

# NPC



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National People's Congress of China

## CONSTITUTION, THE CORNERSTONE OF A NATION



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A symposium is held to commemorate China's second national Constitution Day in Beijing on December 4, 2015. Sheng Jiapeng





宪法实施报告会





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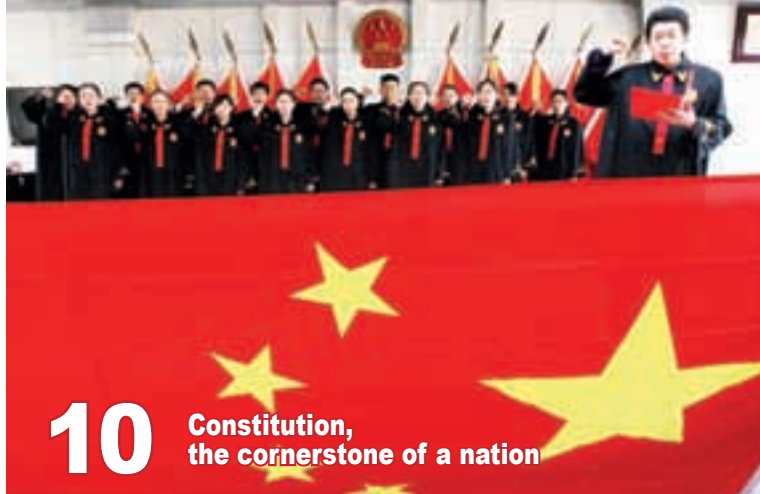
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**COVER: Volunteers answer Constitution-related queries raised by passersby during an activity marking China's second national Constitution Day in Yongchuan District of Chongqing Municipality on December 4, 2015. Chen Shichuan**



**NPC**

General Editorial

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# China, Laos pledge to further develop ties



Zhang Dejiang (L), chairman of the Standing Committee of China's National People's Congress, meets with Lao President Choummaly Sayasone in Vientiane, Laos, December 1, 2015. Rao Aimin

**Z**hang Dejiang, chairman of the NPC Standing Committee of China, attended celebrations marking the 40th anniversary of the founding of the Lao People's Democratic Republic in Vientiane, Laos, December 2, 2015.

Zhang paid a three-day official goodwill visit to Laos from December 1 to 3.

During his meeting with Lao President Choummaly Sayasone on the afternoon of December 1, Zhang delivered to Choummaly a congratulatory letter from Chinese President Xi Jinping.

In the letter, Xi extended warm congratulations to the Lao People's Revolutionary Party (LPRP), the Lao government and the people on behalf of the Communist Party of China (CPC), the Chinese government and the people.

China is delighted with the achievements Laos has made in its cause of socialist construction and reform under the leadership of the LPRP in the past 40 years, said Xi, hoping that Laos will make greater achievement in building a strong, rich, harmonious, just, democratic and civilized country.

Xi spoke highly of the relations between the two countries and the two parties, saying China is ready to work with Laos to promote in an in-depth way the China-Laos comprehensive strategic cooperative partnership based on the high-degree mutual trust, mutual assistance and mutual benefit, build an unbreakable community of common destiny between the two countries and jointly make greater contribution to peace, stability and development of the region and the world.

Choummaly, for his part, expressed sincere gratitude to President Xi and asked Zhang to convey his cordial greetings and good wishes to him.

While meeting with Choummaly, Zhang hailed the rapid development of bilateral relations since the two countries forged diplomatic ties 54 years ago, noting that China-Laos ties have become a good example of good-neighborliness, friendship, mutual benefit and win-win.

He lauded the successful launch of a Lao communication satellite with a Chinese carrier rocket on November 21, 2015 at the Xichang Satellite Launch Center in Southwest China's Sichuan Province, as well as the formal start of the construction of the China-Laos railway on December 2, 2015, saying they are the manifestation of achievements made in bilateral relations.

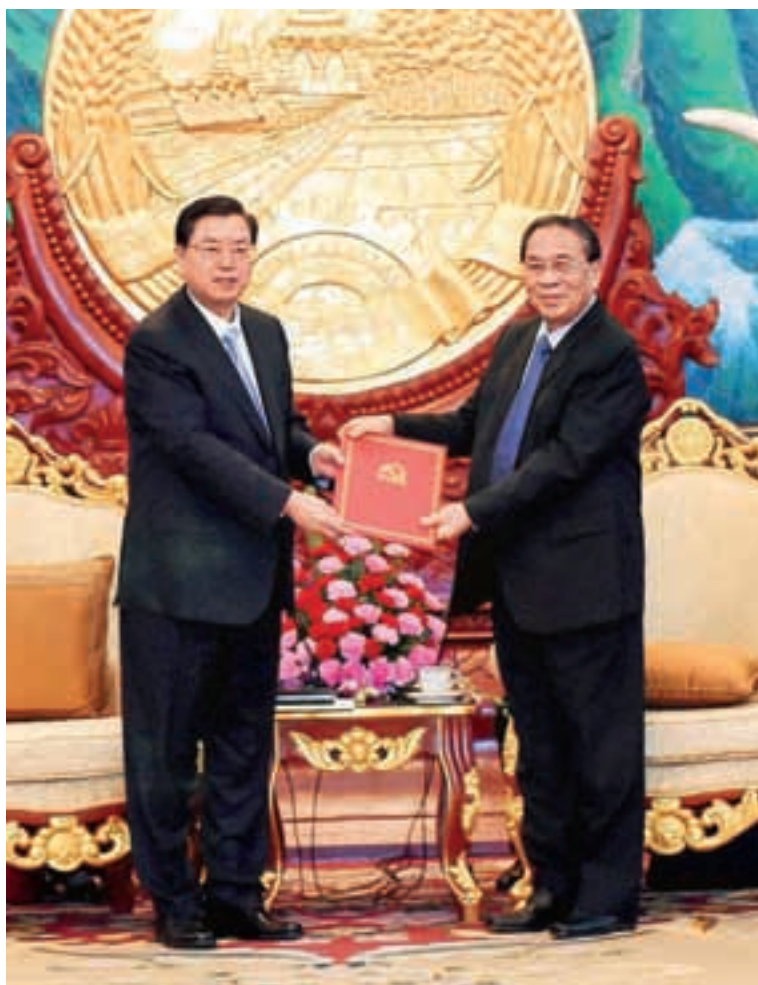
The China-Laos railway is the first overseas route that will connect Laos with the vast railway system in China, using Chinese technology, equipment and investment.

The project has a total investment of 40 billion yuan (\$6 billion), 70 percent of which comes from China, while 30 percent comes from Laos.

The route starts from Mohan-Boten border area with China, which is a distance of 418 kilometers to Vientiane.

Zhang hoped that the two sides will jointly implement these cooperative projects to ensure that they will play an important role in promoting economic development and social progress in Laos.

Noting that party-to-party exchanges and cooperation is an important part of China-Laos relations, Zhang said the CPC is willing to work with the LPRP to carry out their cooperation plan, deepen strategic communication, cement political mutual trust and enhance experience sharing on party and State governance.



Zhang Dejiang (L), chairman of the Standing Committee of China's National People's Congress, delivers a congratulatory letter from Chinese President Xi Jinping to Lao President Choummaly Sayasone during their meeting in Vientiane, Laos, December 1, 2015. Rao Aimin

## The friendly cooperation between Laos and China will continue to benefit the peoples of the two countries and the region.

He wished a complete success of the 10th National Party Congress of the LPRP.

Choummaly said Zhang's visit to Laos showed China's support and friendship toward his country, adding that China has always been a reliable strategic partner of Laos. He expressed gratitude for China's assistance in launching the satellite, Lao Sat-1, and underscored the importance of the construction of the China-Laos railway project.

He believed that through joint efforts from both sides, the friendly cooperation between Laos and China will continue to benefit the peoples of the two countries and the region.

On the evening of December 2, 2015, Zhang attended a grand reception to celebrate the 40th anniversary of the founding of the Lao PDR. (Xinhua) ■



# 弘扬宪法精神 加强宪法

## Enforcement of the Constitution key to China's rule of law

Commemorations held to mark the 2nd national Constitution Day

By Chen Fei



A symposium is held to commemorate China's second national Constitution Day in Beijing on December 4, 2015. Sheng Jiapeng





Li Jianguo, a member of Political Bureau of CPC Central Committee as well as vice chairman of the NPC Standing Committee, presides over the symposium and delivers a keynote speech. *Sheng Jiapeng*

A symposium was held on December 4, 2015 to commemorate China's second national Constitution Day in Beijing. The event was jointly organized by the General Office of the Standing Committee of the National People's Congress (NPC), Publicity Department of the CPC Central Committee, Committee for Party Affairs of Departments directly under the CPC Central Committee, Committee for Party Affairs of Departments directly under the State Organs and the Ministry of Justice.

Li Jianguo, a member of the Political Bureau of the CPC Central Committee as well as vice chairman of the NPC Standing Committee, presided over the symposium and delivered a keynote speech.

Li stressed that comprehensive enforcement of the Constitution is the top priority and basic work in promoting the rule of law and building a law-based socialist country in an all-round way. The whole society should realize that safeguarding the authority and dignity of the Constitution equals to safeguarding the authority and dignity of the common will of the Party and the people.

Li pointed out that more efforts should be made to study the text of the Constitution, to better understand its core definition and grasp its basic spirit. Efforts should also be made to give in-depth publicity to the Constitution so as to raise people's awareness through which cohesiveness of the nation can be enhanced. The socialist legal system with Chinese characteristics should be further improved by putting the Constitution at its core. A complete law system will be conducive to enforcing the Constitution, and an effective system of supervision will practically guarantee the enforcement of the Constitution.

Qiao Xiaoyang, a member of the NPC Standing Committee as well as chairman of the Law Committee of the NPC, gave a lecture to elaborate the definition, provisions and enforcement of the Constitution.

This symposium attracted more than 700 attendees including officials as well as representatives from colleges and universities. (Xinhua) ■

# Constitution, the cornerstone of a nation

By Qiao Xiaoyang

As the socialist legal system with Chinese characteristics has taken shape and the law-based governance advanced, there has been a growing awareness of the Constitution among the public. The 4th Plenary Session of the 18th Communist Party of China (CPC) Central Committee held in 2014 decided to set up the national Constitution Day and the Constitutional oath system, demanding a better supervision of the enforcement of the Constitution.

Despite the improvement, there are still problems. Some people know little about the Constitution, some have no interest in learning it or lack the idea about its significance, some neglect it thinking it irrelevant with their work, others put it on a high shelf, or take it as a burden. Chanting slogan is easy, but the real problem is how to implement the Constitution in dealing with pragmatic problems. Hence, I would like to talk about three issues: What is the Constitution? What is the Constitution about? and how to enforce the Constitution?



Students at Shandong Provincial Experimental Primary School in Jinan, capital of East China's Shandong Province, read aloud the Constitution on the morning of December 4, 2015, which marks the second national Constitution Day. CFP



## What is the Constitution

The Constitution in the modern sense appeared after the victory of bourgeois democratic revolution. The history of capitalism over the past centuries indicated the role of the Constitution in the political and economic development of the capitalist countries. So what the Constitution can do in a socialist country? Is it also indispensable? The first socialist country came into being only about 100 years ago. The number of socialist countries is not large; however practice has proved that it is equally important for a socialist country to have a Constitution that conforms to the interest of the country and its people. The Constitution shall represent the will of the majority of the people, and incorporate their understanding of the fundamental systems and basic principles into the fundamental law. The Constitution in China provides the legitimate basis for the leadership of CPC, the people's democratic dictatorship, the system of people's congresses, the socialist system, the unification and integration of the nation.

The world nowadays has become more and more diversified, with various thoughts and theories coming out. It is beyond imagination to request all the people to be all in one story. Meanwhile, during the "cultural revolution" (1966-76), the attempt to seek unity of thinking of "continuing the revolution under the dictatorship of the proletariat" turned out to be a havoc. However, in order to achieve peace and stability in a unified country, a minimum degree of consensus should be reached among the vast majority on fundamental issues.

A couple of years ago when I joined the human rights dialogue with a European Union delegation, many Europeans asked me whether I am allowed to criticize the CPC, and what extent is the benchmark of such criticism. I replied with two words: the Constitution. The Constitution represents the consensus of the vast majority of the people on the fundamental issues, which includes upholding the leadership of the CPC and adhering to the socialist system. The criticism for improving the Party's leadership and the work of government is welcomed and encouraged. There are plenty of such criticisms in newspaper and TV reports. But any criticism aiming at toppling the leadership of CPC and the socialist system will violate the Constitution and the common will of the people. Those of that nature will be punished according to the Criminal Law. That is the boundary of criticism.

Historical development has proved that if a nation lacks common will and shared principle, it is doomed to be split or to fall victim to foreign invasions. In that case, nothing could be done to guarantee the basic development of the country and people's livelihood. The national unification and cohesion must be established on the basis of the Constitution.

Written in his article *New Democratic Constitutionalism* in 1940, Chairman Mao Zedong pointed out that a constitution has generally been promulgated after a successful revolution to give recognition to the actual establishment of democracy.

In his speech *On the Draft Constitution of the People's Republic of China* in 1954, Mao said, "An organization must have rules, and so must a State. The Constitution is a set of general rules and is a fundamental charter. As the fundamental law, the Constitution identifies people's democracy and socialist principles, showing people a clear and correct way



A symposium is held to commemorate China's second National Constitution Day in Beijing on December 4, 2015. Qiao Xiaoyang, a member of the NPC Standing Committee as well as chairman of the NPC Law Committee, gives a lecture to elaborate the definition, provisions and enforcement of the Constitution. Sheng Jiapeng

**The Constitution shall represent the will of the majority of the people, and incorporate their understanding of the fundamental systems and basic principles into the fundamental law.**

and increasing their enthusiasm."

Therefore, the Constitution serves the foundation for the national solidarity among all ethnic groups to build socialist modernization, peace and good governance.

In its preamble, the Constitution noted, "This Constitution, in legal form, affirms the achievements of the struggles of the Chinese people of all nationalities and defines the basic system and basic tasks of the State; it is the fundamental law of the State and has supreme legal authority." As a law, the Constitution is not only the general principle and guideline of a nation, but also of compulsory force. In one word, the Constitution is the fundamental law with the highest legal authority.

The Constitution defines the basic system and tasks of the nation, addressing strategic, overall and long-term issues in political, economic, cultural and social life. For general laws, they define systems and tasks of certain aspects, addressing issues of certain areas. For example, the civil law defines the system about civil activities while the criminal law deals with crimes and their punishments. The basic system mentioned in the Constitution is the socialist system, and the basic task is to build socialist modernization.

What the Constitution handles is to defend the basic system and guarantee the achievement of the basic tasks. There are several key contents in the Constitution, such as the Four Basic Principles including upholding the leadership of the CPC, continuing reform and opening-up movement, adhering to the people's congress system, sticking to the basic economic system with the public sector remaining dominant and

diverse sectors of the economy developing side by side, holding together the system in which distribution on the basis of labor together with diversified forms of distribution, carrying out socialist market economic system, respecting and safeguarding human rights, handling State affairs according to the law, etc. Those are the experiences obtained during the struggles over the past 100 more years, especially the practice of reform and opening-up during the past three decades.

The Constitution is of supreme legal authority, above other laws and regulations, including laws, administrative regulations and decrees, and local bylaws. All other laws and regulations should not contravene the Constitution. It is also stipulated that people of all nationalities, all State organs, the armed forces, all political parties and public organizations and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation. Article 5 of the Constitution says that no laws or administrative or local rules and regulations may contravene the Constitution. All the State organs, armed forces, political parties and public organizations and enterprises and institutions must abide by the Constitution and laws. Any violations of the Constitution or the laws must be investigated. No organization or individual is privileged to be beyond the Constitution or the laws. The CPC must take the Constitution as fundamental principles of its activities. The Constitution requires that the Party govern the country according to the Constitution and laws. As the ruling party, the CPC must conduct its activities within the framework of the Constitution and the laws, because the Constitution in essence is the utmost important guideline of the Party. If not in accordance with the Constitution and laws, then the rule of law will be undermined and the basic Party lines be violated. Ruling according to the Constitution and the laws has become the basic way for the CPC to govern the country under the new historical conditions.

In order to reflect and guarantee the fundamental nature and the legal authority, the Constitution has special provisions different from the other laws in terms of amendment, interpretation and supervision of enforcement. Only when we understand this could we respect, learn and abide by the Constitution with consciousness, making the Constitution the common behavior criteria of the people and the fundamental guarantee of a stable and prosperous nation.

## What the Constitution is about

December 4, 2012 marked the 30th anniversary of the promulgation of the 1982 Constitution. Ceremonies were held in Beijing during which President Xi Jinping delivered an important speech. He pointed out that as the fundamental law of the country, the Constitution identifies the achievements of the nation including the road of socialism with Chinese characteristics, the theoretical system of socialism with Chinese characteristics, and socialist system with Chinese characteristics, reflecting the common will and fundamental interests of the people of all nationalities, embodying the central tasks, basic principles and major policies of the Party and the nation in new historic period.

The 1982 Constitution consists of the preamble and four chapters. Chapter one is general principles, Chapter two is

## No organization or individual is privileged to be beyond the Constitution or the laws.

the fundamental rights and duties of citizens, Chapter three is the structure of the State, and Chapter four is the national flag, national emblem and the capital. Altogether there are 138 articles. That Constitution was formulated under the direct leadership of the older generation of revolutionaries represented by Deng Xiaoping. The Constitution has been partly amended for four times, respectively in the year of 1988, 1993, 1999 and 2004, adjusting the system of the State according to changing situations.

The major contents of the Constitution are as follows:

### I. Upholding Four Basic Principles including the CPC leadership

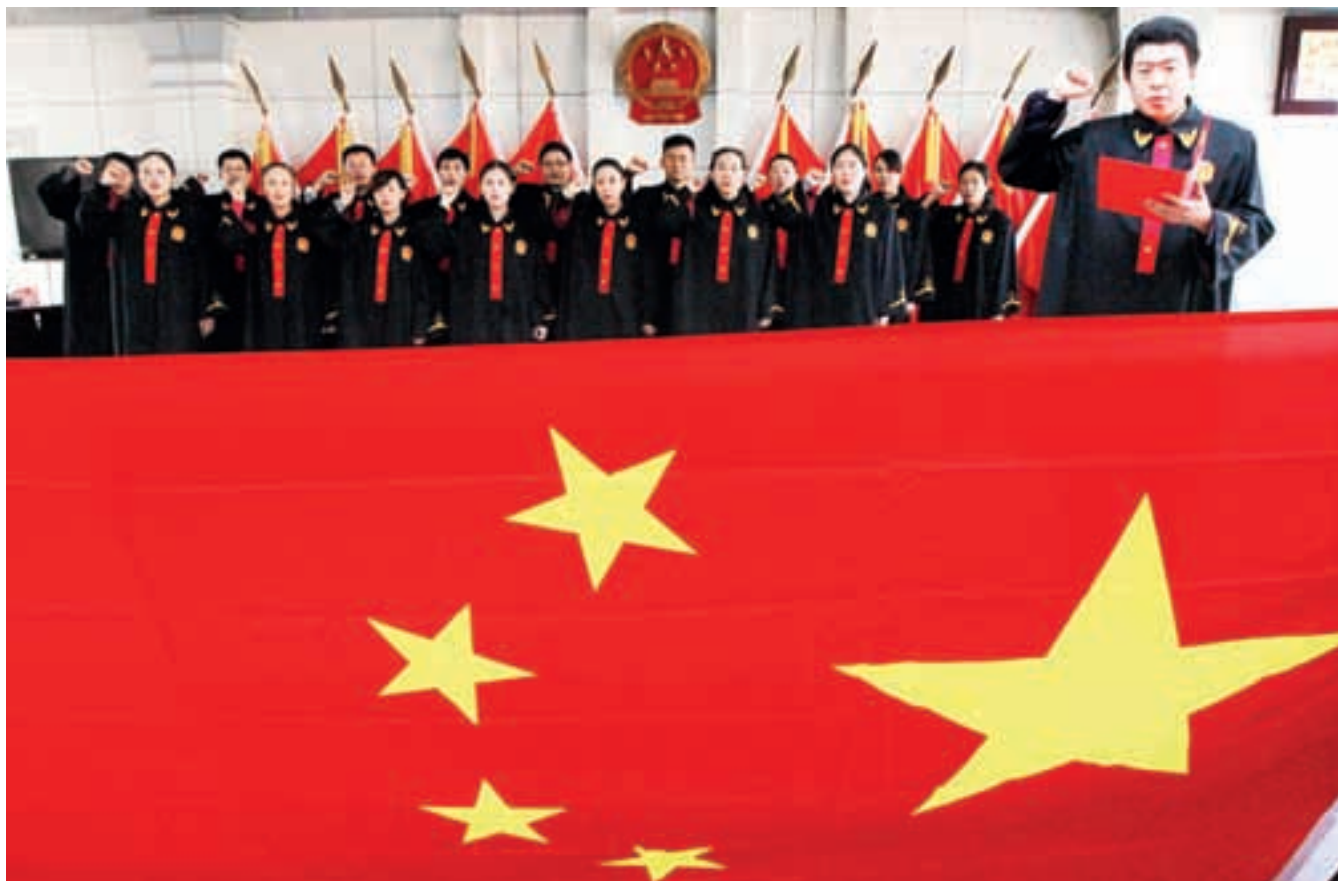
When we talk about Four Basic Principles, we mean the Marxism-Leninism and Mao Zedong Thought, the CPC leadership, the people's democratic dictatorship and the socialist road. It is the general guideline for making, amending and enforcing the Constitution.

When amending the Constitution, Deng Xiaoping said that the Four Basic Principles should be incorporated. Then how? One way is to put it into specific articles, the other is to write into the preamble. Peng Zhen who was in charge of the revision proposed to put it into the preamble, reviewing the modern history of China to indicate that the Four Basic Principles are a historical and inevitable choice. He said that in the 20th century, four major incidents happened in China: The first one was the Revolution of 1911; the second toppling the "three big mountains" of imperialism, feudalism and bureaucrat-capitalism and establishing the People's Republic of China; the third eliminating the exploitation system for thousands of years and building the socialist system; the fourth major progress achieved in economic development, with an independent and complete industrial system basically established and people's livelihood largely improved. Three out of four incidents were achieved under the CPC leadership and guided by the Marxism-Leninism and Mao Zedong Thought. Only the Revolution of 1911 was led by Sun Yat-sen. From revolution to construction, we can see that the adherence of the Four Basic Principles is one of the historical choices made by billions of people during the revolution and struggles. Based on the historical facts, the Preamble provides that under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and the socialist road... to turn China into a socialist country that is prosperous, powerful, democratic and culturally advanced. Deng Xiaoping Theory and the important thought of Three Represents were adopted into this part after two amendments in 1999 and 2004.

The Preamble is an integral part of the Constitution, embodying the spirit of the Constitution and is of legal authority.

Scholars hold different views on whether the Preamble is of equal legal authority with the specific articles of the Con-





New judges of People's Court of Shizhong District take an oath in Zaozhuang City, Shandong Province on December 3, 2015, a day ahead of China's second national Constitution Day. Ji Zhe

stitution. Professor Xu Chongde holds that the Preamble is of equal legal significance with the articles, and any behavior against the Preamble is considered breach of the Constitution. There are three reasons for that. Firstly, the Constitution is an entirety which doesn't allow being divided into parts with or without legal authority. When the Constitution was approved by the National People's Congress, each part of it was endowed with highest legal authority. As a whole, the Preamble certainly couldn't be separated and become an independent part without legal authority. Secondly, if the Preamble isn't of legal authority, then there will be no constitutional guarantee for the basic route of "one central task and two focal points" as well as the major policies. Thirdly, the Preamble is instructively important for the Constitution. One can understand the meaning and function of each article only when understanding the Preamble well. The CPC's leadership in the State is confirmed by the Constitution. History has proved that it is necessary to identify the Four Basic Principles in the Constitution. It lays political ground for people of all ethnic groups to unite and advance, securing lasting political stability, enhancing the country's ability to stand the test of various risks, and promoting reform and socialist modernization. The Four Basic Principles are the foundation on which we build our country. According to my understanding, anyone who opposes the Four Basic Principles and the CPC leadership is violating the Constitution. It is about breaking the law, rather than merely a matter of ideological issue.

## II. The State system and the government system

The State system and the government system are two concepts closely related with each other. The former system is about which class owns the political power, while the latter tackles how the State power is organized, or how the ruling class exercises its State power. Article 1 of the Constitution stipulates that "the People's Republic of China is a socialist State under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants." The State system is people's democratic dictatorship. Article 2 stipulates that "all power in the People's Republic of China belongs to the people. The National People's Congress and the local people's congresses at various levels are the organs through which the people exercise State power." China is a socialist country with the people as its masters. However, it is impossible for 1.3 billion people to directly participate in administering State affairs. Then how to guarantee the power being properly exercised? The way is National People's Congress and local people's congresses at various levels. Deputies to the people's congresses of different levels are elected to represent different stratum, different regions, different ethnic groups and all walks of life. People exercise the political power through the people's congresses at different levels. As stipulated in the Constitution, the government system of the country is people's congress system.

The State system determines the government system which in return serves the State system, meaning the for-



Liu Xianbiao (fourth from left), a township judicial official in Dawei town, Hefei, Anhui Province, explains legal knowledge to citizens from Weixi village on December 2, 2015. Zhang Duan

mer is the content and the latter is the form. The people's democratic dictatorship as the State system and the people's congress system as the government system are decided by the history and the people. It is of decisive importance for the CPC leadership, socialist system and realizing people's democracy.

### III. The People's Congress system

The People's Congress system is the fundamental system of China, and the organizational form of State power as well. According to the Constitution, the People's Congress system is mainly about the following aspects.

#### **Relationship between people's congress and the people**

According to the Constitution, the NPC and local people's congresses at various levels are constituted through democratic elections. They are responsible to the people and subject to their supervision. The NPC and the local people's congresses at various levels are the organs of State power.

Where does the power come from? The people. The People select deputies to express their will and exercise State power on their behalf. Therefore, democratic election is the organizational basis of the People's Congress system and also the source of power owned by the people's congresses. The right to vote is a key symbol of people exercising State power. As stated in the Constitution and the Electoral Law of the National People's Congress and Local People's Congresses, the constituencies and the electoral units have the power to elect the deputies or recall them according to procedures prescribed by law. It urges the people's congresses at various levels to truly represent the people and properly exercise the power.

#### **Relationship between collective and individuals within the people's congress**

The Constitution stipulates that the people's congresses and their standing committees at different levels exercise their power through collectively making decisions in accor-

dance with the principle of democratic centralism. The people's congresses and their standing committees perform duties by discussing and handling major issues according to prescribed procedures. The minority should yield to the majority, rather than only a few people have the final say. Each deputy and member of the standing committee has only one vote, and no one has privilege. The power is exercised collectively, rather than individually, totally different from what's in the administrative organs where the head of the department holds full responsibility.

#### **Relationship between the people's congress, government, court and procuratorate**

The Constitution provides that all administrative, judicial and procuratorial organs of the State are created by the people's congresses to which they are responsible and by which they are supervised. The State Council, the Supreme People's Court and the Supreme People's Procuratorate, as the highest administrative, judicial and procuratorial organs respectively, are created by the NPC to which they are responsible and by which they are supervised. The governments, the people's courts and the people's procuratorates of local levels are established by the people's congresses of the same level to which they are responsible and by which they are supervised. Under the premise that the people's congresses exercise the State power, the responsibilities of the administrative, judicial and procuratorial organs are clearly and properly defined. It ensures that the organs of State power, the administrative, judicial and procuratorial organs exercise their duties in accordance with the wishes of the people, supervised by the people, and not violating the interests of the people. At the same time, those organs carry out work within their respective competence in an independent and coordinated way. It is radically different from the system of separation of the three powers in some Western countries.

#### **Relationship between central and local authorities**

The Constitution stipulates that the division of functions and powers between the central and local State organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities. The NPC, as the highest organ of the State power, examines and makes decisions on major issues. The people's congresses at various levels, functioning as the local organs of State power, ensure the observance and implementation of the Constitution, laws, administrative rules and regulations in their corresponding administrative areas. Within the limits of their authority as prescribed by law, they adopt and issue resolutions and examine and decide on plans for local economic and cultural development and for the development of public services. The NPC supervises the work of the local people's congresses, and cooperates with them on certain issues. As far as the administrative organ is concerned, the State Council, as the highest administrative organ, exercises unified leadership over the work of local organs at various levels throughout the country,



## The People's Congress system is the fundamental system of China, and the organizational form of State power as well.

and formulate detailed division of functions and powers between the Central Government and the organs of provinces, autonomous regions, and municipalities directly under the Central Government. Local people's governments are responsible and need to report their work to people's congresses at the same level as well as the State administrative organs at higher level. Local governments at various levels are under the leadership of the State Council. The Supreme People's Court supervises the administration of justice by the people's courts at various levels and by the special people's courts. People's courts at higher levels supervise the administration of justice by those at lower levels. The Supreme People's Procuratorate directs the work of the people's procuratorates at various levels and of the special people's procuratorates. People's procuratorates at higher levels oversee the work of those at lower levels. The relationship between central and local authorities also applies to that of the central authority and regions of ethnic autonomy. The regional autonomy is practiced in areas where people of minority ethnics dwell in clustered communities; in these areas organs of self-governance (including people's congresses and governments) are established to exercise the power of autonomy, meaning these areas are given more power to govern themselves than other local State organs of the same level. It should be emphasized that there are also people's congresses in the areas of ethnic autonomy. The division between central and local authorities not only helps ensure the unity of the country, but also encourages the local authorities to play an active and initiative role.

Some people take it for granted that the people's congress system equals to people's congresses. However, they are two related but different concepts. People's congresses are organs of State power at various levels exercising power of the State within the framework of the Constitution and laws. The people's congress system is a set of organizational system of State power, referring to not only how the people's congresses come into being, how to organize it, and how to exercise their duties, but also the relationship between the people's congresses and the people, the people's congresses and other State organs, and the relationship between central and local authorities. As one of the fundamental political systems, the people's congress system is the way through which the people exercise their rights.

The Constitution also make provisions for basic political systems, including the system of multi-party cooperation and political consultation under the CPC leadership, the system of regional ethnic autonomy and the system of community level self-governance. The fundamental rights and duties of citizens, the structure of the State and its operation, the basic economic system and the legislative system are also provided in the Constitution. The Constitution also offers highest legal ground for the policy of "one country, two systems".

## The enforcement of the Constitution

President Xi Jinping attaches special importance to the implementation of the Constitution. He said that "the lifeline and the authority of the Constitution is its implementation. We should unremittingly carry out the work and push it to a new height." To enforce the Constitution is to apply the provisions to real political, economic, cultural and social life. It is the status when the Constitution comes into force. The Constitution can play its due role only after it is followed.

The ruling party always takes the Constitution as a major political document, thus making its implementation a political process. It is crucial to improve the consciousness of the Constitution among the officials. The 4th Plenary Session of the 18th CPC Central Committee decided to set up the national Constitution Day and Constitutional oath system, affirming the authority of the Constitution, improving people's awareness, making sure that people of all nationalities, all State organs, the armed forces, all political parties and public organizations and all enterprises and institutions in the country take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its enforcement.

The Constitution also plays its due role as part of the legal system. Looking back over the past three decades or so, efforts have been made to ensure the enforcement of the Constitution in four aspects, including legislation, law enforcement, administration of justice and law abiding.

The organs of State power should carry out legislative work on the basis of the Constitution. The Constitution is the general basis of all other laws and regulations, which in return ensure the enforcement of the Constitution. The Constitution, for 45 times, mentions that certain areas of activities should be regulated according to law, providing legal basis for legislation. Some articles are of same legal authority. Therefore, it is an integral part of Constitution enforcement to strengthen legislation and improve the socialist legal system with Chinese characteristics.

The State administrative organs should strictly enforce laws. The laws and regulations are formulated based on the Constitution, then to some extent the enforcement of laws and regulations is also enforcement of the Constitution. The enforcement of laws and regulations depends on the CPC leadership and the mass participation, but the administrative organs bear the most responsibilities. In China, about 80 percent of the laws, 90 percent of the local regulations and all administrative regulations are performed by the administrative organs. The nation prospers only when the laws are obeyed, while the nation falls into chaos when the laws are neglected. Law enforcement is of vital importance in safeguarding the rule of law and Constitution enforcement.

Judicial organs should exercise the judicial power in an impartial and independent way. Justice is of core value in judiciary work and the lifeline of the rule of law. Administration of justice is the last defense to maintain social fairness and justice. Judicial justice may lead to social justice, and the miscarriage of justice may badly hurt social justice. If the last line of defense is lack of credibility, social justice will be questioned, and social stability and harmony will be harmed. Considering the utmost importance of judicial justice, President Xi Jinping quoted on many occasions what the British

philosopher Francis Bacon said that “one foul sentence does more hurt than many foul examples. For these do but corrupt the stream; the others corrupt the fountain.” Therefore, the judicial behaviors should abide by the Constitution and laws in order to realize judicial justice, enhance judicial credibility, safeguard social justice and fairness, thus guarantee the Constitution enforcement and build a nation of the rule of law.

All social organizations and citizens should obey the Constitution and laws. Everyone abiding by the Constitution and laws serves the foundation for the rule of law. Only when the society is under the rule of law can the law-based governance be achieved. Thanks to the reform and opening up for over three decades, the awareness of Constitution is gradually increased, but the faith in it among the public is still far from being formed. The law-based society can only be built when all the people have the initiative and enthusiasm of observing the law, making the Constitution and the laws a belief among the public.

President Xi, in his remarks on the 4th Plenary Session of the 18th CPC Central Committee, pointed out that the rule of law is about making laws in a scientific way, enforcing them strictly, administering justice impartially, and ensuring that everyone abides by the law. Those four aspects are exactly the four ways of Constitution enforcement. It depicts the general picture of the rule of law in China.

There are several other issues related to the Constitution enforcement.

## I. Stability and amendment of the Constitution

As the fundamental law, the Constitution should be maintained stable, which defends the authority of the Constitution and the stability of the nation. If the Constitution is amended too often, people will think that it is not essential, losing faith and respect for it. History has shown that when the Constitution was not stable and lack of authority, people felt puzzled and the country were more prone to turbulence. The turmoil, strife and even the break-up of many countries were closely related to Constitution amendments, from which we should draw lessons.

However, the stability of the Constitution doesn't mean that it should not be amended at all. Amendments should be done promptly when necessary. With the deepening of reform and opening-up, some specific provisions of the Constitution failed to meet the ever-changing situations and need to be amended. Otherwise, it will either hamper further economic and social development, or undermine the authority of the Constitution. The dignity of the Constitution can be better defended only when it always keeps up with the times. The current Constitution was formulated after the 3rd Plenary Session of the 11th CPC Central Committee, and amended for four times afterwards at the request of the reform and opening up. There will be some amendments and improvements of the Constitution in the future, but it should be only about specific provisions, rather than the State system, the government system, fundamental systems, fundamental tasks, fundamental principles which should be adhered to for quite a long time. If the root of the systems is changed, then it is a matter of subversion of State power rather than merely amendment. The disintegration of former Soviet Union and upheavals of eastern European countries started from wavering the root of the Constitution, which was the

## Only when the society is under the rule of law can the government become law-based.

leadership of Communist Party and the socialist systems. The specific provisions can only be amended when they reach the point where change is no longer optional. For the new situations which can be accommodated by and not contravene the Constitution, it is better to make Constitution interpretation rather than amend it. This is the basic principle for previous Constitution amendments. To maintain its stability, the Constitution provides strict procedures and endows the NPC with the power of amending the Constitution. Amendments to the Constitution are proposed by the NPC Standing Committee or by more than one-fifth of the NPC deputies and adopted by a vote of more than two-thirds of all the deputies to the NPC.

## II. Supervising the enforcement of the Constitution

The NPC and its standing committee have the power to supervise the enforcement of the Constitution (meaning the NPC and its standing committee are the only organs to have such power). Some people hold that we could have something like Constitution Supervision Commission or Constitution Court which is of the same level and authority with the standing committee of the National People's Congress to supervise the Constitution enforcement. It is unconstitutional because it fundamentally shakes the people's congress system. It is not desirable to do so. Actually as early as the 1982 Constitution was drafted, this question was raised up. Former NPC Chairman Peng Zhen said that “we are concerned about the Constitution enforcement and considering an authoritative organ to do it... After repeated deliberation, I can't imagine another organ with higher authority and reputation to do so than the NPC Standing Committee. The Constitution provides that the NPC and its Standing Committee can ask related committees to carry out survey on specific issues which they deem unconstitutional.” The 4th Plenary Session of the 18th CPC Central Committee decided to improve the constitutional supervision system, which didn't necessarily mean setting up another organ for supervision rather than the NPC and its standing committee. The Constitution, the National People's Congress Organization Law and the Law on Legislation have provisions about how the Constitution supervision should be carried out. Among those provisions, the National People's Congress have the power to alter or annul inappropriate decisions made by its standing committee. The standing committee of the NPC has the power to annul inappropriate administrative or local rules and regulations which contravene the Constitution and laws. One of the responsibilities of the special committees of the National People's Congress is to review the administrative or local rules and regulations considered by the standing committee of the National People's Congress to be contravening the Constitution and laws. Administrative or local rules and regulations should be reported for record review within 30 days after they are published to the public. If the review considers it contravene to the Constitution and laws, the related special committees and working committees will issue a written document about the





The Constitution of the People's Republic of China CFP

result of the deliberation. The organ in charge of formulating the law, within two months after getting the result, should reply whether to revise or stop making the law. If it insists not revising it, then the special committee or the working committee can make suggestion of annulling the draft law to the Chairmen's Council which then submits the issue to the standing committee for final decision. It is provided in the Law on Legislation that any State organ and social group, enterprise or non-enterprise institution or citizen deems that a regulation contravenes the Constitution or laws, may make a written proposal to the standing committee of the NPC for review. In March 2015, the newly-revised Law on Legislation made further provisions that related special committees or working commissions should give feedback about the review and open it to the public. It is a major step for improvement of Constitution supervision under the framework of the NPC and its standing committee. Some people appeal for setting up a Constitution supervision committee with the same level of the existing special committees, assisting the standing committee in supervising the Constitution enforcement. It is an option in compliance with the Constitution.

### III. Is the law above the Party or the Party above the law

"It is a pseudo-proposition," said President Xi. Because in China, the Constitution and laws are formulated under the leadership of the Party, and come from the policies of the Party. The Party, considering the current economic and social situations, makes suggestions on Constitution amendments. It is fair to say that the Constitution is the highest and most authoritative form of expression of the Party's policies and guidelines. To strictly follow the Constitution is to adhere to the leadership of the Party. Violating the Constitution is the gravest breach of law because it is violating the most important policies and guidelines of the Party, thus shaking the root of the State and the Party. In the meantime, the major laws are made as suggested by the CPC Central Committee and approved by the legislature to become the law observed by the whole country. This is what we mean by saying the in-

trinsic connection of adhering to the leadership of the Party, the people being masters of the country and managing State affairs according to laws. As for the relationship between the Party and laws, the Constitution and laws are made and enforced under the leadership of the Party, while the Party conducts its activities within the framework of the Constitution and laws. Therefore, the enforcement of laws is in fact the implementation of the Party's policies, and to safeguard the authority of the laws is to maintain the authority of the Party. The rule of law in a socialist country should be under the Party's leadership which relies on the rule of law. The Party's leadership is the soul of socialist rule of law. So it is a pseudo-proposition to say that either the law is above the Party or the Party is above the law.

However, President Xi also stresses that it is a true proposition to say whether the power is above the law or the law above the power. Some officials with power in their hands still have a deep sense of hierarchy in their mind, thinking that observing law is something ordinary people should do and none of their own businesses. It runs in opposite direction with the spirit of the Constitution and the rule of law. The 15th CPC National Congress in 1997 proposed the concept of the rule of law for the first time, changing the previous concept of rule with law. The change of wording reflected the change of mind, demanding officials with power in the State organs to abide by law in the first place. Some officials not only fail to abide by law, but also wantonly trample on the law, taking bribes, and using their power in pursuit of personal interests.

People resent corruption so much because it tarnishes the image of the Party and violate the rule of law. One of the severest results is dampening the enthusiasm of the masses to observe the law. People think that those who draft laws should take the lead in abiding them, otherwise, it is ridiculous to ask others to do so. We can tell the legal consciousness of the whole nation from how the officials of the State organs observe the law. It is of key importance to increase the legal consciousness of the public servants in the first place. President Xi said to the provincial-level official training class in February, 2015 that those officials taking high positions are the crucial minority which has substantial impact on pushing forward the rule of law. They can advance the process of the rule of law, or exert destructive effect upon it. We should put the power into the cage of system, using laws as the weapon to deepen reform, promote development, solve contradiction, maintain stability and ensure a better Constitution enforcement.

The 4th Plenary Session of the 18th CPC Central Committee emphasized that the leading cadres of the Party should organize and participate in the course of promoting the rule of law. The performance evaluation standard system has for the first time included the work they have done in carrying out the rule of law. Those who have better performance in this regard have better chance to be promoted under the same conditions. That's the objective for all the leading cadres to take the lead in strengthening the consciousness of Constitution, consolidating the ruling status of the Party, defending the socialist system, and making more contributions to comprehensively pushing forward the rule of law. ■

(The author is a member of the NPC Standing Committee and chairman of the Law Committee of the NPC)



Migrant female workers make clothes in a knitting mill in Yinchuan, northwest China's Ningxia Hui Autonomous Region, June 22, 2015. *Wang Peng*



The middle line of the South-North Water Diversion project traverses the Yellow River. *Xinhua*

# Mapping out success

## New five-year blueprint lays down specific objectives for a prosperous China

By Yin Pumin



The Fifth Plenary Session of the 18th Communist Party of China Central Committee is held in Beijing from October 26 to 29, 2015. *Huang Jingwen*

On October 26-29, 2015, the 5th Plenary Session of the 18th Communist Party of China (CPC) Central Committee was held in Beijing. The committee approved proposals for the 13th Five-Year Plan (2016-20) for the national economic and social development and laid out institutional Party reform plans to guarantee more effective governance.

"The 13th Five-Year Plan period will be a key phase in realizing the first of two centenary goals set by the 18th CPC National Congress," said Xu Hongcai, deputy director of the Information Department of the China Center for International Economic Exchanges.

The 18th CPC National Congress held in November 2012 identified two important centenary goals for the nation: building a moderately prosperous society in all respects by the time the CPC celebrates its centenary in 2021, and becoming a modernized socialist country that is rich, strong, democratic, culturally advanced and harmonious by the time the People's Republic of China celebrates its 100th anniversary in 2049.

China's five-year plans have been drawn up since 1953 in





An aerial photo taken on July 20, 2015 shows the eco-agriculture solar power station in Lianyungang, Jiangsu Province. *Geng Yuhe*

order to formulate strategies for overall economic and social development, setting growth targets and defining development policies. The 13th Five-Year Plan aims at doubling China's GDP and per-capita income by 2020 relative to 2010 figures.

After taking into account the proposals made at the CPC's fifth plenary session, a final plan will be deliberated upon and ratified by the 4th annual session of the 12th National People's Congress in March 2016.

### Concerning growth

The 13th Five-Year Plan will work to promote people's well-being, strengthen economic construction and the rule of law in the market economy, while further opening up to the outside world in all aspects, according to a statement released after a meeting of the Political Bureau of the CPC Central Committee in July.

According to the communiqué released on October 29 following the four-day plenary meeting, China will target "medium-high economic growth" for the next five years, starting in 2016.

Many analysts believe a lower-than-average annual growth target of 6.5 percent is acceptable and will be attainable over the next five years, given looming downward pressure and ongoing economic restructuring.

Chang Xiuze, a researcher with Tsinghua University and economist with a think tank under the National Development and Reform Commission (NDRC), said policymakers should set a bottom line of 6.5-percent annual growth for 2016-20 based on the current economic circumstances.

The 12th Five-Year Plan (2011-15) set an average annual growth target of around 7 percent, which looks likely to be fulfilled by the end of 2015. Between 2011 and 2014, the

## China will target 'medium-high economic growth' for the next five years, starting in 2016.

economy expanded at an annual rate of 8 percent.

The Chinese economy expanded 6.9 percent year on year in the third quarter of 2015, the first time the quarterly growth rate dropped below 7 percent since the second quarter of 2009, but still led major world economies.

Chang attributed the slower growth to a shift in economic engines, a shrinking work force and pollution control efforts, claiming that China can no longer count on exports, investment and the property sector to drive its economy.

He also said that slower global recovery, the intrusion of sovereign debt problems, weak external demand and rising trade protectionism will challenge export-oriented economies, while investment – the old stalwart economic remedy – is falling and becoming less effective in stimulating growth. Chang added that the property sector, despite recent gains, is far from complete recovery.

He forecast that a falling working population, likely to see annual declines of 0.3 percent over the next five years, will mark the end of the demographic dividend and weigh heavily on the slowing economy. Chang also counted environmental pollution as a factor that could affect economic expansion.

While recognizing headwinds, the economist nonetheless believes China is capable of attaining 6.5-percent annual growth over the next half decade.

According to him, China's accelerating urbanization will foster domestic demand. He expects urban residents to ac-



Robotic arms at work in Geely Chunxiao Manufacturing Plant in Ningbo, east China's Zhejiang Province. Wang Dingchang

## The 'new normal' is characterized by a shift from the previous high speed to a medium-to-high speed growth and upgrading economic structure.

count for 60 percent of the total population by 2020, up from 54.77 percent in 2014. The opening up of the economy, including the Belt and Road Initiative, the Asian Infrastructure Investment Bank and various free trade agreements, will, in his view, provide fresh momentum for China's economy.

Additionally, China has set a goal to lift 70 million people out of the poverty by 2020, said President Xi Jinping while attending a national poverty alleviation and development forum in Beijing in mid-October 2015.

As of the end of 2014, 70.17 million people in rural areas were living below the national poverty line of 2,300 yuan (\$375.2) in terms of annual income.

### Defining the 'new normal'

Observers noted that the just-concluded plenary session

focused on defining an economic "new normal" for the next five years.

The "new normal" is characterized by a shift from the previous high speed to a medium-to-high speed growth and upgrading economic structure, Xi was quoted as saying by Xinhua News Agency in November 2014.

After the country's third quarter growth recorded 6.9 percent, officials reiterated that the government will not attempt to defend a certain growth rate as an end in itself, but will instead focus on quality growth.

At the plenum, the CPC Central Committee again resolved to prioritize quality and efficient development in the next five years.

Despite weaker performance by traditional industries such as steel and cement production, technology-intensive industries and sectors related to consumption and environmental protection are stepping onto the fast track. The hi-tech sector grew 10.4 percent year on year in the first nine months, outpacing China's general industrial output by 4.2 percentage points.

China's economic structure has also been improving with the rise of the tertiary industry, which is more efficient and energy-saving, and can provide more jobs. In the first three quarters of 2015, added value in the service sector accounted for 51.4 percent of the GDP, up 2.3 percentage points from the same period in 2014.

The sector's growth has helped ease the country's reliance on resources and energy, and facilitated the transformation toward a more technology- and innovation-driven economy.

The four-day session put innovations front and center for China's development in the next half-decade.

With governmental encouragement and support, innovation and entrepreneurship are being embraced as a source of competitive advantage, with meaningful advances emerging in fields such as mobile apps, consumer electronics and renewable energy.

The result has been a start-up boom in China, with an average of 30,000 new companies registering every day in the first three quarters of 2015.

### Ecological civilization

According to the communiqué released on October 29, 2015, the development of an ecological civilization is also one of the highlights of the new five-year plan.

Following a series of measures in the same vein adopted in recent years, China issued the national air pollution control action plan in 2013 and a water pollution action plan earlier in 2015. These plans are in addition to an anti-pollution campaign launched in March. Xia Guang, director of the Policy Research Center for Environment and Economy at the Ministry of Environmental Protection, said this makes the 13th Five-Year Plan the beginning of a protracted and unified campaign against pollution, with relevant government departments making coordinated efforts to reduce emissions.

For example, the Ministry of Finance has regulated the allocation of special funds for related projects, and the Ministry of Housing and Urban-Rural Development outlined projects to clean up rivers in cities, Xia said.

Eco-civilization development has attracted attention from the country's policymakers, with the State Council, China's



cabinet, issuing the first national strategy to promote eco-civilization on May 5, 2015.

It lists 10 major goals, including reduction of pollutant emissions and compensation for losses, and states that government officials will be held responsible for pollution beyond their terms of office.

The guidelines were issued in an attempt to improve the country's environment. The document vows to achieve major progress in this area by 2020, such as reducing carbon dioxide emissions by 40 to 45 percent from 2005 levels.

Yang Chunping, a researcher on ecological development at the Institute of Economic System and Management under the NDRC, said that in the overall road map, several stipulations exist that require innovative efforts to meet the goals. One such measure is the natural-assets balance sheet, which allows authorities to possess a clearer picture of all natural resources, the changes taking place, and challenges to preserve them.

## Tightening Party disciplines

Apart from outlining a more detailed and intricate policy-making process for a better-off society, the proposed 13th Five-Year Plan also incorporates a modern system to combat corruption and ensure violators are accordingly punished.

"Carrying out institutional construction of the Party is in line with the nation's process of modernization. All of the reform measures also require political reform and Party construction to support the nation's development," said Cai Zhiqiang, a professor with the Party School of the CPC Central Committee.

The fifth plenary session also issued announcements detailing punishments for certain senior corrupt officials.

Among them was Ling Jihua, a former CPC Central Committee member, who was expelled from the Party in July and has since been put under criminal prosecution for bribery.

More than 100 officials at ministerial level or above have been brought down in the anti-graft campaign since 2012, including 18 members or alternate members of the CPC Central Committee.

Just before the plenary session, the CPC Central Committee published new rules on clean governance and sanctions for those who violate the Party's code of conduct.

The two new regulations, adopted at a meeting of the Political Bureau of the CPC Central Committee on October 12, updated existing rules not in keeping with the Party's expectations following the launch of its anti-corruption drive.

Zhuang Deshui, deputy director of the Research Center for Government Integrity Building at Peking University, who participated in the revision process, said that the rules have removed the articles which overlap between Party disciplines and the Criminal Law.

"For example, corruption, bribery and embezzlement of public funds have been deleted from the rules because those crimes are part of the Criminal Law. Any violations of the law also mean the violations of Party discipline," Zhuang said.

Future Party supervision will focus on violators of Party disciplines, rather than lawbreakers, Zhuang claimed.

The new rules on clean governance are, for the first time, applicable to all CPC members, according to the new regulations.

The previous rules released in 2010 included 53 articles on forbidden behaviors, while the new eight-article regulation mainly concerns itself with a moral ethical code that Party members must adhere to.

Gao Bo, a research fellow with the Chinese Academy of Social Sciences, noted that the new rules require officials not only to be honest in politics but also to concentrate on cultivating their own character and running a harmonious family.

The new rules on punishments have been dubbed by many to be the most comprehensive and strictest since the opening up and reform drive first began more than three decades ago. (Beijing Review) ■

## Fifth plenums of the CPC Central Committee, 1995-2015

Since 1995, the successive CPC central committees have focused their fifth plenary sessions on formulating the country's development goals and priorities for the next five-year period. An overall program is made after each of the meetings incorporating its proposals, which should then be approved by an annual full session of the National People's Congress, China's top legislative body, before going into effect.

### - September 25-28, 1995, the Fifth Plenary Session of the 14th CPC Central Committee

Its proposals for the 9th Five-Year Plan (1996-2000) and the Long-Range Objectives to the Year 2010 said that China must accomplish two fundamental shifts: namely from a planned economy to a socialist market economy, and from extensive mode to intensive mode in economic growth.

### - October 9-11, 2000, the Fifth Plenary Session of the 15th CPC Central Committee

Goals proposed for the 10th Five-Year Plan period (2001-05) included: maintaining a fairly rapid growth rate in the national economy, achieving noticeable success in the strategic restructuring of the economy, and making marked improvement in the

quality and benefits of economic growth to lay a solid foundation for doubling the 2000 GDP by 2010.

### - October 8-11, 2005, the Fifth Plenary Session of the 16th CPC Central Committee

It proposed that on the basis of improving economic structure and efficiency and reducing energy consumption during the 11th Five-Year Plan period (2006-10), China will double its per-capita GDP by 2010 from the 2000 level.

### - October 15-18, 2010, the Fifth Plenary Session of the 17th CPC Central Committee

Goals proposed for the 12th Five-Year Plan period (2011-15) included: maintaining stable and relatively fast economic growth, achieving major development in economic restructuring, achieving substantial progress in transforming the economic development pattern, and further consolidating the foundation for the making of a better-off society in an all-round way.

### - October 26-29, 2015, the Fifth Plenary Session of the 18th CPC Central Committee

Proposals for the 13th Five-Year Plan Period (2016-20) were adopted.



The third batch of Chinese peacekeeping force conduct an emergency deployment readiness exercise on November 21, 2015 in order to improve its ability to counter terrorism. *Han Lijian*

# The Anti-terrorism Law timely enacted

By Chen Guomin

**D**ecember 27, 2015, the Anti-terrorism Law of the People's Republic of China was unanimously passed by the Standing Committee of the National People's Congress. As deputy secretary-general of the Standing Committee, I observed the proceeding. All members present voted "yes", a unanimous decision that addressed concerns of the people across the country to combat terrorism on a legal footing.

President Xi Jinping shortly signed the 36th presidential decree to promulgate the law, which went into force on January 1, 2016. The law has ten chapters with 97 articles. It is another important piece of legislation in homeland security.

## An urgent call for the legislation

As the counter-terrorism situation in today's world gets increasingly complex and grave, terrorist activities have become an acute problem affecting regional and international security and stability. Bombings in Paris, a Russian civil plane exploded in the air in Sinai, multiple shooting in San Bernadino California, such terrorist attacks made it clear that no countries in the world are unaffected. The international community is stepping up efforts to prevent and fight terrorism through various means. To revise or pass anti-ter-

rorism laws is an important part of these efforts. The United States, the United Kingdom, France, Russia, India and Egypt have all formulated relevant laws. Therefore, it has been a common practice among countries to legislate on counter-terrorism.

My country is a victim of terrorism. Recently, there has been witnessed frequent occurrence of violent terrorist attacks, posing a grave threat to the national security, political stability, social and economic development, ethnic unity, and life and property of the people. The stakes are high.

We do have some anti-terrorism legal provisions, but are scattered in different legal documents, including Criminal Law, Criminal Procedure Law, Anti-Money Laundering Law, People's Police Law and Law on People's Armed Police Force as well as the decision of the NPC Standing Committee concerning relevant issues on strengthening counter-terrorism work. In addition, the central government has signed and the NPC Standing Committee has ratified a series of international treaties on counter-terrorism.

In the light of the overall national security situation and based on existing laws and regulations to enhance the legal development and the rule of law in an all-round manner, we now have put in place a specialized law on anti-terrorism. This legislation meets the practical need to prevent and pun-



ish terrorist activities more effectively and to enhance counter-terrorism work, demonstrates the international responsibilities as a responsible major country. Hence, currently in force is a highly necessary legislation, i.e. the Anti-terrorism Law of the People's Republic of China.

## **International exchange and cooperation to be needed and enhanced**

It disturbed me that some foreign media reports had depicted different stories, focusing on certain provisions in the legislation simply out of context. Politicians or parliamentarians from some foreign countries expressed their concerns, and experts and scholars from foreign think-tanks offered their views, so much so that we had better not do the legislation. Why? I couldn't figure it out.

It is a common practice to formulate legislations of this kind. Throughout the legislative process, drafters studied and drew lessons from legislative experiences and practices of foreign parliaments and researched relevant laws, comparing contexts and even wordings of anti-terrorism laws or the kind. Provisions of concerned are referenced to similar or identical ones of those laws as well as of international treaties. Also, drafters carefully studied those opinions and made revisions or modifications to relevant provisions. The international community including those countries and organizations should applaud to my country's efforts and appreciate the anti-terrorism legislation.

In brief, the Anti-terrorism Law is a practical law oriented toward real issues. It makes a careful review of our experience in recent years on preventing and fighting terrorist activities, draws upon some of the effective practices in other countries, and follows the basic principles of international law. It clarifies the definition of terrorism and the basic principles guiding counter-terrorism work, improves the institutional arrangements, intensifies security and preventive measures and enhances the ability for handling relevant situations. This law provides strong legal safeguards for upholding the national security, public security and safety of people's life and property, and for enhancing international

cooperation on counter-terrorism.

The international counter-terrorism situation undergoes profound changes and the harm caused by terrorism activities becomes increasingly acute, there is a high need for the international community to earnestly enhance cooperation and join hands in fighting this scourge, not otherwise. As on the same boat one ought to respect China's judicial sovereignty and view this legislative move in a positive and objective manner. The Chinese government and the people stand ready to enhance counter-terrorism exchanges and cooperation on the basis of mutual respect and equality.

## **Are the definitions too broad? The answer is no**

What are terrorism and terrorist activities? Article 3 of the Anti-terrorism Law gives definitions of terrorism and terrorist activities. "Terrorism" as used in this law refers to propositions and acts that create social panic, damage public security, violate safety of personnel and property, and coerce State organs and international organizations for political, ideological and other purposes through violence, sabotage, intimidation and other means. "Terrorist activities" as used in this law refers to the following acts of terrorist nature: organize, plot, prepare to execute, or carry out activities that cause or intend to cause casualty, major property loss, public facility damage, instigate terrorist activities, illegally hold items that propagate terrorism, and force other people to put on clothes and markers that propagate terrorism in public places; organize, lead and participate in terrorist organization; provide support, assistance and facilitation in terms of information, funding, materials, labor, technology, venue, etc. to terrorist organizations, terrorists, and those who conduct terrorist activities or training for terrorist activities; other terrorist activities." These definitions have been prepared with reference to provisions in the Shanghai Cooperation Organizations Counter-terrorism Convention, the United Nations' Declaration on Measures to Eliminate International Terrorism, and relevant laws of other countries. They are consistent with provisions on terrorist crimes in the ninth amendment to the Criminal Law as well as the decisions of the NPC Standing Committee concerning relevant issues on strengthening counter-terrorism work.

## **Will the enforcement of the law infringe upon human rights? The answer is no**

Effective counter-terrorism measures complement the respect for and protection of citizens. The Anti-terrorism Law attaches high importance to balancing counter-terrorism with human rights protection, standardizing law enforcement, and preventing the violation of legitimate rights and interests of citizens and organizations. It is clearly stated in Article 6 of the General Provisions that "counter-terrorism must be carried out in accordance with law, with respect for and protection of the legitimate rights and interests of citizens and organizations". "Counter-terrorism must be conducted with respect for citizens' freedoms of religious belief as well as their ethnic customs and habits. Any discriminatory practice on the basis of geography, ethnicity and religion must be banned." This principle is



Chinese riot police attending the peacekeeping mission in Liberia take part in an anti-terrorism rehearsal on July 27, 2015. Training courses include jungle tracking, housing search and arrest. Jia Ce



Chinese Special Forces soldiers march to be reviewed by military leaders at the closing ceremony of the “Falcon 2015” China-Mongolia Special Forces Anti-terrorism Exercises on October 17, 2015 in Ulan Bator, capital of Mongolia. The “Falcon-2015” is the first joint anti-terrorism exercise held by the two countries’ Special Forces. It seeks to enhance the mutual understanding and trust of two militaries, while broadening exchange and cooperation. Zheng Chuang

reflected in the relevant provisions. For example, according to Article 15, those who challenge the designation of a certain organization or individual as a terrorist organization or terrorist may apply for review through the working unit of the national counter-terrorism leading body. According to Article 60, in handling terrorist incidents, priority should be given to protecting those directly harmed and threatened by terrorist activities. According to Article 78, those agencies and individuals whose legitimate rights and interests are violated because of counter-terrorism work should be compensated in accordance with law. According to Article 95, those agencies and individuals who challenge verdicts of administrative punishment and administrative compulsory measures delivered in accordance with this law may apply for administrative review or file administrative lawsuits in accordance with law.

### **Will the law affect the business of telecom operators and internet service providers? The answer is no**

With the development of information technology, the Internet has become an important tool increasingly used by terrorists to organize, plot and execute terrorist and criminal activities. Cyber terrorism has become a global scourge. This has made it all the more urgent to further strengthen relevant institutions and measures, and prevent and fight Internet-based terrorist and criminal activities. The international community is placing greater importance on fighting cyber terrorism. The UN Security Council Resolution 2129 contains clear provisions on the efforts of member States to combat cyber terror-

ism. In light of the features of cyber terrorist activities, it is important to clarify the social responsibilities and obligations of Internet operators and service providers in the fight against terrorism. Taking into account the current terrorist situations at home and abroad and the actual needs of counter-terrorism work, and drawing on relevant legislations of the US, Russia, the EU and other relevant countries, Article 18 of the Anti-terrorism Law stipulates that telecommunication operators and Internet service providers shall provide technical support and assistance, including technical interface and decryption, to public security and State security authorities in their efforts to prevent and investigate into terrorist activities in accordance with law. This will not affect the lawful operations of business, nor will it create “backdoor” issues or violate commercial IPR or people’s freedom of speech on the Internet. The US and the EU, out of their counter-terrorism needs, have also explicitly stipulated the obligation of Internet operators and service providers to offer assistance in this regard. For instance, in the Communications Assistance for Law Enforcement Act of the US, it is clearly stipulated that enterprises with the relevant technical know-hows have the obligation to assist law enforcement personnel in conducting lawful surveillance and provide decryption support for encrypted communications. In the Convention on Cybercrime of the Council of Europe, the Council of the European Union Resolution on the lawful interception of telecommunications and relevant laws in Germany, the UK and the Netherlands, there are also express stipulations on the obligations of relevant enterprises to facilitate the implementation of communications surveillance measures and provide decryption support for encrypted communication information.



## Shall some terrorism-related criminals go on post-release education? The answer is yes

Experience shows that terrorism-related criminals have deeply entrenched offensive intentions, pose a grave threat to the society and are hard to be rehabilitated. It is therefore necessary to impose post-release education on a small number of criminals who have served their terms but remain hazardous to the society, as decided by people's courts. This is also an important component and effective practice of the counter-terrorism and deradicalization efforts of other countries. In the UN Security Council Resolution 2129 and other counter-terrorism resolutions, member States are encouraged to develop programs for the rehabilitation and reintegration of convicted terrorists. In this context, pre-release hazard assessment and post-release education measures for criminals of terrorism and extremism are provided for in Article 30 of the Anti-terrorism Law. At the same time, to ensure the accurate and strict application of the post-release education measures, there are strict stipulations on the decision and execution of such measures. For instance, it is stipulated that prisons and detention facilities shall hear the opinions of relevant community organizations and the original handling authorities of the case during the social hazard assessment process of a criminal, and that the decision on post-release education of a criminal shall be made by the intermediate people's court of the region where the criminal serves his sentence. Procedures for the application of reconsideration or termination and the supervision of the people's procuratorates are also provided for.

## Shall terrorist incident media coverage be controlled? The answer is yes

While a terrorist incident is being handled, inappropriate news reports could feed information about relevant response actions to terrorists, exerting negative impacts on the actions on the field, posing danger to those involved in the handling of the incidents and possibly bringing additional harm to the victims. Such reports could also lead to imitative or copycat behaviors by potential terrorists, or cause unnecessary panic among the general public. To ensure smooth handling and investigation of the incident and prompt and truthful release of information, Article 63 of the Anti-terrorism Law stipulates that information regarding the occurrence, development and handling of a terrorist incident shall only be released by the provincial counter-terrorism leading body. It is also stipulated that no institution or individual shall fabricate or disseminate false information on terrorist incidents; report or disseminate implementation details of terrorist activities that could be imitated; release brutal or inhumane scenes of terrorist incidents; or report or disseminate the identities of the hostages and those who are handling the incidents or information about the response actions while the terrorist incidents are being handled, except for information released by press organizations with the approval of the counter-terrorism leading body. ■

(The author is a deputy secretary-general of the NPC Standing Committee)

## Highlights of China's newly adopted counter-terrorism law

The Standing Committee of the National People's Congress on December 27, 2015 adopted the country's first counter-terrorism law in the latest attempt to address terrorism at home and help maintain world security. Following are some highlights in the law:

- The State opposes terrorism of any form. The State makes no compromise with terrorist organizations and individuals.
  - In counter-terrorism work, human rights shall be respected and guaranteed, and citizens' freedom of religious belief and ethnic customs shall be respected.
  - The State will establish a national institution to lead and direct counter-terrorism work. Governments of and above city level shall also set up counter-terrorism leading organs while those at county level can set up such organs if necessary.
  - All organizations and individuals have the obligation to assist and cooperate with security departments to fight terrorism. Those having made contributions should be honored and rewarded.
  - Once a terrorist organization or individual is discovered, financial organizations should immediately freeze relevant deposits and accounts, and report to public security and State security departments.
  - Operators of telecommunications and Internet services should offer technological assistance and cooperation with security departments to help prevent and investigate terrorist activities.
  - Logistical businesses undertaking mail, air, train or highway freight should check the identity of clients and the content of cargo. Providers of telecommunications, Internet, finance, accommodation and passenger transport services should also check the identity of clients.
  - Prison and detention houses should make clearance assessment before the release of inmates convicted with terrorism or extremism, and give settlement proposals to judicial organs if the inmates are deemed perilous to the community.
  - Flight control, civil aviation and police departments should strengthen management on airspace, aircraft and flight activities to prevent terrorist activities.
  - Visa issuance and customs departments have the right to deny the exit and entry of people involved in terrorism, and transfer them to the police or State security organs.
  - A national intelligence center specially against terrorism will be established.
  - With strict approval procedures, police and State security departments can employ technological means of reconnaissance to support the efforts of counter-terrorism intelligence and information.
  - Police forces, in the face of violent attackers with guns or knives, may use weapons under emergency circumstances.
  - No institutions or individuals may fabricate or disseminate information on forged terrorist incidents, report on or disseminate details of terrorist activities that might lead to imitation, nor publish scenes of cruelty or inhumanity about terrorist activities.
  - The police may restrain certain activities of terrorist suspects, such as not leaving town, not taking public transport, not meeting or communicating with certain people.
  - Under the circumstances of terrorist incidents, those under direct terrorist threat or harm must be given prior protection.
- (Xinhua)

# The Law on National Medals and National Honorary Titles



The 18th Meeting of the 12th NPC Standing Committee passes the Law on National Medals and National Honorary Titles on December 27, 2015. *Sheng Jiapeng*

To commend those who have made great contributions and outstanding achievements in the name of a nation is not only the highest reward for the recipients but also the reflection of a country's soft power. There are some well-known honorary awards in the world, such as "Two Bombs and One Satellite" and "Space Hero" honorary titles in China, "US Presidential Medal of Freedom", "Order of the Garter" and the "French Legion of Honor".

Not long ago, a meeting of the Political Bureau of the CPC Central Committee convened to pass a guideline on establishing and improving honor systems for the Community Party of China (CPC) and the State, which made an overall planning for the system including legislation on national medals and honorary titles. On December 27, 2015, the 18th Meeting of the 12th NPC Standing Committee passed the Law on National Medals and National Honorary Titles. Legislators believe it an important step to improve and develop the socialist system with

Chinese characteristics, a must for China to modernize its governance system and capacity, a crucial means to cultivate and promote socialist core values as well as to enhance the cohesion for the socialist undertaking with Chinese characteristics.

## Three awards in NPC's history

The system of national medals and honorary titles is an important one laid down in the Constitution which stipulates that the NPC Standing Committee is entitled to making decisions to award national medals and honorary titles, while the President is the one to give awards according to the decision of the top legislature.

Since the founding of the People's Republic of China, the NPC Standing Committee has made three major awards according to the Constitution.

On February 12, 1955, the 7th Meeting of the 1st NPC Standing Committee adopted the Regulation on Awarding





Medals and Badges to the Heroes of the People's Liberation Army (PLA) in the Chinese revolutionary war which expired on November 24, 1987. The meeting also passed three resolutions on awarding medals and badges respectively to the PLA heroes in the revolutionary war, the PLA heroes who protected the country and contributed to the national defense modernization, and the heroes of volunteers in the War to Resist U.S. Aggression and Aid Korea.

It was provided in the regulations to set up August 1st Medal and August 1st Badge, Independent Medal of Freedom and Independent Badge of Freedom, Liberation Medal and Liberation Badge, which would be awarded respectively to the heroes during the periods of the Red Army, Resistance War Against Japanese Invasion and the Liberation War. There were three grades of each kind of medals, while the badges were all the same. The medals were to be awarded by the President of the People's Republic of China upon the decisions made by the NPC Standing Committee, while the

badges should be approved by the State Council and awarded by the Minister of Defense.

On September 23, 1955, according to relevant regulations and upon the suggestion of Premier Zhou Enlai, the 22nd Meeting of the 1st NPC Standing Committee approved the first list of meritorious persons in the Chinese revolutionary war that would be awarded. The meeting also passed the resolution that 131 persons would be awarded First-grade August 1st Medal, 117 persons First-grade Independent Medal of Freedom, and 570 persons First-grade Liberation Medal. On the same day, Chairman Mao Zedong issued the order of awards according to the NPC Standing Committee resolution.

On June 17, 1957, the 74th Meeting of the 1st NPC Standing Committee passed the second list of recipients of August 1st Medal, Independent Medal of Freedom and Liberation Medal submitted by Premier Zhou Enlai, and a resolution was adopted to award the meritorious persons during the Chinese revolutionary war. It decided to award First-grade August 1st Medal to 47 persons, Second-grade August 1st Medal to 1,467 persons, Third-grade August 1st Medal to 5,339 persons, First-grade Independent Medal of Freedom to 196 persons, Second-grade Independent Medal of Freedom to 4,152 persons, Third-grade Independent Medal of Freedom to 31,098 persons, First-grade Liberation Medal to 421 persons, Second-grade Liberation Medal to 4,932 persons and Third-grade Liberation Medal to 54,879 persons. On June 18, Chairman Mao Zedong issued the order of awards based upon the NPC Standing Committee resolution.

In the two awards in 1955 and 1957, altogether 103,349 medals of various kinds were awarded to more than 100,000 meritorious persons during the revolutionary war. On August 26, 1980, the 15th Meeting of the 5th NPC Standing Committee made the decision to remove the medals once received by Lin Biao and several others.

On July 1, 1988, the 2nd Meeting of the 7th NPC Standing Committee made the decision to approve the recommendation made by the Central Military Commission to award the retired PLA officers. Based on the decision, on July 30, the Central Military Commission issued an order to award First-grade Red Star Medal to Xiao Jinguang and 829 other officers, Second-grade Red Star Medal to Wang Ronghua and 3,703 other officers, Independent Badge to He Jinheng and 47,913 other officers, and Victory Badge to Deng Zhaoxiang and 31,518 other officers.

Experts believe that the three awards have greatly enhanced national cohesion and the pride of people from all ethnic groups as well as given full play to their initiative and creativity to construct and protect their motherland. Besides, precious experience has been accumulated to formulate the Law on National Medals and National Honorary Titles.

### Three decades of unremitting efforts

Since the founding of the PRC, China has successively issued a series of regulations governing awards. "However, the system of State highest honor awarded on behalf of the country has yet to be established, and China still falls short of a national honor system that is strict and in the legal terms," said Zhou Hongyu, an NPC deputy, in the 2nd annual session of the 12th National People's Congress in 2014. There has been aspiration from all walks of life to carry forward with

this legislation.

In effect, in the 1980s, relevant authorities already started working on this legislation. According to Li Shishi, chairman of the Legislative Affairs Commission of the NPC Standing Committee, the draft law was deliberated by the Standing Committee in 1993, but it was then shelved as there were still quite a few splitting ideas regarding the question of posthumous award and its scale.

The new generation of Chinese leadership attaches high importance to the construction of national honor system. The 18th CPC National Congress proposed to establish the State honor system, and the 4th Plenary Session of the 18th CPC Central Committee made explicit calls to enact the Law on National Medals and National Honorary Titles to reward those outstanding figures with extraordinary contribution, which brought legislative work in this field back on track. Li said that starting from the latter half of 2013, the Legislative Affairs Commission of the NPC Standing Committee had held several seminars participated by central government departments, people's organizations and specialists to collect comments and suggestions. Based on the consensus reached after in-depth research and investigation, the draft law on national medals and national honorary titles was released to the public in July 2015, to solicit opinions. In August 2015, the 16th Meeting of the 12th NPC Standing Committee conducted initial examination on the draft.

In the examination, members of the Standing Committee agreed unanimously that formulating a specialized law on national medals and national honorary titles based upon the Constitution, granting honors to those people who have made outstanding contributions in the socialist construction with Chinese characteristics, as well as further regulating and institutionalizing practices in this field is of great significance to establishing the State honor system, promoting the national spirit and zeitgeist, giving a full play to the initiative of people of all ethnic groups to build a socialist country that is affluent, culturally advanced and harmonious, and achieving the great rejuvenation of the Chinese nation.

Similar to the established practices in the past, after the initial examination, the Legislative Affairs Commission of the NPC Standing Committee had the draft law issued various departments and released the whole text online to extensively solicit public opinions. Several days before submitting the draft to the NPC Standing Committee for the second reading, the Commission again invited representatives from all walks of life to evaluate the feasibility of major articles, timing of introduction, social outcomes and possible problems so that voices from all walks of life were fully heard and absorbed in the legislative process.

The second draft presented before the members, which absorbed quite a few opinions and suggestions from both the members and the public, received high marks from the legislators. As the result, it was passed with 157 votes in favor out of 159 attendees in total.

## **Friendship medals for foreigners**

According to Li Shishi, as the top-level design of State honor system, the general requirement for this legislation is to draw lessons from past practices, establish a basic and essential system, and try to make the system the most concise,

convenient and operational. Other specific issues such as day-to-day management will be provided in relevant documents and regulations.

There are altogether 21 articles in the Law on National Medals and National Honorary Titles. Every small revision in the draft is the crystallization of collective wisdom from the general public and the legislators.

It is a common practice in many countries to award medals to foreigners. Some believe that a special medal should be set up to award foreigners who have made outstanding contributions to China. The Law Committee of the NPC considers it necessary to give a special name to medals awarded to foreigners. Therefore, China has set up Friendship Medal to award foreigners with outstanding contributions in the socialist modernization construction, international exchanges and cooperation as well as safeguarding global peace and stability.

In addition, in order to facilitate China's foreign exchanges, the President can award medals to foreigners on the occasions of State events. Therefore, it is stipulated in the Law that the President is entitled to awarding Friendship Medal directly to foreign dignitaries and friends in the State events.

In the first reading, some members suggested that national medals, honorary titles and certificates are carriers of State honor. Profit-making activities such as sale and leasing are inappropriate. It is necessary to stipulate corresponding obligations for the depositories. Ultimately, it was provided in the Law that national medals, honorary titles and certificates are not for sale, leasing and any other profit-making activities.

It was provided in the original draft that in case a recipient of national medal and honorary title is sentenced to criminal punishment due to intentional crime, his medal and title will be removed. However, some members argued that no matter the crime is intentional or unintentional, his medal and title should be removed anyway. The Law Committee of the NPC believed that both national medal and honorary title are highest State honor which should be removed if the recipient committed a crime that seriously harms the reputation of State honor.

This article was then revised as the following: "A recipient of national medal and national honorary title, who is sentenced to criminal punishment due to committing a crime or has other behaviors that seriously violate laws and disciplines, in case his continued entitlement to the medal and title may seriously harm the reputation of the highest State honor, his medal and title shall be removed and reported to the public upon the decision of the Standing Committee of the National People's Congress."

The Law on National Medals and National Honorary Titles was officially enforced on January 1, 2016. What impact will it exert on the existing national honor awarding system? "It is a brand new incentive mechanism set up according to the Constitution and a specialized law governing the highest State honor," said Wu Zeng, director-general of National Law Office of the Legislative Affairs Commission of the NPC Standing Committee. According to the overall planning of the CPC Central Committee on improving the national honor system, apart from the national medals and honorary titles provided in this law, the CPC Central Committee, the State Council and the Central Military Commission can continuously carry out, either independently or jointly, the work of honor awarding. (NPC) ■





First-grade Liberation Medal



First-grade Independent Medal of Freedom



First-grade August 1st Medal (Photos by CFP)

## An overview of commending and awarding events in China

There is a tradition in China to commend and award those outstanding figures or organizations to encourage the people to make contributions to safeguarding and developing the country. The Law on National Medals and National Honorary Titles passed in the 18th Meeting of the 12th NPC Standing Committee stipulates that it is up to the President to award medals and honorary titles based on the provisions and resolutions of the NPC Standing Committee. Apart from the highest State honor, are there any other State-level commending and awarding events?

State-level commending and awarding events, normally independently or jointly conducted by the CPC Central Committee, the State Council and the Central Military Commission, fall into two categories: regular events and irregular ones. Regular events include the Commendation Conference of National Model Workers and National Advanced Workers. Apart from the nine conferences of National Model Workers before the reform and opening up, since 1989, the State Council normally holds one commendation conference every five years in which advanced personages from all walks of life are commanded on a regular basis. The honorary title of National Model Worker shall be awarded to workers, farmers and corporate executives, and the title of National Advanced Worker shall be awarded to employees of government agencies and institutions.

Among the irregular commending and awarding events, the following are co-sponsored by the CPC Central Committee, the State Council and the Central Military Commission: Two Bombs and One Satellite medal awarded to 23 scientists in 1999, Space Hero honorary title and medal awarded to Yang Liwei in 2003, Heroic Astronaut honorary title and medal awarded to Fei Junlong and Nie Haisheng in 2005, Prize on Contribution to Construction Projects of High-tech Armament Equipment, as well as National Role Model and Heroic Organization in Earthquake Relief.

Events co-sponsored by the CPC Central Committee and the State Council include the National Commendation Conference

on Flood Rescue in 1998 as well as awards to advanced organizations and individuals of the Beijing Olympics & Paralympics in 2008 and Shanghai Expo in 2010.

The following events are co-sponsored by the State Council and the Central Military Commission: PLA medals awarded to Lü Zhan and 121 other persons in 1988, Defender of the PRC awarded to Li Guorui and four others as well as Fire Fighting Hero awarded to Yan Zhenglian in 1989, National Outstanding Scientist of Brilliant Contribution awarded to Qian Xuesen in 1991, and Lei Feng Fire Fighter awarded to Jin Chunming in 2006.

Major events solely sponsored by the State Council include Model Flight Attendant of Chinese Civil Aviation awarded to Zhang Liping in 1989, Film Artist with Outstanding Contribution awarded to Xia Yan in 1994, National Models for Ethnic Unity and Progress in 1999 and 2009, People's Writer awarded to Ba Jin in 2003, People's Artist awarded to Chang Xiangyu and Emergency Rescue Warrior awarded to Zheng Zhonghua in 2004. In addition, China used to award medals to foreign friends in the name of the State Council. For example, in the conference commemorating the 60th anniversary of the establishment of the diplomatic relations between China and Russia, Chinese government awarded the Prize of Outstanding Contribution to 60 Russian friends.

Apart from State-level awards, some ministries and provinces also offer several well-known prizes including May 1st Labor Medal, National March 8th Red-Banner Pacesetter, Youth May 4th Medal, Changjiang Achievement Award, Mao Dun Literature Award, Lao She Literature Award and movie awards such as Hundred Flowers, Golden Rooster and Huabiao. Within the army, there are awards such as heroic models, excellent military commanders, national advanced militiaman, learning model, just to name a few.

(This article is compiled according to the materials provided by the National Law Office of the Legislative Affairs Commission of the NPC Standing Committee)

# China's first law against domestic violence

**Bring traditionally silent abuse victims under legal protection**

Police must notify civil affairs departments should they find those with no or limited civil capacity have been harmed, or are under threat and are unattended, and escort them to temporary shelters, salvage services or welfare centers.

Police, women's federations and social organs can apply for personal protection orders for those with no or limited civil capacity or those who cannot do so themselves as a result of physical force or threats.

Report suspected abuse cases involving those with no or limited civil capacity.

**Law against domestic violence**

Chinese top legislature on December 27, 2015 adopted the country's first bill against domestic violence in a landmark move to bring traditionally silent abuse victims under legal protection.

The legislation was approved by a landslide majority at the end of a week-long bimonthly session of the NPC Standing Committee.

"The country prohibits any form of domestic violence," reads the new law, which formally defines domestic violence and streamlines the process for obtaining restraining orders - measures long advocated by anti-domestic abuse groups.

Domestic violence is defined as physical, psychological and other harm inflicted by family members with beatings, restraint or forcible limits on physical liberty, recurring invectives and verbal threats listed as examples.

An earlier draft, submitted in August 2015, included only physical abuse, but many lawmakers have since argued that the definition was too narrow, Su Zelin, deputy director with the Legislative Affairs Commission of the NPC Standing Committee, said earlier this week when briefing lawmakers on the legislation.

They also argued that cohabitation should be covered, Su said, so the new law stipulated in a supplementary article that those who are not related but living together are also subject.

According to Guo Linmao, a legislative official from the legislative Affairs Commission of the NPC Standing Committee, the "living together" relationship covers also those in guardianship and foster care relationships as well as cohabitation. But there is in the law no stipulations on same-sex relationships, he added.



## No longer a private matter

Up till this week, China did not have a specialized law on family abuse. References to the matter were only made in other laws and regulations such as the Marriage Law, the Law on the Protection of Minors and the Law on the Protection of the Rights and Interests of Women.

Family violence has remained in the shadows for a long time in China, where family conflicts are treated as embarrassing, private matters. Less than two decades ago, physical abuse was not even acceptable as grounds for divorce in China. In 2001 the Marriage Law was amended to explicitly ban domestic violence.

But without a legal definition of the term, many victims - if they reported abuse at all - have been shuffled from police to women's federations to neighborhood committees, with authorities reluctant to intervene unless serious injury is involved.

Only in recent years has the issue become a subject for serious public discussion, thanks to increasing public awareness and media reports on high-profile cases. In 2011 Kim Lee, wife of celebrity entrepreneur Li Yang, who founded the hugely popular English learning program "Crazy English", posted pictures of her bruised face on Sina Weibo and accused Li of domestic violence. Many people were shocked and urged Kim to use the law as a weapon.

Li Yang's response, however, was even more shocking. He admitted to beating his wife but blamed her for breaking the Chinese tradition of not disclosing family affairs to the public. In 2013, Kim was granted a divorce, alimony and compensation by a Chinese court.

According to the All-China Women's Federation (ACWF), nearly 25 percent of Chinese women have suffered domestic violence in their marriage. More than 40,000 complaints of domestic violence are lodged with the ACWF each year. Victims resorting to the ACWF for help are mainly women, children and the elderly, and 88.3 percent of cases received in 2014 involved abuse of wives by their husbands.

## Prevention as principle

In order to prevent and check abuse, the new law clarifies the responsibilities of different groups, including government, communities, schools and medical institutions. Government publicity campaigns will encourage social groups to carry out their own public education programs.

Government departments, the judiciary, and women's associations should host training sessions on the topic and work on domestic violence related statistics.

Medical institutions must keep records on abusing while schools will get the message across to young people. The new law also obliges employers to reprimand employees over domestic violence and mediate family disputes.

It enables individuals and organizations to prevent violence by allowing legal guardians and close relatives of victims, in addition to the victims themselves, to report abuse. Police will be obliged to step in immediately when such a report is filed.

## Personal protection orders

According to the new bill, victims and those in immediate

danger can file for a personal protection order that the court must grant or deny within 72 hours. In urgent cases, decisions must be made within 24 hours.

Police, women's federations and social service organs, in addition to close relatives, will be able to apply for orders for those with no or limited civil capacity or those who cannot do so themselves as a result of physical force or threats.

Once the order is granted, courts may prohibit the abuser from harassing, stalking or contacting the applicant and his or her close relatives, order the abuser to move out of the home, or adopt various other measures to protect the applicant.

Should the abuser violate the protection order, they may be fined up to 1,000 yuan (\$155), detained for up to 15 days or face criminal charges in serious offenses.

## 'The country prohibits any form of domestic violence,' reads the new law.



A female citizen surnamed Tie in Shenyang, capital of Liaoning Province asks for assistance at the anti-domestic violence center on October 28, 2015. CFP

## Protection for the vulnerable

The new law also sets out to enhance protection for particularly vulnerable groups: the critically ill, disabled people, the elderly, minors and pregnant or breastfeeding women will be entitled to special attention.

Police must notify civil affairs departments should they find that those with no or limited civil capacity have been harmed, or are under threat and are unattended, and escort them to temporary shelters, salvage services or welfare centers, the bill read.

It also requires social workers, in addition to doctors and teachers, to report suspected abuse cases involving those with no or limited civil capacity.

Should they fail to do so, the workers will be held liable in cases with serious consequences along with those in charge of the institutions concerned and their superior organs.

Police will protect the privacy of informants. (Xinhua) ■

# Farewell to one-child policy with law amended

Meng Fanyu, a five-year-old boy in Beijing, poses for a photo with his younger sister. Xu Yan

Chinese lawmakers adopted an amended family planning law on December 27, 2015, a historic move allowing all couples to have two children amid efforts of balancing the country's population structure.

"The State advocates one couple having two children," reads the law passed at a bi-monthly session of the NPC Standing Committee that concluded on December 27.

The new law takes effect on January 1, 2016. The amend-

ment came after the Communist Party of China (CPC) Central Committee decided in October on the universal two-child proposal.

The current family planning law took effect in 2002 to help stabilize birth rate that had decreased since the family planning policy was introduced in the 1970s. In 1980 the government started limiting most couples to one child. The grip gradually relaxed in the following decades. For example, rural couples were allowed to have two children if the

## Timeline: China's Family-Planning Policies

After the founding of the People's Republic of China, the government encouraged population growth and rewarded mothers bearing many children.

The country started to promote birth control.

The government proposed moderate control of the natural birth rate in cities and densely-populated rural areas and recommended late marriage.

The State Council approved a report on family planning and launched a slogan advocating for each couple to have no more than two children.

The family planning policy was included in the Constitution for the first time.

The 12th Communist Party of China (CPC) National Congress made family-planning a basic national policy.

1949

1954

1960

1971

March 1978

September 1982



first was a girl.

In 2013, China allowed couples to have a second child if either parent was an only child.

The “one couple, one child” policy is estimated to have prevented some 400 million births, reducing pressure on resources and the environment.

Meanwhile a number of social problems arose, mainly the decreasing labor force and aging population. Over 15 percent of the population is over 60 years old and the working-age population has started to decrease.

China has 140 million women of child-bearing age who have already raised a child. After the new law is adopted, about 90 million of them are expected to have a second child, according to Wang Pei'an, deputy head of the National Health and Family Planning Commission.

The policy will mean over 30 million more people in the labor force by 2050. The total population will increase slightly, with a peak around 1.45 billion in 2029, Wang said, add-

ing that the policy could increase the economic growth rate by around half a percentage point.

“Now with the new law, my wife and I are planning for another child,” said Shi, a 38-year-old company owner from east China’s Shandong Province. “My 2-year-old son needs sibling.”

Experts expect no risk of a population explosion in following years because not all couples of child-bearing age are willing to have a second child, largely due to the rising cost of education and child-rearing.

But for the new law to do its job properly there must be better public services in such fields as education, healthcare, employment and insurance, said Han Xiaowu, a member of the NPC Standing Committee.

“These policies are crucial to the long-term balanced development of China’s population,” he said. (Xinhua) ■

**Zhao Ziru with her parents and little sister in the city of Luzhou, southwest China’s Sichuan Province on December 5, 2015. Liu Xueyi**



The family-planning policy was amended by allowing the birth of a second child for rural couples with only a daughter.

The Population and Family Planning Law came into force. Couples were allowed to have a second child if they are both only children.

The Third Plenum of the 18th CPC Central Committee decided to further loosen birth control measures by allowing parents to have a second child if one of them is an only child in order to encourage long-term demographic development. The Standing Committee of the National People’s Congress passed a resolution on the adjustment later in December.

The Fifth Plenum of the 18th CPC Central Committee decided to remove the one-child birth rule and allow all couples to have two children, a measure aiming at balancing population development and addressing the challenge of an aging population. A final plan is to be ratified by the national legislature.

1984

2002

November 2013

October 2015



Zhang Dejiang (C), chairman of the NPC Standing Committee, delivers a speech when attending a joint panel conference on December 26, 2015. The top legislature holds a bi-monthly meeting to examine the implementation of the 2014 budget and other financial issues. *Sheng Jiapeng*

## When ‘audit storm’ blows again

**I**n the last meeting of the 12th NPC Standing Committee in 2015, tracking and supervising rectification on problems identified in the audit was one of the highlights.

On December 26, the 18th Meeting of the 12th NPC Standing Committee held a joint inquiry session on a rectification report about problems found in an audit of the central government’s 2014 budget, fiscal revenue and expenditure.

It was by no means difficult to find out that this session came into “audit time” for the third time. Prior to that, members already listened to the oral report made by Liu Jiayi, auditor general of China, and joined the group discussions on the report.

In every June, the NPC Standing Committee shall hear and consider the State Council’s audit report. That’s how “audit

storm” comes into being. Six months later, a rectification report on problems identified shall be submitted in written form to the meeting of the NPC Standing Committee in December. However, it was the very first time for the auditor general to make an oral report to the top legislature.

The highlight was also manifested by five “first times”, in specific, the first time to make an oral report, the first time to have a joint session, the first time to conduct a special inquiry, the first time to provide detailed background materials and the first time to provide a research report prepared by Financial and Economic Affairs Committee of the NPC and Budgetary Affairs Commission of the NPC Standing Committee.

All of above shows that the NPC Standing Committee has attached great importance to the problems identified in the





audit and is now promoting the audit supervision in an unprecedented manner. One of the tasks put forward in the 3rd Plenary Session of the 18th CPC Central Committee is to enhance examination and oversight on government budget and final accounts. In this sense, the NPC is right on track.

“It was the first time for us to hear and discuss the rectification report on spotted problems, and even to make a special inquiry. We hope the State Council will establish and improve a long-term mechanism of rectification in line with the reform tasks and the law,” chairman of the NPC Standing Committee Zhang Dejiang pointed out in the closing meeting of the 18th Meeting of the 12th NPC Standing Committee on December 27.

Throughout the session, legislators have expressed their opinions on the rectification report. Facing the inquiry, heads of government departments have specified existing problems. Followings are the details concerning these views and problems.

## Track and supervise

“I think tracking and supervising on rectification made by the NPC holds the key to audit supervision,” said Han

## However, it was the very first time for the auditor general to make an oral report to the top legislature.

Xiaowu, a member of the NPC Standing Committee, who stressed the supervision from the top legislature. Meanwhile, he pointed out if the problems revealed by the audit report cannot be rectified, the goals of audit will be hard to achieve and audit itself will become meaningless. It is very important to solve the deep-rooted problems of repeated offense from the institutional perspective.

During the discussions, Wang Naikun, also member of the NPC Standing Committee, noted that the follow-up efforts have gained significant results.

First, percentage of rectification has exceeded 50 percent, and even 90 percent in some cases. Clues of 895 criminal cases uncovered in the audit were provided to relevant departments. By the end of October 2015, all the problems have been rectified, generating a revenue 579.494 billion yuan.

Second, the NPC tracked rectification and ensured its implementation, which greatly promoted the smooth progress of key projects and major policies. Moreover, efforts have been intensified to streamline administration and delegate government power. The phenomenon of “zhonggengzu”, featured by intermediate staffers executing the policy passively or ineffectively, has been considerably reversed.

Third, some departments or regions not only engaged themselves in fixing the problems one by one, but also buckled down to perfecting the systems and mechanisms. A total of 5,935 regulations have been newly made or amended according to the audit suggestions.

Fourth, accountability has been reinforced. The rectification report showed that 5,598 officials have been punished according to relevant laws or Party disciplines. Among those punished, as many as 301 once swindled earmarked agriculture funding, including subsidy for purchasing agricultural machinery. In this way, the audit supervision plays a deterrent role in the real sense. As the saying goes, do not reach out your hand, or you will be caught.

In addition, the rectification report specifically mentioned the problem of taxation evasions in pharmacy procurement and sale. According to the report, the National Audit Office (NAO) has submitted the cases, in which enterprises falsely made invoices, to the State Administration for Taxation (SAT) and the Ministry of Public Security. Cases relating to 15 enterprises have been concluded with tax makeup and a fine of 2.229 billion yuan. Other cases are under investigation. SAT will further enhance examination and improve the system of law-breaking blacklist.

Vice Chairman of the NPC Standing Committee Chen Zhu pointed out that problems in pharmacy procurement and sale were not just a matter of tax evasion. It will increase fiscal burden on the general public and basic health care system, corrupt medical professionals and public servants, and furthermore, hinder the health care system reform from widening and deepening.

Chen proposed that China should intensify its efforts to crack down tax evasion in pharmacy procurement and sale,

and publicize the blacklist of illegal pharmaceutical distribution enterprises. As to those enterprises who disrupt the progress of reforms, government authorities in charge of health care reform should conduct joint audit, and tax departments should focus on tax evasion problems of these enterprises so as to ensure the success of the reform.

“At present, rectification in recovering illicit funds is better done than in dealing with law-breaking personnel, while the latter is better handled than improving long-term mechanism,” noted Yin Zhongqing, another member of the NPC Standing Committee. He suggested that in the next year, more emphasis should be laid on recovering illicit funds and even more on punishing law-breakers so as to deter others from committing similar crimes. “First and foremost, we need to establish rules and regulations, improve long-term mechanisms to plug loopholes. Only by persisting in institutional construction can the rule of law in budget affairs be truly realized,” Yin added.

### Heated inquiry on accountability

On December 26, during the two hours’ special inquiry, six legislators raised a number of questions covering annual budget, infrastructure investment of central government, local government debts, fiscal system reform, lottery management and full coverage of audit. Chairman Zhang Dejiang, 13 vice chairpersons and all the members of the NPC Standing Committee attended the inquiry. The State Council entrusted officials in charge from seven departments to attend the inquiry, namely NAO, National Development and Reform Com-

mission (NDRC), Ministry of Civil Affairs (MCA), Ministry of Finance (MOF), National Health and Family Planning Commission, State General Administration of Sports (SGAS) and Chinese Academy of Sciences (CAS).

Yin raised a question on the management of lottery funds. He pointed out that lotteries are actually a public fund raised by the country. It concerns the interests of the society and influences the image and credibility of governments at all levels.

The audit report indicates that in some regions lottery funds are not strictly managed. On random inspections, the amount of lottery funds exposed to false report, arbitrage, diversion and embezzlement has reached 16.932 billion yuan, accounting for 26 percent of the total inspected funds. Among these funds, 455 million yuan was embezzled to purchase vehicles, organize trips abroad and offer allowances.

“The malpractice stirred fury among the members during the discussion. The general public especially the punters are most concerned. Why do these problems exist in our lottery management? Have we recovered all the illicit funds? Did we strictly hold relevant individuals accountable? In the future, how can we prevent it from recurring?” All of the above questions by Yin pointed to the core in lottery management.

Li Ligu, minister of Civil Affairs, admitted that the problem in welfare lottery management reflected weak legal awareness of civil affairs authorities as well as loopholes in their lottery management and administrative supervision. Some problems, like illegally selling lottery online, are ignored or indulged. Once we uncover such problems in audit, we must enhance rectification and hold relevant officials accountable.

Li argued that they had resorted to measures such as re-



Li Jianbao, an observer-representative attending the NPC Standing Committee joint panel conference to examine the implementation of the 2014 budget and other financial issues, raises his hand to ask a question on December 26, 2015 in Beijing. *Sheng Jiapeng*





Liu Jiayi, auditor general of China National Audit Office, answers queries raised by legislators attending the NPC Standing Committee joint panel conference on December 26, 2015 in Beijing. *Sheng Jiapeng*

turning funds through the original channels, handing in the money to the treasury and special fiscal accounts, as well as lowering and even calling off allowances, etc. By the end of October 2015, 3.513 billion yuan have been rectified, accounting for 92.9 percent of total illicit funds, and 64 officials have been brought to justice.

Liu Peng, director general of SGAS, said they had asked the local sports and lottery authorities to pay up and make up for lottery operating expenses, and to strictly implement the administrative regulation on revenue and expenditure. At the same time, they stamped out online lottery sale under a unified campaign launched by the Ministry of Finance.

After Li and Liu finished their remarks, Yin asked whether the MCA had dealt with individuals directly accountable for problems of the Welfare Lottery. Li immediately responded by giving specific examples. During the inquiry, many members present nodded and commended when hearing excellent questions and answers. Yin's inquiry is a vivid example for the public to learn how the NPC Standing Committee members behave as spokesman for the people.

## Institutionalize rectification on spotted problems

Wu Xiaoling, a member of the NPC Standing Committee, asked a question about the annual budget of central investment plan and infrastructure construction. In the budget submitted to the NPC for approval, how much can be targeted at specific projects? How to further increase the ratio of money targeted at specific projects when making annual budget at the beginning of the year? How to further regulate the adjustment of the central government's investment plan?

Xu Shaoshi, head of NDRC, responded that NDRC was improving its work through optimizing investment adjustment, improving the investment management system of central budget, and intensifying supervision and inspection. He also put forward an important measure, namely key program database, which was designed to ensure that investment could flow to the areas where it is most needed instead of those with excessive capacity. "In this way, we are able to make

timely preparation and arrangement for the investment plan and increase the ratio of the budget that is directly targeted at specific projects," Xu added.

"Although NDRC has made great progress in budget compilation, it is still far from what members expect. Our program database should be much bigger. We hope the budget targeted at specific projects can represent more than 90 percent of the annual budget submitted to the NPC," said Wu in a straightforward manner.

"Forgive me for my sharp remarks," said Wu. Her expertise, perseverance, intelligence and candor added to the quality of the examination and inquiry. "We will definitely try to improve it," Xu concluded.

Wang Mingwen, another member of the NPC Standing Committee, asked questions in respect of local government debts. One of them is how the Ministry of Finance deals with the problem that some local governments have illegal debts or debts in disguise.

"This is a tough question," answered Lou Jiwei, minister of Finance. In the year of 2015, MOF has strengthened supervision and prohibited paying back the illegally guaranteed debts of local governments with fiscal revenue. Moreover, relevant responsible personnel have been either removed from office or sacked according to Article 94 of the Budget Law.

According to Lü Wei, a member of the NPC Standing Committee, the public wonders how to improve the effectiveness of fiscal expenditure on science and technology. "Among the savings of the central government, near half is from the balance of expenditures on education, science and technology. What is the main reason for the low implementation rate of the budgetary expenditure? What can we do to establish budget management system of fiscal expenditure on science and technology that is in line with the rules of scientific research?" She asked.

Wang Enge, vice president of CAS, said that rate of surplus was high because of the uncertainty in the process of budget making. CAS has already made some changes. "We are now engaged in strengthening performance management and exploring a new mechanism of resource allocation. We will also supervise the entire process of fund use and strive for higher effectiveness."

"In light of the relations between the central government and local governments reflected by transfer payments, should we press ahead to promote the reform?" added Peng Sen, another member of the NPC Standing Committee.

Lou replied that, in 2015, MOF drafted the Guideline for the Reform on Governance Power and Expenditure Responsibility between the Central and Local Governments in which the reform's timetable and road-map were outlined. In 2016, efforts will be made to initiate reform in the fields of national defense, national security, foreign affairs and public security, etc.

Feng Shuping, an NPC Standing Committee member, had a discussion with Liu Jiayi on how to achieve the goals of audit full-coverage as well as promoting a long-term mechanism of rectification. "It is laid down in a document of the CPC Central Committee that the country should make best use of social audit resources and realize audit full-coverage through government procurement. Therefore, I suggest that the scale of coverage should be expanded in a faster pace as soon as possible," Feng said. (NPC) ■



Voters from Kongtong District fill out evaluation forms in an annual evaluation to the deputies' work report.

# A bigger role to play

## Measures taken to improve performance of township people's congresses

By Zou Chunxia

**O**n December 4, 2015, which marked the second national Constitution Day, Li Zhukui, a 45-year-old township legislator, was so glad to be named the Figure for Rule of Law of 2015.

In China, there are five levels of people's congresses, namely national, provincial, municipal, county and township levels. It is the first time for a deputy from the lowest level of people's congress to stand on the stage of the awarding ceremony. Li, a deputy to the People's Congress of Anguo Township, Pingliang City in Gansu Province, was the busiest deputy, said his awarding remarks. Ever since he was elected as chairman of People's Congress of Anguo Township in 2011, he has spared no effort to stimulate the congress so that deputies are able to play their role and serve people's needs.

In June 2015, the CPC Central Committee forwarded the

Suggestion of the NPC Standing Committee on Strengthening the Role of People's Congresses at County and Township Levels. Such a move was to revitalize the people's congresses at county and township levels, as some of them have become useless or even out of operation. Starting from the bold exploration in Anguo township, Gansu Province has taken the lead in restoring the role of people's congresses at township level.

### **A people's congress deputy must face the voters directly**

"Deputy Chen Guangping, is it reasonable to charge heating fees based on construction area? Nowadays coal price is low, why does the heating fee remain the same as before?" Li



Wenkui, a 58-year-old local resident, raised this question to deputies during the reporting and appraising meeting held by Zhongjie Sub-district Office of Kongtong District on November 28, 2015. Such a question was greeted with applause from more than 100 attendees.

In 2015, the city of Pingliang started to charge heating fees according to the construction area, while prior to that the fees were based on the heating area. Voters attending the meeting told deputies that such a change brought down the per-unit price but raised the total cost. In Li Wenkui's case, he paid 920 yuan before the reform, but now he has to pay more than 1,330 yuan. The extra 400 yuan is quite a burden for someone like him who is still receiving subsistence allowances from the government.

"Public hearings were held before the current price was set. This question has been raised before," Chen Guangping responded immediately upon hearing this question. "The adjustment of heating fees is mainly due to the renovation of centralized heating system. But I will surely convey your concerns from the government."

Chen, 57, has been a deputy to the People's Congress at both Kongtong District and Pingliang City since 1999. From 2011, Pingliang started to organize 20 percent of its deputies to directly report their work to the voters on an annual basis, and Chen was one of them. This has brought her huge pressure. "If one does not do the job well, how can you face the voters while reporting work to them?"

Wang Guangping, another deputy from Kongtong District, had even deeper feelings. In 2006, he was elected as a deputy to the 16th People's Congress of Kongtong District. At that time, being a deputy was more like an honor with little pressure. After he was reelected in 2011, he felt much heavier pressure. "What have I done? Did I address the voters' concern? Have I conveyed their problems to higher levels of authorities?" Wang asked himself. The voters want to know about their deputies' job, and it is the deputy's responsibility to let them know.

### **Dissatisfaction may get deputies removed from post**

During his tenure of the 17th People's Congress of Kongtong District, Wang Guangping made two face-to-face reports to the voters in 2013 and 2015 respectively.

"In the past, when reporting one's work, deputies just submitted written materials that looked like policy papers. Now deputies have to face the voters directly. Although they still have written materials in hand, they can not simply read them. Instead, deputies have to tell the real stories." In 2015, he talked about the renovation project of shanty towns and also the problems he discovered when visiting

## **Starting from the bold exploration in Anguo township, Gansu Province has taken the lead in restoring the role of people's congresses at township level.**

people living in that area. After hearing his report, the voters gave him the highest score in annual evaluation.

It has become a common practice in many places in Gansu to relate annual evaluation to the deputies' work report. Wudu District of Longnan City even promulgated an official document which explicitly stipulated that voters can hold secret ballots in democratic evaluation process. The evaluation is classified as qualified, basically qualified and unqualified. If a deputy wins a low level of satisfaction from the voters and failed to perform his duty, he may make another report after rectification. If the voters are still not satisfied, he will be persuaded to resign or even be removed from office according to the Electoral Law of the National People's Congress and Local People's Congresses and the Law on Deputies to the National People's Congress and to the Local People's Congresses at Various Levels.

Wang Chunyan, vice chairperson of the Standing Committee of the People's Congress of Wudu District, said that in 2015 alone, she had conversations with two deputies who got little satisfaction from the voters. When meeting them, she inquired directly, "what have you done in 2015? How many



Residents from Xinminlu community, Kongtong District in Pingliang, Gansu Province gather together to review and appraise the work of deputies to local people's congresses.



Li Zhukui, a deputy to the People's Congress of Anguo Township, Pingliang City, Gansu Province

## At present, 1,233 chairpersons of people's congresses at township level work full-time in Gansu Province.

voters have you visited? How many poor households have you contacted?" One of the deputies did not attend annual plenary session of the people's congress, nor did he participate in any study programs due to his contracted construction project out of the district. As a result, Wang Chunyan directly required him to resign. "There are only 200 plus deputies in Wudu out of a population of 580,000. The deputies have to perform their duties in a solid manner."

### Deputies only attend meetings? Definitely not

"When deputies started to report their work to the voters, they had little to say, which was quite embarrassing. Things are quite different nowadays because deputies have a lot of practical work to do," said Chen Wei, Party secretary of Pingliang.

"In the past, deputies were just expected to attending meetings, but now the situation has completely changed."

"As these days, all villages have been seriously polluted by garbage, will the government provide any solution?" On November 28, 2015, the 5th Session of the 2nd People's Congress of Anguo Township was convened. When Ma Wenjuan, the newly-elected head of town, delivered her work report, deputy Zhang Zhengwu immediately put forward this ques-

tion collected after he visited the villagers.

Zhang has been a deputy for nearly 10 years since 2006. It is not until in recent years that he felt like a deputy in real terms. Ten years ago, when first elected, he did not know how to be a deputy. In his memory, he only attended several meetings and cast a few votes every year. Wang Yin, a deputy to the People's Congress of Jiehecun Township who was elected in 2011, shared the same feeling. "When first elected, what I cared about was only very concrete issues, such as someone's cow trampled other villager's field, or someone's goat bit the neighbor's trees," said Wang with a shy smile on the face.

But now Wang Yin are more committed to the issues of the voters' major concern. At the beginning of 2015, with the efforts of him and several other deputies, a 1.7-kilometer long dirt road has been upgraded into a highway. For this, he has won compliment from his well-educated son.

### Head of a county may face inquiries for breach of duty

Deputies behave differently when they deal with government officials. As He Xinglin, a vice chairman of the Standing Committee of Longnan People's Congress, pointed out that once deputies found problems during their inspection tour, they may summon the head of a county for an inquiry.

Such an incident did happen in a county of Longnan. At the beginning of 2014, when inspecting Chengguan town, deputies found that the old central block had a dirty and muddy road, which surprised them all because even the roads in the countryside had been upgraded. They immediately had the county head summoned to the site.

"If you ever live in this place, what do you feel? We put forward this problem in this inspection tour for you to consider. Would you please pay special attention and find a solution to it?" inquired by the deputies.

"We will definitely solve this problem immediately, as soon as possible," responded the county head. In no time, this project was listed as a priority of government work and the county allocated nearly 90 million yuan to renovate this road.

In Liangdang County, water pollution has been a great concern of local residents. When this problem was reported by deputies to the People's Congress, it drew great attention from the county government which held special meetings to address this matter. According to Zhang Xing, head of the Deputy Affairs Commission of Liangdang People's Congress, in 2014, two gold mining enterprises were introduced to this county. As the enterprises were both located at the upper reaches of the river which runs through the county, local residents reacted strongly as they feared that such a location may cause serious pollution to the water source. Thanks to the efforts paid by the deputies, the government invited environmental protection agencies to test water quality. As a result, the government decided to find another industrial water source for the enterprises. The whole decision-making process was participated by deputies at all levels.

### Township people's congresses play a role

"Once there is a problem, go to the deputies first, and they will give you good answers and quick solutions," said Wang



Kun, a villager and a voter from Hanlin town in Longnan. While in the eyes of Zhang Xusheng, secretary-general of the Standing Committee of Gansu Provincial People's Congress, the reason that deputies at township level in Gansu can play an important role is because the originally non-performing township people's congresses have been transformed into well-functioning organs. This, however, should be largely attributed to the re-positioning of the chairman of the township legislature.

## From part-time to full-time

Li Zhukui is the one that makes Anguo Township People's Congress more effective by working as a full-time deputy in the congress. Previously, being chairman of the congress was just part of his job.

In 2011, Li was elected as chairman of the People's Congress of Anguo Township. According to the established practice, he was also in charge of agriculture in the local government. Half a year later, he realized that such an arrangement was inappropriate.

"There are more than 50 deputies elected from nearly 20,000 people in the town. They are trusted by the people and should do something good for the people. It is inappropriate for deputies to do nothing at all." When visiting the people and seeing their eyes full of hope, he had a strong sense of responsibility to do his job well.

He went to the Party secretary of the town, telling him that as chairman of the people's congress, he must fulfill his duty to do a good job in the congress in the first place, and it was a dereliction of duty if he failed to address the concern of the people. "I joked that a cat's duty was to catch mouse, while a dog's duty is to guard the door. What we are doing right now is just like making a dog to catch mouse," said Li.

At present, 1,233 chairpersons of people's congresses at township level work full-time in Gansu Province. They are now the backbone and pillar stones of the township legislatures. After taking office in 2012, Li Rui spent at least 25 days a month visiting villages and listening to voters' feedbacks.

Before this, some chairpersons of people's congresses at township level were also Party secretaries, and their assistants were secretaries to the Party leaders. "The chairpersons had no time to take care of the congress, nor did their assistants," said Luo Xiaohu, a vice chairman of the Standing Committee of Gansu Provincial People's Congress.

## Promising candidates for Party and government chief

"In the past, those working in people's congresses had little chance to get a promotion. Chairpersons of people's congresses at the township level often work for 7, 8 or even 10 years," noted Chen Wei, Party secretary of Pingliang City. Chairpersons of people's congresses used to be old-age cadres who had retired from Party and government leading positions.

Nowadays, chairpersons of people's congresses at township level have become promising candidates for chief leaders in the Party and governments. Li Zhukui is an example. Not long ago, he was appointed head of Baishui township. Li is one of the 37 chairpersons of people's congresses at town-

ship level who later became head or even Party secretary of a town.

In some counties of Longnan, 80 percent heads of town all had the experience of being chairpersons of local people's congresses. For example, out of 21 chairpersons of people's congresses at township level in Kang County, one later took the post as Party secretary of the town, eleven became heads of town. While in Liangdang County, 5 out of 12 chairpersons of people's congresses at township level later became township heads.

"Such arrangements serve as a recognition which gives us greater motivation to do our work well," said Li Rui, who used to be chairman of Wangba Township People's Congress. He is now head of the local government. "In the past, being chairpersons of local people's congresses means slim chance to get promoted. You are hopeless and others will look down upon you. Things have changed. Nowadays if you are doing a good job in the congress, both higher authorities and the people will trust you. Besides, you'll have a better chance to get promoted in your career. Such an arrangement gives us more passion and greater motivation."

## Commander of the rod? Not any more

"One office, one person, one stamp and one meeting each year," this is a vivid description of the reality of people's congresses at township level, even the chairperson is joked as a commander of the rod. Li Rui used to think the same. He said at that time a chairperson of a township people's congress was indeed a commander of the rod. Even if he had a fresh idea, it was up to himself to think about it, take notes and enforce it.

Li Zhukui recalled that when he decided to work full-time in the people's congress, he applied for two offices and later a staff member. It was extremely difficult to have a staff member as young people believed it would be the end of his career to join the congress.

Nowadays, both chairpersons and staff members have to work full-time. In addition, a vice-chairperson has to be appointed in those affluent towns with a population of more than 20,000. Moreover, every township legislature should set up an office with full-time staff members.

Like the chairpersons, staff members also have a better chance of promotion. Li Zhukui said that his first staff member has already been promoted to work in the municipal government. And this young man's successor has recently been recommended as a candidate for a higher position.

In addition, people's congresses at township level in Gansu now has special funds appropriated for its operation. For example, Kang County of Longnan appropriates a special fund ranging from 50,000 yuan to 70,000 yuan on an annual basis to each people's congress at township level, and the total annual budget is around 1.2 million yuan.

According to Huang Qinsheng, chairman of the People's Congress of Feiyun Township in Jingchuan County, around 80 percent deputies at the township level are farmers. Without financial support, some farmers used to be reluctant to attend the meetings due to their farm work. Now that they are entitled to subsidies for loss of working time, they become much more active in attending meetings and other relevant events. (Beijing Youth Daily) ■

# Xinjiang's rise

## Six decades of development makes the autonomous region a promising land

By Yin Pumin



Tajik dancers from the Xinjiang Uygur Autonomous Region dance happily on March 19, 2015, as part of local celebrations to mark the coming of spring. As a traditional Tajik festival, the celebration normally falls on March 21, the same day as lunar calendar's vernal equinox, a time considered auspicious by Tajik people to pray for the coming year. Jiang Wenya



**X**injiang Uygur Autonomous Region, located in Northwest China, celebrated its 60th anniversary on October 1, 2015. Having undergone tremendous changes over this period of time, Xinjiang has successfully utilized its picturesque landscapes, rich natural resources and diverse culture to create prosperity for its 22 million residents from 47 ethnic groups.

“The living standards for people of all ethnic groups [in Xinjiang] have improved considerably... [The region] has achieved the shift from poverty to a well-off society in general and is striving to be an all-round flourishing society,” said Yu Zhengsheng, chairman of the National Committee of the Chinese People’s Political Consultative Conference, at an anniversary celebration in Urumqi, capital of Xinjiang.

Xinjiang is China’s largest provincial-level region, covering an area of more than 1.6 million square km and making up one sixth of China’s territory. Major ethnic groups in the region include Uygur, Han, Daur, Hui, Kazak, Kirgiz, Manchu, Mongol, Russian, Tajik, Tatar, Uzbek and Xibe.



## Great achievements

The development and progress in the autonomous region since its founding in 1955 underscores the successful implementation of China’s system of ethnic regional autonomy in the vast area, according to a recent government white paper. The paper, titled “Historical Witness to Ethnic Equality, Unity and Development in Xinjiang,” was issued by the State Council Information Office on September 24, 2015.

Over the past 60 years, Xinjiang’s economy has seen significant development, which has accelerated the region’s modernization and laid a solid foundation for an improved standard of living, the report stated.

Statistics show that the region’s gross regional product (GRP) increased from 1.2 billion yuan (\$189 million) in 1955 to 927.3 billion yuan (\$146 billion) in 2014, representing a 116-fold increase in real terms with an annual growth rate of 8.3 percent. Its per capita GRP rose to 40,648 yuan (\$6,386) in 2014 from 241 yuan (\$37.86) in 1955, representing a 23-fold increase in real terms and a 5.6-percent annual growth rate.

Notably, Xinjiang’s poverty-stricken population was reduced by 1.39 million in the 2011-14 period, thanks to a host of effective development programs. As a result, Xinjiang residents have seen remarkable improvements in their work and living conditions.

Pataer Keyimu is a farmer living in the Grape Valley of Turpan in east Xinjiang. Compared with his parents’ generation, Pataer’s way of life includes not only growing and selling grapes but also working in tourism and other sectors thanks to the opportunities available through the Internet.

In 2010, Pataer opened a family inn to accommodate tourists. After the 3G mobile service provided by China Telecom was made available in his hometown, he expanded his business online and sold local products, such as dried grapes, to customers from all over the world. By the end of 2015, Pataer estimates that his family’s yearly earnings will reach 150,000 yuan (\$23,565).

Stories like Pataer’s highlight how investments in infrastructure can benefit the local community. In his speech on October 1, Yu stressed that Xinjiang should continue to pursue high-quality and efficiency-oriented growth for its residents by optimizing and upgrading the region’s industrial structure.

The Silk Road Economic Belt, proposed by President Xi Jinping in September 2013, aims at boosting international trade and enhancing China’s cooperation on infrastructure projects with Central, South and West Asian countries. Xinjiang, a strategic region on the Silk Road Economic Belt, should seize opportunities to develop transportation and information technology and make itself a key player in China’s increased trade with the West, Yu said.

## Cultural prosperity

In addition to developing the economy, Xinjiang has also made significant efforts to preserve its ethnic languages and culture. The region has 10 principal spoken and written languages, which are widely used in various fields, including government administration and education.

Currently, seven languages are taught in primary and secondary schools in the region. Local broadcasting and televi-

sion programs are available in five languages, and books, audio-visual products and electronic publications are published in six languages. Meanwhile, government departments use the languages of the ethnic groups exercising autonomy in a given area in handling public affairs as well as in recruitment and promotion tests.

As part of a larger strategy to address poverty and boost economic growth, Xinjiang began to use Mandarin as an instructional language in schools from 2004. In 2010, a central work conference on Xinjiang made bilingual education integral to a national plan to boost the region's development.

At the end of 2014, more than 2 million ethnic minority students were receiving bilingual education in Xinjiang, accounting for 75 percent of all students, up 102 percent from 2009, according to the region's education department.

The rich cultural heritage of Xinjiang has also been effectively protected.

It currently has 113 cultural relic sites under state protection and 550 under regional-level protection. In 2009, the autonomous region launched the Uygur Historic and Cultural Preservation Project – Renovation of Dilapidated Buildings in the Old Kashgar City Proper. By 2014, Xinjiang had invested more than 3 billion yuan (\$471 million), renovating dilapidated buildings for 31,000 households.

Xinjiang also has three projects on the UNESCO Intangible Cultural Heritage List and the List of Intangible Cultural Heritage in Need of Urgent Safeguarding – the Art of Xinjiang Uygur Muqam, the Epic of Manas and the Uygur folk performance Meshrep.

## Religious freedom

Since the founding of the People's Republic of China in 1949, the policy on religious freedom has been implemented together with the policy on ethnic regional autonomy, according to the aforementioned white paper. It states that the democratic reform of the religious system and law-based management of religious affairs have helped create and sustain peaceful coexistence among different religious groups in Xinjiang.

“(We should) actively guide religions to adapt to a socialist society, boost lawful religion management, cultivate a team of patriotic religious personnel and ensure the role of believers and figures in the religious circle in contributing to economic and social development,” Yu said.

Xinjiang has 24,800 religious venues, including mosques, churches, and Buddhist and Taoist temples with 29,300 clerical practitioners. Most of the 10 major ethnic groups are followers of Islam, and there are a total of 24,400 mosques with 28,600 clerical personnel in the region.

Since the 1980s, the Central Government has allocated more than 10 million yuan (\$1.57 million) for maintaining or repairing a number of key mosques and religious sites.

The Xinjiang Islamic Institute itself has trained 634 students since its founding in 1987, and since 2001 has held 132 training sessions for 28,665 clerical personnel. By 2014, more than 1.76 million copies of religious classics, books and magazines, including the Quran, had been published in Uygur and other languages.

Shewket Imin, an official with the Xinjiang Uygur Autonomous Regional Committee of the Communist Party of China,



Farmers in Pishan county, Xinjiang Uygur Autonomous Region select apricots for baking. Shen Qiao





Muslims dance in celebration of the Corban Festival, also known as Eid al-Adha or the feast of the sacrifice, in Kashgar on September 24, 2015. Zhang Cheng



Local farmers are drawing paintings in Maigaiti county, Xinjiang Uygur Autonomous Region. Shen Qiao

## 'Xinjiang has achieved the shift from poverty to a well-off society in general and is striving to be an all-round flourishing society,' said Yu Zhengsheng.

said that the government has taken a series of measures to guarantee people's freedom of religious belief in Xinjiang, including showing its support by sending thousands of local Muslims to Mecca in Saudi Arabia for pilgrimage and providing clerical personnel with allowances.

Shewket stressed that the government has always been supportive of local Muslims, hosting numerous commemorative activities during Islamic festivals such as Eid al-Fitr, which marks the end of the Islamic holy month of Ramadan.

### The terrorist threat

Despite the regional social and economic prosperity, however, Xinjiang has faced growing threats from the combined forces of ethnic separatism, religious extremism and violent terrorism since the 1990s. Working from bases both inside and outside China, terrorists have planned and staged a series of deadly incidents both in the region and in other parts of China.

Of them, the July 5 riot in Urumqi in 2009 killed 197 people and injured over 1,700, in addition to causing tremendous property damage. A terrorist attack in Shache County, Kashgar Prefecture, on July 28, 2014, claimed 37 lives and injured 13, with 31 vehicles smashed or burned.

"Religious extremists have taken advantage of religious freedom to twist and politicize some religious doctrines," said Xu Jianying, a research fellow with the Research Center for Chinese Borderland History and Geography at the Chinese Academy of Social Sciences.

According to the aforementioned white paper, religious extremists advocate extreme ideas, incite religious hatred and undermine Xinjiang's social harmony and ethnic solidarity. The paper also asserts that these extremists deny the traditional, peaceful history of Islam in Xinjiang, as well as distort and contravene Islamic theology.

With such radical beliefs that a "shahid (martyr) engaged in jihad (holy war) can live in the garden of Paradise," religious extremism has turned some individuals, especially young people, into fundamentalists, the report said. They can then be manipulated to perform acts of terrorism and harm innocent people of all ethnic groups, even their fellow Islamic clerics and Muslims, it adds.

Li Wei, a security expert at the China Institutes of Contemporary International Relations, revealed that 95 percent of planned terrorist activities in Xinjiang were aborted, a significant improvement in anti-terrorism efforts. More than 96 percent of terror groups were thwarted at the planning stage, and 112 suspects turned themselves in to the police, according to official statistics.

As of April, a total of 181 terror groups had been dismantled during a year-long campaign, which was launched a day after a market bombing in Urumqi that killed 39 people on May 22, 2014. The tendency of frequent eruptions of violent



Ajahan Samait, a villager from Shazaojing village, Hami of Xinjiang Uygur Autonomous Region checks her computer-controlled embroidery machine on July 7, 2015. *Pu Lati*

and terrorist attacks in Xinjiang has been somewhat checked, the white paper concluded.

Still, Yu said at a meeting in Beijing on September 23, 2015 on Xinjiang-related work that more resources are needed to invest in enhancing the region's ability to battle terrorism and maintain stability. Xinjiang must receive aid in anti-terrorism efforts at the community level, he noted.

## Nationwide assistance

Almost 1.7 trillion yuan (\$267 billion) in grants made from the central treasury to Xinjiang over the past 60 years have laid the foundation for the region's development, according to the aforementioned white paper.

With hefty State funds, many major infrastructure and other projects in the region have been completed, including the railway linking Urumqi and Lanzhou in neighboring Gansu Province, as well as oilfields in Karamay and Tarim.

In the 1980s, a cooperative program was initiated between Xinjiang and more than 100 institutions of higher learning in other parts of the country, with the total enrollment of local students studying elsewhere growing from 800 to 6,800. By 2014, these institutions had enrolled a total of 54,000 students of ethnic minority origins from Xinjiang, in addition to providing the autonomous region with 21,000 undergraduates and junior college graduates.

In 2010, the Central Government launched a pairing-up assistance program for 82 cities and counties in Xinjiang and 12 divisions of the Xinjiang Production and Construction Corps (XPCC), an economic and semi-military organization stationed in the region. Under the program, 19 designated

provinces and municipalities are required to invest a certain percentage of their annual GRP in assigned cities or counties in Xinjiang to boost local economic development. The assistance providers also send officials and experts in different fields to work in Xinjiang.

The Central Government has made tangible efforts to take the needs of the recipient region into account. For example, it has paired Shenzhen in Guangdong Province, which is China's first and most successful special economic zone, with Kashgar in Xinjiang. Kashgar is a special zone that is designed to act as a trade hub connecting Central Asian countries on the Silk Road Economic Belt.

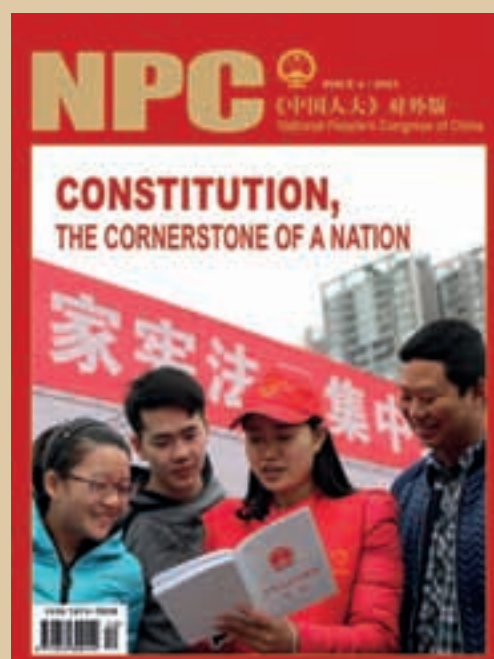
Beijing is responsible for assisting Hotan and three counties in Hotan Prefecture in south Xinjiang, as well as the 14th Division of the XPCC. By the end of 2014, Beijing had invested 6.25 billion yuan (\$984 million) in 471 projects in Xinjiang, more than 86 percent of the financial budget for assisting the region for the 2011-15 period, said Zhang Chuanwu, deputy director of Beijing's Pairing-Up Assistance Office in Hotan.

Officials attending the September 23, 2015 meeting in Beijing pledged to continue assistance to Xinjiang, with the focus on creating jobs and improving education and infrastructure in the 2016-20 period. "Our priority is to improve local people's living conditions and upgrade education-related projects," Zhang said.

The new assistance projects must be based on people's real needs and increase efficiency in improving locals' livelihoods, said Vice Premier Zhang Gaoli. He also called for concerted efforts to alleviate poverty in Xinjiang, particularly in the poorer southern part of the region. (Beijing Review) ■



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# Hangzhou

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