**Annual Report on Promoting the Rule of Law in China (2014)**

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**Preface**

In 2014, China gave full play to the important role of the rule of law in the governance of the country and society, by centering on the general target of improving and developing the socialist system with Chinese characteristics and promoting the modernization of the national governance system and its ability of governance. Using the rule of law to guide the reform, it further improved the quality of legislation and legal system, further promoted the work of exercising law-based administration and the construction of a law-based government, further administered justice fairly and strictly, further enhanced the judicial credibility, gave more publicity to and strengthened education to promote the rule of law, carried on more legal research and fostered the legal culture.

The Communist Party of China (CPC) convened the Fourth Plenary Session of its Eighteenth Central Committee in October 2014. It reviewed and adopted the Decision Concerning Some Important Issues on Comprehensively Promoting the Law-based Governance of the Country. This was the first plenary session of the Central Committee of the Communist Party of China convened ever with the rule of law as its main theme.It was a milestone of epoch-making significance in the history of the Party’s building and its promotion of the rule of law.The Decision says that the general target for comprehensively promoting the law-based governance of the country is to build the socialist system of the rule of law with Chinese characteristics and build a socialist law-based country. It further stresses that to attain this general target, it is essential to uphold the leadership of the Communist Party of China, uphold the principal position of the people, uphold the principle that all are equal before law, uphold the combination of the law-based governance of the country and the virtue-based governance of the country, and persist in proceeding from the actual conditions in China. The Decision outlines the major tasks for comprehensively promoting the law-based governance of the country are, namely:to improve the socialist system of laws with Chinese characteristics with the Constitution as its core to strengthen the implementation of the Constitution; **to** deepen the exercise of administration by law to accelerate the building of a law-based government**; to** ensure the fair administration of justice to improve judicial credibility**;** strengthen the whole people’s sense of the rule of law to promote the building of a law-based society;strengthen the work of training a contingent of legal personnel; and strengthen and improve the Party’s leadership over the work of comprehensively promoting the law-based governance of the country.

Law-based governance of the country is the solemn choice of the Communist Party of China after it came into power. To comprehensively promote the law-based governance of the country with the rule of law as its basic way to administer state and government affairsmanifests the CPC’sdeepeningunderstanding of the law of governing the country, the law of socialist construction, and the law of the development of the political civilization of mankind, its profound understanding of the fundamental questions of shouldering the mission of governing the country, and achieving the economic development, clean politics, cultural prosperity, social justice and good ecology, and its positive response to the people’s demand for the rule of law and expectation of governing the country according to law, and shows the Party’s firm determination and confidence in leading the people of the whole country to take the road of the socialist rule of law with Chinese characteristics unswervingly, and accelerating the building of a socialist law-based country. At this new juncture of the history, the Fourth Session of the Eighteenth Central Committee of the Party drew a magnificent blueprint for comprehensively promoting the law-based governance of the country with distinct Chinese characteristics. China ushered in a brand-new era of building a law-based country.

**I. Legislation and Legal Supervision by the NPC Standing Committee**

The National People’s Congress of China and its Standing Committee adopted 24 laws, legal interpretations and decisions on legal issues in 2014. By the end of December, 2014, China had 243 effective laws, apart from the current Constitution.

**(1) Formulating and Revising a Number of Laws**

――Revising the Environmental Protection Law. The Environmental Protection Law is a basic and comprehensive law in the field of environments. The NPC Standing Committee adopted the revised Environmental Protection Law in April, 2014. The main changes are: One, it clarifies the purpose of legislation for pushing forward the improvement of ecological environment to promote the sustainable economic development, and clarifies the requirement for the coordination between economic and social development and environmental protection. Two, it further clarifies the responsibility of the government to exercise supervision and management over environmental protection. Three, it improves the basic systems for environmental protection, such as the red line for ecological protection, pollutant cap control, environmental monitoring and environmental impact assessment, and trans-regional joint prevention and control of pollution. Four, it strengthens the responsibility of the enterprises as the subjects for the prevention and control of pollution. Five, it stresses information disclosure and public participation, making clear that citizens have the right to get environmental information and take part in and supervise environmental protection. Six, it imposes stronger legal sanctions on the violations of the environmental law.

――Revising the Budget Law. Since it went into force in 1995, the Budget Law has played an important role in standardizing the budget management, promoting the financial management according to law, strengthening the state macro-control and giving impetus to the economic and social development. The NPC Standing Committee revised the Budget Law in August, 2014. It was the first comprehensive revision of the Budget Law in the past years since it became effective. The main changes are: One, it improves the government budget system. It is stipulated that all revenues and expenditures of the government should be put into the budget. The budget includes the general public budget, government-managed fund budget, state-owned capital management budget and social security fund budget. It defines the standards for the functions of the four budgets, the principles for their compilation and their interrelationships. Two, it improves the transparency of the budget system. It stipulates that the budgets, budgetary adjustments and final accounts approved by the people’s congresses or their standing committees at the same level should be made public, and the budgets, final accounts and budget report forms of the government departments should also be made public. Three, it establishes the mechanism for the balance of the budget to be carried over to the next year. The governments at all levels generally may establish a budget stabilization and adjustment fund in the public budget in accordance with the provisions of the State Council for use to make up for the shortage of the budgetary fund in the following years, the revenues collected over the budget can be used only to deduct the deficit or replenish the budget stabilization and adjustment fund. If the revenues are short of the budget, they shall make up the balance by transferring the budget stabilization and adjustment fund and reducing expenditures. Four, it improves the fiscal transfer payment system. It stipulates that the state adopts the fiscal transfer payment system and defines the standards for the principal targets, composition and forms of the transfer payments. Five, it standardizes the mechanism for the management of the local government debts. It adds provisions permitting local governments to borrow debts, and makes restrictive prescriptions for the subjects, uses, sizes, methods and risk control. Six, it strengthens the examination and supervision over the budgets by people’s congresses. It improves the system for the preliminary examination of the budgets by people’s congresses and further clarifies the contents for special examination.

――Revising the Administrative Procedure Law. The Administrative Procedure Law is a law by which “common people sue government officials”. It has played an important role in resolving administrative disputes, promoting administration by law, and protecting the legitimate rights and interests of citizens, legal persons and other organizations since it went into force in 1990. The NPC Standing Committee revised the law in November, 2014. It was the first revisions in the past 24 years. The main changes are:One, it expands the scope of case acceptance, changes the “concrete administrative acts” to “administrative acts’, and includes the administrative acts done by regulation-authorized organizations in the scope of case acceptance. It increased the number of items listed in the scope of case acceptance from 8 to 12, including the refusal to obey the decisions on collection and requisition and decisions on their compensations, the abuse of administrative power by administrative organs to exclude or restrict competition, and the administrative acts of raising funds illegally, apportioning expenses, and failing to pay the minimum allowances for living expenses or social security expenses are all included in the scope of acceptance. Two, it opens the channels wider for suing. It stipulates that people’s courts should protect the right of citizens, legal persons and other organizations to file suits, and accept administrative cases that should be accepted according to law, and that administrative organs and their employees should not interfere with or obstruct people’s courts from accepting administrative cases. Three, it clarifies the system of response for administrative chiefs to appear in courts. It stipulates that the responsible persons of accused administrative organs should appear in courts to respond to the suits against them or entrust their corresponding employees to appear if they cannot appear themselves. Four, it improves the jurisdiction system. It stipulates that with the approval from the Supreme People’s Court, higher people’s courts may determine a number of people’s courts to handle trans-administrative regional cases in light of the actual situation of the adjudication work. Five, it strictly standardizes the procedure for filing cases, and changes the system of filing for examination to the system of filing for registration. It stipulates that when a people’s court receives an indictment, it shall register the case if it conforms to the conditions for filing. If a people’s court does not register the case nor makes a ruling not to register the case, the party may bring the case to a people’s court at the higher level. Six, under the premise of upholding the principle of legitimate examination, obvious improperness of an administrative act shall be included in the scope of examination, and it clarifies that a people’s court can decide to cancel or partly cancel an obviously improper administrative act. Seven, it clarifies that a people’s court may make incidental examination of normative documents under regulation, and not treat a normative documents it deems not legitimate as the legitimate basis for an administrative act. It shall put forward its suggestion for handling the case to the organ for formulating the normative document. Eight, it further clarifies the responsibility of administrative organs for refusal to execute court judgments. It stipulates that the refusals of administrative organs to execute court judgments shall be announced. Where an administrative organ refuses to execute a court judgment, award or mediation agreement and thus exert baneful influences, its chief in charge who is directly responsible and other persons who are directly responsible may be detained. Moreover, it also adds the summary procedure and makes further improvements to the system of proceeding participants and evidence system.

――Revising the Law of the People’s Republic of China on Work Safety in Production. The Law on Work Safety in Production has played an important role in preventing and reducing work safety accidents and protecting the safety of the lives and property of the people since it went into force in 2002. The NPC Standing Committee revised the law in August, 2014. It focuses on strengthening system measures in three aspects: One, it strengthens the responsibility of the production and operation units as subjects to solve the problems such as the system of responsibility for work safety, work safety input, work safety management organs and how to give play to the role of the personnel working in the organs, and the system for the investigation, discovery and prevention of possible accidents. Two, it strengthens the responsibility of the government organs for supervision and control, improves the measures for supervision and management and strengthens the work of supervision and management. Three, it strengthens the work of investigation of the responsibility for work safety and imposes stronger penalties on persons responsible for violations of the law.

In 2014, the NPC Standing Committee also formulated the Channel Law and the Anti-Espionage Law, revised the Law on the Protection of Military Installations and made changes to some of the provisions in the five laws, including the Insurance Law, the Law on Certified Public Accountants, the Government Purchase Law and the Meteorology Law in a package, cancelled or transferred items for administrative examination and approval prescribed in some laws. It adopted eight legal interpretations on the relevant provisions in the Criminal Law, the Criminal Procedure Law, the General Principles of the Civil Law and the Marriage Law. It also reviewed the draft of the revised proposals for the Food Safety Law, the Advertisement Law and the Law on the Prevention and Control of Air Pollution and the drafts of the Legislation Law, the Anti-Terrorism Law, the State Security Law, the Law on the Administration of Non-Government Organizations from outside China and the Amendment (9) to the Criminal Law.

**(2) Adopting A Batch of Decisions on the Relevant Legal Issues**

**――**Adopting the Decision on the Establishment of the National Constitution Day. The Constitution is the fundamental law of the nation, and the general charter for governing the country and guaranteeing its peace and stability. It has the highest legal position, legal authority and legal effectiveness. In order to enhance the Constitution consciousness of the whole society, carry forward the spirit of the Constitution, reinforce the implementation of the Constitution and comprehensively promote the law-based governance of the country, the NPC Standing Committee adopted the decision on the establishment of the National Constitution Day in November 2014, and established December 4 as the National Constitution Day, and the country will carry out educational activities in multiple forms to publicize the Constitution.

――Adopting decisions on commemoration days and public memorial days. In order to keep the history firmly in mind, not to forget the past, treasure peace and create a new future, the NPC Standing Committee, on the proposals put forward by NPC deputies, members of the CPPCC National Committee and personalities of all circles, reviewed and adopted the decision on the establishment of the Victory Day for the Chinese People's War of Resistance to Japanese Aggression. It decided to establish September 3 as the Commemoration Day of the Victory of the Chinese People’s War of Resistance to Japanese Aggression and to hold national commemoration activities on Septe4mber 3 every year. It also reviewed and adopted the decision on the establishment of the national memorial ceremony day for the victims of the Nanjing Massacre and established December 13 as the national memorial ceremony day for the victims of the Nanjing Massacre to express condolences over the victims of the Nanjing Massacre and all victims of the massacres of the Japanese aggressors during the Japanese Imperialist War of Aggression in China. It reviewed and adopted the decision on the establishment of the Martyrs’ Memorial Day, and established September 30 as the martyrs’ memorial day, and to carry out national memorial activities in memory of the Martyrs every September 30.

――Adopting the decision on authorization to lead and promote the reform of the judicial system. In the spirit of the decision of the Party Central Committee to deepen the reform of the judicial system, the NPC Standing Committee reviewed and adopted the decision to authorize the Supreme People’s Court and the Supreme People’s Procuratorate to make experiments on introducing a quick process of decision for criminal cases in some regions, and authorized the Supreme People’s Court and the Supreme People’s Procuratorate to further simplify the relevant procedure prescribed in the Criminal Procedure Law for cases involving dangerous driving, traffic accidents, theft, fraud, seizure, injury and stirring up fights and troubles with clear facts and sufficient evidences, on which the defendants make voluntary confessions with no objections to the application of law and the parties concerned may be sentenced to a fixed-term imprisonment of not more than one year, criminal detention and public control or a sole fine in Beijing, Tianjin, Shanghai, Chongqing, Shenyang, Dalian, Nanjing, Hangzhou, Fuzhou, Xiamen, Jinan, Qingdao, Zhengzhou, Wuhan, Changsha, Guangzhou, Shenzhen, and Xian. The decision provides the legal basis for the improvement of the criminal procedures.

——Adopting the decision on authorizing the State Council to make temporary adjustments to administrative examination and approval prescribed in the relevant laws in the free trade experimental zones. In order to meet the requirement of the Party Central Committee to popularize the experience of the China (Shanghai) Free Trade Experimental Zone, the NPC Standing Committee adopted the decision to authorize the State Council to make temporary adjustments to the administrative examination and approval prescribed in the relevant laws in the China (Guangdong) Free Trade Experimental Zone, the China (Tianjin) Free Trade Experimental Zone and the China (Fujian) Free Trade Experimental Zone and the extended area of the China (Shanghai) Free Trade Experimental Zone in December 2014, and made clear the scope, content and time of the authorization. This was another authorization decision made by the NPC Standing Committee to provide the legal basis for deepening the reform, opening up still wider and accelerating the transfer of government functions after it made the first authorization decision for the China (Shanghai) Free Trade Experimental Zone in 2013.

――Adopting the Decision on the methods for the general election of the chief executive of the Hong Kong Special Administrative Region and the election of the Legislative Council in 2016. The general election of the chief executive will mark the historical progress in the development of democracy in Hong Kong. It will also be a major change in the political system of the Hong Kong Special Administrative Region. It has bearing on the prosperity and stability in Hong Kong for a long time to come as well as the sovereignty, security and development of the country. In August, 2014, the NPC Standing Committee adopted the decision on the methods for the election of the chief executive of the Hong Kong Special Administrative Region and the election of the Legislative Council in 2016. It made clear that beginning in 2017, the election of the chief executive would be elected by the method of general election. It clearly said that the chief executive of the Hong Kong Special Administrative Region should be responsible for the Hong Kong Special Administrative Region, but also for the Central Government, and that it was essential to uphold the principle that the chief executive must be a person who loves the country and loves Hong Kong. It also made provisions for the nuclear elements of the system for the general election of the chief executive, including the number of members of the nomination commission, its composition and the method for the election of its members shall be the same as those for the election of the fourth chief executive, and the nomination commission shall nominate two to three candidates, each of them having to win the support from more than a half of the members of the nomination commission. This decision is of great importance to the comprehensive implementation of the principles of “one country, two systems” "Hong Kong people administering Hong Kong" and a high degree of autonomy, and its Basic Law, promoting the progressive development of democracy in Hong Kong, and the organization of the general election of the chief executive in 2017.

**(3) Promote Scientific and Democratic Legislation in a profound way**

In 2014, the NPC Standing Committee made new steps forward in promoting scientific and democratic legislation on the basis of continuing to implement and improve the work mechanism for evaluation before the drafts of laws were prepared, strengthening legislative investigations and project demonstration and publish the drafts to solicit opinions from the public. One, give better play to the guiding role of the NPC Standing Committee. It gave more guidance to making the legislative plan and proceeded from the reality of China’s economic and social development, gave prominence to the key issues with due consideration for all concerned in making decisions on the legislation projects in a scientific way. It improved the organization of the law drafting work. The relevant special committees of the National People’s Congress and the Commission of Legislative Affairs of the NPC Standing Committee were directly responsible for preparing the drafts of the revision of the important laws, including the Environmental Protection Law, the Legislation Law and the Administrative Procedure Law. Moreover, the relevant special committees of the NPC joined the draft working groups of the State Council, the Supreme People’s Court and the Supreme People’s Procuratorate in discussing the major issues when the latter drafted their laws to get the drafted versions of the new laws ready for review at the NPC Standing Committee. Two, it persisted in making, revising, abolishing and interpreting laws simultaneously., and gave overall consideration to the issues of making new laws and abolishing outdated laws, and the issue of coordination and connection between new and old laws, and between this law and other relevant laws. In 2014, it revised the Budget Law, the Administrative Procedure Law and the Environmental Protection Law, formulated the new Channel Law, and made preparations for the formulation of a comprehensive, overall and basic law in the area of state security to turn the State Security Law into an Anti-Espionage Law. As to the methods of revision, there was comprehensive and systematic revision of separate laws, but also revision of several laws in a package. It strengthened the work of law interpretations, and issued legal interpretations on the relevant provisions in the Criminal Law, Civil Procedure Law, the General Principles of the Civil Law and the Marriage Law. Three, it gave further play to the role of NPC deputies in legislation. It established the work mechanism for the members of the NPC Standing Committee, members of the NPC special committees and the legislative organs of the NPC Standing Committee to make contact with NPC deputies, and actively invited NPC deputies to take part in the work of investigation, demonstration and reviews. More than 300 NOC deputies were invited to attend the NPC Standing Committee meetings as observers in the whole year. Four, it further improved the work of listening to public opinions. It published the revised draft of the Law on Work Safety in Production and eight other law drafts on the web of the NPC Standing Committee to solicit public opinions, and collected more than 77,000 opinions from more than 25,000 people. It paid more attention to the actual effects of public participation in the legislation work by making serious analysis of the public opinions. It did its best to absorb the reasonable opinions while giving necessary explanations on the opinions that could not be accepted. It also invited leading members of the legislative organs of local people’s congresses to attend meetings of the NPC Standing Committee to study and revise the drafts of the relevant laws through joint efforts. Five, it continued to do well the evaluation work before law proposals were adopted. It made pre-adoption evaluations for the revision of the Environmental Protection Law and six other laws, and invited NPC deputies, local people’s congresses, the relevant departments of the State Council, experts and scholars, and people from the relevant units to make evaluations of the feasibility of the standardization of the principal systems, the timing for issuing the laws, the social effects of the implementation of the laws and the problems that might come up. It accepted some of the suggestions for the revision after serious discussions and considerations.

**(4) Legal Supervision by the NPC Standing Committee**

In 2014, the NPC Standing Committeeexercised its supervisory power according to law. It made efforts to make supervisory inspection of the implementation of the Constitution and laws and strengthened supervision over the State Council, the Supreme People’s Court and the Supreme People’s Procuratorate to promote the implementation of the major policy decisions of the Party Central Committee.

――Inspecting the implementation of laws. The NPC Standing Committee inspected the implementation of the Patent Law, the Tourism Law, the Law on the Protection of Minors and the Law on the Prevention and Control of Air Pollution in 2014.

As for the Patent Law, the inspection focused on the improvement of the patent quality, the promotion of the use and popularization of patents, protection of the legitimate rights and interests of the owners of the patent rights, combatting infringements, urging enterprises to accelerate technological innovations, economic transformation and upgrading, and the adjustment of the industrial structure. Members of the NPC Standing Committee inspection team stressed that it would be necessary to ensure fair market competition so that the market value of the patents will be fully respected and the legitimate rights and interests of the innovators would be effectively guaranteed in order to better encourage the creativity and initiative of the individuals and enterprises. They also pointed out that it would be essential to give more publicity to the Patent Law to enhance the public consciousness of intellectual property rights, strengthen the use and protection of patents and investigate and handle the tort acts.

As for the Tourism Law, the inspection of the NPC Standing Committee focused on the improvement of the comprehensive coordination mechanism for tourism, supervision on law enforcement, maintenance and standardization of the tourist market order, protection of the legitimate rights and interests of tourists, rational utilization of tourist resources, and improvement of the tourist public services. Members of the inspection team of the NPC Standing Committee suggested that it would be necessary to give more publicity to the Tourism Law, accelerate the enactment of supplementary statutes and systems, improve the comprehensive coordination mechanism of the governments at all levels, strengthen the rectification and law enforcement of the tourist market, and safeguard the legitimate rights and interests of tourists according to law to promote the healthy and orderly development of the tourist industry.

As for the Law on the Protection of Minors, the inspection focused on the legal protection of the personal rights and safety of minors, combatting the illegal offences of kidnapping and maltreating minors and committing sexual assaults on minors and the judicial protection of the legitimate rights and interests of minors. The inspection report of the NPC Standing Committee said that it would be essential to make efforts to strengthen the protection of the personal safety of minors and severely punish the crimes of assaulting the personal safety of minors, promote the construction of a comprehensive crime prevention and control system, promote the close connection among family protection, school protection, social protection and judicial protection, create a social environment for the protection of minors and further improve the enact of laws, regulations and policy measures.

As for the Law on the Prevention and Control of Air Pollution, the inspection of the NPC Standing Committee focused on the prevention and control of air pollution in the major regions of Beijing-Tianjin-Hebei, the Yangtze River Delta and the Pearl River Delta, the establishment of the permit, monitoring and total amount control system for pollutant emissions in the air, the publication of the quality of the air environment, the improvement of the energy composition in cities, popularization of clean energies and development of clean production technologies. Members of the inspection team of the NPC Standing Committee pointed out that the quality of the air environment in China for the present is not optimistic, and the task is arduous and the road is long before the air pollution can be brought under control. It is necessary to implement the Law on the Prevention and Control of Air Pollution., further strengthen the work of preventing and controlling the air pollution, make great efforts to promote the adjustment of the industrial structure and the energy composition, strengthen the overall control of the air pollution of major industries, the emissions from motor vehicles to reduce and control the sources of pollution in a fundamental way. It is essential to strengthen the work of law enforcement and supervision, improve the regional joint prevention and joint control mechanism, strengthen the construction of the environmental monitoring system and combat law violations in the field of environments to ensure the effective implementation of the laws and systems.

――Listening to and reviewing special work reports. In 2014, the NPC Standing Committee listened and reviewed a report on the work of energy conservation and emission reduction, a report on the central final accounts in 2013, a report on the work of auditing the implementation of the central budget and other fiscal revenues and expenditures in 2013, a report on the work of strengthening the work of financial regulation and guard against financial risks, a report on the implementation of the plan for the national economic and social development since the beginning of the current year, a report on the implementation of the budget since the beginning of the current year, a report on the work of deepening the reform of the administrative examination and approval system and accelerating the transfer of government functions, a report on the work of the establishment of the urban and rural social security under an overall plan, a report on the work safety in production, a report on the work of promoting the construction of new rural areas and a report on the work of investing and using state fiscal funds allocated for water conservancy from the State Council, a report from the Supreme People’s Court on the work of standardizing the judicial acts and a report from the Supreme People’s Procuratorate on the work of standardizing the judicial acts. When reviewing the report on deepening the reform of administrative examination and approval and accelerating the transfer of government functions, the report on the work of promoting the establishment of the urban and rural social security under an overall plan, report on the work of promoting the construction of new rural areas and other reports, the participants at the NPC Standing Committee meetings made special inquiries on these subjects and put forward many opinions and suggestions which played an important role in helping to implement the relevant major policy decisions of the Party’s Central Committee, and ensure the correct and effective implementation of the laws. Its review of the report on the work of investing and using state fiscal funds allocated for water conservancy from the State Council was the supervision the NPC Standing Committee exercised for the second time on the allocation and use of state fiscal funds in a specific field after it listened to and reviewed the report on the allocation and use of the state fiscal funds for science and technology. Members of the inspection team of the NPC Standing Committee said that it would be necessary to make scientific allocations of funds for water conservancy projects and increase the state allocations for the construction of major water conservancy projects and the protection of water resources, give active guidance to the participation of private capital in the construction of water conservancy projects, improve the management setup related to water conservancy, the system of transfer payments of fiscal funds and the mechanism for water ecological compensation to strengthen the project management and performance management of the capital funds for water conservancy.

――Filing and reviewing normative documents. In 2014, the NPC Standing Committee made an active review of the 12 administrative regulations submitted by the State Council and 15 judicial interpretations submitted by the Supreme People’s Court and the Supreme People’s Procuratorate one by one. It seriously handled the examination suggestions submitted by the government organs, social organizations, enterprises and institutions, and citizens, and made a review of 43 normative documents. It made an active review of the local statutes in selected regions and continued to urge local people’s congresses and governments to establish the mechanism for regularly cleaning local regulations and statutes after formulation or revision, and probed the work mechanisms for the exchange of information and feedback in the work of filing and reviewing and formulated work procedures.

**—―**Improving the method and style of the work for supervision. In 2014, the NPC Standing Committee continued to probe and improve the method and style of work for supervision with a view to strengthening the purposefulness and effectiveness of the supervision. One, it improved the method of inspection of the law implementation. When inspecting the implementation of the Tourism Law, the inspection team listened to reports, organized informal discussions, and made selective checks and investigations. It combined comprehensive examinations with follow-up investigations of typical incidents. It gave an oral report with videos on the inspection at the NPC Standing Committee meeting. Two, it further improved the quality and actual results of making inquiries on special subjects. The team made full preparations for making special subject inquiries. Members of the Chairperson’s Council of the NPC Standing Committee made investigations at the grassroots level, convened informal discussions among NPC deputies, and published questionnaires on line to solicit comments and suggestions addressed inquiries on issues of common concern. The State Council attached great importance to the inquiries on the special subjects, and leaders of the related departments of the State Council made special reports and gave serious answers at the meetings. At the NPC Standing Committee meetings in December, Ma Kai, Vice Premier of the State Council, made a report on the work and gave replies to the inquiries from the participants. This was the first appearance of a member of the Executive Council of the State Council at the NPC Standing Committees to give replies since the NPC Standing Committee started organizing special subject inquiries. Three, it combined supervision with legislation still more closely. The NPC Standing Committee made important changes to the Law on Work Safety in Production in August, which strengthens the subject responsibility of the production and business units, the supervisory responsibility of the governments and the investigations for the responsibility of the work safety. It listened to and reviewed the report on the work safety in December. The NPC Standing Committee made an inspection of the implementation of the Law on the Prevention and Control of Air Pollution. The State Council paid special attention to the inspection and sincerely accepted the opinions and suggestions put forward in the course of the inspection. It summed up the practical experience of the Action Plan for the Prevention and Control of Air Pollution, drew up the revised draft of the law and submitted it to the NPC Standing Committee for review. The NPC Standing Committee also made an investigation of the special subject on the prevention and control of soil pollution, not only promoted the related work, but also making preparations for the formulation of the Law on the Prevention and Control of Soil Pollution.

**II.Administration by Law**

In 2014, new and notable achievements were made in the building of a law-based government as a major part of the work of deepening the reform.

**(1) Formulating and Revising a Number of Administrative Regulations**

The State Council formulated and revised a total of 11 administrative regulations in 2014. By December 2014, China had a total of 739 effective administrative regulations.

——Carrying out the reform of the administrative examination and approval system. The State Council issued the Decision on Cancelling and Transferring a Batch of Administrative Examination and Approval Items In January, and handled the relationships between the government and the market in a better way by streamlining administration and delegating power to the lower level to draw a clear “borderline of power”. In order to further relax the qualifications for the access of the market subjects and to increase the vigor of social investment, the State Council issued the Decision on the Abolition and Revision of Part of the Administrative Regulations in February.. It decided to abolish two administrative regulations and revise part of the articles and paragraphs in eight administrative regulations. The main revisions include the change of registration with the actual payment of registered capital to registration with the subscription of registered capital, the change of annual inspection system to the system for annual report and public announcement system, and improvement of the credit restriction mechanism. In order to push forward the reform of the administrative examination and approval system and the transformation of government functions according to law and to further promote the vitality of the market and the social creativity, the State Council cleaned the administrative regulations related to the administrative examination and approval items cancelled or transferred to the lower level, decided to revise part of the articles and paragraphs in 21 administrative regulations, and published the Decision on Revising Part of the Administrative Regulations in July. The State Council cancelled and transferred a total of 246 administrative examination and approval matters in 2014. The Office of Legislative Affairs of the State Council sorted out 180 effective department rules and regulations and urged the relevant departments to revise or abolish them according to the legal procedure.

——Using the rule of law to ensure reform and development. In the aspect of the system of administration of industry and commerce, in order to safeguard fair competition, promote honesty and self-discipline of enterprises, standardize the publicity of their information and increase the efficacy of the supervision and control of the government, the State Council published the Interim Regulations on the Publicity of Enterprise Information in August. It stipulates that the information derived from the activities of production and business operations of enterprises registered with the administrative departments for industry and commerce and the information obtained by government departments in the course performing their duties, which can reflect the conditions of enterprises, must be put under the management of the enterprise credit information publicity system. The people’s governments of the provinces, autonomous regions and the municipalities directly under the central government shall exercise leadership over the work of the publicity of enterprise credit information in their respective administrative regions and promote the construction of the enterprise credit information publicity systems in their respective administrative regions in light of the overall requirement for the construction of the national social credit information platform.

In the aspect of the financial reform, in order to meet the needs of opening up and economic development, and strengthen and improve supervision and control over the foreign banks, the State Council revised the Regulations of the People’s Republic of China on the Administration of Foreign Banks twice in 2014. The main changes are: Where an exclusively foreign bank or a Chinese-foreign jointly-owned bank establishes branches in the territory of the People’s Republic of China, their head office shall allocate their operating capital in Renminbi or freely convertible currencies to them without compensation. The total amount of their operating capital the head offices allocate to them shall not exceed 60% of the total capital funds of the head office. The operating organ of a foreign bank, which handles RMB business, shall operate in the territory of the People’s Republic of China for longer than one year before it applies for the business, and meet the other qualifications prescribed by the banking regulatory organ of the State Council and is subject to the approval of the banking regulatory organ of the State Council.

In the aspect of the real estate management system, in order to consolidate the duty and responsibility for real-estate registration, standardize the registration acts and protect the legitimate rights and interests of the obliges, the State Council published the Interim Regulations on Real Estate Registration in November, stipulating that a uniform real estate registration system shall be instituted for the land, sea area, buildings and woods. The competent department in charge of land and resources under the State Council shall be responsible for giving guidance to and exercising supervision over the registration work. The registration of the immovable property shall be handled by the organs for the registration of the people’s governments at the county level where the real estates are located. The people’s governments of the municipalities directly under the central government and the cities divided into districts may determine the organs for the registration of real estates at the same level to handle the registration of real estates in the districts under their jurisdiction.

In the aspect of the personnel management system in public institutions, in order to deepen the reform of public institutions, and standardize the personnel management in the public institutions, guarantee the legitimate rights and interests of the personnel of the public institutions and promote the development of the public services, the State Council issued the Regulations on Personnel Management in Public Institutions in April, stipulating that the state exercises graded and classified management of the personnel in public institutions. Public institutions should establish and improve the personnel management system, and listen to the opinions of the employees at the congresses of their representatives or in other forms when they formulate or revise their personnel management systems.

——Promoting reforms around the outstanding issues confronting development, in order to strengthen the control over the supply and use of the water from the water diversion project, and give full play to the economic results, social results and ecological results of the project, the State Council issued the Regulations on the Control over the Supply and Use of the Water from the Project to Divert Water from the South to the North, stipulating that the control over the supply and use of the water from the project shall observe the principles of conserving water before drawing water, controlling pollution before supplying water, and protecting the environments before using the water, persist in the control over the whole course, making an overall plan with due consideration for all concerned, clearly defining the rights and responsibilities and protecting the water strictly. In order to strengthen social salvage, guarantee the basic living of citizens, promote social justice and maintain social harmony and stability, the State Council issued the Temporary Measures for Social Salvage in February, stipulating that the social salvage system shall uphold the basic principles of sticking to the bottom line, helping with urgent difficulties, being sustainable, connecting with other social security systems and keeping the level of social salvage geared to the level of the economic and social development. The department of civil affairs of the State Council shall make an overall plan for the construction of the national social salvage system, and the departments of civil affairs, health and family planning, education, housing and urban-rural construction and human resources and social security shall be responsible for the corresponding part of the social salvage management work within the capacity of their respective duties and responsibilities. The people’s governments at and above the county level shall establish a social salvage management information system under the unified plan of the state to ensure the connectivity of the social salvage information and the sharing of resources. In order to guarantee the safety and effectiveness of the medical apparatus and instruments and protect the health and safety of the human body, the State Council revised and adopted the Regulations on the Supervision and Management of Medical Apparatus and Instruments, stipulating that the state exercises classified management of the medical apparatus and instruments based on their risk degree. It introduces the quality control system for the whole process of management, and reduces seven administrative licenses.

**(2) Making Great Efforts to Exercise Administration by Law**

——Strengthening the work of the disclosure of government information. The State Council distributed the Main Points on the Work of the Disclosure of Government Information in March, requiring all local regions and all government departments to use the work of the active disclosure of government information as an important means of exercising administration by law, constantly enlarge the scope of the disclosure and detail the content for disclosure. It said that the government information obtained or made by administrative organs which relates to the public interests and the rights and interests of the public, and is of common concern and need be widely known by society must be disclosed according to law, comprehensively, accurately and in good time. It continued to promote the disclosure of the information on the financial fund. It said that government budgets and final accounts must be all disclosed to the items and sections under the headings of classification of the expenditure function, and the special budgets and final accounts for transfer payments be disclosed to the specific items. It strengthened the work of disclosing the expenses for the “three public consumptions”, saying that all expenses for the “three public consumptions” arranged under state allocations must be disclosed in details, with detailed explanations on the number of groups and people involved in the official business trips, the number of official cars purchased and the total number of official cars in possession, and the number of official receptions for domestic visitors, and the information on the causes for the increase and decrease of the expenses for the “three public consumptions”. It promoted the disclosure of the information on land requisition and demolition, sales of land use rights, equity exchanges, government purchases, and the distribution of indemnificatory housing, and the information on land requisition, the transfer of rural land contract management rights, the sales of the use rights of state-owned land for construction and mining rights in particular. It was required to disclose the budgets for government purchases, the processes of purchase, and the results of the purchases, and detail the results of the bid transactions, and gradually establish the system for the disclosure of the whole process of the government purchase from budget, implementation to the result. It promoted the disclosure of the information on the construction projects, and deepened the work of disclosing information on the examination and approval, verification and approval, supervision, and tenders and bids for construction projects. It promoted the disclosure of the information on public supervision, including environmental information, information on air and water environments, the disclosure of the full texts of the environmental impact reports, and written replies to environmental impact appraisals. It actively disclosed the information on supervision on the environmental pollution sources, environmental law violation cases and their handling, and the special inspections of the prevention and control of air pollution. It established the mechanism for publishing information on early warning and prevention and disclosing emergency accident disposal and rescue information. In July, the Ministry of Education published a list of matters for the disclosure of information on schools of higher education, with a detailed list of 50 matters in ten categories which the schools of higher education should disclose, including the information on enrollment, entrance examinations, financial affairs, assets, collection of fees, and academic atmosphere.

——Promoting another round of reform of the financial and taxation system. The experiments on the replacement of the business tax with value-added tax gradually expanded with an unprecedented structural cut in taxation. The State Council issued the Overall Plan for Deepening the Reform of the Financial and Taxation System and the Decision on Deepening the Reform of the Budget Management System, strengthening standardization under the rule of law, improving the efficiency of operation, putting an end to “over-taxation”, avoiding the use of the limited funds in a scattered way from the sources, and forced the government to strengthen the performance management over the budget and prevent “tax depressions” formed by the excessively preferential policy of the local governments.

——Social governance and construction of the credit system. The Decision of the State Council on the Revision of the Regulation on Public Holidays for National Annual Festivals and Memorial Days took effect on January 1, 2014. In the future, the first three days of the first month of the lunar calendar will be off for the Spring Festival. The State Council published the Program for the Construction of the Social Credit System (2014-2020) in June. It promoted the construction of the honesty syste4m in the major areas, including the accelerated construction of the honesty system in the government affairs, persistence in exercising administration by law, comprehensive disclosure of government affairs, law-based disclosure of the credit information obtained in the management of the administrative affairs, and establishment of an effective information sharing mechanism. It strictly performed its promise made to society to include the service of performing promises in the government performance appraisal system. In order to further promote the reform of the household register system and respond to the public concern, the State Council issued the Opinions on Further Promoting the Reform of the Household Register System, and proposed the cancellation of the difference between the nature of rural household and the nature of non-rural household, and further extension of the scope of providing public services to the holders of the residence cards and expansion of the coverage of the basic public services.

——Strengthening the work of administrative reconsideration and the filing, management and examination of regulations and rules. The State Council received 4,994 applications for administrative reconsideration, (including 1,502 applications carried over), and concluded 2,138 of them. It filed 951 cases and closed 336 of them. It received 593 local statutes submitted to the State Council for record by the standing committees of local people’\s congresses with legislative power, 685 statutes and rules submitted by the departments under the State Council and the local governments with legislative power, including 513 statutes and rules from local governments and 172 rules from the departments of the State Council. It gave comments on the 10 documents that the State Council refused to register for record, and handled 42 proposals submitted by citizens for review. The Office of Legislative Affairs of the State Council made arrangements for a clean-up of the administrative regulations, departmental rules and normative documents that hindered fair competition and were detrimental to the valid entry of private capital in the areas of banking, energy, railways and telecommunications. As a result, the regional governments revised and abolished a total of 476 regulations and normative documents.

——It made efforts to handle the administrative reconsideration cases in the “reporting and appealing category”. With the deepening of the reform of the administrative examination approval system, the number of reports and appeals in the fields of foods, drugs, product quality, banking and telecommunications has increased day by day, and the number of administrative reconsideration cases resulting from reports and appeals in the fields of foods, drugs, an d product quality has increased rapidly. In order to standardize the work of handling administrative reconsideration cases related to reports and appeals and safeguard the legitimate rights and interests of reporters and appellants, the Office of Legislative Affairs of the State Council, on the basis of strengthening the study of the theoretical and practical issues of the legal system related to reports and appeals, defined and classified the nature of the report and appeal cases, defined the right of citizens, legal persons or other organizations to make reports and appeals and clarify the duties and responsibilities of administrative organs to handle reports and appeals.

**III. Judicature, Prosecution, Public Security and Judicial Administration**

**(1) Judicature**

The Supreme People’s Court accepted 11,210 cases and tried and closed 9,882 of them in 2014. The local people’s courts at all levels accepted 15,651,000 cases, tried, closed and executed 13,797,000 cases, with a target amounting to RMB 2,600 trillion yuan.

——Strengthening the work of criminal trials. The courts at all levels tried and closed 1,023,000 criminal cases of first instance and sentenced 1,184,000 criminals in 2014, 7.2% and 2.2% respectively more than in the previous year. They severely punished the crime of inciting the subversion of the state power and splitting the country to endanger the state security, the crime of violent terrors, and the crime of disseminating terrorist audios and videos. They cracked down on the serious violent crimes of homicides, seizure, kidnappings and explosions. They tried and closed 248,000 criminal cases of homicides, seizure, and kidnapping, and 107,000 criminal cases of drugs. They severely punished corruption crimes and economic crimes, and tried and closed 31,000 cases of corruption and bribery, 56,000 economic crimes of financial frauds and insider dealings. They severely punished the crimes of encroaching upon the rights and interests of women and minors, and tried and closed 1,048 cases of kidnapping women and children and committing sexual assaults on minors. They severely punished the crime of harming the safety of foods and drugs and environmental pollution, and cybercrime to earnestly safeguard the normal order of production and life.

—— Strengthening the civil and commercial trial work. The courts at all levels tried and closed 5,228,000 civil cases of first instance, 5.7% more than in the previous year. Among them, 1,619,000 cases were related to marriage, family, fostering and inheritance, 1,494,000 cases to personal injuries, labor disputes, education, medical services, and housing, and 219,000 cases to transfer of land contract management rights, homestead disputes, and delayed payment of wages to peasant-workers. The courts at all levels tried and closed 2,782,000 commercial cases of first instance, 8.5% more than in the previous year. They included 12,000 cases involving acquisition of businesses, compulsory liquidation and transfer of stock ownerships; 824,000 financial dispute cases and 664,000 sales contracts.

——Strengthening the work of administrative trials, state compensation and judicial remedy. The courts at all levels tried and closed 131,000 administrative cases of first instance in 2014, 8.3% more than in the previous year. They clarified the principles and conditions for the application of moral damages in handling state compensation cases, and promoted the establishment of a joint action mechanism for state compensation to effectively safeguard the legitimate rights and interests of the compensation claimants. They tried and closed 2,708 state compensation cases, and the amount of the state compensations totaled RMB 110,000,000 yuan. They improved the remedy system for criminal victims, and reduced and exempted court costs for parties, totaling RMB 180,000,000 yuan.

——Strengthening the work of execution. The courts at all levels accepted 3,410,000 execution cases, and closed 2,907,000 of them, 14.1% and 7% respectively more than in the previous year. They included 219,000 cases related to the people’s livelihood, and the amount of the executions totaled RMB 8.78 billion yuan. They promoted the disclosure of execution information, introduced the system for a name list of dishonest persons subject to execution, and openly published 1.1 million cases of information on dishonest persons subject to execution, and took credit exemplary measures one and half million times.

——Strengthening the work of registering cases for letter writers and visitors and trial supervision. The courts at all levels tried and closed 125,273 cases of appeals and applications for retrial, filed 33,493 cases for retrial according to law. They conscientiously handled the work of petition letters and visits, and received 758,386 person times in 2014. They strengthened the work of trial supervision, and changed the original judgments for 9,635/ cases due to errors or other causes, accounting for 0.15% of the effective judgments.

(2) Procuratorial Work

——Carrying out special actions to severely combat activities of violence and terror, deepened the struggle against infiltration, espionage and cult, took an active part in the campaigns to combat the crimes of the black and evil forces, drug trafficking and pornography, and illegal medical practices, and telecommunication frauds. They handled the major cases of the Liu Han and Liu Wei organizational crime in the nature of a criminal syndicate and the commercial bribery of the Chinese GlaxoSmithKline company. The procuratorial organs approved for the arrest of a total of 879,615 suspects of committing criminal offences and prosecuted 1,391,225 criminal suspects.

——Carrying out the special activities of investigating, handling and preventing the malfeasance crimes of harming the interests of the masses, and filed criminal cases for the investigation of 41,487 cases involving 55,101 persons, including 4,040 officials at and above the county and section level. They registered cases for the investigation of Zhou Yongkang and 27 other officials at the ministerial and provincial level. They arrested 749 escaping malfeasance officials, including 49 persons from the United States, Canada and 15 other countries and regions.

——Strengthening legal supervision over litigious activities. They urged the investigatory organs to withdraw 17,673 cases that should not have been filed but were filed, and put forward opinions to correct 54,949 law violations in investigations, including abuse of coercive measures, illegally obtaining evidences and obtaining confessions by torture. They decided not to approve the arrest of 116,553 persons and not to prosecute 23,269 persons for insufficient evidence or for failure to constitute crimes. They strengthened supervision over criminal actions, urged investigatory organs to file 21,236 cases, arrest 27,496 additional persons and prosecute 32,280 additional persons, and protested against 7,146 criminal judgments with real errors. They strengthened supervision over civil proceedings and administrative proceedings, and lodged protests or put forward procuratorial suggestions for the retrial of 9,378 civil and administrative cases with errors in the effective judgments and mediation agreements, and put forward 33,107 procuratorial suggestions for the correction of law violations found in the execution of civil judgments.

——Carrying out special procuratorial activities for commutation, parole and execution of sentences outside of jail, and continuing to make a special clean-up of cases for persons detained without decisions for a long time. The related procuratorial organs in the country carried on special legal proceedings for the redress or punishment of the wrong decisions on commutation, parole or execution of sentences outside of jail, supervised the correction of wrong cases for 23,827 persons, urged the related departments to imprison 2,244 criminals executed for sentences outside of jail, including 121 officials at and above the department or bureau level, and investigated and handled 252 officials for malfeasance behind illegal proceedings for commutation, parole and execution of sentences outside of jail. They put forward supervisory correction opinions for the framed-up and wrong cases of “Xu Hui’s intentional homicide in Guangdong”, “Huang Jiaguang”s intentional homicide in Hainan” and “Huugjilti’ s rape and murder in Inner Mongolia” and “Wang Benyu’s intentional homicide” , and joined the relevant departments to correct the mistakes.

**(3) Judicial Interpretations and Guiding Case Examples**

The Supreme People’s Court and the Supreme People’s Procuratorate jointly issued two judicial interpretations in 2014. The Supreme People’s Court issued 13 separate judicial interpretations, including two criminal judicial interpretations, six civil judicial interpretations, two administrative judicial interpretations and three other judicial interpretations, and published 22 guiding case examples. The Supreme People’s Procuratorate issued one separate judicial interpretation and published eight guiding case examples. These judicial interpretations and guiding case examples played a positive role in the correct implementation of the laws

——Giving guidance to the correct handling of the important and complicated issues in the work of criminal judicature. The Supreme People’s Court and the Supreme People’s Procuratorate jointly issued the Interpretation on Some Issues concerning the Application of Law to Handling Smuggling Criminal Cases in August, making concrete provisions on the application of law to the issues of the smuggling crime, determining the crime and sentencing. They also jointly issued the Interpretation on Some Issues Concerning the Application of Law to Handling Criminal Cases of Harming the Safety of Drugs in November, and cracked down on the crime of harming the safety of drugs to safeguard the health and safety of the lives of the people and maintain the order of the drug market. The No. 27 case example of the Supreme People’s Court dealing with Zang Jinquan’s theft and fraud drew a clear line between theft and fraud committed through the use of the network. The No. 28 case example of the Supreme People’s Court dealing with Hu Kejin’s refusal to pay labor remunerations clarifies the relevant issues concerning the investigation of the criminal liability for refusal to pay labor remunerations by units or individuals (labor contractors) without the qualifications of a subject for using labor. The No. 12 case example of the Supreme People’s Procuratorate dealing with Liu Liguo and others producing and selling poisonous and harmful foods and producing and selling inferior-quality products clarifies the issues concerning the production and sale of “swill-cooked dirty oil” to cooking oil traders which constitute the crime of producing and selling poisonous foods and the production and sale of “swill-cooked dirty oil” to fodder and drug producers which constitute the crime of producing and selling inferior-quality products. The No. 15 case example of the Supreme People’s Procuratorate dealing with Hu Lingui and others producing and selling poisonous and harmful foods and bribing Luo Mei and Liu Kangsu to sell inferior-quality products, and Li Dawen and others accepting bribes and neglecting duty in supervision over food production clarifies the issues concerning the imposition of concurrent punishment for several crimes for the production and sale of poisonous and harmful foods and giving bribes to government officials, and the abuse of power by government officials to help criminals evade punishment which constitutes the crime of dereliction of duty in supervision on food production. The No. 17 case example of the Supreme People’s Procuratorate dealing with Chen Dengchang’s robbery and theft and Fu Zhiqiang’s theft clarifies the issue concerning the filing of an additional suit by the people’s procuratorate which finds a defendant’s missing offences that can be prosecuted and heard together with the case before the people’s court announces the judgment. The No. 19 case example of the Supreme People’s Procuratorate dealing with the seven-men robbery case involving Zhang, Shen and five others clarifies the issues concerning the imposition of lesser or mitigated punishment on minors after giving full consideration to their age and repentance when the people’s procuratorate handles a case of joint crime involving minors and adults. If a minor is the principal of the joint crime, it is improper to file a separate suit.

——Giving guidance to properly handling the new circumstances and new problems in the fields of the economic and social development and the people’s livelihood. The Supreme People’s Court issued the Interpretation on the Issue concerning the Application of Law to Hearing Cases of Disputes over Financial Lease in February. It defined the provisions on the affirmation and validity of the financing lease contract, the performance of the financing lease contract, the publicity of the lease item, the cancellation of the financing lease contract and the liability for the break of the contract. The Supreme People’s Court issued the Provisions on Some Issues Concerning the Application of Law to Hearing Civil Dispute Cases of Using Information Network to Encroach upon the Personal Rights in August, providing sufficient judicial means for the protection of the rights and interests of the civil subjects. The No. 23 guiding case example of the Supreme People’s Court dealing with the Sun Yinshan vs. Jiangning Shop of Auchan Super Market in Nanjing sales contract dispute clarifies that the consumer who clearly knew that the foods had the quality problem and bought them, has the right to claim a compensation prescribed in the law from the seller or producer. The No. 24 guiding case example of the Supreme People’s Court dealing with the Rong Baoying vs. Wang Yang and the Jiangyin Branch Office of the Yongcheng Property Insurance Company Limited motor vehicle traffic accident liability dispute case clarifies that when the traffic accident victim is not at fault, the effect of the physique on the consequence of the damage does not belong to the legal circumstances for reducing the liability of the infringer. The No. 29 guiding case example of the Supreme People’s Court dealing with the China Youth Travel Service in Tianjin vs. the Guoqing International Travel Service in Tianjin for the unauthorized use of the name of another business dispute case clarifies that the unauthorized use of the abbreviation of the name of another business which has already in fact become its business name as the key word for the price bidding rank on the Internet to mislead the public, and is therefore an irregular conduct.

——Giving guidance to properly handling the new circumstances and new issues in the fields of administrative litigations and state compensation. The Supreme People’s Court issued the Provisions on Some Issues concerning the Trial of Work Injury Insurance Administrative Cases in June. It defines the uniform norms for the issues concerning the employing units which assume the liability for work injury insurance under special circumstances, “the cause of work, working time and working place” in the determination of work injuries, “during travel on business” and “on the way to work or from work”, the method of handling work injuries caused by a third person, and the administrative examination and approval procedure relating to labor relations. In June, the Supreme People’s Court issued the Written Reply of the Supreme People’s Court on the Issue of the Correction by the Compensation Committees of People’s Courts in accordance with the Provision in Article 30 of the State Compensation Law of the People’s Republic of China of the Original Effective Decisions of Compensation Committees on How the Standards for Personal Freedom Damages Should Be Applied. It stipulates that if the error of the original decision is a failure to calculate part of the days for the violation of the freedom of person, a corresponding amount of the damages for the missing days shall be calculated on the basis of the average salary per day of the staff of the state in the preceding year of the decision made after reexamination or direct examination while the original decision shall be upheld to pay the damages for the freedom of person. If the error of the original decision is a failure to support the claim for damages for the freedom of person, the amount of the damages shall be calculated on the basis of the average salary per day of the staff of the state in the preceding year of the decision made after reexamination or direct examination. The No. 26 guiding case example of the Supreme People’s Court dealing with the Li Jianxiong vs. the Guangdong Provincial Department of Transport government information disclosure case clarifies the issues concerning the time limit for replies to the online applications for government information. The No.38 guiding case example of the Supreme People’s Court dealing with the Tian Yong vs. the Beijing Science and Technology University’s refusal to issue diplomas and academic degree certificates clarifies that schools of higher learning can become proper defendants in administrative litigations, the limits of authority for the judicial examination of the school disciplines and rules, and that the educational administrations should follow the proper legal procedures. The No. 42 guiding case example of the Supreme People’s Court dealing with Zhu Hongwei’s application for damages to the unjust arrest clarifies the situation that causes the serious consequences of the moral damages and the factors for deciding the consolation money for the moral damages. The No. 43 guiding case example of the Supreme People’s Court dealing with the application of the Binhai Dadao (Tianfu Hotel) Securities Business Department of the Guotai Junan Securities for compensation for the wrong execution clarifies that in accordance with the provision in Article 38 of the State Compensation Law of the People’s Republic of China, a people’s court should examine together whether an judicial act in the civil and administrative action undertakes or should undertake any liability for state compensation, and explains that if the original ruling on the act of execution is cancelled and the executed property is restored to the original state before execution, both the cancellation and the restoration are not. wrong acts of execution. The No. 44 guiding case example of the Supreme People’s Court dealing with Bu Xinguang’ application for compensation for the illegal recovery clarifies that a public security organ shall not bear any liability for state compensation when it returns the illegally obtained property to the victim unit upon the order of an effective criminal judgment of the people’s court.

(4) Public Security

——Carrying out special actions to combat crimes. The public security organs throughout the country concentrated their efforts to take special actions to severely punish activities of violence and terror and extreme religious crimes, and wiped out a great number of criminal gangs attempting to commit crimes of violence and terror. In the special actions to wipe out black and evil forces, capture illegal guns and explosions, combat kidnappings, illegal “base stations”, pornography and gambling, they destroyed 112 illegal organizations related to the black forces, and arrested 11,000 criminal suspects of the illegal gangs, captured 154,000 guns and 1,880.6 tons of explosives, rescued 12,700 kidnapped children and 28,900 kidnapped women, broke 3,122 criminal cases of illegal base stations and destroyed 115 dens of producing spam emails. They organized 100 cities in an anti-drug campaign, and broke 146,000 criminal drug cases, arrested 169,000 criminal suspects and captured 47 tons of drugs. They organized the Fox Hunt 2014 special action to capture corrupt officials and criminal suspects who fled the country, and caught 680 escaped economic criminal suspects from 69 countries and regions. They concentrated efforts to combat telecommunication frauds, production and selling inferior-quality foods and drugs, environmental pollution, illegal financing, and the making and selling of fake money. They severely cracked down on the criminal conducts of the illegal road passenger transportation and illegal transportation of dangerous chemicals, and successfully investigated and handled a number of large and important cases, including the especially large commercial bribery case of GSK, the especially large case of making and selling pork of ill and dead pigs in Shaoyang, Hunan Province, and the environmental pollution case of the Tengger Desert in Inner Mongolia. They successfully fulfilled the important security assignments of protecting the Fourth Summit of the Conference on Interaction and Confidence Building Measures in Asia (CICA) in Shanghai, the Second Youth Olympics in Nanjing, and the APEC in Beijing.

——Actively promoting the reform of public security work. They improved the prevention and control system for dimensional social security and established an armed patrol force to carry out street patrol duties with armed policemen moving from street to street. They introduced safety control systems and measures for subways, road passenger buses, gasoline in bulk and express delivery service. They promoted the major reforms in relation to the vital interests of the people and the legislative work for the residence card system, and studied ways to formulate supplementary measures and the reform of the work of handling letters and visits from the people related to petitions, cancelled and delegated a batch of administrative examination and approval items for public security. The Ministry of Public Security adopted 16 measures to help and benefit people and 18 measures to reform the system for the inspection of motor vehicles. The public security organs at all levels attached equal importance to management and service, and for the first time introduced annual inspection of the fire prevention and control work of the provincial governments to strengthen the responsibility for security management as the core. They innovated a mechanism for the control of hidden troubles in the improvement of the road traffic safety, resulting in drops both in the number of traffic accidents and casualties.

——Deepening the standardization of law enforcement. The Ministry held a national work conference of public security organs on deepening the standardization of law enforcement, and named 10 municipal organs, 100 county organs and 200 police stations at the grassroots level as a new round of national public security law enforcement demonstration units. It completed the inspection and acceptance of the results in the standardization of the law enforcement of the public security organs. It issued the “Provisions of the Public Security Organs on the Procedure for Handling Criminal Reconsideration and Reexamination Cases, the Provisions of the Public Security Organs on the Procedure for Handling State Compensation Cases, and the Provisions of the Public Security Organs on the Work of the Audio-Visual Recording of the Interrogations of Criminal Suspects and 20 other normative documents. It strengthened supervision and control over law enforcement, improved the mechanism and system for the assessment of law enforcement quality, and organized special inspection of and supervision on law enforcement, organized the patrol scrutiny of no-arrest and no-prosecution cases, and made special inspection and rectification of discipline and work style in detention houses. They deepened and standardized online law enforcement and case handling to enhance the efficacy of law enforcement and supervision. They deepened the work of open law enforcement, increased the scope of transparency, and innovated the forms of transparency. They strengthened the training for law enforcement, and 390,000 civil police took part in the new graded examinations for the qualifications for law enforcement.

(5) Judicial Administration

——Prison work. The prisons continued to maintain safety and stability. Four criminals escaped from prisons throughout the country. There were no prison cases or major production safety accidents. They strengthened control and assessment of the criminals sentenced to commutation, parole and serving terms outside of jail. No major violations of law and discipline were found throughout the country. They strengthened and standardized education for coming to and leaving prisons, primary and technical education and the psychological correction work. They promoted the standard management and normative management at the work places for prisoners and increased the coverage of labor remunerations. They promoted the prison construction and the layout adjustment, and the implementation of the 2014 investment plan for the investment of RMB 4.25 billion yuan in prison construction and layout adjustment within the central budget, and the central subsidy fund of RMB 3.15 billion yuan for the reform of the prison system was also finalized. The funds for the prisons throughout the country were totally covered by the state funds according to the prescribed standards.

——Community correction and settlement, help and education. The Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security and the Ministry of Justice jointly held a national work conference on community correction in May, and jointly issued the Opinions on the Comprehensively Promoting the Work of Community Correction in August. The Ministry of Justice, together with the relevant departments, issued the Opinions on the Organization of Social Forces to Participate in the Community Correction Work in November. By the end of 2014, the communities throughout the country accepted 2,237,000 persons to serve their terms, and released 1,505,000 persons after completing their terms. About 0.2% of the persons serving community correction terms committed new crimes during their terms. In 2014, the community correction work was carried out in 347 prefectures (cities and autonomous prefectures), 2,879 counties (cities and districts) and 40,686 townships (urban residential areas) of 31 provinces, autonomous regions and municipalities directly under the central government. The budget for the community correction funds totaled RMB 1.138 billion yuan throughout the country in 2014. By the end of 2014, more than 81,000 social workers worked for community correction with the help from 680,000 volunteers. There were a total of 1,108 county (district) community correction centers, 24,032 community service bases, 8,875 educational bases and 78,013 employment bases throughout the country. New progress was made in the work of providing resettlement, help and education for the persons released after serving their terms. By the end of the 2014, 536,000 released persons were accepted and 504,000 persons were resettled. There were 195 transitional resettlement bases in China.

——Legal service and legal assistance. By the end of 2014, China had 271,000 practicing lawyers and 22,000 law firms. The lawyers handled a total of 2,830,000 contentious cases and 670,000 non-contentious legal matters, and served as legal advisors for more than 500,000 government offices and companies. It improved the regional distribution of legal service and totally solved the problem of 174 counties without a single lawyer. It basically completed a new round of reform of the fee collection. On the basis of persisting in fixing prices for criminal cases and part of the civil, administrative and state compensation cases under the guidance of the government, the government relaxed control over part of the prices for lawyers’ service. The power to fix prices for the collection of fees for the notarial service was transferred to the provincial governments. It steadily introduced the work of experiments on the employment of public lawyers and corporation lawyers, and newly added the General Administration of Quality Supervision，Inspection and Quarantine of the People’s Republic of China as an experimental unit for the employment of public lawyers. It promoted the work of opening the lawyers’ service to Hong Kong and Macao, and made arrangements for the matters laid down in the supplementary agreement of the CEPA and issued the Tentative Regulations for the Partner Operation of Law Firms in Hong Kong with Inland Law Firms in Guangdong and the Regulations for the Experimental Work of Mutual Assignment of legal advisors to the Inland Law Firms and the representative offices of the Law Firms in Hong Kong and Macao, and formulated the measures for the opening of the legal service area in the Shanghai Free Trade Zone. The Ministry of Justice called a national notarial work conference, and issued the Opinions on Further Strengthening the Notarial Work. It organized a national training session for the managerial personnel. It appointed 856 new notaries, and dismissed 51 notaries. The notarial offices in China handled a total of 12.21 million notarial matters. By the end of 2014, China had 68,000 legal service workers, and 18,000 legal service offices at the grassroots level. The legal service organs at the grassroots level handled a total of 750,000 contentious cases and 450,000 non-contentious cases in 2014. By the end of 2014, China had more than 3,700 legal assistance organs and 14,000 legal assistance workers. They handled a total of 1,240,000 legal assistance cases. Among them, they handled 240,000 criminal legal assistance cases and provided legal advices for 6,800,000 men times. They strengthened the legal aid work for the families of servicemen and peasant workers.

——People’s mediation. China mediated a total of 9,330,000 disputes in the whole year, with a success rate of 97%. By the end of 2014, China had set up 36,000 people’s mediation organizations with 146,000 mediators. It improved the joint work system of people’s mediation with administrative mediation and judicial mediation. There were 21000 mediation organizations established in the relevant departments throughout China. They accepted more than 346,000 cases entrusted or transferred by the relevant departments. There were 130,000 agreements reached through people’s mediation and confirmed by judicial organs. ——National judicial examination and judicial evaluation. It promoted the standardization and normalization of the work of management of the judicial examination, and the use of information technology, and standardized the work of examining, verifying and awarding qualifications. It organized the unified national judicial examination for 2014 and completed the work of examining and verifying the qualifications people in legal profession and awarded qualifications to more than 72,000 persons. By the end of 2014, there were 4,876 judicial evaluation institutions registered with the judicial administrative organs and 55,206 judicial evaluators, and 29 provincial judicial evaluation associations in China.

**I**

**V. Reform of the Judicial System**

Aiming at building a fair, effective and authoritative socialist judicial system, The Ministry of Justice China made important progress in formulating the Opinions on Deepening the Reform of the Judicial System and the Social System, and implementing the plan for the division of work in the implementation of the Opinions.

**(1) Promoting the Experiments on the Reform of the Judicial System Positively and Steadily**

——Promoting the experiments in the four foundation reforms of improving the judicial system of responsibility, classifying the judicial personnel management, improving the professional security for the judicial personnel and promoting the unified management of personnel, money and property of the local courts and procuratorates at and below the provincial level. The third meeting of the Leading Group for Comprehensively Deepening the Reform of the CPC Central Committee reviewed and adopted the Framework Opinions on Some Issues Concerning the Experiments of the Reform of the Judicial System in June. Shanghai and the six provinces of Jilin, Hubei, Guangdong, Hainan, Qinghai and Guizhou put forward their plans for experiments in the light of their respective local conditions to start the experimental work.In December, the CentralCommittee of Political and Legislative Affairs distributed the Opinions on Relative Issues Concerning the Experiments of the Reform of the Judicial System, making even clearer the orientation and policy guidance for the reform.

——Probing experiments in establishing administrative trans-regional circuit tribunals and courts of people’s courts, people’s procuratorates and the Supreme People’s Court. With approval at the seventh meeting of the Leading Group for Comprehensively Deepening the Reform of the CPC Central Committee, the Intermediate Railway Transport Courts and the branches of the procuratorates in Beijing and Shanghai added the name plates of the branches of the municipal people’s intermediate court and the municipal people’s procuratorate as the pioneering experiments for trans-regional people’s court and people’s procuratorate to probe a new pattern for litigation whereby the ordinary cases are heard in the courts of the administrative regions and particular cases in the trans-regional courts. The Supreme People’s Court set up the first and second circuit courts in the Shenzhen City in Guangdong Province and Shenyang City in Liaoning Province to hear major trans-regional administrative, civil and commercial cases.

**(2) Establishing Intellectual Property Courts**

The third meeting of the Leading Group for Comprehensively Deepening the Reform of the CPC Central Committee reviewed and adopted the Plan for the Establishment of Intellectual Property Courts in June. The tenth meeting of the Standing Committee of the Twelfth National People’s Congress adopted the Decision to Establish Intellectual Property Courts in Beijing, Shanghai and Guangzhou. The three intellectual property courts were established and put up their name boards respectively on November 6, December 16 and December 28.

**(3) Deepening Judicial Transparency**

——Deepening trial transparency. The Supreme People’s Court started the construction of three major platforms, that is, transparency of the trial flow, transparency of the judgments and transparency of execution information, and made efforts to improve the sunlight judicial mechanism for opening-up, trends, transparency and convenience for people. In August, the Supreme People’s Court issued the Temporary Methods of the Supreme People’s Court for Making the Trial Flow Transparent, and took the lead in promoting the transparency of the trial flow in the Supreme People’s Court in August. It opened the China Trial Flow Information Disclosure Net to the public in November to promote the courts throughout the country to disclose the trial flow information on the same platform. It promoted the audiovisual recording of court sessions for the live broadcast through videos of court sessions on more than 80,000 occasions. It opened the Chinese Judgments Net, and the courts throughout the country transmitted more than 5,900,000 judgments to the net, and the courts at three levels in 22 provinces transmitted all their effective judgments documents to the net. The Supreme People’s Court and some provincial courts reached their target of putting all their effective judgments on the net. It issued the Some Opinions on the Transparency of the Enforcement Flow of the People’s Courts in September, and established the platforms for publishing and inquiring information on the name list of courts’ dishonest persons subject to enforcement throughout the country, the platform for the inquiry about persons subject to enforcement and the platform for the disclosure of information on the flow of the case enforcement to achieve the transparency of the whole process, the whole case and everything involved in the case. It established a monthly system of publishing typical case examples, and openly published a batch of case examples that concern the livelihood of the people and catch the attention of the whole society.

——Deepening the transparency of procuratorial affairs. The Supreme People’s Procuratorate formulated the provisions on the work of disclosing case information, and its online case information disclosure system is in operation, with four platforms for the inquiry of information on case procedure, the publication of major case information, disclosure of legal documents and appointments with defendants and agents. All case procedure information can be inquired from the net. The procuratorial organs throughout the country published procedure information on 677,107 cases on the net, including 23,198 major cases. They increased the transparency of the legal documents, and published 82,630 legal documents on the net, including indictments, protests, non-prosecution decisions and criminal petitions and reexamination decisions

——Deepening the transparency of police affairs. The Ministry of Public Security formulated the opinions on promoting the transparency of police affairs, and gave guidance to the public security organs in Hebei, Hubei and Hunan to further probe practical experience in increasing the content for transparency, opening channels for transparency and finding more paths for disclosure.

—— Deepening the transparency of prison affairs. The Ministry of Justice issued the Circular on the Work of Making Experiments on Deepening the Disclosure of Prison Affairs, and made experiments on deepening the disclosure of prison affairs in 11 prisons in Shanxi, Jilin and seven other provinces (municipalities), disclosed more information on sentenced persons and their family members, and the key problems on law enforcement in prisons which caught more attention of the public to strengthen social supervision.

**(4) Improving the System of People’s Assessors and People’s Supervisors**

——Fulfilling the “Doubling Plan” for people’s assessors ahead of time. While greatly increasing the number of people’s assessors, the people’s courts kept a tight control on the selection of qualified persons as people’s assessors, and added persons of different occupations, sexes, ages and ethnics to optimize the composition of the contingent of people’s assessors. They expanded the scope of cases for participation by people’s assessors and probed ways to draw people’s assessors in hearing major malfeasance criminal cases. By the end of 2014, there were a total of 210,000 people’s assessors throughout the country, and they participated in the trial of 2,196,000 cases.

——Improving the system of people’s supervisors. The Supreme People’s Procuratorate and the Ministry of Justice jointly distributed the Opinions on the Work of Making Experiments on the Reform of the Method of Selecting and Supervising People’s Supervisors, and made experiments in Beijing and nine provinces to probe the way to select and supervise people’s supervisors by judicial administrative organs and started the experiments on the reform of the scope and procedure for supervision by people’s supervisors.

**(5) Improving the Mechanism for the Exercise of the Judicial Power**

**——**Reforming the mechanism for the exercise of the Judicial power. The Supreme People’s Court chose two courts to make experiments in reforming the mechanism for the exercise of the judicial power. It established the people’s court in the Hezuo District of Qianhai, Shenzhen, and the people’s court in Hengqin, Zhuhai on the basis of the new mode.

——Normalizing commutation, parole and sentencing outside jail. The Ministry of Justice issued the Opinions on Strictly Normalizing Commutation, Parole and Sentencing outside Jail to Prevent Judicial Corruption in Real Earnest, further detailed the rules for the implementation of the Opinions, and made special rectification of the problems of commutation, parole and sentencing outside jail in violation of the law and rules. The Ministry instituted the system of filing decisions on commutation, parole and sentencing outside for review at a higher level to further normalize the work of prisons to request commutation and parole. The Supreme People’s Court distributed the Provisions on the Procedure for Hearing Commutation and Parole Cases, and urged the courts to make it known to the public after filing commutation and parole cases and publish the awards on the Internet. The Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, the Ministry of Justice and the National Public Health and Family Planning Commission jointly distributed the Provisions on Sentencing outside Jail to keep strict control over the conditions for the application of the provision to sentencing outside jail. It exercised strict control over the procedure for examination and approval, established the bailsman system, and defined the scope of serious diseases for medical parole in a scientific way according to law.

——Normalizing the work of disposing of the property related to criminal cases. The Adjudication Committee of the Supreme People’s Court adopted Some Provisions on the Execution of the Criminal Judgment related to Property in October. In December, the eighth meeting of the Leading Group for Comprehensively Deepening the Reform of the CPC Central Committee reviewed and adopted the Opinions on Further Normalizing the Work of Disposing of the Property related to Criminal Cases, clarifying the scope and procedure for sealing up, detraining and freezing case-related property, and establishing the system for the transfer, management and turning in of the case-related property to solve the problem of disposing of case-related property at free will.

**(6) Improving the Mechanism for Guard against and Correction of Framed-up, False and Wrong Cases**

On the basis of issuing the Provisions on the Prevention of Framed-up, False and Wrong Cases in Real Earnest in 2013, the central political-legal organs further formulated supplementary measures and established the mechanism for the effective guard against and timely correction of framed-up, false and wrong cases, strictly implemented the legal principles and systems of prescribed punishment for specified crime, innocence in doubtful cases and conviction on evidence, and corrected the Huugjilt and other major framed-up, false and wrong cases according to law. The Supreme People’s Court designated the Shandong Higher Court to reexamine Nie Shubin’s intentional murder and rape case far away from home. In 2014, 778 defendants were acquitted according to law to earnestly guarantee that innocent persons would not be investigated and to guard against the occurrence of framed-up, false and wrong cases.

**(7) Pushing Forward the Reform of the Work of Handling Petition Letters and Visits**

In view of the difficulties in having the problems solved through petition letters and visits related to law and litigation, the relevant organs formulated the opinions on the procedure for the lead-in of petition matters, the mechanism for correcting errors and the conclusion of matters according to law, and took supplementary measures to solve the difficulties in filing suits and making petitions, and separating petitions from visits, and formed the new mechanism for the work of handling petition letters and visits related to law and litigation. It improved the judicial remedy system to provide policy support and financial guarantees to solve the problems of the criminal victims and the infringed persons in civil cases. In March, the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council distributed the Opinions on Handling the Problems in the Petition Letters and Visits Related to Law and Litigation. The Central Committeeof Political and Legislative Affairs issued the relative supporting provisions and, together with the central political-legal organs, the Ministry of Civil Affairs and the Ministry of Finance jointly, distributed the Opinions on the Establishment of the National Judicial Remedy System (for trial implementation), and provided the system and norms for judicial remedy and urged the local organs to formulate concrete measures for the implementation. In 2014，the central government and the local governments provided a total of RMB 2.4 billion yuan to help 47,000 persons concerned out of difficulty in living.

**V. Legal Protection of Human Rights**

The human rights are respected and protected in real earnest. This is an important target China aims at in building a relatively well-off society. China strengthened the judicial protection for human rights to promote the constant development of the human rights cause by comprehensively deepening reforms in 2014.

**(1) Social Guarantee and Establishment of the Social Remedy System**

In January, the Executive Meeting of the State Council decided that starting from January 1, 2014, the basic pensions for the retired persons of enterprises would be raised by another 10% and tilted it properly to the especially difficult groups among them. After 10 years of continuous adjustment, the basic pensions for the retired persons of enterprises have risen from a monthly average of RMB 647 yuan to 2,000 yuan.

In February, the Executive meeting of the State Council decided that on the basis of basically achieving the new-type rural social old-age insurance and the full coverage of the social old-age pension for urban residents, it would consolidate the two systems into one and establish a unified old-age insurance system for urban-rural residents throughout the country to be basically the same as the new-type rural social old-age pension insurance and the urban resident social old-age insurance prior to the consolidation in terms of the mode of system, the method of fund raising and payment for the treatment. In February, the State Council distributed the Opinions on the Establishment of A Unified Urban-Rural Residents’ Basic Old-age Insurance System, and made arrangements for the establishment of the nationwide unified urban-rural residents’ basic old-age insurance system, and proposed that by the end of the Twelfth Five-Year Plan period, the new rural insurance system and the urban insurance system will be consolidated into one to connect the employees’ basic old-age insurance system. By 2020, a fair unified and standard urban-rural residents’ old age insurance system will be completed to supplement the other social security policies of social remedy and social welfare to give full play to the positive role of the traditional mode of family support for the elderly and give a better guarantee for the basic living of the elderly urban and rural residents covered by the insurance system

In February, the State Council issued the Tentative Rules for Social Assistance. It stipulated that the state gives the minimum living allowance to the families the average income of whose members living together is lower than the local minimum living security standard and conforms to the provision on the property of the local families enjoying the minimum living allowance. The state gives the allowance for especially difficult persons to elderlies, disabled persons and minors under the age of l6 with no labor capacity or source of income, who have no legal supporters, foster persons or maintainers or whose legal supporters, foster persons and maintainers have no ability to support, foster and maintain them. The state establishes or improves the relief system for natural disasters and provides living allowance to persons seriously affected by natural disasters. The State establishes or improves the medical salvage system to ensure that the subjects of salvage receive the service of the basic medical treatment and care. The state gives salvage for education to family members in school with the minimum living allowance during the stage of compulsory education and especially difficult supported persons, and gives appropriate salvage for education to family members with the minimum living allowance in senior middle schools (including secondary vocational schools) and ordinary schools of higher education and especially difficult supported persons and disabled children who cannot go to school to accept compulsory education, depending on their actual conditions. The state gives housing salvage to families with minimum living allowance and housing difficulties and the most difficult supported persons living apart. The State gives employment salvage to jobless members of families with minimum living allowance who have labor capacity by providing subsidized interest for loans, social insurance subsidies, job subsidies, training subsidies, cost reduction or exemption and public welfare jobs. The state gives interim salvage to families with temporary serious difficulties in the basic living caused by fire accident, traffic accident, or serious illness of family members or because the living expenses suddenly exceed the bearing ability of the families or families which suffer from other particular difficulties. The state encourages organizations and individuals to participate in social salvage by give donations, setting up assistance projects, starting service organs and providing volunteers’ service.

**(2) Protection of the Right to Subsistence**

——Right to food. The State Council distributed the Chinese Program for the Development of Food and Nutrition (2014-2020) in January. It set the tasks of establishing a food quantity security system with stable supply, effective operation and powerful supervision, a food quality security system with sound standards, a complete setup, and effective supervision and a system for the improvement of residents’ nourishment with regular monitoring and classified guidance to promote consumption. It made clear the development targets of ensuring basic self-sufficiency in the supply of cereals, absolute security for food grains and comprehensive improvement of food quality and optimization of the composition of varieties, steadily enhancing the ability to supply foods and popularize the healthy mode of consumption with diversified diets, and virtually eliminating undernourishment, and keeping control over the growth of nutritional diseases. It proposed the policy measures to popularize the knowledge of food nutrition and health, increase the food production and supply, increase monitoring and intervention with nutrition, improve the legalized management of food and nutrition, and accelerate scientific and technological innovation for food and nutrition.

——Right to Health. The State Council distributed the major work tasks in deepening the reform of the medical service and health system for 2014 in May. It focused on the reform of the public hospitals to deepen and promote the joint reform of the medical insurance system, the medical service system and the system for the circulation of drugs, to consolidate and improve the basic medicine system and the new mechanism for the operation of the medical and health institutions at the grassroots level and make an overall plan to promote the reform in the relevant areas.

——Right to housing. The Executive Meeting of the State Council made arrangements to give further play to the supporting role of the development finance in transforming the slum areas. It stressed the necessity to accelerate the transformation of the slum areas on a still larger scale to let tens of millions of residents move from the dirty crowded huts into storied apartment buildings, especially to the role of the development finance with the capital investment safeguarded with small profit which relies on state credit and serves the state strategy and the use of capital funds. The meeting decided that a special organ would be established by the State Development Bank to issue a special housing financial bond in the market-oriented form to raise funds from the financial institutions like the Postal Savings Bank and other investors, and encourage the commercial banks and social security funds and insurance to take an active part in the investment. The funds would be used mostly to support the transformation of the slum areas and the construction of projects related to the urban infrastructure facilities.

**(3) Protection of the Right to Education**

——Promoting educational fairness. The Ministry of Education issued the Circular of the General Office of the Ministry of Education on Doing a Still Better Job of Making Arrangements for Children to Go to Nearby Schools for Compulsory Education without Entrance Examinations in the Major Large Cities. It required the major large cities to make or improve the plans to further standardize the measure of going to nearby school for compulsory education without entrance examinations in 2014. By 2015, all counties (towns and districts) of the major large cities would adopt the policy of going to nearby schools. The percentage of schools permitted to enroll particular good students and the percentage of particularly good students to be enrolled shall be reduced gradually, and by 2016, the percentage of particularly good students to be enrolled by junior middle schools with the approval of the provincial educational administrative departments shall be reduced to less than five percent.

—— Promoting inclusive education to ensure the right of the disabled persons to education. The General Office of the State Council transmitted the Special Education Enhancement Program (2014-2016) jointly issued by the Ministry of Education and other departments in January. The program proposed that China must comprehensively promote inclusive education so that every disabled child can receive proper education. By 2016, compulsory education will be basically popularized for disabled children throughout the country, and more than 90% of the children handicapped in sight, hearing and intellectual ability will be able to receive compulsory education. Other disabled children will also have more and more opportunities to receive education. Positive efforts will be made to develop pre-school education for disabled children, and large efforts made to develop senior middle school education, mainly vocational education, for disabled persons, and accelerate the development of higher education for disabled people and increase the proportion of disabled people to receive education in the non-compulsory education stage. The state shall strengthen vocational training for disabled people and increase their ability to get employed and start business. It shall increase funds for special education, and the per-student expenses for special education during the compulsory education period shall be raised to RMB 6,000 yuan a year within three years.

**(4) Protection of Human Rights in the Course of Urbanization**

——A fair urbanization program shared by all with consideration for the people. The CPC Central Committee and the State Council distributed the National New-Type Urbanization Program (2014-2020) in February. It pointed out that urbanization must uphold the principle of taking the people as the foundation, fairness and sharing by all, with the people’s urbanization as the core, turn the shifting rural population into urban residents in an orderly way, steadily promote the complete coverage of the basic public services for the permanent residents in the urban areas to promote the overall development of man, and social fairness and justice for all urban residents to share the fruits of the modernization. It is necessary to observe the principles of respecting the will, making voluntary selection, taking flexible measures in light of the local conditions, pushing forward step by step, and giving priority to stock to promote increment, put emphasis on the shifting rural population with due consideration for the graduates from schools of higher education and vocational and technical schools and colleges, employed people from other places in the urban areas and the rural people in the cities and suburban areas and make overall plans for the reform of household register system and provide public services to them on an equal basis.It is necessary to ensure equal right to education for children emigrating with their parents, establish or improve the information management system for the records of the primary and secondary school students to provide easy services for the transfer of the students records. It is necessary to increase the social security coverage and improve the basic medical service and health care conditions, broaden the channels for housing security, and the governments must bear the public costs for the compulsory education, employment, basic old-age security, basic medical service and indemnificatory housing and urban facilities for turning the migrating rural population into urban residents.

——Reform of the household register system. The State Council adopted the Opinions on Further Promoting the Reform of the Household Register System in July. It decided to further adjust the policy of transferring household registration, unify the urban and rural household registration system, cancel the difference of nature between the rural household registration and non-rural household registration and the blue-printed and other household registrations deriving from it, and register them both as resident households. It is necessary to establish and unify the systems for education, health and family planning, employment, social security, housing, land and census corresponding with the urban and rural household register system. It is necessary to implement the residence card system in an overall way, and steadily promote the basic public services in the urban areas of compulsory education, employment service, basic old-people security, basic medical service and care, and indemnificatory housing to cover all permanent residents. By 2020, China will establish a scientific, efficient, standard and orderly new–type household register system corresponding with the building of a relatively well-off society, that will effectively support the social management and public service, protect the rights of the citizens according to law and take the people as the foundation, and strive to have around 100 million rural people and other permanent residents to live in the urban areas.

**(5) Judicial Assistance for State Compensation and Judicial Salvage**

The Supreme People’s Court and the Ministry of Justice issued the Opinions on Strengthening the Work of Legal Assistance for State Compensation in January, saying that they will strengthen the guarantee for the work of legal assistance for state compensation. It said that the people’s courts and the administrative organs of justice should adopt multiple forms to publicize the conditions and procedure for state compensation and the rights and obligations of the compensation claimants to guide the compensation claimants with economic difficulties to apply for legal assistance. People’s courts should tell citizens applying for state compensation the information about the application for state compensation in writing when registering cases. People’s courts with the conditions may set up work stations for legal assistance to broaden the channels for the application for legal assistance, making it easy for citizens to seek legal aid for state compensation.

As innocent citizens detained apply for state compensation, people’s courts may decide that the compensation claimants conform to the criteria for economic difficulties when they confirm they have no financial sources. Whereas the applied matters have legal urgency or particular circumstances, legal assistance organs may give legal assistance in advance and go through the relevant formalities afterwards.

The Supreme People’s Procuratorate distributed the Some Opinions on the Implementation of the Opinions on the Establishment or Improvement of the State Judicial Salvage System (for trial implementation) in March. It makes clear that the targets for state judicial salvage include both the personal injury and the great loss of property of the victims of criminal cases, their family members, reporters, witnesses, appraisers, and the parties in particular civil tort cases and qualified letter writers and visitors involved in law suits and petitions. People’s procuratorates should actively learn the living conditions of the families of the parties in the course of handling cases, and actively provide salvage to the parties conforming to the conditions for salvage regardless of their household registration. In the course of handling the issues of letters and visits related to law suits and petitions, letter-writers or visitors who conform to the conditions for salvage should also be given salvage in accordance with the provisions to cease petitions and visits and resolve social contradictions.

**(6) Opposing Employment Discrimination**

In May, the State Council distributed the Circular on Doing a Good Job of the Work of the Employment and Starting Businesses for Graduates of the Ordinary Schools of Higher Education throughout the Country. It required all employing units to create a fair employment environment to promote fair employment. The employing units must not create discriminative conditions like ethnics, race, sex, and religious beliefs, nor take colleges and schools as the restrictive conditions when they invite applications for jobs. The capital cities of the provinces and other cities below the provincial level must not use the household register as the restrictive conditions for inviting applications from graduating students for jobs. State-owned enterprises must invite applications for jobs in the open, except for the secret-related jobs, from graduating students, and the time for entering names must not be less than seven days. It is necessary to strengthen supervision and inspection over the employment of enterprises, investigate and handle their illegal acts of not signing labor contracts, not paying the social insurance premiums in full sums on time, and not paying wages on time when employing graduates from schools of higher education. All regions and all relevant departments must remove the system obstacles for graduates from schools of higher education for jobs in the different regions and choosing jobs among different types of employing units.

**VI. Protection of Intellectual Property Rights**

**(1) Legislation for Intellectual Property Rights**

The newly-revised “Trade Mark Law of the People’s Republic of China went into force on May 1, 2014. The State Council published the newly-revised Regulations for the Implementation of the Trade Mark Law of the People’s Republic of China in April, also took effect on May 1, 2014, thus achieving the objective of the synchronized implementation of the law and the regulations. It focused on the standardization of the application for, examination, and reexamination of trade marks, handling of dispute cases and international trade mark registration. To facilitate their implementation, the Intellectual Property Office (IPO) issued the Rules for Trade Mark Assessment and the Provisions on the Recognition and Protection of Famous Trade Marks.

Making a special investigation for the revision of the Patent Law and carrying out researches for its supplementary items. The IPO promoted the work of the third revision of the Copyright Law. It revised the Guide to Patent Examination, and included the graphical user interface in the scope for the protection of the appearance designs. It issued the Administrative Measures for Online Trading, and formulated the Guide to the Performance of Social Responsibility by Operators of Online Trading Platforms, the Guidelines to Specifications for the Online Trading Platform Contract Form and Clauses, and Guidelines to Standard Specifications for the Construction of the Environments for Credible E-Commerce Transactions. It formulated the Payment Method for the Use of Written Works, the Circular on the Normalization of the Application Form and Certificates for Copyright Contract Registration and the Guiding Opinions on Administrative Law Enforcement Supervision. It submitted the government statement on the ratification of the Beijing Treaty on Audiovisual Performances to the World Intellectual Property Organization.

**(2) Registration for the Examination and Approval for Intellectual Property Rights**

—— In the aspect of patents. China accepted 2,361,000 patent applications in 2014. They included 928,000 applications for inventions, 868,000 applications for new utility models, and 565,000 applications for appearance designs. It accepted 26,000 PCT international patent applications. It completed the examination of 1,890.000 inventions, utility models and appearance designs. Among them. The period of patent examination was 21.8 months for inventions, 3.5 months for utility models, and 3.7 months for appearance designs. The patent review committee accepted 24,452 requests for review, closed 20,393 of them. It accepted 3,422 requests for invalid announcement, and closed 2,742 of them.

——In the aspect of trade marks, China applied for the registration of 2,285,000 trademarks in 2014, 21.5% more than in the previous year, and it had 8,390,000 valid registered trademarks . Domestic applicants applied 2,140 Madrid International Trademarks (one mark in different categories), ranking 7th in the Madrid Union. Foreign applicants applied for the registration of 20,309 trademarks in China through the Madrid Union, and continued to rank first in the Union.

——In the aspect of copyrights, China registered a total of 1,211,000 copyrights of written works and computer software in 2014.

**(3) Administrative Law Enforcement for Intellectual Property Rights**

——China handled a total of 24,479 cases for patents through administrative law enforcement in 2014, 50.9% more than in the previous year. Among them, it handled 8,220 patent dispute cases, and investigated and handled 16,259 cases of fake patents. It carried out a special action to enforce law in safeguarding patent rights in the E-commerce area. It established a consultation mechanism for the determination of the infringement on patents, the mechanism for quick mediation of patent disputes, the mechanism for cooperation and dispatching in regional law enforcement and case handling, the contact mechanism for the protection of major patents, and a national work system for the protection of intellectual property rights initially came into being. The coverage of the “12330” hot line for the protection of the IPRs further expanded. The construction of the aid center for the protection of IPRs and the quick right protection center was constantly strengthened.

In 2014, the industry and commerce system throughout the country investigated and handled a total of 67,500 cases of infringements and fake products, worth RMB 998 million yuan. It transferred 355 suspected criminal cases to judicial organs according to law. It strengthened cooperation in law enforcement among regions and departments for trademarks, and focused on the investigation and handling large-scale trans-regional trademark infringement cases that aroused strong public indignation. It organized the “red shield and network sword” special action to combat the online sale of fake electronic products, children’s goods and auto parts, and investigated and handled 7,746 cybercrime cases.

——The administrative law enforcement departments in charge of copyrights investigated and handled a total of 2,600 cases in 2014, with fines totaling RMB 33,920,000 yuan, and transferred 80 of them to the judicial organs for the investigation of criminal liabilities. They destroyed 188 piracy dens. They supervised the investigations and handling of the infringements and piracies in Beijing, Tianjin, Hebei and nine other regions, and supervised the handling of the “DY161 Film Net” copyright infringement and other major cases. It continued to promote the work of using licensed software. The government organs and enterprises controlled by the central government at and above the third grade all use licensed software.

**(4) Trial of Intellectual Property Cases and Related Work.**

The Courts at all levels tried and closed 110,000 cases of first instance in 2014, 10% more than in the previous year. They constantly increased the transparency of the intellectual property cases, and promoted the disclosure of intellectual property judgments on the net. By the end of 2014, they disclosed 110,482 effective judgments on the net. They disclosed information on the process of court sessions, strengthened the management of the court sessions and ensured the right of the parties involved in the intellectual property cases to know and supervise. The Supreme People’s Court implemented the national innovation-driven development strategy and the intellectual property strategy, and strengthened the judicial protection of intellectual property rights, and engaged 10 academicians of the Chinese Academy of Science and the Chinese Engineering Academy to be the second group of science and technology advisory experts to provide scientific and technological support for the trial of intellectual property cases. China published the Judicial Protection of Intellectual Property Rights by Chinese Courts (2013) and the Annual Report of the Supreme People’s Court on Intellectual Property Rights Cases (2013), and published the 10 major cases, 10 major innovation type cases and 50 typical cases involving judicial protection by Chinese courts in 2013. It organized the first trial of an intellectual property case for foreign diplomats of 16 countries. It organized the World Jurist Association’s China 2014 IP Law Conference: International Perspectives on Intellectual Property Protection together with the World Jurist Association.

**(5) International Cooperation in the Field of Intellectual Property**

The State Intellectual Property Office and the World Intellectual Property Organization signed the Cooperation Framework Agreement between the People’s Republic of China and the World Intellectual Property Organization and the By-Annual Work Plan for 2014-2015 in 2014. It encouraged the World Intellectual Property Organization to establish its Chinese office in Beijing. Shen Changyu, Director of the State Intellectual Property Office, and TAN Yih San, Chief Executive of the Singapore Intellectual Property Office, signed the Memorandum of Understanding on Cooperation in the Area of Intellectual Property between the Government of the People’s Republic of China and the Government of the Republic of Singapore. The Chinese office promoted the cooperation among the intellectual property offices of China, the United States, Europe, Japan and the Republic of Korea, and participated in the talks among the five parties.

**VII. Promoting Progress in Ecological Environment Management**

The year of 2014 marked the beginning of deepening reforms comprehensively. It also marked the beginning of the new time of the legal construction of the ecological civilization. The Decision of the Central Committee of the Communist Party of China on Some Major Issues Concerning Comprehensive Deepening the Reform proposed that China will use a strict legal system to protect the ecological environment and establish a legal system that will effectively restrain development and promote the ecological civilization of green development, circular development and low-carbon development. The newly revised Environmental Protection Law was reputed to be the “most rigorous in history”. It was stated in the government work report of the State Council that it “will firmly declare war against pollution just like the war against poverty”. The Supreme People’s Court issued the Opinions on Comprehensively Strengthening the Work of Trying Environment and Resources Cases to Provide Forceful Judicial Guarantee for the Construction of Ecological Civilization. All this shows that the construction of the ecological civilization in China has entered a new time of law-based governance.

**(1) Legislation in the Area of Environment and Resources**

The NPC Standing Committee adopted the revised Environmental Protection Law in April. It further stressed that the local people’s governments at all levels shall hold themselves responsible for the environmental quality in their respective administrative regions. It added provisions on the system of responsibility for the target of environmental protection and the appraisal system, and the provisions that the local governments shall make reports on the fulfilment of the targets of environmental protection to the people’s congresses and their standing committees at the same level, and accept supervision from people’s congresses. The NPC Standing Committee adopted the revised Meteorological Law in August. It stipulates that when building, expanding or renovating construction projects, the constructors shall avoid jeopardizing the environs for meteorological observation. Where it is really impossible to avoid jeopardizing the observation environs, the constructors shall first ask for permission of the competent meteorological departments of provinces, autonomous regions or municipalities directly under the Central Government. No construction may be started until appropriate measures are taken. The examination and approval power is transferred from the competent meteorological department under the State Council to the competent meteorological departments of the provinces, autonomous regions or municipalities directly under the Central Government. In December, the NPC Standing Committee adopted the Channel Law, stipulating that the new channels and the construction of channel projects for the improvement of the conditions for navigation in the channels shall observe the provisions in laws and administrative regulations on the protection of ecological environments. In 2014, the State Council made changes to the administrative regulations: the Administrative Measures for the Registration of the Areas for Prospecting Mineral Resources, the Administrative Measures for the Registration of the Exploitation of Mineral Resources, the Administrative Measures for the Transfer of Mineral Prospecting Rights and Mineral Mining Rights, the Regulations for the Implementation of the Law of Land Administration, the Regulations for Safety and Protection Against Radioisotopes and Radiation-Emitting Apparatus, and the Administrative Regulations on the Prevention and Control of Pollution to the Marine Environment by Ships

In 2014, the local people’s congresses with the legislative power and their standing committees formulated or revised more than 40 local laws and regulations on environment and resources in accordance with the actual conditions in their administrative regions. Among them, the Standing Committee of the Hebei Provincial People’s Congress formulated the Regulations on the Public Participation in the Environmental Protection. It is the first local law on public participation in environmental protection, with comprehensive and systematic provisions on the right to know, the right to participate and the right to oversee and sue of the public who participate in environmental protection. The Regulations of the City of Xian on the Prevention and Control of the Environmental Noise Pollution has a special provision that real estate developers shall make public in their sales places the design for the architectural sound insulation, possible noise pollution in the houses on sale and the measures taken for prevention and control, and made clear in the sales contract. By the end of the year, China has 1,630 effective standards for environmental protection, and has preliminarily formed five standard systems at two levels, he national standards and the local standards for ambient quality, pollutant discharge, environmental monitoring and basic environmental standards

**(2) Law Enforcement in the Area of Environment and Resources**

——Making plans for environments and resources. In order to carry out the Action Program for the Prevention and Control of Air Pollution, and control the total coal consumption, the State Council, the relevant departments, and local governments drew up relevant work programs and plans one after another in 2014. According to the plans, by the end of 2017, Beijing, Tianjin, Hobei Province and their neighboring areas are expected to reduce 250,000 tons of SO2, 240,000 tons of nitrogen oxides 110,000 tons of industrial ash, and 70,000 tons of volatile organic matters. Moreover, the Ministry of Environmental Protection, the Ministry of Finance and the Development and Reform Commission jointly formulated the Overall Plan for the Protection of the Ecological Environment in the Lakes with Fairly Good-Quality Water (2013-2020), the Ministry of Environmental Protection formulated the Annual (2014-2015) Chinese Action Program for the Ten Years of the UN Biological Diversity.

——Promoting the major reforms in the fields of environment and resources. One, introduce the paid use and trading of pollution rights. The State Council issued the Guiding Opinions on the Experimental Work of Further Promoting the Paid Use and Trading of the Pollution Rights in August. It stipulates that the pollution discharge units have the right to use, transfer and mortgage the pollution rights during the prescribed period of time. As to the existing pollution discharge units, consideration must be given to their bearing capacity and the requirement for the improvement of the local environmental quality, and they shall gradually obtain the pollution rights with compensation. The pollution rights of the newly built projects and those of the rebuilt and extended projects shall be obtained with compensation in principle. The units which obtain the pollution rights shall not be exempted from the obligations to pay the related taxes like pollution charges according to law. Two, adjust the rates for the collection of pollution charges. In September, the State Development and Reform Commission, the Ministry of Finance, and the Ministry of Environmental Protection jointly issued the Circular on Adjusting the Rates for the Collection of Pollution Discharge Fees. It makes clear that a policy of differential rates for the collection of pollution discharging fee shall be adopted. The provinces of Hebei, Shanxi and Fujian issued the measures for the use of mortgage loan for pollution rights. Beijing raised the rates for the pollution discharge fees for the four major pollutants 15 times, and Tianjin raised them 9.5 times. Three, innovate the mechanism for the operation of the investment in ecological environment**.** In November, the State Council formulated the Guiding Opinions on Innovating the Investment and Financing Mechanism to Encourage Social Investment. It enacts provisions on the mechanisms for the operation of the investment in environment protection by deepening the reform of the forestry administration system, promoting the diversification of subjects for ecological construction, promoting the market-oriented control of the environmental pollution and making experiments on the trading of the pollution rights and carbon emission rights. Four, streamline administration and delegate power to lower levels **in** environmental impact assessment. The Ministry of Environmental Protection cancelled two examination and approval items including the certification of the Grade A qualification of the operators of installations for environmental protection (pollution control), and delegated the competence for the examination and approval of environmental impact assessment for three licenses, including the business license for the operation of dangerous wastes for which the Ministry of Environmental Protection is responsible, and the competence for examination and approval for 25 infrastructure facilities like quick rail transport in cities and construction of civil airports and other construction projects with relatively small environmental impact to the provincial environmental protection departments.Five, make experiments on the adoption of environmental economic policies. The Ministry of Environmental Protection made experiments in implementing the “bank-government-investment”green credit plan in Hainan and Shandong provinces, and experiments on environmental auditing in Lanzhou, and experiments on the assessment of damages from environmental pollution in nine local regions. The Ministry, together with other relevant departments, started experiments on the combined implementation of three plans (the economic and social development plan, the urban space plan and the land utilization overall plan) in 28 cities and counties. Shandong, Jiangsu and Zhejiang actively promoted the socialization of the environmental monitoring service. Shanghai and Guangdong actively promoted the control of environmental pollution by the third party.

——Strengthening the prevention and control of air pollution. One, allow strict access. The Ministry of Environmental Protection issued the Circular on the Strict Access to the Environmental Impact Assessment for the Implementation of the Action Plan for the Prevention and Control of Air Pollution. It makes clear that the coal consumption project in the total coal consumption control areas must have a definite replacement plan for coal reduction. Two, adjust the energy composition and use clean energy. The State Development and Reform Commission, the State Energy Bureau and the Ministry of Environmental Protection jointly distributed the Plan of the Energy Industry for Strengthening the Work for the Prevention and Control of Air Pollution and the Action Plan for the Upgrading and Transformation of Energy Conservation and Emission Reduction for Coal and Electricity (2014-2020), which introduce stricter standards for energy efficiency and environmental protection, accelerate the upgrading and transformation of coal burning and power generation, strengthen the control over the total energy consumption and reduce the proportion of the coal consumption step by step. Three, strengthen the work of assessment. The General Office of the State Council distributed the Measures for the Assessment of the Implementation of the Action Plan for the Prevention and Control of Air Pollution (for trial implementation), and the Ministry of Environmental Protection, the Development and Reform Commission, the Ministry of Industry and Information, the Ministry of Finance, and the Ministry of House and Urban-Rural Construction jointly formulated the relevant detailed rules for implementation. Four, issue the environmental standards and other supplementary measures. The State Council reviewed and adopted the 22 supplementary policies made by the Ministry of Environmental Protection together with other relevant departments of the State Council to implement the Action Plan for the Prevention and Control of Air Pollution, relating to the adjustment of the energy composition, environmental economic policies and the defined responsibilities of all sides concerned. Five, improve the regional cooperation mechanism. During the APEC meetings, Beijing, Tianjin, Hebei, Shanxi, Inner Mongolia, Shandong, and Henan and the relevant departments made concerted efforts to ensure good weather and clean air quality. They dispatched 434,000 men times to check 61,000 industrial enterprises and 123,000 other sources of pollution. Sixth, increase input in the control of pollution. The Central Government allocated a special fund of RMB 9.8 billion yuan for the prevention and control of air pollution to support seven provinces, two municipalities and one autonomous region. It allocated a special fund of RMB 240 million yuan for environmental protection to support Urumqi, Lanzhou and Yinchuan for the control of air pollution.

——Promoting the protection and construction of ecology. One, the Ministry of Environmental Protection carried out the work of delimiting the red line for ecological protection in accordance with the Environmental Protection Law, distributed the Technical Guide to the Delimitation of the National Red Line for Ecological Protection ――the Red Line for the Ecological Function, compiled the Proposed Plan for the Delimitation of the Red Line for the National Ecological Protection, and worked out the related supplementary policy measures. Two, it conducted investigations of resources. The Ministry of Environmental Protection compiled and distributed the Technical Specifications for the Classification, Investigation and Cataloguing of the Traditional Knowledge related to Biological Diversity to guide the investigation and cataloguing of the traditional knowledge related to biological diversity and the construction of the database. The State Forestry Bureau formulated the Work Plan for the Investigation of Peat and Marsh Peat Beds in Major Provinces and the Technical Specifications for the Investigation of Peat and Marsh Peat Beds, and started the investigations in 11 major provinces and autonomous regions, including Inner Mongolia, Liaoning, Jilin, Heilongjiang, Sichuan, Guizhou, Yunnan, Tibet, Gansu, Qinghai and Xinjiang in different years starting from 2014. Three, it issued ecological early warnings. The State Forestry Bureau distributed the Early Warning Plans for the Changes of the Ecological Characteristics of Major International Wetlands (for Trial Implementation), and issued three grades of early warnings for the changes of ecological characteristics of the major wetlands. Four, it established a trans-regional cooperation mechanism. The State Forestry Bureau set up the wetland protection network in the Yellow River Basin and established the trans-regional cooperation mechanism for the protection of the wetlands in the Yellow River Basin after eight years of the operation of the Yangtze River wetland protection network. Five, it increased input. The State supported the Xinanjiang River Basin between Anhui and Zhejiang provinces and the Tingjiang River Basin in Fujian Province to make compensations for the water environment by allocating RMB 300 million yuan and 50 million yuan respectively. The Ministry of Finance allocated RMB 48 billion yuan for transfer payments through the major ecological functional zone transfer payment system, which was shared by 512 counties. Six, it made inspections of law implementation. It carried out a special action to investigate the illegally occupied forest lands throughout the country for two months, and found 4,145 cases of illegally occupied wood lands with a total area of 7,715.3 hectares.

——Strengthen oversight and check to environmental law enforcement. The General Office of the State Council distributed the Circular on Strengthening Law Enforcement Oversight over Environments in November. It took a special action to protect the environments by dispatching environmental law enforcement personnel on 2,160,000 occasions, and inspected 840,000 businesses, registered 12,531 cases for law violations and handled more than 1,600 listed cases. It made a special law enforcement inspection of the operation of the automatic monitoring devices in key enterprises under oversight, and inspected 10,809 key enterprises and 18,039 automatic facilities for monitoring sources of pollution. Environmental protection departments transferred 2,180 criminal cases of breaking the Environmental Protection Law to public security organs in 2014. The environmental protection departments at the provincial level and city level checked the work of environmental supervision of 1,447 environmental protection departments at the lower levels in 2014.

——Strengthening administrative guidance and public service to environmental resources. The State Development and Reform Commission distributed the Tentative Measures for the Administration and Popularization of the Energy Conservation and Low Carbon Technologies to guide the energy consuming units to adopt advanced applicable new energy conservation technologies, new installations and new techniques. It completed the fourth nationwide investigations of the industries related to environmental protection, and started the fourth experiments in the environmental protection service industry. The Ministry of Environmental Protection adjusted the List of Government Purchases of Products with Environmental Marks, and distributed the Guiding Opinions on Strengthening the Work of Local Environmental Protection Standards. It united with the Ministry of Education, the Ministry of Science and Technology, the Ministry of Agriculture, the State Forestry Bureau and the Chinese Academy of Science to distribute the Circular on Strengthening the Administration of the Utilization of the Biological Heredity Resources and Sharing of Benefits and Interests of the Cooperation and Exchanges with Foreign Countries to guide the acquisition and utilization of biological heredity and the sharing of benefits and interests.

——Pushing forward the construction of the law enforcement ability. One, it uplifted the law enforcement position. The newly revised Environmental Protection Law confers the position of law enforcement on the environmental supervision organs and authorizes them to exercise supervision over the local governments to perform the responsibility for environmental protection. Two, it increased the financial input for the construction of the ability. The ministry made an arrangement for nearly RMB 230 million yuan for uplifting the ability to exercise environmental supervision. Three, it strengthened personnel training. The ministry issued the Opinions on Strengthening the Work of Training Personnel for Environmental Protection at the grassroots level. It distributed the first name list of leading professionals and outstanding young people specializing in environmental protection. Four, it strengthened the construction of the environmental protection organs. By 2014, the ministry had established more than 2,700 monitoring organs at the national, provincial, prefectural and county levels. Three hundred and thirty-eight cities at and above the prefecture level had 1,436 monitoring points all with the ability to monitor the air quality according to the new standards.

**(3) Judicial Work in the Area of Environmental Resources**

——Establishing special courts for trying cases related to environmental resources. The Supreme People’s Court established an adjudication division for environmental resources in June. By the end of December of 2014, the higher people’s courts of 21 provinces, autonomous regions and municipalities directly under the Central Government had set up 382 adjudication divisions, collegiate benches or circuit tribunes for environmental resources. China’s first court and procuratorate (the Shanghai No. 3 Intermediate People’s Court and the Intellectual Property Court and the No. 3 Branch of the Shanghai People’s Procuratorate) for accepting trans-regional cases were established in Shanghai, and started to handle administrative cases of first instance related to environmental resources with people’s governments at the municipal level as defendants and administrative cases of second instance related to environmental resources with administrative organs at the municipal level as appellants and appellees under their jurisdiction as from January 1, 2015. The No. 3 Branch of the Shanghai People’s Procuratorate will have jurisdiction over the administrative suit supervision cases relating to environmental resources and trans-regional major criminal cases relating to the protection of environmental resources tried by the Shanghai Municipal No. 3 Intermediate people’s Court. Moreover, Guizhou Province was the first in the national court system to establish an adjudication division for the protection of ecological environment of the provincial people’s court, four adjudication divisions of intermediate people’s courts, and five adjudication divisions for the protection of ecological environment of primary courts to form a “one, four, five” adjudication pattern for concentrated trial of ecological environmental protection cases, thus straightening out the jurisdiction by level and concentrated jurisdiction over cases for the protection of the ecological environments.

——Formulating judicial interpretation. The Adjudication Committee of the Supreme People’s Court reviewed and adopted the Interpretation on Some Issues Concerning the Application of Law to Hearing Environmental Civil Public Benefit Suits. It gives further details to the provisions on environmental civil public benefit litigation prescribed in the Civil Procedure Law and the Environmental Protection Law, and gives interpretations to the qualifications for the subject of accusation, conditions for accusation, jurisdiction, mode of assuming responsibility, connection between public benefit and administrative supervision, the relationship between public benefit litigation and private benefit litigation, and exercise of the court authority.

——Handling environmental resources cases. The courts at all levels throughout the country accepted 1,188 new cases of polluting environments in 2014, 8.9 times as many as in 2013. They accepted 809 new administrative cases of environmental protection, and tried and closed 792 of them. They accepted 77,639 new civil cases of first instance related to environment and resources, and tried and closed 76,153 of them. According to figures, since the Interpretation on Some Issues Concerning the Application of Law to Handling Criminal Cases of Environmental Pollution took effect, the number of cases sentenced to punishment by courts throughout the country for the crime of polluting environments increased by 295% as compared with the previous year.

——Issuing typical case examples. The Supreme People’s Court issued nine typical civil case examples relating to environment and resources in July. It issued ten typical administrative case examples relating to environment and resources in December. In 2014, the RMB 100 million yuan environmental public welfare case in Taizhou, Jiangsu, the “environmental refugees” group suit case in Minhou, Fujian, and the China Federation of Environmental Protection vs. Tan and Fang environmental pollution responsibility case were selected among the ten major public welfare cases in China in 2014. Among them, the RMB 100 million yuan environmental public welfare case in Taizhou, Jiangsu, was selected as one of China’s ten influential case examples. A villager called Wang in Zhumadian, Henan Province, was sentenced to criminal detention for three months for the illegal capture of 87 toads, and became the first person sentenced for hunting protected wildlife in China.

**VIII. Legal Publicity, Legal Education and Legal Research**

Legal publicity, legal education and legal research are all component parts of the law-based China, and are the important foundation work for the law-based governance of the country. New prosperity and development were recorded in China’s legal publicity, legal education and legal research in 2014.

**(1) Legal Publicity**

——Promoting the whole society to enhance the consciousness of the rule of law. It is stated in the Decision of the CPC Central Committee on Some Major Issues Concerning Comprehensively Promoting the Law-Based Governance of the Country that the Party will persist in using the popularization and observance of law as the long-time foundation work for governing the country according to law, deepen publicity and education in the rule of law and guide the whole people to observe law consciously, go to law when anything crops up, and use law to solve problems. It will persist in urging the leading cadres to take the lead in studying law and set examples in observing law as the key to foster the consciousness of the rule of law, improve the system of studying and applying law for government workers, put the Constitution and other laws as part of the content of study for the central groups of the party committees (leading party groups), as the required courses in the party schools, administrative colleges, cadres’ colleges, and socialist colleges. It is necessary to include the education in the rule of law in the national education system. Education in the rule of law should start with children and young people, knowledge of the legal system shall be added as a subject in the curriculum of the secondary and primary schools. The decision further stressed that to improve the mechanism for legal publicity and legal education, the Party committees and governments at all levels must strength their leadership over the work of law popularization, and the publicity, cultural and educational departments and the people’s organizations should play their functional role in law popularization. It is necessary to adopt the system of responsibility for law popularization in state organs: Whoever enforce the law popularize the law. It is necessary to establish the system for judges, procurators, administrative law enforcers and lawyers to use cases to interpret the laws, and strengthen the construction of the lecturers’ groups and volunteers’ contingents for lawpopularization.Include the legal education into the content for the creation of spiritual civilization, carry out mass cultural activities related with the rule of law, improve the public welfare system for law popularization through media, and strengthen the use of new media and new technologies for law popularization to raise the actual results of law popularization.

——Establishing the National Constitution Day. President Xi Jinping made an important written instruction on the eve of the National Constitution Day that to persist in governing the country by law, it is first of all essential to persist in governing the country according to the Constitution. It is necessary to establish the National Constitution Day as a turning point to deepen the work of publicity and education on the Constitution, make great efforts to develop the spirit of the Constitution, earnestly enhance the consciousness of the Constitution, promote the comprehensive implementation of the Constitution, and give a still better play to the role of the Constitution in comprehensively building a relatively better-off society, comprehensively deepening the reforms and comprehensively pushing forward the law-based governance of the country. The Publicity Department of the CPC Central Committee, the General Office of the NPC Standing Committee and the Ministry of Justice jointly organized an informal discussion on promoting publicity and education on the Constitution and making great efforts to develop the spirit of Constitution. The Ministry of Justice and the CCTV jointly made a special TV program on the Spirit of the Constitution and the Strength of the Rule of Law”. The local regions and the central government departments also carried out a series of educational and publicity activities for the same purpose.

——Promoting theme publicity and education on the legal system. They organized special subject training sessions, and organized the law popularization workers of the local governments and central departments to study laws and exchange experience in diversified forms, and deepened the work of conducting law publicity in offices, communities, homes, schools, enterprises and villages, and organized different forms of law publicity activities. They commended 1,417 outstanding collectives and 1,393 outstanding individuals in law popularization. They organized the third group of law-based cities and counties selected from among all Chinese cities and counties in their efforts to build law-based cities and counties. They also commended and selected the sixth group of national democratic and law-based model villages and communities. They collected the 10th round of caricatures, animated cartoons and microfilms on the rule of law, and compiled more than 400 animated cartoon and microfilm works on the rule of law. They organized the activities of soliciting microblogs on the subject of “I find it an honor to obey the law”. They organized a series of lectures on the socialist legal system with Chinese characteristics, and opened the English service of the Chinese Ligalinfo. gov. cn.

——Continuing to hold the activities of “Double-Hundred” (one hundred lectures by one hundred jurists). The organizer of the “Double-Hundred” activity continued to invite well-known Chinese experts and scholars to prepare lectures together. They gave 1,168 lectures and reports in 2014, and more than 480,000 people attended the lectures. Their topics included “Comprehensively Deepen the Reform and the Rule of Law”, “Accelerate the Construction of the Law-based Government to Promote the Modernization of the National Law-based Governance System and Ability” and “Improve the Chinese Socialist Legal System with Chinese Characteristics”.

**(2) Legal Education**

——Innovating the mechanism for the training of outstanding socialist legal personnel. They continued to implement the education plan for the training of outstanding legal personnel, with the emphasis laid on deepening their sense of social responsibility and consciousness of professional ethics. They continued to improve the mechanism for the two-way exchange of school teachers and law workers among the political-legal departments and law schools and law research institutions to deepen the implementation of the “double thousand plan”. They included legal education into the national education system by adding legal knowledge to the curriculum of the primary and secondary schools and making work rules for legal education in schools. They actively probed the establishment of a mechanism for the diversified training of legal personnel through cooperation with foreign law schools and international organizations to broaden the international field of vision.

——Strengthening the theoretical system, discipline system and curriculum system for legal education. They promoted the combination of the legal education with the compilation of teaching materials and basic research, deepened the implementation of the Marxist theoretical research and construction project, and strengthened the basic theoretical research of the law science. They compiled the uniform key teaching materials to comprehensively and accurately reflect the latest achievements and practical experience of the socialist legal theory, and listed it as a part of the important content for the assessment of the professional courses in the law schools and the required courses for law school students. They also probed the possibility of putting the socialist law theories into the required part of the national judicial examination.

——Remarkable achievements in the theme writing of the legal education and the construction of legal educational bases. The *Report on the Development of the Chinese Law: Legal Education and Research*, published by the Chinese Renmin University was the first systematic and comprehensive work on the historical development, organizational establishment, personnel and functionary activities of the Chinese legal education. Its English edition is now available overseas. The China University of Political Science and Law published *An Investigation of the Ethics Education in the Chinese Law Profession*. In 2014, the Ministry of Education and the Information Office of the State Council presented the name boards for the second batch of national human rights education and training bases, including the Human Rights Research Center of the Chinese Renmin University, the Human Rights Research Center of the Fudan University, the Human Rights Research Institute of the Wuhan University, the Human Rights Research Center of the Shandong University, and the Human Rights Education and Research Center of the Southwest University of Political Science and Law.

——Frequent international exchanges in the field of legal education. The Fourth Chinese-Australian Meeting of Deans of Law Schools, jointly initiated by the Chinese Legal Education Research Society, the Australian Federation of Deans of Law Schools, and the Guanghua Law School of the Zhejiang University, and the International Seminar on the Training of Outstanding Legal Talents and Legal Education for the 21st Century were held in Zhejiang in September. A group of Chinese noted experts in legal education attended the 2015 Annual Meeting of the U.S. Association of Law Schools in December and had dialogues and discussions on the mutual cooperation and exchange in legal education in China and the United States.

**(3) Legal Research**

The study of the Constitutional law centered on the study of the issue of “the Constitution and the Modernization of the National Governance System” and the series of activities held to mark the 60th anniversary of the making of the “Constitution of 1954”, the first Constitution of the People’s Republic of China. Jurisprudence centered on the theory and practice in promoting the building of a law-based China, and made a profound and comprehensive study of how to govern the country according to law, and the relationships among the law-based governance of the country, law-based management of government affairs and law-based administration. Administrative law focused its study on the reform of the administrative system, the issues in the improvement of the administrative organic law and the reform of the administrative examination and approval system and the revision of the Administrative Procedure Law and the Administrative Reconsideration Law. Civil Law made a profound study of the compilation of the civil code, the formulation of the law on the right to personality, and the system for the registration of the real estate. Intellectual property law focused its attention on the theory of intellectual property with Chinese characteristics, the judicial protection of intellectual property rights, the improvement of the patent system, and the designing of intellectual property courts. Economic law strengthened the study of the introduction of the economic law, the macro-control law, the law of market rules, and the protection of natural resources. Commercial jurisprudence studied the reform of the capital system, improvement of the Company Law, revision of the Securities Law, formulation of the Futures Law, and changes of the commercial law system in the free trade zones. Criminal procedure law focused its study on the reform of criminal judicature and the implementation of the Criminal Procedure Law. Social law centered closely on the demonstration and study of the theory and practice of the social law in China in the background of comprehensively deepening the reform. Criminal law centered on the hot issues of the criminal case of corruption. Environmental resources law mainly studied the formulation of comprehensive laws for environmental protection and the legal issue of ecological environmental management. International economic law mainly studied the theory of the international economic law with Chinese characteristics, the new developments and new case examples of the WTO system, the new developments of regional trade agreements and China’s practice and counter policies. Chinese legal history focused its study on the historical experience of the legal administration of the border areas, and the legal issues of the ethnics and religions in the border areas. Foreign legal history focused on the Roman public law, Roman private law, Roman Commercial Law, the Rome Renaissance Movement and the continental law system, and the Roman law and the laws of Britain, the United States and France.

**IX. International Exchange and International Cooperation**

China took an active part in international legislation, attached importance to drawing on the valuable experience of the rule of law from other countries. International exchange in the rule of law was frequent, and the results of international cooperation in combating corruption were remarkable, and a firm step was taken in the international judicial cooperation.

**(1) Unprecedented Increase in International Cooperation in Combating Corruption**

It is stated in the Decision of the CPC Central Committee on Some Major Issues Concerning Comprehensively Promoting the Law-Based Governance of the Country that it is essential to deepen international cooperation in the area of administration of justice, improve the Chinese’s judicial assistance system and expand international judicial assistance coverage.

It is necessary to strengthen international cooperation in combating cooperation, and strengthen the work of capturing the booty, escapees, repatriation and extradition overseas. President Xi Jinping spoke of international cooperation in capturing escapees and their booty and combating cooperation on many occasions, and stressed the importance and necessity of international cooperation in combating cooperation..

——China was the rotating presidency of the APEC in 2014, the Ministry of Supervision represented the Chinese government to be the chairman of the APEC Anti-Corruption Working Group to chair the meetings of the working group and organize the relevant activities. The Ministry of Supervision and the World Bank jointly organized the APEC Anti-Corruption Seminar in February, and the participants had discussions on the international standards for the return of the assets of corruption, the obstacles to the return of the assets, measures to cope with the obstacles, and practical experience under the theme of “Recovery and Return of Corruption Assets.

——The Executive Board meeting of the International Federation of Anti-Corruption Bureaus was held in Barcelona, Spain, in April. Cao Jianming, President of the Federation and Procurator-General of the Chinese Supreme People’s Procuratorate, chaired the meeting and made an address. The International Federation of Anti-Corruption Bureaus organized the first and second seminars in Beijing on the theme of “The Rule of Law and Anti-Corruption” from June to July. Representatives from 21 countries attended the seminars, and exchanged their views on strengthening legislation and justice, deepening international cooperation and making joint efforts to promote the healthy development of the international anti-corruption cause.

——The Ministry of Public Security started the special action “2014, Fox Hunt” in July, the procuratorial organs throughout the country started a six-month-long international special action in September to pursue escapees and booty in other countries for their crime of malfeasance. The Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security and the Ministry of Foreign Affairs jointly issued the Notice on Urging Persons who committed Economic Crimes and fled to Other Countries to Surrender Themselves to the Police. By December 31, 680 economical criminal suspects who had fled to other countries were captured from 60 countries and regions, including the United States, Canada, Spain, Argentina, the Republic of Korea, Thailand, South Africa and Nigeria.

——In November, the 26th APEC Ministerial Meeting reviewed and adopted the Beijing Declaration on Fighting Corruption, established the APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET), expanded cooperation in pursuing escapees and illegally acquired proceeds of corruption in the Asian-Pacific region and joined hands to combat trans-regional corruption acts. As the chairman of the APEC anti-corruption working group, the Chinese Ministry of Supervision drafted the Terms of Reference for the APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET), and led the anti-corruption and law enforcement cooperation to the pursuit of escapees and their illegally acquired proceeds of corruption. The Chinese Ministry of Supervision organized a special training session in Beijing on the special subject of the APEC online pursuit of escapees and their illegally acquired proceeds of corruption in December.

——In November, Chinese President Xi Jinping attended the ninth Summit of the G20 to promote cooperation among the G20 countries in fighting corruption and pursuing escapees and illegally acquired proceeds of corruption. When he met with the leaders of the relevant countries, he showed China’s determination to combat corruption and actively proposed the expansion of bilateral and multilateral international cooperation in combating corruption and the establishment of a joint network to fight the crime of corruption.

China joined the International Anti-Corruption Academy in November to strengthen international cooperation in combatting corruption through international training.

——By 2014, China had concluded extradition treaties with 38 countries, criminal judicial assistance treaties with 51 countries and agreements or memorandum of understanding on cooperation in procuratorial affairs with 93 countries, thus having preliminarily established a legal network for judicial assistance in the area of combating corruption.

**(2) Actively Participating in International Legislation and Performing International Treaty Obligations**

At the rally in commemoration of the 60th anniversary of the Five Principles of Peaceful Coexistence in June, President Xi Jinping stressed that all countries should jointly promote the rule of law in international relations, and use the uniform and applicable rules to tell right from wrong, promote peace and seek development. He said that all countries should exercise their rights according to law, oppose the distortion of the international laws, oppose the infringement on the legitimate rights and interests of other countries to undermine peace and stability in the name of “the rule of law”.

In October, it is stated in the Decision of the CPC Central Committee on Some Major Issues Concerning Comprehensively Promoting the Law-based Governance of the Country that China shall take an active part in the formulation of international rules to increase China’s say and influence in international legal affairs, and use the legal means to safeguard the sovereignty, security and development interests. Wang Yi, Minister of Foreign Affairs, pointed out in his article appearing on the United Nations Day (October 24) that to promote the rule of law in international relations, it is essential to grasp some main orientations: One, firmly safeguard the international laws and the publicly acknowledged basic standards for international relations; two, uphold the general goal of promoting peace, development, cooperation and win-win; three, uphold the equal and democratic participation in the course of making international rules; and four, firmly safeguard the authority of the international law.

——In the aspect of international anti-terror laws, China established bilateral anti-terror consultation mechanism with more than 10 countries, made efforts to promote the Shanghai Cooperation Organization to strengthen regional cooperation in combatting terror, actively sent representatives to participate in international legislative activities against terror under the United National framework, and take an active part in the Global Anti-Terror Forum and anti-terror cooperation under the mechanism of the BRICS, APEC, and the ASEAN Regional Forum. In October, Wang Min, China’s permanent deputy representative to the United Nations, said at the Sixth Commission of the 69th General Assembly of the United Nations that the anti-terrorist acts should observe the purpose and principles of the U.N. Charter, respect the sovereignty, independence and territorial integrity of the state party, abide by the provisions of the international laws on the use of force. He appealed to more countries to participate in the 13 conventions of the United Nations against terrorism, support the formulation of a comprehensive convention on international terrorism to further improve the framework of the anti-terrorism international laws. In December, the Standing Committee of the Twelfth National People’s Congress decided to ratify the Anti-Terrorism Convention of the Shanghai Cooperation Organization.

——In the aspect of the International Law of the Sea, Liu Zhenmin, Vice Minister of Foreign Affairs, met with Nii Allotey Odunton, Secretary General of the International Seabed Authority (ISA) in April, and exchanged views on strengthening cooperation between the Chinese side and ISA, and the 20th anniversary of the effectiveness of the United Nations Convention of the Law of the Sea. Wang Ming, Permanent Deputy Representative to the United Nations, spoke at the special meeting to mark the 20th anniversary of the effectiveness of the United Nations Convention of the Law of the Sea held by the 24th Conference of the States Parties to the UN Convention on the Law of the Sea. He said that the Convention established the basic legal framework for the modern sea order, and China initiated the establishment and maintenance of a harmonic sea order and stood for the resolution of disputes through talks between the direct state parties. Liu Jieyi, China’s Permanent Representative to the United Nations, spoke on the subject of “Sea and the Law of the Sea” at the 69th General Assembly of the United Nations in December. He elaborated China’s stand and position on the UN Commission on the Limits of the Continental Shelf, the International Seabed Authority, the International Tribunal for the Law of the Sea and the other areas relating to the Sea and the Law of the Sea. He stressed that China is a steadfast defender and promoter of the rule of law over the international seas and the resolution of sea disputes by peaceful means. The Chinese government abides by the specific provisions in the Convention, resolve sea disputes by peaceful means, and respect the legitimate right of all countries to choose the peaceful method of resolving disputes independently.

——In the aspect of climate change, the Chinese delegation took part in the four talks of the year on the new agreement on climate change of the Durban Platform Working Group and the talks on all topics at the Lima Conference on climate change in December. It stood for the principle of "common but differentiated responsibility” and other principles of the Convention as the political basis for the negotiations on the new protocol and use the method of balance to detail the elements of the new protocol. The Chinese delegation actively safeguarded the common interests of the developing countries, and promoted the new measures for South-South cooperation in climate change, kept communication with developed countries constructively to help the Lima conference session to adopt the Lima Climate Action Proposal. It reiterated the principle of “common but differentiated responsibility”, and detailed the elements for the negotiations on the new protocol to lay down the foundation for the 2015 conference in Paris to reach agreement as scheduled.

——In October, a Chinese delegation attended the Seventh Conference of the Parties to the United Nations Convention against Transnational Organized Crime, and gave a full account of the achievements China made as a party to the convention in its active performance of the Convention through legislation, law enforcement and judicature. It expounded China’s position and practices on the issues of international cooperation, combatting trafficking in human beings and illegal transportation of guns, cybercrime and crime against intellectual property. It appealed to all countries to take a more positive, flexible and practical attitude to promote cooperation in extradition, judicial assistance, and return of the illegally acquired assets.

——In October, the United Nations Committee on the Elimination of Discrimination against Women reviewed China’s combined seventh and eighth reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, made positive appraisal of China’s efforts and fruits in the performance, and appreciated China’s sexual equality and achievements made in the cause of women’s development.

——In October, the director of the Department of Treaties and Laws of the Ministry of Foreign Affairs attended the conference of the International Law Week of the Sixth Commission of the 69th General Assembly of the United Nations, and participated in the informal consultations of the legal consultants of the foreign ministries of the countries of the five permanent members of the UN Security Council, and exchanged views with them on the current important issues of the international laws, such as the work of the International Criminal Court, and the work of the International Law Commission.

**(3) Frequent Bilateral Inter-Government Legal Dialogues and Exchanges**

——Mechanism for dialogues and consultation on the Law of the Sea and polar affairs. The fifth round of dialogues between China and the United States on the Law of the Sea and the polar affairs took place in Qingdao of China in March. The fourth round of consultation between China and Britain on the Law of the Sea and the second round of dialogue between China and France on the Law of the Sea and polar affairs took place in Beijing in October. The third round of dialogue between China and Argentina on the Law of the Sea and polar affairs was held in Buenos Aires in December. Through this mechanism, China and the related countries had profound and friendly exchanges on the current legal issues of common concern in the areas of the Law of the Sea and the polar region.

——The first consultation of the joint judicial assistance working group of China and Switzerland took place in Beijing in May. The two sides unanimously held that in the background of the growing relations between the two countries and especially when the Chinese-Swiss free trade agreement was signed and would soon come into force, and the demand for judicial assistance of the two countries was growing, it was necessary to further strengthen cooperation in this area. The two sides agreed on the tasks and targets of the working group and focused their discussions on the individual cases of criminal judicial assistance and the issue of concluding a treaty.

——The fifth round of consultation between China and Canada on judicial and law enforcement cooperation took place in Beijing in September. The two sides were unanimous that the strengthening of the judicial and law enforcement cooperation was beneficial to the deepening of the strategic partnership between China and Canada. They focused their discussions on strengthening cooperation in pursuing escapees and recovering their illegal money and property. They agreed that they would set up a judicial assistance working group and another working group for the repatriation of escapees and other illegal entries under the consultation mechanism to further strengthen communication and coordination between the competent departments.

——In November, China and the European Union held their third meeting of the cyber working group in Beijing. The two sides exchanged opinions on the issues of legislation and policies for networks, international rules for cyber space, management of the Internet, cyber economy and cybercrime. They agreed to further strengthen the process of the network working group and promote the practical cooperation for the network of China and Europe.

——The 12th meeting of the Chinese-U.S. Joint Liaison Group (JLG) on Law Enforcement Cooperation was held in Beijing in December. The two sides stressed the importance of the law enforcement cooperation in the Chinese-U.S. bilateral relations, and encouraged themselves to continue to strengthen the construction of the JLG mechanism. They discussed about the method of strengthening cooperation in the law enforcement areas of identifying, repatriating or filing suits against escapees, returning assets, repatriating illegal immigrants, combatting drug, intellectual property and joint struggle against frauds.

——The director of the Department of Treaties and Laws of the Ministry of Foreign Affairs held more active consultations. China and the Republic of Korea held their 18th consultation on the Law of the Sea and the consultation between the chiefs of the departments of treaties and laws of the two countries in March. The two sides had frank and profound exchanges of opinions and reached extensive consensus on the issues of common interest concerning the Law of the Sea and the international law. In October, the directors of the departments of treaties and laws of the Chinese and Danish Ministries of Foreign Affairs held consultations in Beijing in October. They exchanged views on the issues of international laws concerning the North Pole, the sea, judicial cooperation, international human law, and administration of the networks. China and Brazil held their first consultations between the directors of the departments of treaties and laws of the ministries of foreign affairs in Brasilia in October. They had a full exchange of opinions on the issues of international laws concerning the establishment of the consultation mechanism for the directors of the departments of treaties and laws, the trends of the development of the international laws, judicial cooperation, international governance of the cyber space, state immunity, and the work of the Hague international private law conference. The director of the department of treaties and laws of the Chinese Ministry of Foreign Affairs and the legal counsel of the U.S. Department of State held the first consultation in Washington, had an extensive and profound exchange of views on the diplomatic and legal issues of common concern, and decided to establish an annual consultation mechanism.

**(4) International Law Seminars and International Academic Exchanges**

——The Ministry of Foreign Affairs and the China International Law Society jointly organized an international law seminar in Beijing in May to mark the 60th anniversary of publishing the Five Principles of Peaceful Co-existence. The participants at the seminar spoke highly of the historical significance of the five principles as the basic norms of the international relations and the international law. They analyzed and summed up the connotation of the principles of the time, and had positive discussions on the realistic guiding significance of the five principles in preserving international peace, security, development and cooperation and building the community of common destiny for all mankind. The Second China-Europe Law Forum was held in Vienna, Austria, in June. The Charter of its Guidance Committee was signed during the seminar to lay a firm foundation for the sustained development and stability of the China-Europe Law Forum. The first Chinese-European Legal Assistance Seminar was held in Beijing in September. It focused the discussions on the latest trends of the legal assistance in China and Europe, state policies for legal assistance in China and Europe, administrative system for legal assistance, modernization of the administrative ability, and opportunities and challenges for legal assistance. The Chinese-African Investment and Trade Legal Seminar was held in Beijing in September, and the participants had profound discussions from the legal aspect of the problems arising from the cooperation in the Chinese and African investment, economy and trade. A seminar on the dispute resolution mechanism with Chinese and African characteristics was held in Beijing in September. It adopted the Proposal for the Establishment of the Dispute Resolution Mechanism with Chinese and African Characteristics. The first research and advanced study class for the Chinese and African legal personnel exchange project opened in Beijing in September. It was the first training class for African people in the legal profession.The seventh Chinese-Latin American Legal Forum was held in Brasilia, Brazil in December. The theme of the forum was “Rule of Law, Integration and Development”, and the topics include “Construction of Infrastructure Facilities, Rule of Law and Development”, and ”Rule of Law and Integration――Trade, Investment and Dispute Resolution”. The first BRICS Legal Forum was held in Brasilia, capital city of Brazil in December. Bao Shaokun, head of the Chinese delegation of the China Law Society, said in his address at the opening ceremony that the establishment of the BRICS Legal Forum is the requirement of the development of the international relations, and it would produce a positive and far-reaching influence on the economy and politics of the BRICS countries, the developing countries, and the world over. **T**he China-Southeast Asia and South Asia Legal Cooperation and Consultation Meeting and the Legal Seminar on the Silk Road on the Sea in the 21st century, organized by the China Law Society, were held in Tengchong, Yunnan Province in December. Participants at the meeting had discussions and consultations on the issues of the financial and legal cooperation and connectivity in Asia, the Islamic financial system, the trans-regional trading of RMB, the 2014 new financial administration in the Shanghai Free Trade Zone.

**Concluding Remarks**

**To build a moderately prosperous society in an all-round way, to deepen the reform comprehensively, to promote the law-based governance of the country in an all-round way, and to enforce the Party discipline strictly among all Party members are the strategic orientation, major areas and principal targets of the work of the Party and the state in China under the new circumstances. In the strategical orientation, to promote the law-based governance of the country in an all-round way plays the basic and guaranting role. The strategic measure of promoting the law-based governance of the country supplements each other with deepening the reform comprehensively and enforcing the Party discipline strictly among all Party members. They will jointly provide the basic motive force, powerful guarantee and important support for the strategic goal of building a moderately well-off society in an all-round way.**

**To promote the law-based governance of the country is a wide-ranging and profound revolution in the area of national governance. The *Decision on Some Major Issues Concerning Comprehensively Promoting the Law-based Governance of the Country* profoundly reveals the outstanding issues existing in the rule of law in China: some of the laws and regulations failed to reflect the objective rules and the wishes of the people, their purpose and operability were not clear or effective, and there were outstanding tendencies of inclining to departmentalism, scrambling for more power or shifting responsibilities to others in legislation; the phenomena in which laws were not abided by, law was not strictly enforced and law violations were not investigated were fairly serious, the power and responsibility of the law enforcement setup was disconnected, the phenomenon of overlapping or selective law enforcement still existed, law enforcement and administration of justice were not normal, strict, transparent or civilized, and people have strong reaction to the unfair law enforcement and justice, and corruption. Part of the community members do not have strong consciousness of respecting, believing in, abiding by law and applying law, or protecting their own rights according to law. Some govrnment officials, and leading officials in particular, do not have a sense of handling matters according to law, nor have sufficient capacity. They break the law deliberately, use words to replace law, use power to overstep law and bend the law for their selfish interests. To sole all these problems will be an important aspect of promoting the law-based governance of the country in China in 2015 and for a period of time in the future. China will, in accordance with the Decision, adhere to the theory of the socialist rule of law with Chinese characteristics to establish a complete legal standard system, a highly efficient system for exercising the rule of law, a system for tight supervision of the rule of law, a system for powerful support for the rule of law, to form a perfect system of laws and regulations within the party, persist in promoting the law-based governance of the country, promoting the running of the government affairs according to law and promoting administration by law together, and persist in the integrated construction of a law-based country, a law-based government and a law-based society to achieve scientific legislation, strict law enforcement, fair administration of justice and observance of the law by the whole people to promote the modernization of the national governance system and the governance ability, and keep on advancing towards the general goal of building the socialist system of the rule of law with Chinese characteristics and building the government under the socialist rule of law.**

**Annex**

**I. Laws, legal interpretations and decisions formulated and revised by the National People’s Congress and its Standing Committee in 2014 (24 items)**

1. Environmental Protection Law of the People’s Republic of China

2. Decision of the Standing Committee of the National People’s Congress on Revising the Law of the People’s Republic of China on the Protection of Military Installations

3. Decision of the Standing Committee of the National People’s Congress on Revising the Budget Law of the People’s Republic of China

4. Decision of the Standing Committee of the National People’s Congress on Revising the Law of the People’s Republic of China on Work Safety in Production

5. Decision of the Standing Committee of the National People’s Congress on Revising the Insurance Law of the People’s Republic of China and four other laws

6. Decision of the Standing Committee of the National People’s Congress on Revising the Administrative Procedure Law of the People’s Republic of China

7. Anti-Espionage Law of the People’s Republic of China

8. Channel Law of the People’s Republic o China

9. Interpretation of the Standing Committee of the National People’s Congress on Article 30 of the Criminal Law of the People’s Republic of China

10. Interpretation of the Standing Committee of the National People’s Congress on Article 158 and Article 159 of the Criminal Law of the People’s Republic of China

11. Interpretation of the Standing Committee of the National People’s Congress on Article 266 of the Criminal Law of the People’s Republic of China

12. Interpretation of the Standing Committee of the National People’s Congress on Article 341 and Article 312 of the Criminal Law of the People’s Republic of China

13. Interpretation of the Standing Committee of the National People’s Congress on Paragraph 3 of Article 79 of the Criminal Procedure Law of the People’s Republic of China

14. Interpretation of the Standing Committee of the National People’s Congress on Paragraph 2 of Article 271 of the Criminal Procedure Law of the People’s Republic of China

15. Interpretation of the Standing Committee of the National People’s Congress on Paragraph 5 of Article 254 and Paragraph 2 of Article 257 of the Criminal Procedure Law of the People’s Republic of China

16. Interpretation of the Standing Committee of the National People’s Congress on Paragraph 1 of Article 99 of the General Principles of the Civil Law of the People’s Republic of China and Article 22 of the Marriage Law of the People’s Republic of China

17. Decision of the Standing Committee of the National People’s Congress on the Determination of the Victory Day for the Chinese People's War of Resistance to Japanese Aggression

18. Decision of the Standing Committee of the National People’s Congress on the establishment of the Nanjing Massacre Victims National Memorial Day

19. Decision of the Standing Committee of the National People’s Congress on Authorizing the Supreme People’s Court and the Supreme People’s Procuratorate to Make Experiments on the Quick Process of Decision for Criminal Cases in Some Regions

20. Decision of the Standing Committee of the National People’s Congress on the Establishment of the Martyrs Memorial Day

21. Decision of the Standing Committee of the National People’s Congress on The Establishment of Intellectual Property Courts in Beijing, Shanghai and Guangzhou

22. Decision of the Standing Committee of the National People’s Congress on the Issue of the General Election of the Chief Executive of the Hong Kong Special Administrative Region and the Method for the Election of the Legislative Council in 2016

23. Decision of the Standing Committee of the National People’s Congress on the Establishment of the National Constitution Day

24. Decision of the Standing Committee of the National People’s Congress on Authorizing the State Council to Make Temporary Adjustment to the Provisions on Administrative Examination and Approval prescribed in the Relevant Laws in the China (Guangdong) Free Trade Experimental Zone, the China (Tianjin) Free Trade Experimental Zone, the China (Fujian) Free Trade Experimental Zone and the Extended area of the China (Shanghai) Free Trade Experimental Zone

**II. Administrative Regulations Formulated and Revised by the State Council in 2014 (11 items)**

1. Regulations for the implementation of the Law of the People’s Republic of China on Guarding State Secrets

2. Regulations on the Water Management of the Water Diversion Project

3. Decision of the State Council on the Abolition and Revision of Part of the Administrative Regulations

4. Interim Measures for Social Salvage

5. Regulations on Supervision and Administration of Medical Apparatus and Instruments

6. Regulations on Personnel Management in Public Institutions

7. Regulations for the Implementation of the Trademark Law of the People’s Republic of China

8. Decision of the State Council on the Revision of Part of the Administrative Regulations

9. Interim Regulations on the Publicity of Enterprise Information

10. Interim Regulations on the Registration of Real Estate

11. Decision of the State Council on the Revising of the Regulations on the Administration of Foreign Banks

**III. Judicial Interpretations Issued by the Supreme People’s Court and the Supreme People’s Procuratorate (16 items)**

1. Interpretation of the Supreme People’s Court on Some Issues Concerning the Application of Law to Hearing Mediation and Arbitration Cases Relating to Disputes over Rural Land Contracted Management

2. Decision of the Supreme People’s Court on the Revisions of the Provisions on Some Issues Concerning the Application of the Company Law

3. Interpretation of the Supreme People’s Court on the Issue of the Application of Law to Hearing Financial Lease Contract Dispute Cases

4. Interpretation of the Supreme People’s Court on the Issues of Trade Mark Case Jurisdiction and Application of Law after the Implementation of the Decision on the Revision of the Trademark Law

5. Provisions of the Supreme People’s Court on the Procedure for Hearing Commutation and Parole Cases

6. Some Provisions of the Supreme People’s Court on Hearing Civil Cases Relating to Notarial Activities

7. Written Reply of the Supreme People’s Court on the Issue of the Correction by the Compensation Committees of People’s Courts in accordance with the Provision in Article 30 of the State Compensation Law of the People’s Republic of China of the Original Effective Decisions of Compensation Committees on How the Standards for Personal Freedom Damages Should Be Applied

8. Interpretation of the Supreme People’s Court on Some Issues Concerning the Application of Law to the Calculation of the Debt Interest for the Period of Delayed Performance in the Procedure for Execution

9. Provisions of the Supreme People’s Court on Some Issues Concerning the Trial of Work Injury Insurance Administrative Cases

10. Interpretation of the Supreme People’s Court and the Supreme People’s Procuratorate on Some Issues Concerning the Application of Law to Handling Smuggling Criminal Cases

11. Provisions of the Supreme People’s Court on Some Issues Concerning the Application of Law to Hearing Civil Cases relating to the Use of Information Networks to Infringe on Personal Rights and Interests

12. Provisions of the Supreme People’s Court on the Case Jurisdiction of the Intellectual Property Courts in Beijing, Shanghai and Guangzhou

13. Some Provisions of the Supreme People’s Court on the Execution of Criminal Judgment Relating to Property

14. Interpretation of the Supreme People’s Court and the Supreme People’s Procuratorate on Some Issues Concerning the Application of Law to Handling Criminal Cases of Jeopardizing Drug Safety

15. Written Reply of the Supreme People’s Court on the Date of Starting the Calculation of the Period of Limitation of Action for the Exercise of the Subrogation Right to Claim Compensation by the Insurer of A Marine Insurance Contract

16. Written Reply of the Supreme People’s Procuratorate on the Issue concerning the Application of Law to Forced Loans