

# **Assessment Report on the National Human Rights Action Plan of China (2009-2010)**

## **Information Office of the State Council**

### **The People's Republic of China**

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#### **Preface**

In April 2009, after being approved by the State Council, the Information Office of the State Council published National Human Rights Action Plan of China (2009-2010) (hereinafter referred to as the Action Plan). It is China's first national plan on the theme of human rights, and serves as a policy document for advancing China's human rights in a comprehensive way. It is an important move to implement the constitutional principle of respecting and safeguarding human rights, and to promote sustainable development and social harmony. It is also a solemn commitment to the world made by the Chinese government on human rights.

Since the Action Plan was promulgated, the relevant departments of the central government and state organs, and local governments at all levels nationwide have attached great importance to it. Based on the principle of "each performing its own functions and sharing the work and responsibilities," they have incorporated the Action Plan into their work and adopted effective measures to implement it based on mid- and long-term work plans in their respective fields. Enterprises and institutions, social groups, non-governmental organizations, media agencies, academic and research institutions and the general public have also been actively involved in the publicity and

implementation of the Action Plan. Under the leadership of the CPC Central Committee and the State Council, and with the joint efforts of the relevant government departments and institutions and the general public, all targets and tasks set by the Action Plan have been fulfilled as scheduled.

According to what is stipulated in the Action Plan, a "joint meeting mechanism for the National Human Rights Action Plan" was created, consisting of the Information Office of the State Council and the Ministry of Foreign Affairs - they jointly take the leading role in this mechanism - and relevant state legislative and judiciary organs, departments of the State Council, social groups and non-governmental organizations, and is responsible for coordinating the implementation, supervision and assessment of the Action Plan. To ensure the effective implementation of the goals and measures for promoting and protecting human rights set forth in the Action Plan, the joint meeting mechanism has organized two assessments for the implementation of the Action Plan.

At the end of 2009, the joint meeting mechanism launched a mid-term assessment of the implementation of the Action Plan, instructed the relevant departments and government institutions to deliver reports on the implementation of the Action Plan for the year 2009, organized staff from the relevant departments along with experts and scholars to carry out corresponding research and investigations, and convened a mid-term assessment meeting on the implementation of the Action Plan, at which it appraised and reviewed the implementation of the Action Plan for the earlier period, put forward opinions and suggestions on how to better carry out the Action Plan in the next phase, and made corresponding arrangements. The mid-term assessment meeting gave great impetus to the comprehensive implementation of the Action Plan.

In November 2010 the joint meeting mechanism launched the final assessment of the implementation of the Action Plan to give it a comprehensive and scientific evaluation. The final assessment was conducted in three stages - investigation, evaluation and summary. From November to December 2010 the Information Office of the State Council took media agencies and human rights experts on a tour of investigation in Shanghai and Sichuan, where they listened to comments and suggestions of people from all walks of life before writing an investigation report. The China Society for Human Rights Studies arranged five trips for human rights experts and NGO representatives to Beijing, Tianjin, Shandong, Guangdong, Fujian and Zhejiang, where they conducted investigations on the implementation of the Action Plan, and offered their opinions and suggestions. On this basis, the joint meeting mechanism instructed relevant departments and institutions to make self-assessment of the completion of their respective tasks concerning the Action Plan, and submitted written reports. The joint meeting mechanism established an assessment team composed of human rights experts from relevant departments and institutions of central state organs, mass organizations and NGOs, as well as Nankai University, Shanghai Academy of Social Sciences, Chinese Academy of Social Sciences, Party School of the CPC Central Committee and other universities and research institutions. Based on the data collected from all the parties involved, the assessment

team made a conscientious evaluation and summary of the implementation of the Action Plan. During the assessment, the joint meeting mechanism and the assessment team convened a number of conferences to examine the self-appraisals of each department and institution in accordance with the targets set by the Action Plan, solicited opinions and suggestions from member organizations of the joint meeting mechanism and all social sectors by correspondence, telephone conversations and other means, and finally formulated the Assessment Report on the National Human Rights Action Plan of China (2009-2010).

The Assessment Report on the National Human Rights Action Plan of China (2009-2010) is hereby promulgated as follows.

## **I. Overall Implementation**

During the two years 2009 and 2010, China faced the most difficult economic situation since entering the new century, but it also made remarkable achievements in promoting human rights by comprehensively implementing the National Human Rights Action Plan (2009-2010) while rising up to various challenges. The Chinese government has embraced respecting and safeguarding human rights as one of the major principles for managing state affairs; incorporated the implementation of the Action Plan into all work promoting social reform, development and stability; appropriately tackled the impacts of the global financial crisis; defeated the grave challenges posed by severe natural disasters; forcefully advanced reform and opening-up, and the modernization drive; and comprehensively fulfilled the goals and tasks set by the Action Plan, thereby making significant progress in promoting the cause of China's human rights.

- Upholding the principle of putting people first, appropriately addressing the heavy toll brought about by the global financial crisis and the challenges posed by major natural disasters, and unswervingly advancing the cause of human rights

During 2009 and 2010, an unprecedented global financial crisis spread throughout the world, which imposed a heavy toll on global economic and social development, and posed severe threat to people's life and human rights. Facing this tough situation, the Chinese government persistently incorporated addressing the financial crisis and maintaining sound and relatively rapid economic and social development with implementing the Action Plan and advancing the cause of human rights in China; integrated expanding domestic demand, adjusting the economic structure and maintaining economic growth with improving people's livelihood; and took prompt measures with an investment of over four trillion yuan. The Chinese government accelerated subsidized housing projects, rural infrastructure construction, health care and education projects, railway, highway and airport construction, and ecological and environmental construction, and raised rural and urban residents' incomes, especially that of low-income groups, thus taking the lead in realizing overall economic recovery and improving the people's life with tremendous achievements obvious to all. In 2009 and

2010, China's GDP increased by 9.2 percent and 10.3 percent, urban residents' disposable income by 9.8 percent and 7.8 percent, and rural residents' net income by 8.5 percent and 10.9 percent respectively over the previous year. China's unremitting efforts to address the global financial crisis not only ensured its stable and relatively rapid economic development and the continuous improvement of its human rights situation, it also made significant contributions to helping other countries shake off the financial crisis, achieve economic recovery and improve their people's livelihood.

In 2009 and 2010, China suffered several major natural disasters, shouldering the heavy task of disaster relief and rescue, post-disaster reconstruction, and facing tremendous challenges to people's lives and property and human rights. On May 12, 2008, an earthquake with a magnitude of 8.0 - the most devastating and widespread since the founding of the People's Republic of China in 1949 - hit Wenchuan, Sichuan Province, with an affected area covering about 500,000 sq km, including a severely stricken area of 130,000 sq km, leaving 69,227 persons dead, 17,923 missing and 370,000 injured, and a direct economic loss of 845.1 billion yuan. On April 14, 2010, a 7.1-magnitude earthquake hit Yushu, Qinghai Province, with 2,698 persons dead and 270 missing. On August 7, 2010, a landslide in Zhouqu, Gansu Province, resulted in two thirds of the area being flooded, 1,501 persons dead and 264 missing. Facing these severe natural disasters, the Chinese government persisted in putting the security of people's lives on top of its work agenda, and promptly organized disaster relief and rescue work, doing everything to save as many lives as possible and reduce losses to the minimum, thus writing a new chapter in the history of humanitarian rescue. During the post-disaster reconstruction, the Chinese government, upholding the principle of putting people first, respecting nature, and conducting overall planning and scientific reconstruction, promptly adopted multiple disaster relief policies and measures, and incorporated the safeguarding of human rights into policies and measures for disaster relief and post-disaster reconstruction. The Action Plan has specific stipulations on safeguarding human rights during the post-disaster reconstruction of Wenchuan. Over the past two years, the three-year Wenchuan post-disaster reconstruction task has been basically completed; the basic living conditions of disaster victims and the economic development of disaster-stricken areas has either equaled or exceeded the pre-disaster levels, with guaranteed housing and employment for every family. Following the Yushu earthquake and Zhouqu landslide, reconstruction proceeded in an orderly manner, and the human rights of people in the disaster-stricken areas were effectively safeguarded.

- Incorporating respecting and safeguarding human rights with advancing scientific development and promoting social harmony, and thereby effectively protecting the right to participation and development of all individuals on an equal footing

In 2009 and 2010, the Chinese government, applying the Scientific Outlook on Development, incorporated the implementation of the Action Plan with advancing scientific development and promoting social harmony, with balancing urban and rural development, regional development, economic and social development, the harmonious

development of man and nature, and domestic development and opening to the outside world. Regarding the protection of people's right to subsistence and development as top priorities in the safeguarding of human rights, the government spared no effort to solve the practical problems of the utmost and immediate concern for the people regarding their rights and interests; continuously improved institutional arrangements for safeguarding and bettering the people's livelihood; positively promoted employment, while accelerating the development of various social improvement undertakings; advanced the equalization of basic public services; put more efforts into adjusting income distribution and extending the benefits of development to all. These policies and measures effectively enhanced the people's right to subsistence and development, as well as their economic, social and cultural interests. Over the past two years, the people's life has been remarkably improved; urban residents' average disposable income and rural residents' average net income have increased by large margins; a social security system covering both urban and rural areas has been gradually perfected; the framework of a basic health service system and basic medical care system covering urban and rural residents have been primarily established; education and culture have been increasingly developed; considerable progress has been made toward the goal of ensuring education, employment, housing, health care, and old-age support for all; and the rights and interests of ethnic minorities, women, children, elderly people and the disabled have been further enhanced.

- Incorporating respecting and safeguarding human rights with strengthening democracy and the rule of law, vigorously and steadily advancing political system reform, and protecting the people's civil and political rights in accordance with the law

During 2009 and 2010, China, upholding the principles of the leading role of the Communist Party of China, the people as masters of the country and the rule of law, incorporated the implementation of the Action Plan into every link of the efforts to strengthen democracy and the legal system; energetically and steadily pushed forward political system reform; expanded citizens' orderly political participation; improved institutions of democracy, diversified its forms and expanded its channels; made government affairs known to the public by increasing policy-making transparency and public participation as well as advancing scientific and democratic policy-making; practiced democratic election, policy-making, governance and supervision in accordance with the law; put more efforts into protecting the people's rights to information, participation, expression and supervision. The revised Electoral Law of the People's Republic of China on the National People's Congress and Local People's Congresses explicitly stipulates that urban and rural deputies to people's congresses shall be elected in accordance with the corresponding population proportion, so as to ensure citizens' equal right to vote. This is a significant progress in China's construction of democratic politics. China has incorporated the principle of respecting and safeguarding human rights into all aspects of legislation, administration and judiciary, and has strengthened its control and supervision over public power. Over the past two years, the National People's Congress and its Standing Committee have adopted 30 laws and resolutions closely

related to human rights. By the end of 2010, China had enacted 236 laws, over 690 administrative laws and regulations, and over 8,600 local laws and regulations (all are currently in effect). A legal system with Chinese socialist characteristics has been basically established, covering all sectors of social life and all aspects of human rights protection.

In conclusion, with the close attention and strong leadership of the Party's Central Committee and the State Council, all departments and institutions of the central state organs, local governments and society as a whole have pledged joint efforts and pressed forward against difficulties to implement the Action Plan conscientiously, comprehensively and resolutely. By the end of 2010, all measures stipulated in the Action Plan had been put into practice, with all the goals achieved and tasks fulfilled in due time. Of these, 35 percent of the binding targets and over 50 percent of the targets concerning the people's livelihood had been met ahead of time or exceeded, thus realizing the comprehensive implementation of the Action Plan. Besides the tasks stipulated in the Action Plan, the Chinese government has made extra efforts in other fields and aspects. With the full implementation of the Action Plan, Chinese citizens' awareness of human rights has been remarkably enhanced; the people's overall living situation has been markedly improved; their economic, social and cultural rights and interests have been comprehensively safeguarded; their civil and political rights have been effectively protected; the rights and interests of ethnic minorities, women, children, elderly people and the disabled have been robustly safeguarded; international communication and cooperation on promoting human rights have been further advanced; and safeguarding human rights in all fields has been put on the path of institutionalization and legalization. The fulfillment of all targets and tasks in the Action Plan as scheduled shows that the cause of human rights in China has entered a new stage. This is a significant achievement made by the Chinese government by thoroughly applying the Scientific Outlook on Development which puts people first, appropriately tackling the big impact of the global financial crisis and the challenges posed by various major natural disasters, and pushing forward socio-economic development while improving the people's living standard; it is also significant progress that China achieved through implementing the constitutional principle that "the state respects and safeguards human rights," incorporating the principle of universal human rights with China's actual national situation, and unswervingly pushing forward the country's cause of human rights.

It should be remembered that China remains a developing country with significantly unbalanced national development, e.g., resource and environmental restriction for economic growth, wide gap in income distribution, unbalanced urban and rural development, insufficient and unevenly distributed educational and medical resources, increasing pressure for price rise, soaring housing prices in some cities, increasing social conflicts caused by illegal land requisition, and food safety problems. Affected and restricted by natural, historical and cultural factors, and economic and social development levels, the cause of human rights in China is still facing many challenges,

and there is still a long way to go before achieving the lofty goal of Chinese citizens fully enjoying human rights.

China will continue to adhere to the path of socialism with Chinese characteristics, while upholding the principle of putting people first; further improve and enhance the mechanism of safeguarding the rights and interests of the masses guided by the Party and the government; improve the legal system to safeguard human rights and enhance social awareness of respecting and protecting human rights; comprehensively push forward the cause of human rights in China, and ensure that the basic rights and interests of all individuals are effectively safeguarded and their lives more secure, dignified and happy.

## **II. Economic, Social and Cultural Rights**

In 2009 and 2010, the state took effective measures and worked hard to improve the people's livelihood, strengthening the guarantee of people's economic, social and cultural rights. Most targets set in the Action Plan for ensuring these rights were fulfilled ahead of schedule or over-fulfilled.

### **(1) Right to work**

During those two years, an additional 22.7 million urban workers were employed and 19.39 million rural laborers moved to cities or towns and found jobs there, 26.1 percent and 7.7 percent, respectively, above the targets set in the Action Plan. By the end of 2010, the registered urban unemployment rate was 4.1 percent, lower than the target (5 percent) set in the Action Plan. Labor contracts were signed among 97 percent of enterprises above a designated size, and 65 percent of small enterprises. The state investigated and dealt with 819,000 cases in violation of social security-related laws, in which employers had failed to sign labor contracts, or did not pay workers promptly, or did not participate in social insurance in accordance with the law.

The state adopted a series of measures to strengthen labor protection and protect the lives of workers. During the two years, the State Administration of Work Safety carried out the "Year of Safe Production" activity and an educational campaign on the Law on Production Safety and the Notice of the State Council on Further Enhancing Work Safety in Enterprises, to enhance people's awareness of work safety. The Regulations on Coal Mine Leaders Leading Shifts Underground and on Safety Supervision and Examination, General Norms for Safety Production Standardization of Enterprises, and 70 other departmental rules and regulations were issued in succession. Over 100 safety production standards and coal industry standards were formulated and revised. Special actions were carried out to combat illegal production, operation and construction. By 2010, about two million illegal acts had been investigated and dealt with across the country, over 33,400 companies and projects that had been engaged in illegal production

and operation had been closed or cancelled in accordance with the law, and 13.563 million hidden dangers had been eliminated.

The People's Mediation Law and Organizational Rules on the Arbitration of Labor and Personnel Disputes were issued to help solve labor disputes fairly and promptly, and promote harmonious and stable labor relations. At present, throughout the country there are over 14,000 tripartite organizations for labor relations coordination at all levels, about 534,000 labor dispute mediation organizations, and over two million mediators.

## (2) Right to basic living conditions

In 2010, the per capita disposable income of urban residents reached 19,109 yuan, 3,328 yuan more than the targeted 15,781 yuan in the Action Plan. All provinces, autonomous regions, and municipalities directly under the central government raised minimum wages.

The living conditions of poor people were improved. In early 2009 the state raised the poverty line to 1,196 yuan, below which were 40.07 million people. By the end of 2010 the number of the impoverished population had decreased to 26.88 million, 13.19 million less than that at the end of 2008; the poverty incidence dropped from 4.2 percent in 2008 to 2.8 percent in 2010; and the per capita net income of farmers in 592 key counties for state poverty alleviation and development grew from 2,611 to 3,273 yuan. During the two years, the state improved conditions in 37,800 key poverty-stricken villages, and provided pre-employment training for 2,643,000 impoverished laborers.

The housing conditions of urban residents, particularly middle- and low-income families, were improved. From the fourth quarter of 2008 to the end of 2010, the state invested over 1.3 trillion yuan in low-income housing projects, and started constructing 13 million apartments for low-income housing and run-down area re-development, with eight million completed, solving housing difficulties for over eight million low- and below-middle-income urban families. In 2010, by providing rent subsidies, the state improved the housing conditions of nearly four million low-income urban families. During 2009 and 2010, the State Council issued the Regulations on the Requisition of Buildings on State-owned Land and Compensation, the Urgent Notice on Strengthening the Management of Land Expropriation, Housing Demolition and Resident Relocation and Safeguarding the People's Legitimate Rights and Interests, and some other administrative regulations and policies, regulating the requisition of buildings and the management of land expropriation, housing demolition and resident relocation. In 2009 the Ministry of Civil Affairs and the Ministry of Finance allocated 10 billion yuan as subsidies for rural housing rebuilding.

The system of subsistence allowances was improved. During the two years, the Ministry of Civil Affairs distributed the Notice on Strengthening the Work of Identifying Urban Residents Entitled to Basic Living Allowances, Guidelines on Regulating the Work of Allocating Rural Basic Living Allowances and some other related documents. In 2010, the central government allocated 36.55 billion yuan as subsistence allowances in urban



areas, an increase of 12.5 percent over the previous year, and 26.9 billion yuan as subsistence allowances in rural areas, an increase of 24.5 percent over the previous year.

### (3) Right to social security

The social insurance system was improved. During the two years, the state issued the Social Insurance Law, and revised the Regulations on Work-related Injury Insurance and the Measures for the Ascertainment of Work-related Injuries. By the end of 2010, the population covered by the urban basic old-age insurance reached 257 million; that covered by basic medical insurance, 432 million; that covered by unemployment insurance, 134 million; that covered by work-related injury insurance, 162 million; and that covered by maternity insurance, 123 million. The population covered by the new rural old-age insurance reached 140 million. Altogether 269 zones of unified planning for work-related injury insurance were set up at city (prefecture) level or equivalent administrative levels.

The system of "Five Guarantees" (Note 1) was improved. The Ministry of Civil Affairs issued the Methods for the Management of Rural Five-guarantee Providers, and revised the Interim Measures for the Management of Elderly People's Home in Rural Areas. In 2009 and 2010, the state appropriated budgetary funding and lottery proceeds for supporting the construction of facilities of nearly 1,300 rural Five-guarantee providers. At present, 5.563 million people in the countryside enjoy the "Five Guarantees." The average standard for concentrated support is 2,951.4 yuan per person per year, while that for individual support is 2,102.1 yuan per person per year.

The Ministry of Civil Affairs formulated the Service Standards of Assistance and Management Centers and the Service Standards for Assistance and Protection Centers for Vagrant Minors. In 2010 the Ministry of Civil Affairs used 30 million yuan of lottery proceeds to support 40 key counties (county-level cities) and major communities in big and medium-sized cities to build assistance and protection centers for vagrant children and 24-hour assistance and protection centers. From 2009 to 2010, the state allocated 280 million yuan from the central budget for the building of 164 protection institutes for vagrant children.

### (4) Right to health

The basic framework for a basic medical and health system covering the entire nation has taken shape, and the basic health care level of residents has been improved. At present, the average life expectancy is 73.5 years; mortality rate of pregnant and birth-giving women, 30 per 100,000; mortality rate of children under five, 16.4 per thousand; and infant mortality rate, 13.1 per thousand. By the end of 2010, the basic medical insurance for urban workers and basic medical insurance for urban residents covered 430 million people while the new rural cooperative medical insurance covered over 836 million; the total number of participants reached 1.26 billion, covering more than 90

percent of the country's population. In early 2011 governments at all levels increased the subsidy for participation in the medical insurance for urban residents and the new rural cooperative medical insurance from not less than 40 yuan to 200 yuan. In recent years, the central government has appropriated 50.9 billion yuan as special funds to solve the medical insurance problems of eight million uninsured retirees from closed or bankrupt state-owned enterprises and other enterprises. The proportion of hospitalization expenses of urban workers with medical insurance paid out of the medical insurance fund has been increased to 75 percent, while that of urban residents with medical insurance paid out of the medical insurance fund has been increased to 59 percent. The maximum amount for urban workers with medical insurance in most areas paid out of the medical insurance fund is six times these workers' average annual wages, while that for urban residents with medical insurance paid out of the medical insurance fund is six times their yearly disposable income.

The system of basic medical and health services has been improved. From 2009 to 2010, the state appropriated 44.83 billion yuan for improving the conditions of 2,382 community-based health service centers in cities, 116 mental health institutes, 1,877 county-level hospitals, 5,169 health clinics in key towns and townships, and 11,300 health centers in villages. The state has also allocated 1.14 billion yuan to support 16 national bases for traditional Chinese medicine (TCM) clinical research and 1.69 billion yuan to support 142 key TCM hospitals above city (district) level. The state has recruited over 20,000 certified doctors for health clinics in towns and townships, and trained nearly three million medical personnel for urban communities and primary-level services in rural areas. Every year the state gives free training to 5,000 medical students for health clinics in towns and townships in central and western China.

Equality in the right to basic health services has been promoted. In 2010, the per capita spending on basic public health services for urban and rural residents was 17.4 yuan. At the same time, 48.7 percent of urban residents and 38.1 percent of rural residents have had their health records established. From 2009 to 2010, health checkups were conducted for 84.49 million people over 65 years old; and 561,000 surgical operations were conducted to recover lost eyesight for poor cataract patients. At present, standard management of chronic diseases includes 35.538 million sufferers from hypertension, 9.189 million sufferers from diabetes and 1.706 million sufferers from acute mental illnesses. In rural areas, 7.833 million sanitary toilets have been built, and 1.439 million households have had their coal-fired stoves improved to prevent fluorine poisoning.

Infectious diseases have been brought under control. During the two years, 102 million people were immunized against measles. The number of reported cases of 15 infectious diseases, including diphtheria, dropped markedly. In 2010, the incidences of meningitis B, rabies and hemorrhagic fever throughout the country were 0.19 per 100,000, 0.15 per 100,000 and 0.17 per 100,000, respectively, decreases of 42 percent, 40 percent and 15 percent, respectively, compared to 2007.

Measures ensuring food and medicine safety have been improved. From February 2009, the state issued the Food Safety Law, Regulations on the Implementation of the Food Safety Law, and 27 other related laws, regulations and regulatory documents on the supervision of food safety; and formulated and promulgated 163 national standards on food safety. In addition, the state established a blacklist of illegal food additives. Throughout the country, quality inspection departments placed on file over 65,000 cases for investigation and prosecution in the course of cracking down on fake food products.

The conditions of community sports facilities for both urban and rural residents have been improved. In October 2009, the Regulations on National Fitness came into effect. From 2009 to 2010, the China General Administration of Sports spent 914 million yuan on various kinds of projects for national fitness. By the end of 2010, there were over one million sports venues across the country, among which over 230,000 had been built for rural residents. In addition, there were more than 250,000 mass sport sites.

#### (5) Right to education

Citizens' right to education was better guaranteed. The state promulgated the Outline of the State's Medium- and Long-term Program on Education Reform and Development (2010-2020), defining the strategic goal of making China a country rich in human resources by 2020. By the end of 2010, nine-year compulsory education covered 100 percent of the national population: the net enrollment rate of school-age children in elementary schools reached 99.7 percent, the retention rate for students undergoing five years of elementary-school education reached 99 percent, and the gross enrollment rate in junior high schools reached 100 percent. Among new pupils in elementary schools in urban areas, 96.6 percent had received pre-school education, while 90.8 percent of new pupils in rural areas had received it. The illiteracy rate among the population above 15 years of age dropped to 4.08 percent.

Rural education developed more rapidly. In 2010, the state exempted 130 million rural students in compulsory education from paying tuition and miscellaneous fees, and supplied them with free textbooks; exempted boarders from boarding fees, and subsidized about 12.24 million boarders from poor rural families, granting 750 yuan each year to every boarder in elementary schools and 1,000 yuan to every boarder in junior high schools. In 2009, the state expanded the scope of central government-funded special programs for attracting teachers to rural schools in compulsory education to include state-level poor counties in central China, publicly recruiting college graduates to teach in rural schools. By the end of 2010, some 185,000 new teachers went to teach at special posts in rural schools.

Vocational education was boosted. During the two years, the Ministry of Education and the Ministry of Finance decided that funding from the central government would be provided to: 960 practical training bases for vocational education, 285 secondary vocational schools for national demonstration of education reform and development, 229

secondary vocational schools with high quality and characteristics, and 100 key vocational colleges. The state built, renovated and expanded teaching, practical training and living facilities measuring 5.23 million sq m for 910 secondary vocational schools, and bought more than 62,000 sets of teaching aids or practical training equipment.

The project of improving and reforming undergraduate teaching at institutions of higher learning was implemented. The state approved 3,453 programs for special undergraduate disciplines, established 3,863 state-level courses, and approved over 16,000 plans for innovative experiments carried out by undergraduates in 120 universities.

After-school education received active support. In 2009 and 2010, the central government used three billion yuan of lottery proceeds to build 600 after-school facilities for minors. The central government subsidized 1,692 after-school facilities, granted 1,092 after-school facilities 600,000 yuan each for equipment purchase and maintenance, and invested 30 million yuan in training managerial personnel and key teachers for after-school activities.

The system of assistance to students with financial difficulties was improved. In September 2010, the state raised government grants to college students with financial difficulties from 2,000 to 3,000 yuan per student per school year. Every year, over 500,000 new students from families with financial difficulties are enrolled in regular institutions of higher learning through "green channels." About 12 million students in secondary vocational schools each receive 1,500 yuan of government grants per year. From the autumn term in 2010, the state established government grants for junior high school students, appropriated 2.25 billion yuan from the central budget, and subsidized 4.79 million students at the rate of 1,500 yuan per student per year.

#### (6) Cultural rights

The public cultural services system has been improved. By the end of 2010, there were 188.72 million household users of wired radio and cabled television, and 42,000 sets of equipment for mobile projection of digital movies in rural areas, with the goal of one showing every month in each village having been basically realized. Radio and TV broadcasting has been made available in almost all administrative villages and natural villages each with at least 20 households where electricity is available. By the end of 2010, there were 2,885 public libraries, 3,264 art galleries (cultural centers), 2,435 museums, and over 40,000 cultural stations in towns and townships and communities. By the end of 2010, the state had spent over seven billion yuan on the construction of over 300,000 farmers' reading rooms in half of the country's administrative villages. The state spent 5.78 billion yuan on building a five-level national cultural resource sharing network, whose data reached 108 TB and were used by more than 890 million people. The state spent 100 million yuan equipping opera troupes and other grassroots cultural establishments with 330 mobile stages. In 2009 and 2010, the central government

allocated four billion yuan as special subsidies for local museums and memorial halls that open to the public free of charge. Throughout the country, 1,749 public museums and memorial halls, and several thousand other kinds of museums, memorial halls and patriotic education bases at all levels are now open to the public free of charge.

The state has formulated the Culture Industry Revitalization Plan and Guiding Opinions on Promoting the Prosperity and Development of the Film Industry. In 2010, mid- and long-term renminbi and foreign currency loans to the cultural sector grew by 27.6 billion yuan, while cultural enterprises raised 10.4 billion yuan on the stock market.

Efforts for the protection of intellectual property rights were intensified. In 2009 and 2010, the state revised the Copyright Law, the Patent Law and the Regulations on Customs Protection of Intellectual Property Rights, and promulgated the Interim Measures for the Payment of Remuneration for Audio Products Played by Radio and TV Stations. In 2010, the State Council carried out a special campaign against all infringements of IPR and the production and sale of counterfeit and shoddy products; the Ministry of Culture launched a special campaign against piracy of online games; the National Copyright Administration carried out special campaigns to advocate the use of authorized software and to combat IPR infringements and piracy. In 2009 and 2010, throughout the country 2,014 cases involving patent infringement were accepted and heard in court, and over 100,000 cases of trademark infringement were investigated and dealt with. Departments of cultural administration and related law-enforcement authorities dispatched 16.5 million staff members who instructed business entities to make about 510,000 rectifications, and revoked the licenses of 7,058 entities.

#### (7) Environmental rights

The country's environmental quality was improved, and environmental rights and interests of the public were ensured. China's National Plan for Coping with Climate Change was implemented. By the end of 2010, the ratio of energy consumption per GDP unit, the amount of chemical oxygen demand and the emission of sulfur dioxide had met or exceeded the targets set in the Action Plan. The days with good air quality in major cities made up 91.5 percent per year on average, and 95.6 percent of the major cities had more than 292 days with good air quality in a year. In 2009 and 2010, more than 5.08 million law-enforcement personnel were dispatched to make over 2.04 million examinations of enterprises. Special examinations were made of paper-making enterprises and enterprises which discharge heavy metal residue. Environmental safety checkups were conducted on chemical and petrochemical enterprises located by rivers, particularly those close to sources of drinking water, to eliminate potential threats to the environment. By the end of 2010, some 80 percent of environmental departments at city (district) level and 70 percent of environmental departments at county level had joined the "12369" environmental protection hotline, while 30 percent of environmental departments above county level had set up centers for receiving environment-related complaints and petitions. In 2009, the state revised the Law on Renewable Energy

Resources. By the end of 2010, China ranked first in the world in terms of the newly-installed capacity of hydropower and wind power, output of solar photovoltaic batteries and coverage of solar heating.

The Outline of the Plan for National Forest Land Protection and Utilization was implemented. At present, the forest area in China is 2.932 billion mu (about 195,466,666 hectares), and the forest coverage has grown from 13.92 percent in the early 1990s to the present 20.36 percent. The preserved area of planted forests reaches 926 million mu (about 61,733,333 hectares), ranking first in the world. By the end of 2010, the state had fulfilled or over-fulfilled the targets set in the Action Plan regarding forest coverage, grassland improvement, treatment of degraded, sand-encroached and alkaline grasslands, effective utilization of irrigation water, protection of typical forest ecological systems and wild animals and plants under state protection, protection of natural wetlands, and comprehensive treatment of soil erosion.

#### (8) Safeguarding farmers' rights and interests

Farmers' land right has been ensured. The Standing Committee of the National People's Congress issued and implemented the Law on the Mediation and Arbitration of Rural Land Contracting Disputes, and the Ministry of Agriculture and other relevant departments formulated related rules and documents, notably the Rules on the Arbitration of Rural Land Contracting Disputes, and Model Bylaws for Rural Land Contracting Arbitration Commissions. By the end of 2010, a total of 18 provinces, autonomous regions, and municipalities directly under the central government had worked out measures for distributing and using the compensation funds of requisitioned land within rural collectives. Altogether, 229 million rural families had contracted farmland from collectives by way of household contract; land-use rights transfer had covered 187 million mu (about 12,466,666 hectares), making up 14.7 percent of the total farmland under household contract management. Nationwide 1,405 rural land contract arbitration commissions were set up, among which 1,369 were at county level, covering 47.9 percent of counties or county-level cities. Overall reform of tenure in collective forests was carried out throughout the country. By the end of 2010, a total of 18 provinces, autonomous regions, and municipalities directly under the central government had basically fulfilled the task of clarifying forest rights and contracting out to households. Tenure of 2.431 billion mu (about 162,066,666 hectares) of forests had been determined in the course of the reform, and 72.6 million certificates of forest right were issued, bringing direct benefits to 300 million farmers.

Farmers' usufructuary right to their homesteads has been protected. The basic distribution system of "one homestead per family" has been implemented, while the measures for the management of farmers' homesteads were constantly improved. The examination and approval procedures for homesteads were standardized, and the work of homestead registration and certificate issuance was strengthened.

The land requisition system was reformed, and the legitimate rights and interests of farmers whose land had been requisitioned were protected. The Measures on Public Announcement of Land Requisition and the Provisions on the Hearings in Respect of Land and Resources have been carried out, and thus before the authorities report the compensation standards and relocation plans about the land to be requisitioned to the upper level for approval, any party concerned will receive a written notice stating that he/she has the right to a hearing. The procedure of land requisition has been improved. In accordance with the requirement of "relocation first and demolition later," the government ensures that the compensation for and relocation of farmers are done properly. Local governments have publicized the uniform standards for land requisition and the comprehensive land prices of the areas to be requisitioned, and raised the compensation level by 20 percent to 30 percent, and even over 100 percent in some places. A dynamic mechanism for adjusting compensation standards has been established, under which the compensation standards for land requisition will be adjusted every two or three years. A social security system for farmers whose land has been requisitioned has been established; the governments of 29 provinces, autonomous regions, and municipalities directly under the central government have issued measures to include farmers whose land has been requisitioned in the social security system, enabling them to enjoy basic living or old-age insurance. More methods have been adopted for the relocation of farmers, including relocation to other areas of agricultural production and relocation of farmers to other places, so that farmers whose land has been requisitioned can be provided with basic production conditions and source of income.

The state has made the increase of farmers' income and improvement of people's wellbeing a central task for agriculture and rural work. In 2009 and 2010 the per capita net annual income of rural residents reached 5,153 and 5,919 yuan, respectively, increases of 8.5 percent and 10.9 percent in real terms after adjusting for inflation. The increase of the per capita net annual income of farmers in real terms exceeded 6 percent for seven successive years. The state granted grain growers direct subsidies and general subsidies for purchasing agricultural supplies, expanded the scope of subsidies for purchasing superior seeds, and granted more subsidies for purchasing agricultural machinery. In 2009 and 2010 the total of the four subsidies was 127.45 billion yuan and 122.59 billion yuan, respectively.

Health care services for farmers have been improved. The coverage of the new rural cooperative medical care system has been constantly expanded, with the number of participants accounting for over 90 percent of rural residents. More money was raised for this, with an average of 155.3 yuan from each participant. Out-patient expenses were paid out of the medical insurance fund in over 60 percent of all the areas throughout the country. In 2010 the proportion of hospitalization expenses paid out of the medical insurance fund in accordance with relevant policies grew by five percentage points, with the maximum amount for rural participants paid out of the medical insurance fund

increasing to six times the per capita annual net income of farmers. In 2009 and 2010, the state solved the problem of safe drinking water for 122 million rural residents.

The rights and interests of rural migrant workers have been further protected. In 2009 and 2010, the relevant departments provided vocational training courses for over ten million rural migrant workers and training courses about starting businesses for 130,000 rural laborers. The state gradually put in place a system ensuring payment for rural migrant workers, and increased the minimum wage by a big margin. By the end of 2010 some 30 provinces, autonomous regions, and municipalities directly under the central government had adjusted the minimum wage, and the minimum monthly wage increased by 22.8 percent on average. A supervision system has been set up in 26 provinces, autonomous regions, and municipalities directly under the central government to ensure the prompt payment of wages to workers. All the 31 provinces, autonomous regions, and municipalities directly under the central government in China have established the wage deposit system in the field of construction.

(9) Guarantee of human rights in the reconstruction of areas hit by the devastating earthquake in Wenchuan, Sichuan Province

The life and rights of the victims in areas hit by the earthquake in Wenchuan have been fully ensured. In three quake-hit provinces (Sichuan, Gansu and Shaanxi), houses of 2.92 million rural families and 1.46 million urban families have been repaired and reinforced, and new housing has been built which can accommodate 1.91 million families in rural areas and nearly 290,000 families in towns, greatly improving the living conditions of both urban and rural residents in these areas.

The employment of people in quake-hit areas has been ensured. The state adopted a joint conference system for employment assistance and some other measures, and invested 3.678 billion yuan in employment expansion and social security. It helped 1.765 million people find jobs, stabilized over 130,000 jobs, and created 230,000 public welfare jobs, thereby realizing the goal of finding a job for at least one member of each jobless family. Employment in quake-hit areas was restored to the situation before the earthquake. The state formulated policies and measures to help people in quake-hit areas to increase their incomes, fostered rural industries in these areas at a faster pace, and opened up more channels for farmers to increase their incomes. The Sichuan government solved the problem of safe drinking water for 2.286 million rural people, as covered in the national plan. The disposable income of urban residents in the 39 hardest-hit counties - whose reconstruction was incorporated into a national plan - increased by 12.1 percent, and the per capita cash income of farmers in those counties grew by 13.2 percent. The income of both urban and rural residents exceeded what they earned before the earthquake.

The reconstruction of elementary and high schools and medical and health services has been basically completed. Construction began in 99.7 percent of the 3,972 schools that



the state had planned to rebuild, and 93.8 percent have been completed; students moved into permanent buildings when the spring term began in 2010. Construction began in 99.7 percent of the 3,001 medical and health services that the state had planned to rebuild, and 92.2 percent have been completed; the reconstruction of the 1,108 family-planning service centers have been basically completed. Cultural centers, social welfare institutes, community service centers, elderly people's homes, radio and TV broadcasting stations, and some other facilities have been rebuilt.

The names of those who died or reported missing in the earthquake were recorded and made public. The Sichuan government, following the principles of being realistic, acting in accordance with the law and dealing with things by category, worked out standardized procedures, and published the names of victims as soon as they were confirmed. At present, most of the 98 quake-hit counties and county-level cities and districts have completed the work of making public the names of people who died or disappeared in the earthquake. With a sense of responsibility and in a solemn and prudent manner, governments of quake-hit areas at all levels are still continuing the work of publishing the names and confirming the number of victims.

Relief funds and materials were used in an open, transparent, standard and orderly way. From January 2009, the National Audit Office launched follow-up audit of these funds and materials. By the end of November 2010, the National Audit Office and local audit departments had sent 7,137 teams consisting of 19,000 people to conduct investigations in Sichuan, Gansu and Shaanxi in follow-up audits of recovery and reconstruction projects in the three provinces, and the results have been made public. The Sichuan Provincial Government and governments at city and county levels each established a leading group for supervising and inspecting the receipt and use of relief funds and materials, supervising the whole process from the early period of the earthquake to recovery and reconstruction and ensuring that these funds and materials are used for people in the quake-hit areas, and for recovery and reconstruction work.

The legal system to ensure precautions against earthquakes and disaster reduction has been improved, and the public's awareness in this regard has been constantly enhanced. The Sichuan government has promulgated some local regulations, including the Decision on Strengthening the Seismic Fortification Management of Rural Houses and the Opinions on the Implementation of Appraising the Safety of, Renovating, Reinforcing and Demolishing Urban Houses Damaged in the Wenchuan Earthquake. Governments of other quake-hit areas have also worked out relevant regulations. The Sichuan government demanded that from 2009, all schools should teach a course titled, "Life and Safety," practice emergency evacuation, and popularize knowledge concerning precautions against earthquakes and disaster reduction.

*(Note 1) Guarantee of food, clothing, housing, medical care, and funeral expenses for elderly people, people with disabilities, and residents under the age of 16 living in the*

*countryside who have lost the ability to work, have no sources of income and have no one to support them.*

### **III. Civil and Political Rights**

Over the past two years, China has been taking effective measures to enhance democracy and the rule of law, actively and steadily advancing the reform of the political system. Civil and political rights have been guaranteed more effectively and the goals about civil and political rights set in the Action Plan in this regard have been achieved.

#### **(1) Rights of the person**

China's judicial organs have issued guidance documents regarding the criminal evidence system to protect the rights of the person in accordance with the law. In June 2010 the Supreme People's Court and the Supreme People's Procuratorate issued the Regulations on Some Issues Concerning the Exclusion of Illegal Evidence in Criminal Cases. It is clearly stipulated in the Regulations that confessions and witness testimony obtained by illegal means such as torture should not be taken as evidence to support a verdict.

Measures on forbidding illegal detention by law enforcement personnel have been implemented. In April 2010 related departments jointly promulgated the Ordinance on Discipline for the People's Police of Public Security Organs to prohibit illegal deprivation or restriction of others' freedom of the person. Procuratorial organs have strengthened the legal supervision of criminal investigation, criminal trial and the execution of sentences. In 2009 and 2010, procuratorial organs filed and investigated cases involving 1,002 government functionaries who had taken advantage of their positions and powers to conduct illegal detention, revenge and frame-ups, and disruption of elections and other crimes that infringe upon citizens' rights of the person and democratic rights. In the last two years, people's courts at all levels have held hearings for 18,600 cases of illegal detention, including those committed by government functionaries who used their positions and powers.

The state further strengthened its control and prudent application of death penalty. In February 2011 the Standing Committee of the National People's Congress (NPC) discussed and adopted Amendment VIII to the Criminal Law of the People's Republic of China. The amendment abolished death penalty for 13 types of economic and non-violent crimes, such as negotiable instruments fraud. The reduction accounted for nearly one fifth of the total number of death penalty crimes. The amended Criminal Law laid down restrictive stipulations on the application of death penalty to people 75 years old and above. In June 2010 the related departments jointly issued Regulations on Some Issues Concerning the Examination and Judgment of Evidence in Death Penalty Cases, which adopts stricter standards in the examination and judgment of evidence for death

penalty cases. The people's courts stick to the principle of public trial for all death penalty cases of second instance to guarantee the defendants' right of appeal.

The law enforcement system has been continuously improved. The State Council issued the Opinions on Strengthening the Building of a Government Ruled by Law, which sets strict regulations to ensure that law enforcement by administrative organs is impartial and civilized. The Supreme People's Procuratorate and the Ministry of Public Security promulgated the Regulations on the Interrogation of Criminal Suspects during the Examination of Arrest Request to further ensure integrity in handling criminal cases and guarantee the legitimate rights of criminal suspects. The Ministry of Public Security has formulated detailed rules for law enforcement and specific regulations regarding the main links and steps for the handling of cases. In addition, the Ministry of Public Security has issued over 30 regulatory documents, including Some Regulations on the Management of Property Involved in Cases, Guiding Opinions on Establishing and Improving the System of Law Enforcement Supervisors, and Guiding Opinions on Further Regulating and Strengthening the Informationization of Law Enforcement by Public Security Organs, which have improved the systems concerning links and posts of law enforcement.

## (2) Rights of detainees

Laws and regulations to guarantee detainees' rights have been further improved. In May 2009 the Ministry of Public Security promulgated the Ten Provisions on Preventing and Cracking Down on Bullies in Detention Houses, Notice on the Concentration of Female Detainees for Management in Detention Houses, and other regulatory documents. These documents improved the system of categorized detention and management of detainees, the system of transitional management of new detainees and informing them of their legitimate rights, and the system allowing detainees to report abuse to the police. In December 2009 the Ministry of Public Security and the Ministry of Health jointly issued the Notice on Effectively Strengthening and Improving Medical and Health Work in Places Under the Surveillance and Control of Public Security Organs to consolidate the building of medical institutions in these places. The Construction Standards for Prisons, which came into effect in December 2010, further regulates the management of prisons and the construction of facilities in prisons. An open system of supervision and law enforcement has been basically established. Detention houses have set up reception rooms and complaint boxes, and publicized the names of police officers and systems and procedures for supervision and law enforcement. So far, over 1,500 detention houses have been opened to the public and receive public supervision. The Supreme People's Court, Supreme People's Procuratorate and other organs have issued the Opinions on Strengthening and Regulating the Execution of Sentences Outside Prison. The system of public announcement and hearing before ruling on penalty reduction and parole is set out clearly in the Opinions, increasing transparency in the trial of such cases. In 2009 and 2010 people's courts at all levels reduced the penalties for over 1.005 million people, and released 68,000 others on parole in accordance with the law.

To prevent the extortion of confessions by torture and the infliction of corporal punishment, abuse and insult on detainees, the Ministry of Public Security stipulates that, except for special cases, all interrogation of detainees must be conducted in the interrogation rooms of detention houses. Every interrogation room must have a metal mesh as separation between detainees and interrogators, and two doors - one for the detainee and one for the interrogator - to avoid physical contact between them. Technological means, including simultaneous audio and video recording, are employed in interrogation rooms to prevent such abuses as the extortion of confessions by torture. Physical examination of detainees before and after an interrogation and when they leave and return to the detention house is conducted.

### (3) The right to impartial trials

Litigants' right to impartial trials has been guaranteed. The Supreme People's Court formulated Some Regulations on the Audio and Video Recording of Court Trials, which stipulates that litigants may consult and copy the audio and video records of their own court trials with the approval of the people's court. So far, courts in Beijing, Shanghai, and Shandong practice simultaneous audio and video recording of their trials. In September 2010 the Supreme People's Court promulgated the Guiding Opinions on Sentencing by the People's Courts (for trial implementation), and issued jointly with related departments the Opinions on Some Issues Concerning the Regulation of Sentence Procedures (for trial implementation). Since October 2010 courts at all levels throughout the country have been implementing the regulatory reform of sentencing on a trial basis. They have regulated the use of discretionary power in criminal cases, and unified the sentencing standards for 15 common crimes. Cases of these 15 crimes now account for about 90 percent of the total number of criminal cases handled by grassroots courts.

Court trials are fully publicized. In the past two years, to guarantee citizens' right of access to information about court trials, the Supreme People's Court formulated the Six Regulations on Judicial Openness, and Some Regulations on Subjecting the People's Courts to the Supervision by News Media and Public Opinion. People's courts at all levels throughout the country have established case reception halls and publicized the information about the opening of court sessions and judicial aid; set up lawsuit information desks and opened up related hotlines; installed a network information inquiry system of court trials and information management system of law-enforcement cases to facilitate litigants' access to relevant information. At present, most higher people's courts, 97 intermediate people's courts and 472 grassroots people's courts release court rulings and decisions on the Internet.

The system of people's jury has been improved. In the past two years, the Supreme People's Court has formulated the Regulations on Some Issues Concerning People's Jurors' Participation in Court Trials and Some Opinions on Further Strengthening and Advancing the Work of People's Juries. In 2009 and 2010 people's jurors participated in the trial of 1.544 million cases, accounting for 32.44 percent of cases handled with

common procedure by grassroots courts. Courts at all levels have expanded the scope of selecting people's jurors. The number of people's jurors throughout the country is approximately 80,000.

Lawyers' professional rights have been further guaranteed. Since 2009 related departments have been promoting the revision and abolition of regulations and regulatory documents that are inconsistent with the Lawyers Law. Measures for the Administration of the Practicing Licenses of Lawyers and Law Firms, Rules on the Annual Assessment of Lawyers' Practice of Law (for trial implementation), and other regulations and codes of professional conduct have been promulgated. The Ministry of Justice is now working with related departments on drafting the Regulations on Guaranteeing Lawyers' Professional Rights in Criminal Litigation, placing the emphasis on solving lawyers' difficulties in meeting criminal suspects, in reviewing the files of persons in custody, and in conducting investigations and collecting evidence.

The state compensation system has been improved. In April 2010 the Standing Committee of the National People's Congress discussed and approved the Decision on Revising the Law of the People's Republic of China on State Compensation. The Decision further smoothes the channels for claiming state compensation, improves the compensation procedures, clarifies the scope and standards of compensation, and straightens out the compensation management and payment mechanism. To ensure the effective implementation of the State Compensation Law, related departments have formulated and revised relevant administrative laws and regulations, and judicial interpretations. In the last two years people's courts at all levels have adjudicated 2,950 cases of claiming state compensation, among which the decision to compensate was made in 805 cases, involving a total amount of 71.709 million yuan. In March 2009 the Supreme People's Court and the Supreme People's Procuratorate jointly issued Some Opinions on Carrying Out Relief Work for Crime Victims. In addition, people's courts have expanded the scope of judicial aid and approved the reduction, deferral or exemption of litigation fees in 547,000 cases.

#### (4) Freedom of religious belief

Normal religious activities are protected by law. In the past two years the State Administration for Religious Affairs promulgated the Measures for the Administration of Tibetan Buddhist Temples, and the Decision on Revising the Rules for the Implementation of the Regulations on the Administration of Religious Activities of Foreigners Within the Territory of the People's Republic of China. It jointly issued the Opinions on Properly Solving Social Security Issues Concerning Religious Personnel with related departments, and formulated the Regulations of the State Administration for Religious Affairs on Procedures for Handling Administrative Reconsideration Cases and other regulations and systems. The state supports the improvement of the working and teaching conditions of national religious organizations, and some religious colleges and institutes. The new building of the Chinese Academy of Taoism and the Taoist

Association of China had been basically completed by the end of 2010. The state provides financial support for believers in Islam to make pilgrimages, and for the building of religious colleges, institutes and societies such as Sichuan Catholic Seminary and Central-South Catholic Seminary, as well as the training of their religious personnel. The state has invested nearly 600 million yuan in the preservation and maintenance of major religious temples, including the Samye, Trandruk and Tashilhunpo monasteries in Tibet, and Ili's Shaanxi Grand Mosque and Kashgar's Id Kah Mosque in the Xinjiang Uygur Autonomous Region.

#### (5) The right to know

The state makes active efforts to keep the public informed of government affairs, and takes effective measures to guarantee citizens' right to know. On the basis of the Regulations on the Disclosure of Government Information, and the Opinions of the General Office of the State Council on Implementing the Regulations on the Disclosure of Government Information, the State Council, in October 2010, issued the Opinions on Strengthening the Building of a Government Ruled by Law. Thus, the system of keeping the public informed of government affairs took initial shape.

By the end of 2010 some 75 departments under the central government had adopted the practice of publicizing their budgets; 18 provinces, autonomous regions, and municipalities directly under the central government had begun to publicize their public financial and government fund budgets; 12 provinces, autonomous regions, and municipalities directly under the central government had begun to publicize their budgetary performance every month or quarter. A government affairs service system connecting provinces, cities, counties, townships and villages has taken initial shape. A total of 2,842 government affairs service centers and 25,000 township and neighborhood administrative service centers have been set up in 31 provinces, autonomous regions, and municipalities directly under the central government.

In June 2010 the State Council passed the Regulations on Natural Disaster Relief, which contains specific regulations on issues concerning the disclosure of information about natural disaster relief work. It is stipulated in the Regulations that when a natural disaster takes place and meets the conditions to activate the emergency plan for natural disaster relief, the central government should inform the public of its measures against the disaster as well as what precautions they should take, and that the government should inform the public of the source, quantity and use of state relief funds and materials, and public donations. The mechanism of a joint meeting for determining the liability in major production accidents has been established to conduct regular special inspections on the investigation and handling of suspected cover-ups of production accidents.

The government news release system and the spokesperson system have been improved. The spokesperson systems for committees of the Communist Party of China (CPC) and for governments at county level have been established. In 2010 the CPC

Central Committee promulgated the Opinions on Establishing the Spokesperson System for Party Committees, to vigorously promote the setting up of the spokesperson system in related departments of the Party Central Committee and Party committees in provinces, autonomous regions, and municipalities directly under the central government. At present, 13 departments and units of the Party Central Committee and Party committees of 31 provinces, autonomous regions, and municipalities directly under the central government and the Xinjiang Production and Construction Corps have established the spokesperson system. The news release work of Party committees is becoming institutionalized and standardized. In the past two years all ministries, commissions and departments, and provinces, autonomous regions, and municipalities directly under the central government held a total of 3,522 press conferences.

(6) The right to participate

Citizens' right to participate has been effectively guaranteed. In March 2010 the National People's Congress adopted the decision to revise the Election Law to stipulate that deputies to the people's congresses should be elected in the same proportion to the populations of urban and rural areas. The revisions broadened the representativeness of the people's congresses, and improved the regulations concerning election organs and procedures, better demonstrating the equality among all people, regions and ethnic groups. In 2009 and 2010, the Chinese People's Political Consultative Conference (CPPCC) filed over 10,000 proposals, of which over 90 percent have been replied to and handled. The CPPCC organized 15 inspection groups and 30 investigation groups, submitted inspection and investigation reports to the Party Central Committee and the State Council, and received 27,333 reports on social conditions and public opinions, and 75,119 petitions from the public. It also convened meetings among members of its Standing Committee to discuss political and government affairs, and hosted consultative symposiums, seminars and consultation meetings, actively making proposals for the social and economic development of the country.

The system of people's self-governance at grassroots level has been improved. In October 2010 the NPC Standing Committee passed the newly-revised Organic Law on the Villagers' Committees to enhance the level of villagers' self-governance and democratic management. So far, 31 provinces, autonomous regions, and municipalities directly under the central government have published their own electoral measures for village committees, and eight provinces have formulated their rules on making village affairs more transparent; about 85 percent of the villages have set up the system of villagers' council or villagers' congress, and over 90 percent of the villages have established organs to supervise the transparency of village affairs. The state has promulgated the Opinions on Strengthening and Improving the Work of Building Urban Neighborhood Committees, which puts forth clear requirements for the further standardization of democratic neighborhood electoral procedures and the steady expansion of the coverage of direct elections of neighborhood committee members. In

2010 the election of urban neighborhood committee members was being practiced nationwide.

The transparency of enterprise affairs has been further enhanced to protect workers' rights and interests. In 2010 related state departments jointly issued the Opinions on Making Enterprise Affairs More Transparent and Practicing Democratic Management to reinforce guidance for work in this regard in the reorganization, restructuring, closedown and bankruptcy of state-owned enterprises. By the end of September 2010, among all enterprises and public institutions with trade unions, 2.113 million had established a separate system of making enterprise affairs public, an increase of 20.6 percent over the previous year, and 2.249 million have set up a separate system of workers' conferences, an increase of 22.3 percent over the previous year.

The state encourages mass organizations to participate in social management and public services to protect the people's legitimate rights and interests. By the end of 2010 the All-China Federation of Trade Unions participated in the formulation and revision of laws and regulations having a direct bearing on the rights and interests of workers and trade unions, including the Social Insurance Law and the Work-related Injury Insurance Regulations. It also actively pushed forward the revision of the Trade Union Law. The All-China Women's Federation made great efforts to promote women's representation in villagers' council and villagers' congress. Its active participation in the inspection of the enforcement of the Law on the Protection of the Rights and Interests of Women organized by the NPC Standing Committee gave impetus to the formulation and revision of the rules for the implementation of this law in 31 provinces, autonomous regions, and municipalities directly under the central government. Youth League committees at all levels carried out an activity under the title "Youth League Members Meeting with NPC Deputies and CPPCC Members," established the NPC Deputy Mentor Groups for Teenage Affairs and the Working Groups of Guardians of Rights and Interests of Teenagers, and held activities for the Youth League to listen to the opinions of its members, so as to represent and safeguard the rights and interests of teenagers.

The construction and management of social organizations have been strengthened to enhance their function in serving society. The revision of the Regulations on the Management of Foundations, Regulations on the Registration and Management of Social Organizations, and Interim Regulations on the Registration and Management of Private Non-enterprise Entities has been incorporated into the legislative work plan of the State Council. Social organizations raise over 10 billion yuan every year for poverty reduction and relief, and disaster relief and prevention. Social organizations, trade associations in particular, are playing an increasingly important role in regulating market order, developing industry self-discipline, establishing industry standards and mediating trade disputes. At present, China's over 60,000 trade associations keep in close contact with over 20 million members, including private industrial and commercial units; over 40,000 academic organizations keep in close contact with over five million experts and scholars; and special economic associations in the rural areas keep in close contact with over ten



million households. Meanwhile, social organizations have provided over ten million full-time and part-time jobs.

#### (7) The right to be heard

Citizens' freedom of speech has been fully guaranteed. In recent years, the Internet has become a new channel for citizens to exercise their right to be heard. By the end of 2010 China's netizen population had reached 457 million, and the Internet penetration rate had reached 34.3 percent, higher than the world average. China boasts 5.52 million websites, millions of bulletin board systems (BBS) and 295 million blog users. Statistical sampling shows that Chinese netizens issue over three million statements a day on the Internet, and over 66 percent of Chinese netizens often issue statements of views and claims freely on the Internet. Chinese leaders often get on the Internet to learn about public sentiment, and communicate with the netizens online. Soliciting views via the Internet has become a common practice of governments at all levels. The proposals collected from the Internet amount to several million every year.

Press and publishing undertakings have been further developed. In the past two years the State Council has completed the revision of the Regulations on the Administration of Publication and the Regulations on the Administration of Audio and Video Publications; the General Administration of Press and Publications has promulgated the Measures for the Administration of Press Cards and the Measures for the Administration of Correspondent Bureaus of Newspapers and Periodicals to protect the legitimate rights and interests of news media and reporters; the printed sheets for books, periodicals and newspapers totaled 270.114 billion, with 330,000 titles of books and 2,056 newspapers.

#### (8) The right to oversee

Citizens' right of democratic supervision has been further guaranteed. The National People's Congress and its Standing Committee fully exercise the function and power to supervise the implementation of the Constitution and laws and comprehensively promote the protection and realization of the people's rights. In the past two years the NPC Standing Committee has heard and examined 20 special work reports made by the central government, Supreme People's Court and Supreme People's Procuratorate. It conducted inspections on the enforcement of nine laws, including the Law on the Protection of the Rights and Interests of Women. The Standing Committee carried out special investigations and surveys on the implementation of some major public investment projects as well as on important issues concerning the formulation of China's 12th Five-year Plan. It held special consultations on work reports on the state final accounts, national food security and deepening of reform in the medical and health care system. The Standing Committee also made a resolution on coping with climate change. It filed and reviewed 3,000 regulatory documents, including administrative regulations, local regulations and judicial interpretations. The democratic supervision mechanism of

the CPPCC has been improved, and democratic supervision has become increasingly effective.

The channels for people to make complaints in the form of letters and visits have been broadened. The State Bureau for Letters and Calls has established a nationwide complaint information system featuring interconnection, interworking and resource sharing, and promoted and regulated various channels for making complaints, such as the Internet, hotlines, Green Post, and video conferences. The system of soliciting suggestions from the people has been gradually popularized across the country. Party and government leaders read letters from the people and receive visits by them on a regular basis. The system in which Party and government leaders, deputies to Party congresses and people's congresses, and CPPCC members take the initiative to contact people who have made complaints through letters and visits is being improved step by step.

#### **IV. Guarantee of the Rights and Interests of Ethnic Minorities, Women, Children, Elderly People and the Disabled**

Over the past two years, China has taken further measures to protect the rights and interests of ethnic minorities, women, children, elderly people and the disabled, and achieved the goals set by the Action Plan.

##### **(1) The rights of ethnic minorities**

The lawful rights and interests of ethnic minorities are protected in accordance with the law. At present, all 55 ethnic-minority groups in China have representatives in the National People's Congress. Of all the deputies to the 11th NPC, 411 are from ethnic minorities, accounting for 13.76 percent of the total; on the 11th NPC Standing Committee, 25 members are from ethnic minorities, accounting for 15.53 percent of the total. Both figures exceed the proportion of minority population in the total population of China, i.e. 8.49 percent. All the 18 ethnic-minority groups with a population of more than one million have members on the NPC Standing Committee. At the end of 2010, in each of the 155 ethnic autonomous areas, among the chairpersons and vice-chairpersons of the standing committee of the people's congresses there was one or more citizens of the ethnic group or groups exercising regional autonomy in the area concerned, and the head of any autonomous region, autonomous prefecture or autonomous county (banner) has to be a citizen of the ethnic group exercising regional autonomy in the area concerned, in accordance with the law. There are now over 2.9 million ethnic minority cadres in China.

Education among ethnic minorities is developing rapidly, as 100 percent of the populations of ethnic autonomous areas now has access to nine-year compulsory education. At present, there are 18 universities and colleges for ethnic minorities, with over 200,000 full-time students. There are 83,000 schools of all levels and all types in the

minority areas, and the number of students from ethnic minorities studying in schools of all levels and all types across the country amounts to 23.0985 million. More than 300 general institutions of higher learning have organized preparatory classes for ethnic minorities, with the annual enrolment of 30,000 students and accumulative enrolment of over 200,000 students. The state has allocated more than two billion yuan to promote boarding-school education in Xinjiang, Tibet, Inner Mongolia and Qinghai. Tibetan secondary schools and Xinjiang senior high classes established outside Tibet and Xinjiang have recruited over 40,000 ethnic minority students.

Ethnic minorities' right to learn, use and develop their own spoken and written languages is guaranteed. A bilingual teaching mode has taken shape, adapting to the language environment and educational conditions of each ethnic group. By the end of 2010 there were more than 10,000 schools carrying out bilingual teaching in the country, with close to five million students attending these schools. Radio programs are broadcast in 14 minority languages, and TV programs in eight minority languages. At the same time, 11 film dubbing centers had been set up in ten provinces and autonomous regions, including Inner Mongolia, Xinjiang and Tibet, using 34 minority languages or dialects. Since 2009 they had finished the dubbing of 466 digital films and the production of 361 digital films dubbed in minority languages. Seven languages of ethnic minorities can be used on computers. With the allocation of 120 million yuan from the state, 36 publishing houses catering to ethnic minorities are publishing books of all kinds in 23 minority languages. Nearly 100 newspapers and 192 periodicals in ethnic minority languages are subsidized by the state.

The cultures of ethnic minorities are protected and promoted. A four-level intangible cultural heritage list and one of inheritors of cultural traditions have been set up to strengthen the protection of minority cultures. In addition, the state has established experimental zones to protect the cultures of the Regong, Qiang, Tujia, Miao and other ethnic groups. By the end of 2010 the government's funding of cultural undertakings of ethnic minorities in Xinjiang totaled 300 million yuan. Over the past two years China has produced a series of influential films and TV programs with ethnic minorities as the subject matter, and organized events including "Intangible Cultural Heritage Show - Special Performances of Traditional Music and Dances of Ethnic Minorities" and "Select Performances of Intangible Cultural Heritage Projects of Ethnic Minorities."

The economy is developing rapidly in areas inhabited by ethnic minorities, and their standard of living is rising correspondingly. Over the past two years, the state has appropriated 2.779 billion yuan as a development fund for ethnic minorities. It has allocated 1.184 billion yuan to support the economic and social development of border areas and solve difficulties in people's livelihood in those areas, of which 153 million yuan was invested in Tibet and 240 million yuan in Xinjiang. By the end of 2010 the per capita net annual income of farmers and herdsmen in regions where ethnic minorities with relatively small populations live in compact communities was 2,344 yuan, an increase of 2.6 times over that of 2005. In 2010 Xinjiang and Tibet saw their GDP reach 541.88

billion yuan and 50.75 billion yuan, respectively, 10.6 percent and 12.3 percent higher than in 2009. By the end of 2010 most of the 640 impoverished villages inhabited by ethnic minorities with relatively small populations had access to roads, power supply, telephones, and radio and TV coverage. They also had schools, clinics, safe drinking water for both people and livestock, safe housing, and basic farmland or pastureland for the supply of adequate food and clothing.

#### (5) The right to know

The state makes active efforts to keep the public informed of government affairs, and takes effective measures to guarantee citizens' right to know. On the basis of the Regulations on the Disclosure of Government Information, and the Opinions of the General Office of the State Council on Implementing the Regulations on the Disclosure of Government Information, the State Council, in October 2010, issued the Opinions on Strengthening the Building of a Government Ruled by Law. Thus, the system of keeping the public informed of government affairs took initial shape.

By the end of 2010 some 75 departments under the central government had adopted the practice of publicizing their budgets; 18 provinces, autonomous regions, and municipalities directly under the central government had begun to publicize their public financial and government fund budgets; 12 provinces, autonomous regions, and municipalities directly under the central government had begun to publicize their budgetary performance every month or quarter. A government affairs service system connecting provinces, cities, counties, townships and villages has taken initial shape. A total of 2,842 government affairs service centers and 25,000 township and neighborhood administrative service centers have been set up in 31 provinces, autonomous regions, and municipalities directly under the central government.

In June 2010 the State Council passed the Regulations on Natural Disaster Relief, which contains specific regulations on issues concerning the disclosure of information about natural disaster relief work. It is stipulated in the Regulations that when a natural disaster takes place and meets the conditions to activate the emergency plan for natural disaster relief, the central government should inform the public of its measures against the disaster as well as what precautions they should take, and that the government should inform the public of the source, quantity and use of state relief funds and materials, and public donations. The mechanism of a joint meeting for determining the liability in major production accidents has been established to conduct regular special inspections on the investigation and handling of suspected cover-ups of production accidents.

The government news release system and the spokesperson system have been improved. The spokesperson systems for committees of the Communist Party of China (CPC) and for governments at county level have been established. In 2010 the CPC Central Committee promulgated the Opinions on Establishing the Spokesperson System for Party Committees, to vigorously promote the setting up of the spokesperson system

in related departments of the Party Central Committee and Party committees in provinces, autonomous regions, and municipalities directly under the central government. At present, 13 departments and units of the Party Central Committee and Party committees of 31 provinces, autonomous regions, and municipalities directly under the central government and the Xinjiang Production and Construction Corps have established the spokesperson system. The news release work of Party committees is becoming institutionalized and standardized. In the past two years all ministries, commissions and departments, and provinces, autonomous regions, and municipalities directly under the central government held a total of 3,522 press conferences.

#### (6) The right to participate

Citizens' right to participate has been effectively guaranteed. In March 2010 the National People's Congress adopted the decision to revise the Election Law to stipulate that deputies to the people's congresses should be elected in the same proportion to the populations of urban and rural areas. The revisions broadened the representativeness of the people's congresses, and improved the regulations concerning election organs and procedures, better demonstrating the equality among all people, regions and ethnic groups. In 2009 and 2010, the Chinese People's Political Consultative Conference (CPPCC) filed over 10,000 proposals, of which over 90 percent have been replied to and handled. The CPPCC organized 15 inspection groups and 30 investigation groups, submitted inspection and investigation reports to the Party Central Committee and the State Council, and received 27,333 reports on social conditions and public opinions, and 75,119 petitions from the public. It also convened meetings among members of its Standing Committee to discuss political and government affairs, and hosted consultative symposiums, seminars and consultation meetings, actively making proposals for the social and economic development of the country.

The system of people's self-governance at grassroots level has been improved. In October 2010 the NPC Standing Committee passed the newly-revised Organic Law on the Villagers' Committees to enhance the level of villagers' self-governance and democratic management. So far, 31 provinces, autonomous regions, and municipalities directly under the central government have published their own electoral measures for village committees, and eight provinces have formulated their rules on making village affairs more transparent; about 85 percent of the villages have set up the system of villagers' council or villagers' congress, and over 90 percent of the villages have established organs to supervise the transparency of village affairs. The state has promulgated the Opinions on Strengthening and Improving the Work of Building Urban Neighborhood Committees, which puts forth clear requirements for the further standardization of democratic neighborhood electoral procedures and the steady expansion of the coverage of direct elections of neighborhood committee members. In 2010 the election of urban neighborhood committee members was being practiced nationwide.

The transparency of enterprise affairs has been further enhanced to protect workers' rights and interests. In 2010 related state departments jointly issued the Opinions on Making Enterprise Affairs More Transparent and Practicing Democratic Management to reinforce guidance for work in this regard in the reorganization, restructuring, closedown and bankruptcy of state-owned enterprises. By the end of September 2010, among all enterprises and public institutions with trade unions, 2.113 million had established a separate system of making enterprise affairs public, an increase of 20.6 percent over the previous year, and 2.249 million have set up a separate system of workers' conferences, an increase of 22.3 percent over the previous year.

The state encourages mass organizations to participate in social management and public services to protect the people's legitimate rights and interests. By the end of 2010 the All-China Federation of Trade Unions participated in the formulation and revision of laws and regulations having a direct bearing on the rights and interests of workers and trade unions, including the Social Insurance Law and the Work-related Injury Insurance Regulations. It also actively pushed forward the revision of the Trade Union Law. The All-China Women's Federation made great efforts to promote women's representation in villagers' council and villagers' congress. Its active participation in the inspection of the enforcement of the Law on the Protection of the Rights and Interests of Women organized by the NPC Standing Committee gave impetus to the formulation and revision of the rules for the implementation of this law in 31 provinces, autonomous regions, and municipalities directly under the central government. Youth League committees at all levels carried out an activity under the title "Youth League Members Meeting with NPC Deputies and CPPCC Members," established the NPC Deputy Mentor Groups for Teenage Affairs and the Working Groups of Guardians of Rights and Interests of Teenagers, and held activities for the Youth League to listen to the opinions of its members, so as to represent and safeguard the rights and interests of teenagers.

The construction and management of social organizations have been strengthened to enhance their function in serving society. The revision of the Regulations on the Management of Foundations, Regulations on the Registration and Management of Social Organizations, and Interim Regulations on the Registration and Management of Private Non-enterprise Entities has been incorporated into the legislative work plan of the State Council. Social organizations raise over 10 billion yuan every year for poverty reduction and relief, and disaster relief and prevention. Social organizations, trade associations in particular, are playing an increasingly important role in regulating market order, developing industry self-discipline, establishing industry standards and mediating trade disputes. At present, China's over 60,000 trade associations keep in close contact with over 20 million members, including private industrial and commercial units; over 40,000 academic organizations keep in close contact with over five million experts and scholars; and special economic associations in the rural areas keep in close contact with over ten million households. Meanwhile, social organizations have provided over ten million full-time and part-time jobs.

#### (7) The right to be heard

Citizens' freedom of speech has been fully guaranteed. In recent years, the Internet has become a new channel for citizens to exercise their right to be heard. By the end of 2010 China's netizen population had reached 457 million, and the Internet penetration rate had reached 34.3 percent, higher than the world average. China boasts 5.52 million websites, millions of bulletin board systems (BBS) and 295 million blog users. Statistical sampling shows that Chinese netizens issue over three million statements a day on the Internet, and over 66 percent of Chinese netizens often issue statements of views and claims freely on the Internet. Chinese leaders often get on the Internet to learn about public sentiment, and communicate with the netizens online. Soliciting views via the Internet has become a common practice of governments at all levels. The proposals collected from the Internet amount to several million every year.

Press and publishing undertakings have been further developed. In the past two years the State Council has completed the revision of the Regulations on the Administration of Publication and the Regulations on the Administration of Audio and Video Publications; the General Administration of Press and Publications has promulgated the Measures for the Administration of Press Cards and the Measures for the Administration of Correspondent Bureaus of Newspapers and Periodicals to protect the legitimate rights and interests of news media and reporters; the printed sheets for books, periodicals and newspapers totaled 270.114 billion, with 330,000 titles of books and 2,056 newspapers.

#### (8) The right to oversee

Citizens' right of democratic supervision has been further guaranteed. The National People's Congress and its Standing Committee fully exercise the function and power to supervise the implementation of the Constitution and laws and comprehensively promote the protection and realization of the people's rights. In the past two years the NPC Standing Committee has heard and examined 20 special work reports made by the central government, Supreme People's Court and Supreme People's Procuratorate. It conducted inspections on the enforcement of nine laws, including the Law on the Protection of the Rights and Interests of Women. The Standing Committee carried out special investigations and surveys on the implementation of some major public investment projects as well as on important issues concerning the formulation of China's 12th Five-year Plan. It held special consultations on work reports on the state final accounts, national food security and deepening of reform in the medical and health care system. The Standing Committee also made a resolution on coping with climate change. It filed and reviewed 3,000 regulatory documents, including administrative regulations, local regulations and judicial interpretations. The democratic supervision mechanism of the CPPCC has been improved, and democratic supervision has become increasingly effective.

The channels for people to make complaints in the form of letters and visits have been broadened. The State Bureau for Letters and Calls has established a nationwide complaint information system featuring interconnection, interworking and resource sharing, and promoted and regulated various channels for making complaints, such as the Internet, hotlines, Green Post, and video conferences. The system of soliciting suggestions from the people has been gradually popularized across the country. Party and government leaders read letters from the people and receive visits by them on a regular basis. The system in which Party and government leaders, deputies to Party congresses and people's congresses, and CPPCC members take the initiative to contact people who have made complaints through letters and visits is being improved step by step.

## (2) Women's rights

Women's right to participate on an equal footing with men in the management of state and social affairs is guaranteed. Women representatives account for 21.3 percent of all representatives in the 11th NPC, and female members account for 17.7 percent in the 11th CPPCC. The proportion of females in the leadership of governments at all levels is increasing, as is the level of participation of rural women in grassroots democratic management. In 2009 females made up 21.5 percent and 49.7 percent of the members of village committees and neighborhood committees, respectively, nationwide.

Women's right to employment and equal access to economic resources is guaranteed. By the end of October 2010 the state had provided 16.605 billion yuan in small loans to aid 410,500 women across the country to start businesses. Women's federations in all parts of the country created jobs for more than four million women by launching projects including processing with customers' materials and knitting. The SYB (Start Your Business) project provides training to 50,000 women every year. By September 2010 there were 1.589 million organizations for female employees in 77.61 percent of all the trade unions established in China. A total of 713,600 collective contracts for female employees were signed, covering 1.2439 million enterprises and public institutions, and 54.2446 million women workers.

The state brings population management, family planning and reproductive health into its national development strategy. Centers providing information, consultation and technical services for population management and family planning have been set up in all the counties and 95 percent of townships. High-quality services concerning reproductive health and family planning have been made available in over 80 percent of the counties. In 2010, 6.49 million and 870,000 rural women had tests for cervical cancer and breast cancer, respectively, 8.847 million pregnant rural women received hospital delivery subsidies, and the rate of women giving birth in hospitals reached 96.7 percent in the countryside. Over the past two years a total of 1.16 billion yuan has been allocated from the central budget to support the construction of family planning centers in counties and townships in central and western China, and 300 million yuan has been allocated from



the central budget to buy 1,822 mobile service vehicles to provide better reproductive health services for women of childbearing age.

The state has intensified efforts to combat domestic violence against women. Already, 27 provinces, autonomous regions, and municipalities directly under the central government have formulated special rules and regulations on the prevention of domestic violence. Public security organs at many places include service of reporting domestic violence in their "110" emergency police service networks. Many local courts have set up collegial panels for safeguarding the rights and interests of women and anti-domestic-violence collegial panels, and some have launched a trial of habeas corpus for victims of domestic violence.

### (3) Children's rights

The legal system for the protection of minors has been improved. By 2010, among all the country's provinces, autonomous regions, and municipalities directly under the central government, 18 had revised the relevant local regulations in support of the Law on the Protection of Minors, and five had made local regulations on the prevention of juvenile delinquency. In the past two years related government departments have jointly promulgated the Opinions on Further Constructing and Improving the Supporting System for Handling Juvenile Criminal Cases. The Supreme People's Court has issued the Opinions on Further Strengthening Juvenile Tribunal Proceedings. Amendment VIII to the Criminal Law of the People's Republic of China explicitly stipulates the conditions under which a juvenile convict shall be put on probation, or constitute a recidivist, and when a juvenile convicted of committing a small offence shall be exempted from the reporting obligation. At present, there are 2,219 juvenile courts established nationwide.

Children's right to health is guaranteed. The categories of national planned immunity vaccines for children have been increased to 11, aiming at the prevention of 12 diseases, with a vaccination rate of over 90 percent. In the past two years 57.629 million children below the age of 15 have been inoculated against Hepatitis B gratis. More than 70 percent of the expenses borne by rural children with leukemia and CHD (congenital heart disease) are covered by medical insurance, and for those from families meeting the specific conditions, an additional 20 percent of the related expenses will be covered by medical assistance funds granted by civil affairs organs.

Welfare institutions for children have been established in cities at and above the prefecture level all over the country, basically forming a service network of child welfare. In 2010 the General Office of the State Council issued the Opinions on the Strengthening of Care for Orphans. The central government allocated more than 2.5 billion yuan to offer per capita subsidies of 180 yuan, 270 yuan and 360 yuan, respectively, every month to orphans in the eastern, central and western regions. The government continued its "China Children and Teenagers' Safe & Healthy Growth Project," providing critical illness insurance to 117,000 orphans in Qinghai Province and other places. The Plan for the

Construction of Welfare Institutions for Children during the 11th Five-Year Plan (2006-2010) was implemented, with a fund of 1.52 billion yuan, increasing the number of beds for orphans in welfare institutions by 57,000. Such institutions can look after about 100,000 orphans every year.

The government has made headway in preventing and cracking down on the crimes of abducting and trafficking in women and children. The Action Plan to Crack Down on Abducting and Trafficking in Women and Children (2008-2012) has been implemented. Relevant departments have established a notification and verification mechanism for people of unknown identity and those who are suspected of being abducted. In April 2009 an anti-trafficking campaign was launched throughout China. By the end of 2010 the Chinese government had solved 9,165 cases of trafficking in women and 5,900 cases of trafficking in children, rescued 9,388 abducted children and 18,000 women, rounded up 3,573 trafficking gangs, and placed 22,500 suspects in criminal detention. In the past two years people's courts at different levels have concluded the trial of 7,395 criminal cases of abducting and trafficking in women and children, of organizing children to beg and other violations of minors' rights and interests, and severely punished 9,596 criminals in accordance with the law. In 2010 China and Vietnam jointly launched a campaign to combat transnational crimes of abducting and trafficking in women and children in their border areas, and signed the Agreement on Strengthening Cooperation in Preventing and Combating the Crimes of Human Abducting and Trafficking; China and Myanmar signed the Memorandum of Understanding on Strengthening Cooperation in Combating the Crimes of Human Abducting and Trafficking.

#### (4) Senior citizens' rights

The rights and interests of elderly people are better guaranteed. In 2011 enterprise retirees saw their per capita basic pension increase by 140 yuan per month, which had already grown for four consecutive years from 2005 to 2009. At present, there are 38,000 institutions providing services for elderly people, with a total of 2.662 million beds; 175,000 community service centers and 693,000 convenience service outlets; more than 700,000 amenities for elderly people's recreational activities; more than 40,000 institutions of higher learning (schools) for the elderly, with a total enrolment of over 4.3 million senior students; 14 national social organizations for the elderly, with branches all over the country; more than 800,000 associations for elderly people, with over 35 million members; more than 16,000 legal assistance agencies for elderly people; and 96,000 mediation organizations for settling disputes concerning elderly people and protecting their rights and interests.

#### (5) The rights of the disabled

The building of the social security and service systems for people with disabilities has been further strengthened. The NPC Standing Committee has included the Mental Health Law into its lawmaking plan. The Regulations on the Construction of a Barrier-free

Environment (Draft) has been published, and the National Standards for Classifying and Grading Disabilities has been officially issued and implemented. In March 2010 the related departments jointly issued the Guiding Opinions on Accelerating the Building of the Social Security and Service Systems for People with Disabilities and the Opinions on Strengthening the Work of Providing Legal Aid to Disabled Persons. In 2010 a total of 3,592 legal aid agencies throughout the country provided legal services (e.g. defending cases in court or serving as procurators) to over 54,000 people with disabilities.

Rehabilitation services for people with disabilities have improved. In the past two years 180 million yuan from the central budget has been appropriated to support the construction of 396 comprehensive facilities for people with disabilities in central and western China. At present, there are 145,000 community rehabilitation stations across China, enabling 12.68 million people with disabilities to enjoy rehabilitation services in their communities. There are 4,029 nursing homes providing services for 145,000 people with intellectual, mental or severe physical disabilities. The Project on Rehabilitation of Disabled Children Living in Poverty is under way, which benefits 40,000 poor children with disabilities.

Over the past two years relevant departments have issued the Measures for Air Transport of Persons with Disabilities (for trial implementation), revised the Standards for the Configuration of Non-barrier Facilities and Devices at Passenger Terminal Areas of Civil Airports, and the Regulations on the Application for and Use of Motor Vehicle Driving Licenses, making it possible for more disabled people to apply for driving licenses. One hundred cities began to build themselves into non-barrier cities, and so did 1,118 prefectural-level cities and counties. Meanwhile, 27 provincial-level television stations launched news programs with sign language assistance, and 341 public libraries set up multimedia rooms for people with visual impairments.

In May 2009 the General Office of the State Council approved the Opinions on Accelerating the Development of Special Education, clearly pointing out the goals, tasks and measures of the government in accelerating the development of education for the disabled in the coming years. At the end of 2010 there were 1,706 special-education schools in China and over 16,000 special-education classes, with a total enrolment of 550,000 disabled students. More than 20 provinces, autonomous regions, and municipalities directly under the central government have drawn up policies to assist the disabled in schooling. By 2010 some 80% of the 1,160 schools listed in the Plan for the Building of Special-education Schools in Central and Western China had been built or renovated.

Activities including the "National Month-long Employment Assistance" and "Promoting Employment for Ten Thousand People" projects have been launched to provide special employment services for the disabled. The state has helped 674,000 urban residents with disabilities to find jobs, bringing the number of employed urban residents with disabilities

to 4.41 million. Meanwhile, the number of employed rural residents with disabilities has reached 17.497 million.

The government has enhanced support for poor people with disabilities. Related departments have jointly issued the Notice on Giving Priority to the Resolution of the Housing Difficulties of Low-income Families with One or More Disabled Members in Urban and Rural Areas, helping 220,000 poor rural families with one or more disabled members to renovate their houses. At the same time, 4.05 million urban people with disabilities are participating in social insurance scheme; 106,000 people with disabilities are supported in special concentrated dwelling complexes in urban areas, and 605,000 people with disabilities enjoying the five guarantees are supported in rural areas. Some 2.92 million urban and rural disabled people with financial difficulties are receiving temporary relief, and 1.604 million are receiving regular subsidies.

China is also making efforts to enrich the lives of disabled people in the cultural and sports areas. It has launched the "National Special Olympics Day" and 27 demonstration fitness projects aimed at benefiting the disabled. Chinese athletes with disabilities participated in 40 international events, including the Special Olympics World Winter Games held in the United States and the Winter Paralympics held in Vancouver, Canada. By May 2010 the government had held many important cultural and sports events, including China's First Arts Festival for Disabled Children, and organized cultural activities for disabled people in 1,000 communities. A Life and Sunshine Pavilion was built for the 2010 Shanghai World Expo, which was the first pavilion dedicated to persons with disabilities in the World Expo's history.

## **V. Human Rights Education for the Public**

With the Chinese government's efforts in the field of human rights education and publicity, the Chinese public's awareness of human rights and their ability to safeguard such rights have been greatly enhanced during the past two years. The goals set in the Action Plan have been achieved.

Knowledge about laws and human rights has been included in China's nine-year compulsory education. The course "Morality and Life" at the elementary education stage leads children to respect and cherish life, and get to know about children's rights. The course "Ideological and Moral Standards" at the junior high school stage introduces 17 items concerning laws and human rights, as well as the Law on the Protection of Minors. While in senior high schools, the course "Ideology and Politics" summarizes citizens' rights and duties as stipulated in the Constitution, and international conventions on human rights.

More theoretical researches and education on human rights are carried out in institutions of higher learning. Three textbooks about human rights, including International Human Rights Law, were included in the national textbooks for higher education during the 11th

Five-year Plan. At present, there are nearly 30 human rights research centers in China, set up by colleges and research institutes. Dozens of colleges are offering courses in human rights laws and human rights education. Universities including Nankai University, Shandong University and China University of Political Science and Law have enrolled masters and Ph.D. candidates in human rights. The Ministry of Education has also established national-level human rights education and training centers at Nankai University, China University of Political Science and Law and Guangzhou University.

Human rights education for civil servants has also been stressed. Over the past two years, the State Council Information Office has held four training sessions about human rights for Party cadres and government employees at various levels, and judiciary personnel. The Party School of the CPC Central Committee and Party schools of local CPC committees all conduct courses in human rights. The public security organs run core-value education among the police force, raising policemen's awareness of the rule of law, judicial procedures, evidence and human rights. County-level police chiefs, prison wardens and directors of justice bureau also received training on human rights during the two years.

Human rights education oriented to the general public has been carried out. During the two years China Society for Human Rights Studies and other research institutes published a series of books, including China's Human Rights in Action and China's Human Rights Achievements over the Past Sixty Years. The periodical Human Rights and the website Humanrights.cn also energetically spread knowledge about human rights among the public.

## **VI. Performing International Human Rights Duties, and Conducting Exchanges and Cooperation in the Field of International Human Rights**

China conscientiously fulfils its obligations under the international human rights conventions to which it is a signatory, and advocates and actively participates in exchanges and cooperation in the field of international human rights. It has fulfilled its commitments in the Action Plan, making new efforts for the healthy development of international human rights endeavors.

China cherishes the important role played by international human rights instruments in promoting and protecting human rights, and conscientiously fulfils its obligations to the conventions. It submits timely reports to the relevant bodies on how it implements the conventions, holds constructive dialogues with these treaty bodies, takes into full consideration the suggestions offered by them, and adopts those deemed feasible in the light of China's actual conditions.

During the past two years, after soliciting opinions from related departments, NGOs, academic institutes and the public, the Chinese government completed its second report on implementing the International Covenant on Economic, Social and Cultural Rights, its

third and fourth combined report on implementing the Convention on the Rights of the Child (including its latest report on implementing the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography), the first report on implementing the Optional Protocol on the Involvement of Children in Armed Conflict and its first report on implementing the Convention on the Rights of Persons with Disabilities, and submitted them to the United Nations.

In 2009 the Chinese government sent a delegation to participate in a meeting held by the U.N. Committee on the Elimination of Racial Discrimination to discuss China's 10th, 11th, 12th and 13th combined report on its implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and held a constructive dialogue with the committee. On August 28, the committee passed and published the concluding report, which confirmed China's measures and achievements in developing the economy in the areas inhabited by ethnic minorities, supporting less-populated ethnic groups and protecting ethnic-minority cultures. The Chinese government valued the conclusion seriously, and presented feedback materials for some suggestions in the concluding report to the committee in August 2010.

The Chinese government earnestly executes the requirements of the UN Convention Against Corruption (UNCAC), and actively conducts international cooperation in this field. Since 2009 it has sent delegations to attend the Third Conference of the States Parties (CoSP) of the UNCAC, as well as all meetings and exchanges regarding review of the implementation of the Convention, asset recovery and preventive measures under the framework of the Convention.

China is carrying out legislative and judicial reforms. It amended the Law on Lawyers and the Law on State Compensation to prepare the ground for the ratification of the International Covenant on Civil and Political Rights.

China is committed to holding exchanges and cooperation in the field of international human rights and promoting the healthy development of international human rights on the basis of equality and mutual respect. China continues to take an active part in the work of the Third Committee of UN General Assembly and the UN Human Rights Council (HRC). It sent delegations to participate in the fourth to tenth rounds of the HRC Universal Periodic Review (UPR), helping the HRC to solve human rights problems in a fair, objective and non-selective manner. In February 2009 China for the first time underwent the UPR on China, at which the Chinese delegation gave a detailed account of the development in China's human rights situation, the challenges it faces and the goals it has set, and held open and candid dialogues with various countries. Many countries have confirmed China's efforts and achievements in the field of human rights, and offered some valuable proposals in this regard. The Chinese delegation, with a serious and responsible attitude, deliberated these proposals, and adopted 42 that were regarded as feasible in the light of China's reality. In June the same year the HRC approved the UPR reports on China.

China has maintained good cooperation with the HRC Special Procedures. The Chinese government received the visiting UN Special Rapporteur on the Right to Food in December 2010. China has high regard for the important role played by the Office of the High Commissioner for Human Rights (OHCHR), and donates to it every year to support its work. Meanwhile, China has implemented the Memorandum of Understanding on Technical Cooperation on Human Right of the OHCHR.

China values highly and continues to strengthen exchanges and cooperation with the UN Food and Agriculture Organization, the UN Educational, Scientific and Cultural Organization, the World Health Organization, the International Labor Organization and similar international organizations. It continues to participate in human rights exchange activities within the framework of the Asia-Pacific Region and Sub-region. It attended the UN HRC Asian regional consultation on the issue of mercenaries, playing a constructive role.

China continues to hold bilateral dialogues and exchanges on human rights with various countries and regional organizations on the basis of equality and mutual respect. During the two years China held dialogues and consultations on human rights with the EU, the US, the UK, the Netherlands, Germany and Australia, and conducted exchanges on human rights with a wide range of developing countries.

China's NGOs also promote cooperation and exchanges in the field of human rights. During the past two years China Society for Human Rights Studies twice held the "Beijing Human Rights Forum," communicating with officials and experts from over 40 countries and regions and international organizations concerned.