai, Guizhou and Henan.

Supervision is an important work for some local people's congresses, especially for those at and below the city level and without legislation authority. The application of special inquiry is significant for future work of strengthening supervision. For example, special inquiries into the problems of shrinking lake and reservoir regulation were carried out in Yueyang of Hunan Province, Wenzhou of Zhejiang Province and Yichang of Hubei Province respectively, thus accelerating the solving of the problems.

One year later, the 21st Session of the 11th NPC Standing Committee conducted the special inquiry into the 2010 Final Accounts Report of the Central Government at the group meeting.

With the previous successful experience, the inquiry was extremely efficient, and both the inquisitors and the respondents were honest to talk about the problem. After in-depth discussions, relevant departments were much easier to find solutions to some seemingly sensitive problems. For example, a rumor circulated that the debt of local governments had reached 14,000 billion yuan. While being asked about it, officials explained that the local government had nearly 1.87 million debts, with the to-

tal amount of 10,700 billion yuan, including 6,700 billion yuan of legally binding debt, 2,300 billion yuan debt that local governments were liable to guarantee and other debt totaling 1,700 billion yuan. In terms of expenditure, local governments spent 9,600 billion yuan most on infrastructure and livelihood projects, together with the left 1,100 billion yuan.

Nearly 3,200 billion yuan out of the 10,700 billion yuan of debt came into being before 2008 and another 2,300 billion yuan was generated after 2008 due to the increased funding to the ongoing projects.

The Standing Committee didn't get timely and comprehensive answer to the same question which was raised in June of 2010. However, only one in 2010, the related department gave a detailed answer, reflecting the progress of the government work and the efficient supervision of special inquiry.

Similarly, the land fiscal revenues of the local governments reached as much as 2,900 billion yuan in 2010 and why wasn't this sum taken into the fiscal budget? Relevant officials responded that according to the division of the budget system, land fiscal revenue is normally included into the governmental fund budget, not the public budget. The control and administration of local governments' land fiscal revenues has never been loosened: 2,900 billion yuan in 2010, 1,500 billion in 2009 and 900 billion in 2008. The cost expenditure accounted for 60 percent of the 2010 fiscal revenue from land, which was used for supporting agriculture and rural and urban construction.

The members of the Standing Committee made inquiries into several issues at the meeting, such as improving the budget administration, optimizing the structure of transfer payment, increasing investment in livelihood issues, and balancing and timely allocating budget funds. Officials carefully responded to those inquiries.

At the same time, the local people's congresses and their standing committees carried out supervision work in the form of special inquiry in succession.

The Standing Committee of the Shijiazhuang People's Congress of Hebei Province and the Qingdao People's Congress of Shandong Province conducted their first special inquiries on June 28, with the focuses on water conservancy reform and development, green coverage management and ecological protection. As of June 28, the Standing Committees of the People's Congresses of Taizhou of Jiangsu, Dengzhou of Henan, Guangzhou of Guangdong, Beihai of Guangxi, Yuncheng of Shanxi adopted the special inquiries as the means for supervision, pushing forward the resolution of the widely-concerned problems.

Special inquiry has developed from a pilot to normal practice, from originally emphasizing on the form to stressing on the practice, and to content orientation, giving impetus to the great progress of the NPC's supervision and promoting the rapid development of the economy. ■



# Profound transformation reflects people's choice

By Gama Duoqi and Qin Jiaofeng

The 1,956-kilometer-long Qinghai-Tibet Railway, which connects Xining to Lhasa, is opened to traffic on July 1, 2006. The completion of the railway is regarded as one of the milestone projects in China's western development strategy. *Xinhua*

Tibet is in its heyday today, enjoying the national unity, economic development, improved livelihood, cultural prosperity, social stability and people's happiness. In the past 60 years, from the peaceful liberation to the democratic reform, from the establishment of Tibet Autonomous Region to the implementation of reform and opening up policy, in the embrace of the motherland, Tibet leaped forward from feudal serfdom to socialism, and the historic change of political system provides an institutional guarantee for the development of Tibet.

Old Tibet was in a dark and backward feudal serfdom society under theocracy. Serf owners, who accounted for less than 5 percent of Tibet's total population, occupied the vast majority of production goods and took most of material and spiritual wealth of Tibet, while serfs and slaves making up 95 percent of the total population had no means of production or personal freedom, suffered cruel oppression and exploitation, and struggled in the miserable situation against severe poverty, let alone other human rights. There was a Tibetan saying: "The serfs were cut by three knives: endless errands, heavy rent and usurious loan; serfs faced with three roads: fleeing from famine, being a slave and begging."

In 1951, the Agreement of the Central People's Government and local government of Tibet on Measures for Peaceful Liberation of Tibet (known as "17-Article Agreement") was signed. Tibet was peacefully liberated from the yoke of imperialist aggression forces, providing basic conditions for Tibet to realize the common progress and development with other part of the country.

The Peaceful Liberation of Tibet constitutes a great turning point to walk towards modern civilization and a historic starting point for Tibetan people to regain a new life. It shook off the feudal serf system and spread the sparkle for democratic reform; it built a firm base for regional ethnic autonomy and paved the way for socialist system. Since then, the Chinese Communist Party has united and led the Tibetan people to create one af-



Delegates from the Central Government and the local government of Tibet sign the Agreement on Measures for Peaceful Liberation of Tibet on May 23, 1951. The inking of the agreement marked the peaceful liberation of Tibet. *Xinhua*

## The Peaceful Liberation of Tibet constitutes a great turning point to walk towards modern civilization and a historic starting point for Tibetan people to regain a new life.

ter another miracles on "the roof of the world", promoting Tibet gradually from dark to bright, from backward to progressive, from dictatorship to democracy, from poverty to prosperity, from being closed towards opening up, and creating a new era in the history of Tibet.

"The night will always leave a long shadow before the dawn drives it away." Although the "17-Article Agreement" laid a solid foundation for the reform and development of Tibet and stated the direction and means of social reform, the

Tibetan reactionary upper ruling strata broke their words and openly tore up the "17-Article Agreement" in disregard of the law of historical development and the wishes of the Tibetan people. They staged armed rebellion with an attempt to detain Tibet in the Mid Ages forever. At that moment, in order to safeguard the unity of the country and the fundamental interests of Tibetan people, the Central Government and the Tibetan people quelled the rebellion resolutely. At the same time, a vigorous campaign of democratic reform was launched on a mass scale in Tibet.

The democratic reform is the most extensive, profound and greatest social reform in the history of Tibet, and it allowed the serfs and slaves taking up more than 95% of the population to





The Plenary Session of the 1st People's Congress of Tibet Autonomous Region kicks off on September 1, 1965. Tibet officially became an autonomous region. *Xinhua*

Left: Instruments of torture used by Tibetan nobles are exhibited at the Beijing Museum of Nationalities in October, 1959. *Li Ziqing*  
Right: All the 1,280 villagers take part in the election on June 20, 2005 to select their Director of Village Committee of Nanga, Doilungdeqen County in Tibet. *Jue Guo*



Above: A picture taken on May 9, 1992 shows the dining hall at the Lhoba Primary School in Nanyi Town, Tibet. *Jue Guo*  
Below: The same dining hall at the Lhoba Primary School in Nanyi Town, Tibet as shown in a picture taken on May 11, 2011. *Wang Ying*



Left: PLA soldiers stationed in Lhunze County, Tibet help the family of Dechen Dolma carry water in 1962. *Chen Zonglie*  
Middle: An old Tibetan woman uses tap water to wash vegetables at home in Gamai Village, Chayu County, Tibet on August 28, 2003. *File photo*  
Right: Deji, a farmer in Dongga Town of Doilungdeqen County in Tibet, gets water on January 20, 2010. *Sonam Norbu*

gain the right to live and develop, indicating the establishment of the cause of human rights on “the roof of the world”. Through the democratic reform, governments at all levels were set up and broad masses of serfs and slaves were politically emancipated and became the master of the state and the society; on the economic aspect, the feudal serfdom production relations were completely abolished, and serfs and slaves had their own land, livestock and means of production, having greatly liberated the social productivity; in the ideological field, the decadent feudal serf ideology was shaken off and secularism was applied, thus the real freedom of religious belief was ensured.

Starting from 1959, the democratic reform of Tibet was completed in about two years; since then Tibet entered a stage of steady development. Tubden Kyedrub, Associate Dean of Tourism and Foreign Languages School of Tibet University, commented that, the democratic reform of Tibet not only marked the end of an old era and the rise of a new one, but also wrote a new chapter of human right history for millions of serfs in Tibet. Democratic reform signified an epoch-making historical event for social developments and progress of its human rights in Tibet, and also a significant progress in the history of human civilization and world history of human rights.

In September, 1965, the Tibet Autonomous Region was established and the regional ethnic autonomy system come into effect, the emancipated serfs and slaves becoming the masters of Tibet and their own life and the people of Tibet enjoying the right to manage the ethnic affairs by themselves. In the same year, local township governments administered by emancipated serfs and slaves were established in about 92 percent of areas in Tibet. When the first People’s Congress of Autonomy Region convened, 301 representatives attended the meeting, among them representatives from minorities, including Tibetans, accounting for more than 80 percent and the patriots from upper society and religious figures more than 11 percent.

Wang Xiaobin from Contemporary Institute of Tibetology Research Center believes that the broad political participation is a basic measure to evaluate the development level of democratic politics and the modernization progress of contemporary Tibet. Since the democratic reform, the political participation has been developing gradually, from nonexistence to existence, from motivated participation to voluntary participation, the form from unitary to diversified channels, the motivation from inefficiency to high efficiency, and all these mean that Tibetan people have transformed into modern political figures with autonomy and



Erdeni Qoigyigyaibao, Tibet’s 11th Panchen Lama, visits the exhibition to celebrate the 60th anniversary of the peaceful liberation of Tibet in the Beijing Museum of Nationalities on June 25, 2011. Lan Hongguang

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## Democratic reform signified an epoch-making historical event for social developments and progress of its human rights in Tibet, and also a significant progress in the history of human civilization and world history of human rights.

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the Tibetan politics have developed into modern democratic politics with broad participation.

With the establishment and perfection of the people’s congress system, the Multi-Party Cooperation & Political Consultation System led by Chinese Communist Party, the regional autonomy system for ethnic minorities and the system of community level self-governance, Tibet achieved tremendous progress in the construction of socialist democratic politics. In 1984, the Law on Regional National Autonomy was enacted. It affirmed the regional national autonomy policy in legal form and kept its progress in a

law-based manner. For decades, according to the “Constitution of the People’s Republic of China”, the people’s congress of Tibet formulated hundreds of regional regulations based on local conditions, having strongly guaranteed the rights of Tibetan people.

Tibet Autonomous Region shows respects for Tibetans and other ethnic minorities and absorbs them into governments at all levels. Up to now, the proportion of Tibetan and other ethnic minorities’ cadres in the Autonomous Region government has exceeded 70 percent, among which Chairman of the Standing Committee of the Tibet Autonomous Regional People’s Congress, Chairman of the government, Chairman of the People’s Political Consultative Conference, and President of the Higher People’s Court are all Tibetans. More than half of cadres at the prefecture level are Tibetan and of other local ethnic minorities; in the People’s Congress at all levels in Tibet, 94.4 percent of





Raidi, Vice-Chairman of the 10th NPC Standing Committee, pays a visit to investigate the vegetable plantation in Doilungdeqen County, Tibet on July 21, 2011. *Ding Lin*

representatives are Tibetan and other ethnic minorities; Tibetan cadres and cadres from other local ethnic minorities account for over 86 percent of the main leaders at town and county levels.

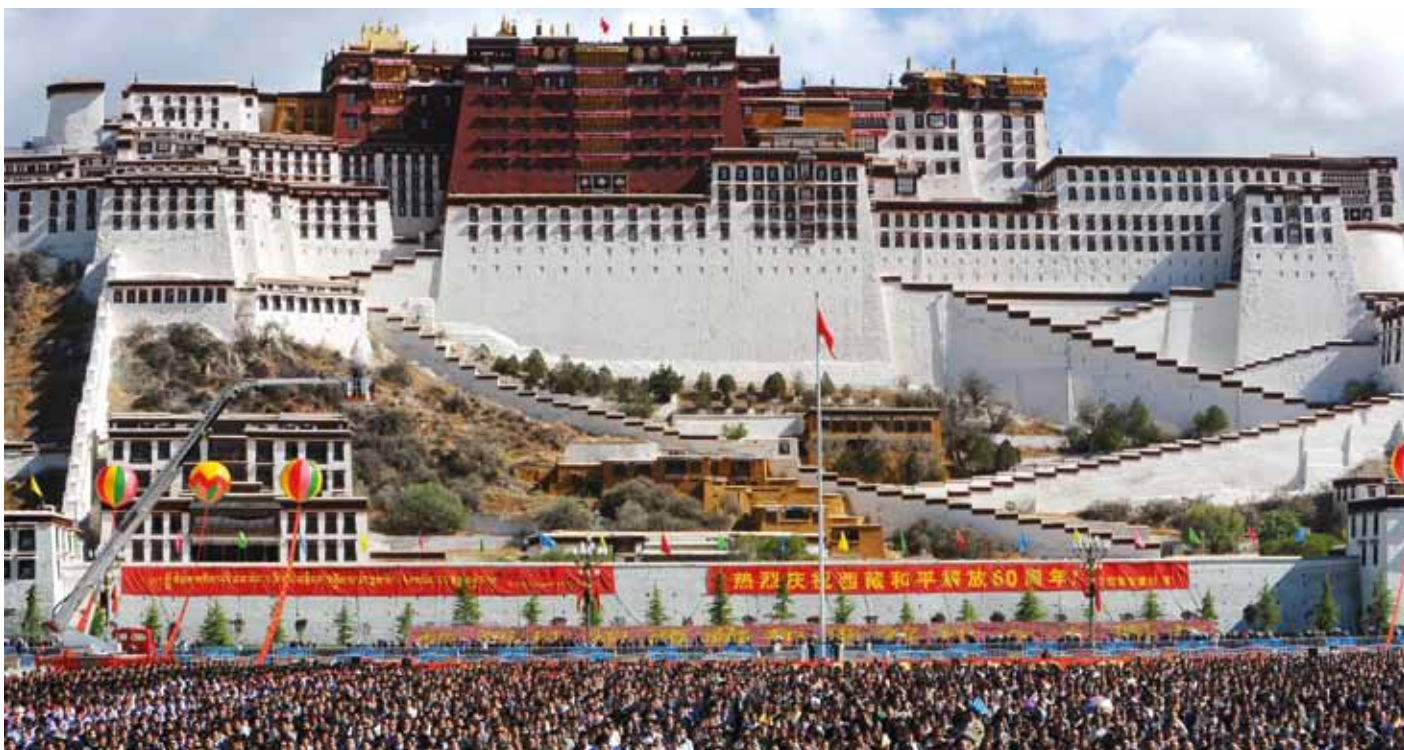
With the warm solicitude from the Party Central Committee, millions of serfs escaped from the suppression by the three big estate-holders, obtained the personal freedom, and became the master of their own hearts and minds for the first time, making remarkable achievements in all fields with passion and talent.

Dorje, son of a serf, is the first Tibetan academician of Chi-

nese Academy of Engineering. Thanks to the subsidies of government, he was able to complete the study from primary school to college, walking out of the mountains that his father had never been away from and furthering his study at institutions of higher learning in Italy and US. He established himself as a well known geothermal expert at home and abroad and was admired by the colleagues from China and other part of the world. With the care of the Party, four of Dorje's eight children have obtained the university degree. Dorje said, "This is what my father as a serf could never imagine!"

A serf in the past, Wangdui has become a State First-Class Artist and won the most glorious moment in his life. In 1963, he acted as the main character Jampa in the first Tibetan themed film "Serf". He was 30 years old at that time, graduating from Shanghai Theater Academy only a year before. "Without the care of the Party, how could I have my life today? In old Tibet, it was even hard to survive, let alone playing a film!" The performing artist and former head of Tibet Repertory Theatre said with emotion.

Facts have proved that, under the leadership of the Chinese Communist Party, Tibet has been on a brilliant road of common unity and common prosperity together with people of all ethnic groups in the country through the peaceful liberation, the democratic reform, the regional autonomy of ethnic minorities, and reform and opening-up. This conforms to the objective law and the inevitable trend of Tibetan society and is the historic choice of Tibetan people. (Xinhua) ■



About 5,000 people from all walks of life gather at the Potala Palace Square to attend a flag-raising ceremony in order to commemorate the 60th anniversary of the peaceful liberation of Tibet on May 23. *Jue Guo*

# Sunshine over the snow-covered plateau

By Hu Xing, Qin Jiaofeng

**F**undamental changes have taken place in the miraculous land of Tibet over the past 60 years, thanks to a series of preferential and supportive policies by the central and local governments. In the past, 90 percent of residents in Tibet owned no houses, now 98.7 percent of farmers and herdsmen have their houses. More than 95 percent of Tibetans, mainly serfs and slaves, did not have an opportunity to go to school, now almost all people in Tibet enjoy nine-year compulsory education and illiteracy has basically been eliminated among the young and middle-aged. The life expectancy in Tibet has improved from 35.5 years to 67 years.

Related documents and data have shown that before the peaceful liberation, more than 90 percent of the population in Tibet didn't have their own houses. Serfs were living in extremely poor conditions and the per-capita living space of urban residents was less than three square meters. At that time, only 20,000 people living in the city proper of Lhasa, while being surrounded by almost one thousand beggars living in shabby tents.

Nowadays the living conditions of Tibetan people have been greatly improved, with 1.43 million farmers and herdsmen living in safe and comfortable new houses. In 2006, the Comfortable Housing Project for farmers and herdsmen was carried out, focusing on the improvements of farmhouses, settlement of nomads and resettlement of residents in poor areas. So far, the government has invested 17 billion yuan into the project, benefiting 275,000 households with poor housing conditions throughout the autonomous region.

With the help of this project, Dawa Tsering and his family, villagers from Changzhu Town of Lhoka Prefecture, moved into a new house equipped with a biogas digester and tap water. "If we don't get the subsidy and housing loan, we have to wait a few more years to move into such a new house depending only on our current economic strength," he said.



Yixi, a farmer from Maizhokunggar County of Tibet, makes phone calls to his relatives on July 4, 2011. Starting from 2006, the region launched a campaign to improve the living situations of the local people. So far, more than 17 billion yuan has been invested into the region, bringing benefits to 274,800 households. Jue Guo

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**Fundamental changes have taken place in the miraculous land of Tibet over the past 60 years, thanks to a series of preferential and supportive policies by the central and local governments.**

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The new house is a two-story building with nine rooms, covering 210 square meters. According to Dawa Tsering, he spent a total of 100,000 yuan in building the house, including 10,000 yuan of subsidy from the government and 30,000 yuan of interest-free loan from the bank. Located 200 meters away from his new one, Dawa Tsering's old house were used for dozens of years, with three adobe rooms which are gloomy and cold with low doorway.

He said that the hardest thing is to share space with the domestic animals.

There was only a low wall between the five yaks and the people.

In recent years, the proportion of farmers and herdsmen owning houses in Tibet has increased markedly. 98.7 percent of households have their own dwelling houses, with an average per-household residential area of 172.6 square meters and an av-





Students read books at Jieba Town Primary School in Nedong County, Tibet.  
*Xinhua*



A medical worker uses the automatic biochemical analyzer at Qamdo People's Hospital in Tibet on April 27, 2011. Established in 1952, the hospital has become a modern one after upgrading all its instruments recently with the support of relevant departments. *Xinhua*

erage per-capita residential area of 24 square meters.

In old Tibet, there was no school in modern sense. The enrolment rate for children of school age was less than 2 percent and 95 percent of farmers and herdsmen couldn't go to school at all, illiteracy reaching as high as 95 percent. With 60 years of progress in education in Tibet, the enrolment rate has reached 99.2 percent in primary schools, 98.2 percent in secondary schools and 60.1 percent in high schools. The illiteracy among young and middle-aged adults has decreased to 1.2 percent. The government has basically fulfilled the objective of nine-year compulsory education and illiteracy has basically been eliminated among the young and middle-aged.

For sixty years, the Central Government has invested a great amount of fund to improve the education in Tibet, which helps Tibet take the lead in realizing the urban and rural free compulsory education. Since 1985, the boarding school system has been implemented in primary and secondary schools in the agricultural and pastoral areas, and enough food, clothing and housing have been provided for the children at the stage of compulsory education of farmers and herdsmen.

In the Central Primary School of Milin County, more than 1,110 students of Tibetan, Lhoba, Hui, Han and other nationalities are enjoying free education with food, clothing and housing being provided.

"Now parents are willing to send their kids to schools, therefore deprivation of education or dropouts are hardly seen," said Yadie, a teacher from the Primary School.

According to Yadie, "a single dime spent on the food, clothing and housing for students can be traced clearly and openly". Milk, buttered tea, eggs and buns are provided for breakfast in

the school, two meat dishes and one vegetable course for lunch, and noodle, rice, cakes and fruits for dinner. Everything needed is supplied.

Each year, the school prepares for the students two sets of summer and winter wear and provide the resident students with quilts, sheets, towels, toothbrushes, toothpaste and all kinds of stationery. "Parents say they just need to send their children to school and don't have to care about the kids' study and living," said Yadie.

The funding standard of food, clothing and housing for students has been increased several times since 1985, expecting to reach 2,000 yuan for each student averagely this year and 3,000 yuan at the end of the 12th Five-Year Plan (2011-15) period, and much higher for the students in border areas. The policy of providing food, clothing and housing for preschool and high-school students from farmers and herdsmen families in Tibet will be implemented this year. With this, the free education system, covering kindergarten through high school, will be fully established for children from farmers and herdsmen families in Tibet.

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**For sixty years, the Central Government has invested a great amount of fund to improve the education in Tibet, which helps Tibet take the lead in realizing the urban and rural free compulsory education.**

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A Tibetan lama stands before a butter lamp in Kejia Temple, Burang County in Tibet on May 10, which is famous for its cultural relics and frescos. Located at the boundary of China, Nepal and India, the ancient temple was listed as an important national cultural heritage by the State Council in 2001. *Tao Xiyi*



The picture shows a section of the Sichuan-Tibet national highway in Basu County of Tibet on April 29, 2011. Traffic situation has been improved fundamentally in the region during the past years.

*Chen Haining*

Before the Peaceful Liberation, there was not a single modern medical institution in Tibet, except for three official Tibetan medical houses, which is small and poorly equipped, and a few private clinics, with less than 100 medical practitioners. Even taking the almost 300 “bare-foot” Tibetan doctors into account, every 1,000 people in Tibet had 0.4 medical personnel. Smallpox, cholera, scarlet fever, tetanus and other diseases often plagued the region.

Since the Peaceful Liberation, especially after the democratic reform, the government has taken various measures to prevent and control major diseases, dramatically lowering the incidences of various infectious and endemic diseases.

Tibet has taken the lead in covering all urban residents with medical insurance, and gradually established a medical care system that provides free medical care in agricultural and pastoral areas. The allowance standard for free medical care has reached 180 yuan per capita annually. In 2010, the maximum amount paid by the unified planning fund of medical care system was increased more than six times of the average income level of farmers and herdsmen.

According to Tsenden Norpu, a villager from Maizhokunggar County of Lhasa, the rural medical insurance used to require each resident to pay 10 yuan a year, now the amount is raised to 20 yuan. Correspondingly, the maximum amount of reimbursement has increased from 6,000 yuan in the past to the present 8,000 yuan. “It cost 500 yuan for my granddaughter to see a doctor at the county hospital in 2009, and the insurance paid me more than 400 yuan.”

There are more than 1,300 medical and health institutions at all levels of various types and about 1,000 health technicians

in Tibet. Every 1,000 Tibetan population are provided with 2.5 beds and 3.05 health technicians.

The past 60 years have witnessed the fastest population growth in Tibet. With the improvement of medical and health conditions, the average life expectancy of Tibetan people has improved from 35.5 years at the beginning of the Peaceful Liberation to 67 years now. The total population has grown from 1.14 million to more than 3 million, with Tibetans and other ethnic minorities accounting for more than 90 percent.

In old Tibet, the travel conditions were extremely bad since there was no highway at all. At present, highway, airway and railway transportations are developing in coordinative manners, with the length of highway in operation reaching 58,000 kilometers. After the opening of Qinghai-Tibet Railway and 21 domestic and international airlines, Tibet is closer to the rest of the world, and the exchanges of people and goods between Tibet and the outside have become faster and closer.

The central government and the government of autonomous region have launched a series of key projects that in most cases are the problems directly concerning local people’s life. The safe drinking water project, for example, has freed farmers and herdsmen from the arduous laboring of carrying water. Mash-gas, or methane, along with solar power, have been introduced to homes of farm houses, putting an end to the history of smoky life of generations of Tibetans.

Social and economic progress in Tibet has leapt forward in the past 60 years. Protecting and improving people’s livelihood have always been the starting point and objective of Tibet’s economic development, from which the majority of urban and rural residents have benefited. (Xinhua) ■



# A law expert's dream of democracy and rule of law

**I**t is a pleasant experience to talk with Chen Guangzhong, a noted expert in the Criminal Procedure Law. In his 80s, Chen is still a kind, modest, sagacious and amiable gentleman. From the perspective of Chinese numerology, he bears with an appearance of longevity. During the whole interview with the NPC magazine, Chen never used equivocal words, such as “should”, “possible” or “maybe”. It is easy to find the significance of the word “rigorous” in the view of this jurist.

On Chen's shelf, there are books on domestic and foreign laws and Chinese society, economy and culture. In his word, the legal researches should be based on current and social affairs, so that experts and scholars can put forward thoughts and concepts with practical value and innovations.

As a forerunner in the Criminal Procedure Law, Chen has been connected closely with the legislation work of criminal proceedings. Entrusted by the Legislative Affairs Commission under the National People's Congress (NPC) Standing Committee, Chen head a group of law experts and scholars to amend the Criminal Procedure Law. The group proposed 329 amendment suggestions in 350,000 words, constituting the blueprint for the amendments to the Criminal Procedure Law. In 2003, when Chen was told that the NPC Standing Committee will amend the Criminal Procedure Law for a second time, he once again convened those scholars with extreme enthusiasm. After three years of painstaking efforts, the group hammered out another amendment draft in 600,000 words. Until now, Chen is still busy with the ongoing amendment work of the Criminal Procedure Law.

In each amendment, Chen firmly believes that the role of the Criminal Procedure Law is crucial to the litigation civilization of a state. He actively advocates that human rights protection should be strengthened and equal rights between the plaintiff and the defendant guaranteed with the judges playing an arbitral role. Besides, Chen also proposes that lawyers should interpose in investigations before the trial as defenders and the relative right to



Chen Guangzhong attends the Sino-Canadian seminar on the reform of criminal justice in Canada in June 2007.

*Courtesy of Chen Guangzhong*

remain silent should be established.

During the three-hour interview, Chen reviewed his experience of participation in legislative work, describing development of the Criminal Procedure Law.

## Amending the Criminal Procedure Law in due time

Nineteen years ago, Chen was not aware that his name would be connected with the amendment draft of the Criminal Procedure Law, which later gained

great acclaim from around the world. At that time, China's reform and opening up campaign and the rapid development of the market economy set higher requirements for the Criminal Procedure Law.

The year of 1992 marked the 14th anniversary of China's reform and opening up movement. Rapid development of economy, transformation of society and ideological progress posed unprecedented challenges to the Criminal Procedure Law. Some concepts were outdated, such as the term of “suspect criminal”, the presumption of guilt, and loopholes in the first trials. Moreover, there lacked implicit principles in dealing with disputed cases; the number of criminal cases related with foreigners increased substantially, making it more urgent to seek foreign judicial assistance.

At that time, Chen was President of China University of Political Science and Law and Secretary-General of the China Law Society. He submitted a thesis at the annual meeting of the society held in Guangzhou to explain in detail the necessity of amending the Criminal Procedure Law. “After the convening of the 3rd Plenary Session of the 11th Communist Party of China (CPC) Central Committee, Deng Xiaoping, the then Chinese leader, noted that legislation is the prerequisite of rule of law. There must be laws for people to abide by. The Criminal Procedure Law adopted on July 1, 1979 was mainly in reference to the drafts made before the Cultural Revolution (1966-76),” said Chen when recalling the

situation. The promulgation of the law was so hasty that some articles were too simple to meet the changed situation.

After this meeting, the China Law Society reported the situation to the relevant leaders. At the same time, the legislature was also planning to revise the Criminal Procedure Law.

Legislators noticed Chen's paper on amending the Criminal Procedure Law. Wang Hanbin, Vice-Chairman of the NPC Standing Committee, echoed Chen's suggestions and made special instructions on the report.

In October of 1993, Chen received a letter from the Legislative Affairs Commission of the NPC Standing Committee, inviting him to draft the amendment of the Criminal Procedure Law. After reading this letter, Chen felt glory and pressure.

## Theoretical research aimed at promoting legislation

Chen immediately organized a study group for the amendment to the Criminal Procedure Law. All members of the group came from the China University of Political Science and Law, including professors, teachers and doctoral candidates. Leaders and researchers from the NPC Standing Committee conducted frequent communications with the study group.

The Legislative Affairs Commission requested the group to finish drafting as soon as possible. Chen and his colleagues accelerated their work. "We conducted some investigations and researches in China. At the same time, a delegation of five persons, including NPC official Li Fucheng and professors from the China University of Political Science and Law, launched a tour of investigation to France, German and Italy, in which the typical continental law system was applied," Chen said.

The tour to Europe helped the study group a lot. After the World War II, some European countries, such as Italy which had adopted the continental law system, began to adjust their lawsuit system. "In 1988, Italy absorbed American experience and largely modified its criminal procedure law," said Chen, who was impressed by the early involvement of lawyers before the lawsuit. He realized that this modification represents the trend of the Criminal Procedure Law in the future.

After months of painstaking efforts, the group under the leadership of Chen finished the draft in July 1994. Upon receiving the amendment draft, the Criminal Law Office of the Legislative Affairs Commission held a one-day meeting for the group to make the report.

However, it was not easy to transform the theoretical fruits into legislative practice. Fierce debate was triggered during a seminar participated by the legislative departments, administrative bodies and legal experts. "The most focal point was the early involvement of lawyers before the start of a lawsuit," Chen said. "At last, such an article was adopted thanks to the meditation of the legisla-

tive departments," representing a big step forward in this regard. The debate was an epitome of the controversy that the amendment had aroused.

Chen was so excited when the amendment got passed in the 4th Plenary Session of the 8th NPC in March 1996. "This was a hard-won opportunity in my life to make contribution to the country."

After the amended Criminal Procedure Law was approved, the whole society sang high praise of the lawmaking process. Legislative highlights were that no one should be deemed as a criminal unless a people's court has so pronounced, that the principle of innocent until proved guilty was established, that the defense system was improved, i.e., lawyers may get involved ahead of criminal investigations, and that the way of trial was reformed.

## Re-modification of the Criminal Procedure Law

The year of 2011 witnessed the modification of the Criminal Procedure Law for a second time. Chen participated again. During the Spring Festival period, he attended the discussions four times and conducted on-the-spot investigations in some local areas. During the meetings, nearly all the participants respected Chen as a forerunner and thought highly of his academic achievements and spirit.

"I energetically participated in legislation and some of my suggestions were adopted," said Chen with a cheerful satisfaction.

When talking about the re-modification, Chen said, "I am satisfied with the draft on the whole because it further pushes forward the development of democracy, rule of law and human rights."

"This amendment adopts the elimination rule of illegally-obtained evidences, which used to be just a judicial interpretation. It also stipulates concrete measures to ensure the appearance of witnesses in court. Nowadays, few people would like to appear in court as witnesses. Of course, there are still some articles that require further consideration, modification and improvement," he added.

Summing up his 50 years' study of the Criminal Procedure Law, Chen wrote, "It is my lifelong dream to build China into a modern country ruled by law. It also serves as the guidance of my academic career through my life. I have tried my best to help promote the democratic development of our country and ensure the people to enjoy more human rights. Both the "anti-rightist" campaign and the Cultural Revolution had taught me a lesson that China's prosperity depends on the construction of democracy and rule of law and the safeguard of human rights. The sense of a historical mission pushes me to make unremitting efforts on the reform and opening up movement as well as on the pursuit of democracy and rule of law." ■



## NPC Standing Committee evaluates legislative efforts for the first time

For the first time, the National People's Congress (NPC) Standing Committee carried out a pilot project to evaluate its law making efforts. On June 27, 2011, the Committee's Legislative Affairs Commission submitted a report to examine the implementation of the Law on Science and Technology Progress and of the Law on Promotion of Agricultural Mechanization, the first of its kind, to the 21st meeting of the 11th NPC Standing Committee for deliberation.

The evaluation report indicates that three regulations stipulated in the two laws have reached their expected targets, setting foundation for further development. The NPC Standing Committee vows to push forward legislative efforts, improve legislation and ensure the better implementation of the laws it has adopted in the future.

More than 600 students from the No. 6 Middle School in Liaocheng, Shandong Province watch carefully the performance of robots on September 16.

Zhang Zhenxiang



Farmers in Tangyin County, Henan Province are glad to use machines to harvest their crops in autumn. CFP



Certificate of personal income tax of a citizen in Zhengzhou, Henan Province. CFP

## 60 million people exempted personal income tax

On June 30, 2011, the 21st Session of the 11th National People's Congress (NPC) Standing Committee approved the amendment to the Law on Personal Income Tax. After the amendment, the rate of fees deduction for salaries and wages rises from 2,000 yuan to 3,500 yuan per month. The payroll tax rate structure is adjusted to level 7 from previous level 9 and the tax rates of 15 percent and 40 percent are cancelled, while the lowest rate of 5 percent is further lowered to 3 percent.

The new personal income law will reduce the burden of middle- and low-income taxpayers. It estimates that about 60 million people will be exempted personal income tax.

The amended personal income tax takes effect on September 1, 2011.

## NPC Standing Committee inspects the enforcement of the Law on Employment Contracts

From July to August, the National People's Congress (NPC) Standing Committee dispatched three groups to Heilongjiang, Liaoning, Zhejiang, Fujian and Henan provinces to inspect the enforcement of the Law on Employment Contracts. It also entrusted the standing committees of the provincial people's congresses of 10 other provinces and regions to conduct law enforcement inspection.

Before the inspection, the three groups convened on July 5 in the Great Hall of the People. NPC Standing Committee Chairman Wu Bangguo made important instructions. He stressed that the inspections aimed to deal with problems during the implementation of the law and encourage small and medium-sized enterprises and non-State owned companies to abide by the Law on Employment Contract. They were also expected to regulate labor dispatch, push forward the establishment of collective contracts as well as strengthen supervision on labor employment.



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The 21st meeting of the 11th National People's Congress (NPC) Standing Committee approved the Administrative Compulsion Law on June 30, 2011. *Ren Chenming*

## Administrative Compulsion Law adopted

After five deliberations, the 21st meeting of the 11th National People's Congress (NPC) Standing Committee approved the Administrative Compulsion Law on June 30, 2011.

The law has seven chapters that include a total of 71 articles. The seven chapters are General Principles, Types and Setting of Administrative Coercion, Procedures for the Implementation of Administrative Coercive Measures, Procedures of Enforcement of Administrative Organs, Application of the People's Court for Enforcement and Legal Liability and Supplementary Provisions.

According to the law, there are five types of administrative coercive measures, namely restricting the personal freedom of a citizen; seizing premises, facilities or properties; impounding properties; freezing deposits or remittances; and other administrative coercive measures.

The Administrative Compulsion Law will take effect on January 1, 2012.



## Drunk driving cases drop sharply

Drunk driving incidents in China have fallen sharply since the amended Criminal Law that imposes harsher punishments on drunk drivers took effect on May 1. The amended law stipulates that all drunk driving incidents are considered criminal offenses, whereas according to the previous version of the law, drunk drivers were only imposed criminal penalties when they caused serious traffic accidents. The numbers of vehicles, death toll and injuries caused by drunk driving have steadily declined during the past months. By October, 2011, drunk driving incidents dropped 40 percent compared with the same period of 2010.



Traffic police in Luoyang, Henan Province examine drunk driving on the night of October 1. The police found and punished six people for drunk driving and handled 205 cases of driving without license and other traffic violations. *Zhang Xiaoli*

## Newly adopted Social Insurance Law takes effect on July 1

The Social Insurance Law of the People's Republic of China took effect on July 1, 2011. To publicize the law among ordinary people, a week-long promotion campaign was launched on the morning of July 4 at the Great Hall of the People in Beijing.



Wu Bangguo, Member of the Standing Committee of Political Bureau of the Communist Party of China (CPC) Central Committee and Chairman of the National People's Congress (NPC) Standing Committee, made important instructions.

The implementation of the Social Insurance Law relates closely with the interests of people and is crucial to the socialist construction, Wu noted. The publicity of the Social Insurance Law will play an important role in safeguarding the legal rights of the people.

Vice-Chairman of the NPC Standing Committee Hua Jianmin appeared the opening ceremony and delivered a speech. Officials from the Publicity Department of the CPC Central Committee, NPC departments, the Ministry of Human Resources and Social Security and the Ministry of Justice, as well as representatives from related institutes attended the ceremony.

The event aimed to help the people to better understand the knowledge of social insurance and encourage more employers and other groups and institutes to abide by the law.

Migrant workers receive pamphlets of the Social Insurance Law on July 4, 2011 outside the New World Department Store in Chaoyang District, Beijing. More than 150 people from all walks of life attended the event with the aim to publicize knowledge on social insurance. *CFP*





Li Jianguo, Vice Chairman and Secretary-General of the NPC Standing Committee, visits a Tibetan family in Nakqu Town, on July 21. To celebrate the 60th anniversary of Tibet's peaceful liberation, the CPC Central Committee dispatches delegations to Nakqu, Qamdu, Lhasa and Ngari to send congratulations to local people. *Pubuzhaxi*

To celebrate the 60th anniversary of the peaceful liberation of Tibet, jubilant local residents hold a grand parade in Lhasa, capital of the region on July 19. *Lan Hongguang*



On May 23, 1951, the signing of the Agreement of the Central People's Government and local government of Tibet on Measures for Peaceful Liberation of Tibet marked the peaceful liberation of the region. Sixty years passed, miraculous changes have taken place in Tibet's economy and society. Since May 2011, celebrations were organized in the region to celebrate its 60th anniversary of liberation.





# Hangzhou of China

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