

## **Full Text: National Human Rights Action Plan of China (2009-2010)**

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### **National Human Rights Action Plan of China (2009-2010)**

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

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#### Introduction

The realization of human rights in the broadest sense has been a long-cherished ideal of mankind and also a long-pursued goal of the Chinese government and people.

Since the founding of the People's Republic of China in 1949, under the leadership of the Communist Party of China, the Chinese government, combining the universal principles of human rights and the concrete realities of China, has made unremitting efforts to promote and safeguard human rights. Hence, the fate of the Chinese people has changed fundamentally, and China has achieved historic development in its efforts to safeguard human rights. It is worth mentioning that, since the introduction of the reform and opening-up policy at the end of 1978, China has enshrined respect for and protection of human rights in its Constitution as a major principle of government, and has taken effective measures to promote the cause of human rights, while enhancing the material and cultural life of the Chinese people and providing firm guarantees for their political, economic, cultural and social rights. Thus, a new chapter has opened in the history of the development of the cause of human rights in China.

China is a developing country with a population of 1.3 billion, low per-capita share of resources, underdeveloped productivity and unbalanced economic and cultural development. Having just entered the stage of building a moderately prosperous society in an all-round way and accelerating socialist modernization, China is faced with the arduous tasks of reform, development and stabilization. Due to the influences and limitations of nature, history, culture, economic and social development level, and other factors, China still confronts many challenges and has a long road ahead in its efforts to improve its human rights situation.

By putting people first, the Chinese government makes sure the constitutional principle that "the state respects and protects the human rights of its citizens" is implemented. While respecting the universal principles of human rights, the Chinese government in the light of the basic realities of China, gives priority to the protection of the people's rights to subsistence and development, and lawfully guarantees the rights of all members of society to equal participation and development on the basis

of facilitating sound and rapid economic and social development. In the practice of governance, the Chinese government stands by the principle that development is for the people, by the people and with the people sharing its fruits, spares no effort to solve the most specific problems of the utmost and immediate concern to the people, promotes social equity and justice, and strives to ensure that all the people enjoy their rights to education, employment, medical and old-age care, and housing. The Chinese government persists in ensuring the people's position as masters of the country, expands citizens' orderly participation in political affairs at each level and in every field, improves the institutions for democracy, diversifies its forms and expands its channels, carries out democratic election, decision-making, administration and supervision in accordance with the law to guarantee people's rights to be informed, to participate, to be heard, and to oversee. In addition, the Chinese government advocates strengthening international communication, dialogue and cooperation regarding human rights, collaborating with other countries to accelerate the healthy development of the international cause of human rights, and contributes its share to building a harmonious world of lasting peace and common prosperity.

The Chinese government unwaveringly pushes forward the cause of human rights in China, and, in response to the United Nations' call for establishing a national human rights action plan, has instituted the National Human Rights Action Plan of China (2009-2010) on the basis of painstakingly summing up past experience and objectively analyzing the current situation. The plan defines the Chinese government's goals in promoting and protecting human rights, and the specific measures it is taking to this end.

The plan was framed on the following fundamental principles: First, in pursuit of the basic principles prescribed in the Constitution of China, and the essentials of the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, the plan is aimed at improving laws and regulations upholding human rights and advancing the cause of China's human rights in accordance with the law; second, adhering to the principle that all kinds of human rights are interdependent and inseparable, the plan encourages the coordinated development of economic, social and cultural rights as well as civil and political rights, and the balanced development of individual and collective rights; third, in the light of practicality and China's reality, the plan ensures the feasibility of the proposed goals and measures, and scientifically promotes the development of the cause of human rights in China.

The National Human Rights Action Plan of China (2009-2010) involves broad participation by the relevant government departments and all social sectors. The Chinese government has established the "joint meeting mechanism for the National Human Rights Action Plan" for the purpose of working out a good plan. The Information Office of the State Council and Ministry of Foreign Affairs, two members of the "joint meeting mechanism", take the responsibility of convening meetings. Other members include: Legislative Affairs Committee of the Standing Committee of the National People's Congress, Committee for Social and Legal Affairs of the Chinese People's Political Consultative Conference National Committee, Supreme People's Court, Supreme People's Procuratorate, National Development and Reform Commission, Ministry of Education, State Ethnic Affairs Commission, Ministry of Civil Affairs, Ministry of Justice, Ministry of Human Resources and Social Security, Ministry of Health, China Disabled Persons' Federation, and China Society for Human Rights Studies, altogether 53 organizations.

A group of experts from universities and research institutions, including Nankai University, Shanghai Academy of Social Sciences, Shandong University, China University of Political Science and Law, Chinese Academy of Social Sciences, Beijing University, Wuhan University, Renmin University of China, and the Central Party School, also participated in the drafting and formulation of the plan. In the drafting and formulation process, joint meetings were held on many occasions to conduct thorough discussions with relevant government departments; several symposia were convened with representation from over 20 organizations, such as China Law Society, All-China Lawyers' Association, China Legal Aid Foundation, China Environmental Protection Foundation, Chinese Society of Education, China Women's Development Foundation, China Foundation for Poverty Alleviation, China Foundation for Disabled Persons, and China Foundation for Human Rights Development, to solicit suggestions for revisions through thorough discussions among social and non-governmental organizations, universities and research institutions, and other social sectors.

The National Human Rights Action Plan of China (2009-2010) is a document explaining the policy of the Chinese government with regard to the promotion and protection of human rights during the period 2009-2010, covering the political, economic, social and cultural fields. Governments and government departments at all levels shall make the action plan part of their responsibilities, and proactively implement it in line with the principle of "each performing its own functions and sharing out the

work and responsibilities." All enterprises, public institutions, social and non-governmental organizations, press and media agencies, and the general public shall give vigorous publicity to this action plan, and expedite its implementation. Initiated by the State Council Information Office and the Ministry of Foreign Affairs, the "joint meeting mechanism for the National Human Rights Action Plan," comprising legislative and judicial organs and departments under the State Council, is responsible for coordinating the implementation, supervision and assessment of the plan.

The State Council has approved this action plan and has authorized its Information Office to promulgate it as follows.

## I. Guarantee of Economic, Social and Cultural Rights

In 2009 and 2010, the state will take proactive and effective measures to offset the negative impacts of international financial crisis, and ensure the economic, social and cultural rights of all members of society.

### (1) Right to work

Efforts will be made to promote employment and re-employment, and guarantee the legitimate rights and interests of workers.

- Coordinating the rural and urban employment situations in accordance with the Law on Employment Promotion to secure the growth of employment. In 2009 and 2010, an additional 18 million urban workers will be employed and 18 million rural laborers will move to cities or towns and find jobs there. The registered urban unemployment rate will be kept below 5 percent, and the priority is to find employment for college graduates and rural migrant workers.

- Widespread introduction of labor contracts will involve encouraging collective contracts, improving the mechanism of coordination among employers, employees and the government, implementing the minimum salary system and steadily raising workers' salary levels in accordance with the Labor Contract Law.

- Expanding vocational training to bring the total number of skilled workers to 110 million nationwide, with technicians and senior technicians accounting for 5 percent of all skilled workers and senior workers accounting for 20 percent of all skilled workers.

- Adhering to the principles of "safety first, with focus on prevention and taking comprehensive measures to guarantee production safety," strengthening labor protection, and improving production conditions in accordance with the Law on Safe Production. The goal is to reduce the number of deaths caused by industrial accidents per 100 million yuan GDP by 35 percent compared with the figure for 2005, and the deaths per 100,000 workers in factories, mines and businesses by 25 percent.

- Solving labor disputes fairly and promptly to promote harmonious and stable labor relations; tightening supervision over salary payment, spreading the practice of employer leaving a deposit in banks to guarantee salary payment, and affixing the legal liability of deliberate default on payment in accordance with the Law on Mediation and Arbitration of Labor Disputes.

### (2) Right to basic living conditions

Effective measures will continue to steadily raise the incomes of rural and urban residents, especially people with middle- and low-income, and improve the system of subsistence allowances so as to ensure the right of urban and rural residents to a basic standard of living.

- Raising citizens' incomes so that the average annual disposable income of urban residents will reach 15,781 yuan or more and that rural residents will see their net annual income increase by 6 percent every year from the 4,761 yuan in 2008.

- Intensifying efforts in poverty-alleviation work so as to smoothly solve the food and clothing problems of the target population as soon as possible, gradually raise their incomes, and help them shed poverty and make good. In this regard, the "Raindrop Program" (Launched in November 2006 by the State Council Leading Group Office of Poverty Alleviation and Development,

the program is aimed at training and qualifying 5 million young and middle-aged impoverished farmers and 300,000 demobilized soldiers from poverty-stricken areas for jobs elsewhere during the 11th Five-Year Plan period (2006-2010.) will provide pre-employment training for 1 million impoverished laborers and practical skill training for 10 million laborers every year.

- Building more commercial and affordable housing to improve the living conditions of urban families with middle- and low-incomes; improving the low-rent housing program and accelerating the pace to solve the housing problems of the urban poor; and strictly implementing the relevant systems regarding demolition permits, fund supervision, relevant agreements, evaluation, examination and approval of projects to be transferred, housing security, compensation and aid, and public hearings, so as to guarantee the legitimate rights and interests of people whose housing is demolished to make way for new construction.

- Improving the system of subsistence allowances. The state will revise the Regulations on Basic Living Allowances to Urban Residents, and formulate the Methods on the Measurement and Adjustment of Urban Basic Living Allowances, the Methods of Calculating the Income of Urban Families Entitled to Basic Living Allowances, and the Implementing Methods for the Classification of Urban Basic Living Allowances. It will accelerate the drafting of the Regulations on the Rural Basic Living Allowances to standardize the practices for rural basic living allowances, the screening of the beneficiaries and the classified aid to them, so that those in need will receive the necessary help and the level of allowance will be raised gradually.

### (3) Right to social security

The insurance systems covering basic old-age pension, basic medical care, unemployment, work-related injury and maternity, as well as the social-aid system will be perfected, so as to raise the level of social security.

- The drafting of provisions supplementary to social security laws and regulations will be speeded up, and relevant system will be established or improved to strengthen the management, use and supervision of social insurance funds. Laws, regulations and policies regarding social insurance funds will be implemented to guarantee the sound management and safety of the funds.

- The coverage of various types of social insurance will be expanded. By 2010, the population covered by the urban basic old-age pension insurance is expected to exceed 223 million; that covered by basic medical care insurance, 400 million; that by unemployment insurance, 120 million; that by work-related injury insurance, 140 million; and that by maternity insurance, over 100 million. The population covered by rural social old-age pension insurance and corporate annuity will expand year by year.

- The pooling of social security funds will be raised to higher levels, with the pooling of funds for basic old-age pension insurance being raised to the provincial level while that for medical care, unemployment and work-related injury insurance being raised to the city (prefecture) level. The system of reserve fund for work-related injury insurance will be improved.

- The system of "Five Guarantees" (Guarantee of food, clothing, housing, medical care, and burial (education) expenses for elderly people, handicapped people 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 people to support them.) will be improved. The Methods on the Management of Rural Five-Guarantee Providers, the Standards for Rural Five-Guarantee Services, and the Construction Plan of Rural Five-Guarantee Facilities will be worked out. The "Xianguang Program" (Launched by the Ministry of Civil Affairs in January 2007, using government investment and welfare lottery funds, this program intends to build and renovate nursing homes for people under the care of the system of Five Guarantees in rural areas in the period 2006-2010.) will be continued to ensure that rural residents under the care of the system of "Five Guarantees" enjoy the average standard of living of local villagers.

- The system of aid to urban vagrants and beggars will be improved. The state will revise the Measures for Assisting and Managing Urban Vagrants and Beggars with No Means of Livelihood, and institute the Regulations on Aid to and Protection of Vagrant Minors, the Service Standards of Assistance and Management Centers, the Service Standards of Assistance and Protection Centers for Vagrant Minors, and other administrative rules and documents. More assistance and protection centers

for vagrant children with complete sets of facilities will be constructed in cities at the prefectural level or above, and in key counties and districts.

#### (4) Right to health

The basic framework for a basic medical and health system covering the entire nation will be established so as to make China among the countries providing national basic health service.

- The main goals expected to be reached in 2010 are: average life expectancy, 73 years; infant mortality rate, below 14.9 per thousand; mortality rate of children under five, below 17.7 per thousand; mortality rate of pregnant and lying-in women, below 40 per 100,000; and the free national immunity vaccination program for children, 95 percent in cities and 90 percent in the countryside.
  
- Expediting the establishment of the basic medical care system. By 2010, the allowances from the budgets of governments at all levels to urban residents covered by medical insurance and rural residents covered by new rural cooperative medical services will be raised to 120 yuan per person annually. By 2011, urban workers' basic medical insurance, urban residents' basic medical insurance and new rural co-operative medical services will spread to cover the entire nation, with the rate of people taking out such insurance policies and of those who participate in rural cooperative medical services both reaching 90 percent or higher. The proportion of in-patient expenses to be reimbursed will be raised gradually, and the proportion and scope of out-patient expenses to be reimbursed will also be expanded.
  
- Improving basic medical and health services. Within three years, starting in 2009, efforts will be made to support the construction of 2,000 county-level hospitals (including traditional Chinese medicine hospitals), so that every county will have at least one up-to-standard hospital; 3,700 community health service centers and 11,000 community health service stations will be built or renovated in cities. The construction of 29,000 township hospitals planned and financially supported by the central authorities will be completed, as will the renovation or expansion of 5,000 hospitals in key townships, resulting in one to three hospitals for each county.
  
- Promoting equality in right to basic health services. Starting in 2009, a uniform health record for all residents will be established throughout the country. Regular health checkups will be conducted for people over 65 years old, so will be growth tests for infants below the age of three, prenatal examinations and postnatal visits for pregnant women and women who have given birth, and prevention and counseling services for sufferers of high blood pressure, diabetes, mental illnesses, AIDS and tuberculosis. Major public health programs will be carried out to prevent and control tuberculosis and other fatal diseases, spread national immunization, and ensure in-patient delivery of newborns by rural women. Other programs will be carried out to help those below the age of 15 receive Hepatitis B vaccines, eliminate risk posed by coal-burning fluorine poisoning, extract cataracts from poor patients to give back their eyesight, improve rural water and toilet facilities, and provide folic acid to rural women who are going to get pregnant and who are in their early pregnancy to prevent the birth of deformed babies.
  
- Infectious diseases will be brought under control. Endeavors will be made to strengthen the prevention and treatment of AIDS, and the prevention and control of major infectious diseases. The coverage of direct reporting of infectious disease incidences by medical and health institutions at the county level and above will be 100 percent, and that by those at town and township level will be 80 percent. The completeness and timeliness of such reporting will be 90 percent or above. Planned immunity will be made compulsory; the current zero rate of poliomyelitis will be maintained, and the incidence of the preventable measles will drop by 50 percent compared with the 2007 figure, and incidence of other preventable infectious diseases such as meningitis B, rabies and hemorrhagic fever will drop by 30 percent compared with the 2007 figures. The categories of immunity vaccines under state planning will be expanded, vaccination for rural residents and migrant population will be intensified, with priority being given to newborns, in-school students and other vulnerable persons, and the prevalence of Hepatitis B will be put under effective control. The prevention and treatment of parasitical and other endemic diseases will be tightened, so as to bring all relevant counties (cities and districts) up to the standards of control.
  
- The Law on Food Safety will be enacted, and systems governing food and medicine production permits, compulsory test, market access, recall, and import and export inspection and quarantine will be put in place, and examination and supervision

will be strengthened over the implementation of the Law so as to ensure that the Law is enforced to the letter and our foodstuffs and medicines are safe.

- Providing safe drinking water for another 60 million rural population in 2009, so as to realize the goal of "halving the proportion of the population unable to sustainably get safe drinking water by 2015" set by the United Nations, ahead of schedule.

- More community sports facilities will be built for both urban and rural residents. By 2010, such facilities per capita will reach 1.4 sq m, and public sporting facilities in urban neighborhoods and rural towns and villages will be markedly improved. National fitness programs will be further spread, mass sport organizations will be encouraged and the national fitness system will be improved.

#### (5) Right to education

Priority will be given to compulsory education and rural education; vocational education will be developed with great efforts, and the quality of higher learning will be enhanced; after-school education will be promoted, so as to guarantee the citizens' right to equal schooling.

- The Outline of State Medium- and Long-term Program on Education Reform and Development through 2020 will be worked out, and the goals, tasks, and main measures of reform and development will be defined. The final aim is to raise the overall educational level of Chinese citizens.

- Nine-year compulsory education will be comprehensively implemented to achieve a net enrollment rate of 99 percent in elementary schools, gross enrollment rate of 98 percent in junior high schools, and retention rate of 95 percent for students during three years of junior high school. The efforts to eliminate illiteracy among young and middle-aged people will continue, to cut the illiteracy rate among them to below 4 percent. The state will make sure that almost all the children of migrant workers will receive nine-year compulsory education, that children in medium-sized and large cities and economically developed areas will receive three years of pre-school education, and the number of rural children receiving one-year pre-school education will be increased markedly.

- The balanced development of compulsory education will be promoted, with emphasis placed on running every school well and caring for the healthy growth of every child. With an active response to the "inclusive education" advocated by the UNESCO, both the physical and the mental health of every child will be stressed. Special attention will be paid to raising the educational quality of rural schools and reforming urban schools that remain weak in teaching.

- The progress of rural education will be accelerated. The state will ensure teachers of middle and elementary schools in rural areas receive their salaries in full and on time and the schools' operating outlay is guaranteed. Renovation of the buildings of junior high schools in rural areas in central and western China, and building of clean school campuses in the new countryside will be carried out. Distance-education network of rural schools will be completed. Special programs will continue to attract college graduates to work at rural schools. For instance, they can apply for teaching posts at rural elementary and junior high schools, or volunteer to teach in western China. They may get free enrollment for a master's degree in education if they work for a certain period in rural schools.

- Vocational education will be boosted by building 2,000 key vocational practice bases with complete array of disciplines, good facilities and rich resources that can be shared by all. Support will also be given to the construction of a batch of county-level vocational education centers, secondary vocational schools and 100 model vocational colleges.

- The central government has appropriated special funds for the project of improving the quality of undergraduate teaching and reform at institutions of higher learning. The 211 Program (This is a program of the Chinese government to give priority to the building of 100 key institutions of higher learning and a batch of key branches of learning in the 21st century.) and the 985 Program (Launched by the Ministry of Education in May 1998, the program aimed at building a number of world-class

universities and some universities with advanced international level that are well-known in the world.) will continue to quicken the construction of high-level universities.

- After-school education will be expanded. In 2009 and 2010, the central government will pool 3 billion yuan of lottery earnings to support the building and operation of after-school facilities, and by 2010 every county (district) across the country will have one venue for after-school activities to guarantee the right of minors to after-school education.

- The system of assistance to poor students will be improved by increasing budget inputs, implementing all policies concerning financial aid to such students, expanding the assistance coverage and raising the level of assistance.

#### (6) Cultural rights

Effective measures will be taken to promote cultural undertakings and guarantee the citizens' basic cultural rights.

- Building a public cultural service system. A network of public cultural service facilities covering both urban and rural areas will be basically completed, which ensures that there are large theaters, public libraries, museums, art galleries, cinemas and mass-culture centers in all major cities; cultural centers, libraries and cinemas in counties (cities); cultural activity halls in rural administrative villages; and cultural centers in urban communities. In the central and western regions, 26,700 all-inclusive cultural stations will be built, rebuilt or expanded; and some 70,000 farmers' reading rooms will be set up every year. By the end of 2010, the number of farmers' reading rooms across the country will reach 237,000. A digital cultural service system covering urban and rural areas will be built with 1.115 billion yuan of state investment.

- Fulfilling the target set for the national cultural resources sharing project in the 11th Five-year Plan. By the end of 2010, the 100TB digital resources construction task will be finished, with a branch center in each county and a grassroots service center in every village.

- Overall promotion of digitalized movie, radio and TV service. The national surface digital television broadcasting network, satellite live broadcasting system and mobile multimedia broadcasting system will be established and integrated, forming a vast content resource management system and an information integration, distribution and exchange platform, as well as a platform for integrating digital film programs. Mobile digital film projection in rural areas will also be promoted.

- Implementing major culture industry projects strategy to expedite the construction of culture industry bases and regional culture industry groups with special characteristics. The growth of key culture industry enterprises and strategic investors will be promoted, encouraging non-public capital to enter culture industries permitted by current policies and promoting the development of private artistic performance troupes. Intermediary culture agencies, such as artistic performance agencies, intangible assets evaluation agencies and information and consultation agencies, will be developed in accordance with the law.

- Encouraging cultural creativity and popularization. A special fund for cultural development and a special fund for the creation and performance of excellent theatrical programs will be established to support the creation of new programs in traditional operas as well as their training of performers and charity performances, and to boost cultural and artistic activities for the purpose of public welfare or as a demonstration. State-run art troupes are encouraged to perform at community-level venues. In 2009 and 2010, the state will invest 100 million yuan to provide some 300 mobile stages for art troupes and other grassroots cultural establishments so that they can easily and regularly go to the countryside to stage performances. The government will appropriate 3.4 billion yuan, using live satellite broadcasting technology, to make radio and TV broadcasting available in 716,600 villages each with at least 20 households where electricity is available by the end of 2010. The fund will also help bring digital film projection to rural areas throughout the country, one showing per month in each village.

- Continuously making museums and patriotic education bases open to the public free of charge, and conducting studies for formulating laws and instituting systems regarding the guarantee of cultural undertakings of a public welfare nature.



- Intensifying efforts in the protection of intellectual property rights and punishing all infringements of IPR in accordance with the law to safeguard the legitimate rights and interests of IPR holders. A public patent search and service platform will be put in place.

#### (7) Environmental rights

Upholding the principle of harmonious development between man and nature and the rational exploitation and utilization of natural resources, China will take an active part in international cooperation in an effort to create an environment favorable for human existence and sustainable development and build a resource-conserving and environment-friendly society to guarantee the public's environmental rights.

- By the year 2010, the emission of sulfur dioxide and the amount of chemical oxygen demand will be brought under control; the environment quality in major areas and cities will be improved and the deterioration of the ecological environment will be basically checked; and the environment is safe from nuclear and radiation hazard. In 2010, the amount of chemical oxygen demand and the emission of sulfur dioxide will be 10 percent lower than those in 2005, and the percentage of poor-quality surface water areas of Level V under the state's water-monitoring standards will be down by 4.1 percentage points from that of 2005. Meanwhile, the percentage of areas in the seven major water systems categorized as higher than Level III will increase by 2 percentage points, and the percentage of days in a year surpassing 292 days with better than Level-II air quality in major cities will be up by 5.6 percentage points.

- Implementing the National Environment and Health Action Plan (2007-2015) by improving the legal, management, and scientific and technological support systems related to the environment and health to limit the impact of hazardous environmental factors on health, reduce the occurrence of environment-related diseases to safeguard the public health. This will help realize the compulsory targets for environmental protection set in the Outline of the 11th Five-year Plan and the UN Millennium Development Goals.

- Strengthening the rule of law in the sphere of environmental protection to safeguard the public's environmental rights and interests. Special actions will be taken to protect public health by intensifying monitoring over and punishing enterprises that discharge pollutants against the law, and by investigating and severely punishing acts and cases of violating laws and regulations on environmental protection. Environmental safety checkups will be conducted continuously, focusing on enterprises in the petroleum, chemical and smelting industries located by rivers and in densely populated areas to eliminate potential risk factors that threaten the environment. Supervision and management of dangerous chemicals, dangerous wastes and radioactive wastes will be strengthened to ward off environment-related risks. To promote open government administration, China practices the system of publicizing state policies, laws, regulations and project approvals, as well as releasing information on the handling of cases related to environmental protection. The work of handling public complaints and petitions will be improved to bring the role of the "12369" environmental protection hotline into full play, and to widen and smooth out the channels for people to report and complain to the government.

- Doing all we can to make the ratio of energy consumption per GDP unit in 2010 around 20 percent lower than that in 2005.

- Developing renewable energy resources, and working toward the goal of increasing their consumption to 10 percent of the total energy consumption by 2010.

- Implementing China's National Plan for Coping with Climate Change by slowing down greenhouse gas emission. While enhancing energy utilization efficiency and developing renewable energy resources to reduce the emission of carbon dioxide, China will strive to maintain the discharge of nitrous oxide in the processes of industrial production at the 2005 level, to increase the forestry coverage to 20 percent, and increase the annual carbon sink by about 50 million tons of carbon dioxide over the level of 2005. By 2010, the country expects to have 40 million ha of improved grasslands, have 110 million ha of degraded, sand-encroached and alkaline grasslands treated, and raise to 0.5 the effective utility coefficient of agricultural irrigation water. At the same time, China will put around 90 percent of its typical forest ecological systems and national key wild animals and plants under proper protection, to increase the percentage of nature reserves to the total land area in the

country to about 16 percent, and to treat 22 million ha of desertified land. Half of China's total wetland area is to be satisfactorily protected.

- In the 2009-2010 period, an additional 100,000 sq km of land that has suffered soil erosion previously will be treated comprehensively, and 120,000 sq km of land will undergo ecological restoration. The ecologically vulnerable environment of such rivers as the Heihe, Tarim and Shiyang will be improved.

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

China will make great efforts to break the dual structure of urban and rural systems, speed up the construction of a new countryside and safeguard farmers' legitimate rights and interests.

- Guaranteeing farmers' land right. The government has made it a point to confirm and register rural land and issue land-right certificates, protect farmers' right to own and use their land and obtain profits from the land, and punish any actions violating the regulations on land management. The market for circulating the right to contract and manage land will be improved, where the farmers can turn over their land-use and contract rights by means of subcontract, lease, interchange or transfer, or by joining stock cooperatives, following the principle of voluntariness and with compensation. Overall reform of the collective forest ownership system is expected to make headway, aiming to ensure that farmers have equal right to manage collective forest land under contract and to ensure their status as the main player of operation.

- Protecting farmers' usufructuary right to their homesteads. On the principles of having a strict and efficient administration, raising efficiency and making it convenient for and beneficial to the people, the management of farmers' homesteads will be strengthened to better suit farmers' needs in their house construction. The examination and approval procedure for homesteads will be standardized and simplified, and made open through public bulletins to get the supervision of the villagers. Supervision over the distribution and use of homesteads in rural areas will be reinforced to raise the efficiency of homestead utilization in rural areas.

- Reforming the land requisition system by strictly defining land for public use and land for business purposes, gradually reducing the scope of land requisition and improving the compensation mechanism for land requisitioned. The requisition of collective land in rural areas in accordance with the law should follow the principle of same price for the same land, paying in full and in a timely manner reasonable compensation to the collective or farmers whose lands have been requisitioned. Meanwhile, the farmers' employment, housing and social security problems should be addressed properly. Farmers are allowed to take part in, in accordance with the law, the development and management of collective land used for non-public-welfare purposes that is not included in the overall land-use plan for urban construction.

- Raising farmers' income level. The Chinese government will increase the subsidies for grain-producing farmers by relatively a large margin each year, improving the dynamic mechanism for adjusting the comprehensive subsidies for agricultural production means in association with their price hikes. Efforts will be made to improve the price-forming mechanism for grain and other major agricultural products, as well as the protection system for the prices of agricultural products, and the regulatory system of the agricultural product market by steadily raising the minimum grain-purchase prices. The state will improve the methods of protecting the prices of other major agricultural products, and keep the prices of agricultural products at a reasonable level.

- Promoting equality between urban and rural areas in availability of basic public services. This will help balance the distribution of public resources between urban and rural areas, and enable the free flow of elements of production. A rural credit guarantee system is to be set up with government support, multi-party participation and market operation, and efforts will be made to accelerate the building of a mechanism for agricultural reinsurance that can split the risks of major disasters. The government will also speed up the building of a unified urban-rural human resources market to help farmers find jobs away from their hometowns or in non-agricultural employment within their regions, or setting up businesses after returning to their hometowns.

- Improving farmers' health. By 2010, a new rural cooperative medical care system will cover virtually all the rural residents. Every township will have a government-run hospital, and every administrative village will have a clinic. Rural grassroots health

and hygiene work will be strengthened to ensure that the pass rate of health and hygiene work at grassroots level reaches 80 percent in every county. China plans to solve the drinking water problem for 120 million people in rural areas in the period 2009-2010. This will make drinking water safe in villages that are now moderately or seriously haunted by fluorine, arsenic or schistosomes. To this end, the government will work out the 2010-2013 Plan for the Nationwide Safe Drinking Water Project in Rural Areas.

- Strengthening the protection of the rights and interests of rural migrant workers. Equal treatment for migrant workers and urban resident workers will be gradually realized in terms of payment, skill training, etc., and the treatment of the migrant workers regarding their children's education, public hygiene, as well as renting and purchasing of houses will be improved step by step. Working conditions of migrant workers will be improved, and coverage of industry-related injury insurance, medical care insurance and old age pension for migrant workers will be expanded. Methods for migrant workers underwriting basic old-age insurance policies will be formulated and implemented as soon as possible. Efforts will be made to push forward the reform of the household registration system to gradually relax the requirements for settling down in small and medium-sized cities.

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

The massive earthquake which struck Wenchuan, Sichuan Province, on May 12, 2008 caused colossal life and property losses to the areas hit. The State Council specially enacted the Regulations on Post-Wenchuan Earthquake Rehabilitation and Reconstruction and the General Plan for Post-Wenchuan Earthquake Restoration, decided to finish the major reconstruction tasks, make the basic living conditions of the victims and the economic development level of the quake-hit areas restore to or exceed the pre-quake levels in three years' time, and attain the goal that every family has a house to live in as well as an income from employment, with social security for everyone.

- Basically completing rebuilding of collapsed or seriously destroyed farmers' houses to ensure that quake survivors can move into new houses by the end of December 2009.

- Taking a range of measures to resolve the problem of employment for over 1 million people in the restoration areas included in the plan, with emphasis on finding a job for at least one member of each jobless family. In these areas, urban residents' average disposable income and rural residents' average net income will surpass the levels before the earthquake, with a secured basic living standard for all people in the quake-devastated areas.

- Rebuilding and restoring elementary and middle schools to high quality. Priority is given to restoring and rebuilding county-level hospitals and public service institutions for disease prevention and control, women's and children's healthcare and family planning, as well as township-level clinics and major township family planning service stations.

- Respecting earthquake victims. Registering the names of people who died or disappeared in the earthquake and made them known to the public.

- Persistently supervising and checking the use of relief funds and materials to ensure that they are all sent to and used for people in the disaster-hit areas and for the smooth progress of the rehabilitation and reconstruction work. Regulations have been worked out and improved for the management and use of relief funds donated by society, stressing special checks on major areas and key links. The people are given full scope in their supervisory role. Any illegal acts of embezzlement, or unauthorized withholding or misappropriation of relief funds or materials will be investigated and severely dealt with in accordance with the law.

- Implementing the Law on Earthquake Prevention and Disaster Reduction and other relevant laws and regulations to provide better legal guarantee for future precautions against earthquakes and disaster reduction. Knowledge of disaster reduction and the necessary precautions against disasters should be made more widely known through campaigns to popularize them, and education in this regard should be included in the national education system. Disaster-reduction-related knowledge should

also be integrated into the activities of spreading cultural, science and technology and hygiene knowledge in the countryside. The construction of emergency shelters and venues for disaster relief should be included in urban and rural planning.

## II. Guarantee of Civil and Political Rights

In the period 2009-2010, China will continue to strengthen work to improve democracy and the rule of law, improving systems for democracy, diversifying the forms of democracy and expanding the channels of democracy, strengthening the protection of civil rights in the execution of administrative laws and in judicial practices, and raising the level of ensuring people's civil and political rights.

### (1) Rights of the person

China will improve its preventative and relief measures to protect citizens' personal rights in every process of law enforcement and judicial work.

- The state prohibits the extortion of confessions by torture. Evidence will be collected in accordance with the legally prescribed process. It is strictly forbidden to extort confessions by torture and to collect evidence by threat, enticement, deceit or other unlawful means. Anyone who coerces confessions out of a suspect by torture, corporal punishment, abuse or insult shall be handled in accordance with the seriousness of the acts and consequences. If the case constitutes a crime, criminal responsibility shall be investigated in accordance with the law.

- The state prohibits illegal detention by law enforcement personnel. Taking a criminal suspect in custody, changing the place of custody, or extending the term of detention must be carried out in accordance with the law. Wrongful or prolonged detention shall be prevented. The state will improve the measures of providing economic compensation, legal remedies and rehabilitation to victims. Those who are responsible for illegal, wrongful or prolonged detention shall be subjected to inquiry and punished if found culpable.

- Death penalty shall be strictly controlled and prudently applied. Every precaution shall be taken in meting out death sentence, and the system of death sentence with a two-year reprieve shall be improved. If a criminal sentenced to death with a two-year reprieve commits no intentional offense during the suspension period of the sentence, he/she will not be executed at the end of such suspension period, and his/her punishment will be commuted in accordance with the law.

- The state implements stringent judicial procedures for death sentences, and improves such procedures for review. Death penalty cases shall be handled in accordance with the relevant articles of the Criminal Law and the Criminal Procedure Law. China adheres to the basic principle of legally prescribed punishment for each specified crime, suitable punishment for each crime, criminal law equally applicable to everyone, public trial and statutory procedures. It attaches equal importance to procedural impartiality and substantive impartiality, and guarantees the full execution of litigation rights (including the right to defense) of criminal suspects and defendants. China sticks to the principle of public trial for death penalty cases of second instance, so as to ensure the integrity of such cases. Apart from the death sentences given by the Supreme People's Court in accordance with the law, all death sentences must be reported to the Supreme People's Court for review and approval. The People's Procuratorate shall tighten its supervision over death penalty cases in accordance with the law.

- The state establishes and improves supervisory mechanisms for enforcement of law and administration of justice. The state shall rigorously implement a responsibility system in law enforcement, a law enforcement quality evaluation system, a system of accountability for cases mishandled, a system of leadership accountability, and a system of resignation. In accordance with the law, China punishes unlawful infringements of citizens' personal rights by state functionaries taking advantage of their positions and powers. Judicial officers shall be punished for infringements of citizens' personal rights, such as extracting evidence illegally or by violence, in accordance with the law.

### (2) Rights of detainees

The state will improve the legislation concerning prison management and take effective measures to ensure detainees' rights and humanitarian treatment.

- The state will make efforts to improve the laws, regulations, policies and measures related to the protection of detainees' rights and humanitarian treatment.

- In accordance with the law, the state strictly carries out every procedure in the execution of criminal punishment, such as taking a convict into custody, commutation, parole, temporary serving of a sentence outside prison and release from prison. The procedures for law enforcement shall be further standardized, so as to ensure that they are rigorous and detailed, and that the legal documents and warrants provided at every stage of law enforcement are authentic, properly kept and documented in files.

- The state is improving the system of accountability, the system of publication, the system of performance evaluation and examination, and the system of investigating wrongdoing in law enforcement in prisons and detention houses; it is establishing a supervisory system and a power-restraint mechanism for law enforcement, and intensifying investigation into illegal activities committed during law enforcement and punishing those who are held accountable.

- Effective measures shall be taken to prohibit such acts as corporal punishment, abuse, insult of detainees or the extraction of confessions by torture. All interrogation rooms must impose a physical separation between detainees and interrogators. The state establishes and promotes the system of conducting a physical examination of detainees before and after an interrogation.

- The state is further improving the system of treatment for detainees. The rules regarding detainees' correspondence, meeting with people, entertainment, and family visits shall be improved. The state is improving the sanitation management system for detainees as well as their medical treatment, and promoting standardized management of detainees' life and health care. The state will pay attention to individualized education and correction of detainees, popularizing and intensifying education concerning mental health and psychological counseling. More funds will be made available to improve the environment and conditions for detainees in prisons and detention houses, and to help cover the expenses for daily supplies, overhead, the purchase and wear and tear of equipment, maintenance and other expenditures.

- The state is improving an open system of law enforcement in prisons and detention houses by making public detainees' rights as well as the law-enforcement standards and procedures to detainees, their families and society at large. Supervision is effectively carried out over law-enforcement activities in prisons and detention houses by providing complaint services (letter boxes or telephone numbers), directly meeting leaders of prisons or detention houses, or hiring public supervisors.

- The state is intensifying real-time supervision conducted by the people's procuratorate on law enforcement in prisons and detention houses. For detainees' convenience, complaint letter boxes are set up in their cells, and a detainee may meet the procurator stationed in a prison or detention house by appointment, if the former feels he has been abused and wants to make a complaint.

### (3) The right to a fair trial

The state, in accordance with the law, guarantees the rights of litigants, especially those charged with criminal offences, to an impartial trial.

- The state takes effective steps to guarantee the lawful, timely and impartial trial of all cases, and ensures clear facts, sufficient evidence and legitimate trial procedures.

- The information of open trials shall be fully released. As for open trial cases, the people's court shall announce, three days before the opening of the session, the summary of the case to be heard in public, the name of the defendant, and the time and place of the court session. People's courts are required by law to give the reasons for cases that are not tried openly.

- When trying cases openly, the court allows for evidence to be provided openly, witnesses to be questioned openly, all arguments made openly, and all judgments announced openly. Citizens with valid certificates may attend any open court session.
- People's courts with necessary conditions shall record or video their court sessions and major relevant trial activities, and establish audio-visual archives of trial work. The parties concerned may, in accordance with the law, consult or duplicate materials documented by the courts.
- The state encourages the higher people's courts at all levels to intensify their efforts to publicly release their judgment paper that has come into effect by working out detailed measures, such as via publications, local networks or the Internet.
- The state takes concrete measures to ensure people's jurors' right to participate in court trials in accordance with the law, allowing them to exercise their voting right independently in a collegial panel concerning the facts determined and the application of law in the judgment.
- The state encourages the revision and abolition of various laws, regulations and regulatory documents that are inconsistent with the Lawyers Law; guarantees lawyers' rights to meet, correspond with and review files of persons in custody, and to conduct investigations and collect evidence. The state also guarantees the personal rights of lawyers and their right to debate or defend when they carry out their duties.
- The state expands the targeted recipients and scope of judicial assistance. In light of relevant rules and actual case situation, the litigation fees shall be lowered by simplifying the procedures and increasing the range and sums of litigation costs that can be deferred, reduced or exempted in accordance with the law. The state promotes legislative work to provide national assistance to victims of crime, specifying the conditions, standards and procedures for such national assistance.
- The state is strengthening the legal aid system, and fulfilling the government's responsibility in this regard. It is also expanding the coverage of legal aid and increasing related funding, to extend convenient, rapid and sound legal aid to more poor people.
- The state is revising the State Compensation Law, and clarifying compensation issues, involving the applicant, the categories and scope, the organs under compensatory obligation, as well as the procedures, means and calculating standards, thus guaranteeing citizens, legal persons and other entities in their obtaining of state compensation.

#### (4) Freedom of religious belief

China fully implements the policy of freedom of religious belief, and, in accordance with the law, manages religious affairs and protects citizens' freedom of religious belief.

- The state, in accordance with the law, protects normal religious activities, as well as the lawful rights and interests of religious bodies, venues of religious activities and religious believers.
- The state implements the Regulations on Religious Affairs, improves relevant auxiliary regulations and enacts relevant local laws and regulations to guarantee freedom of religious belief of citizens.
- The state protects its citizens from being compelled to believe in or not believe in any religion, and from any discrimination on the grounds of religious belief, and guarantees the rights and interests of religious believers.
- The state respects ethnic minorities' religious beliefs, and protects their religious cultural heritage. It continues to make necessary investments in the maintenance and reconstruction of temples, mosques and other religious facilities of important historical and cultural value in ethnic-minority areas.

- The state gives full play to the positive role of religious circles in the promotion of social harmony and socio-economic development. It also encourages and supports religious circles in launching social welfare programs, exploring methods and channels for religions to better serve society and promote the people's well-being.

#### (5) The right to be informed

The Chinese government will make more efforts to keep the public informed of government affairs, and improve relevant laws and regulations, so as to guarantee citizens' right of information.

- By implementing the Regulations on the Disclosure of Government Information, the state will make comprehensive, regular assessments of the work of the government and relevant departments about the disclosure of government information, examine and urge organizations responsible for public affairs management to make public of information related to government affairs, and in accordance with the law call to account personnel in charge and people directly responsible who violate the Regulations. Local regulations concerning how to make known to the public government affairs will be improved.

- A comprehensive system ensuring transparency in government affairs will be gradually put in place. Governments at town and town-ship levels shall make public the implementation of relevant state policies regarding rural work, their revenue and expenditure, and their use of various kinds of special funds. Governments at the county or city levels shall mainly publicize plans about local development, the examination and approval of major projects and their execution, government procurement details, the requisition of lands, demolition of houses and so on. Provincial governments shall mainly publicize policies and overall plans for local economic and social development, fiscal budget reports and final account reports, and property transactions. E-government will be promoted to gradually achieve the goal that governments above the county level and their departments each has a website and most government organs and public institutions each has a hotline.

- Government news release system and the spokesperson system will be improved. The state will make greater efforts to train spokespersons and news release staff, releasing news in various forms, enhancing the quality of press conferences, releasing government information in a timely, accurate and authoritative manner, so as to increase the transparency of government work and improve the level of information service by the government.

- The state will release information on natural disasters, emergencies and production safety accidents in a timely and accurate manner, and in accordance with the law, and publicizes timely the results of investigation and handling of serious or exceptionally serious production safety accidents.

- The state will make efforts to make village affairs more transparent. Catalogues of information regarding village affairs to be released to the public will be compiled by county-level organs, so as to make the publicity of village affairs more standardized.

#### (6) The right to participate

The government will expand citizens' participation in political affairs in an orderly way at all levels and in all sectors, so as to guarantee citizens' right to participate.

- The people's congress system will be improved. Revisions will be made to the Election Law to improve the election system. Deputies to the people's congresses will be elected according to the same ratio of population in both urban and rural areas; the proportions of deputies from among ethnic minorities, returned overseas Chinese, women, grassroots workers, farmers and migrant workers in the total number of deputies to people's congresses at all levels will be increased appropriately, and the close ties between the deputies and their constituencies will be maintained. Earnest measures will be taken to ensure that deputies to people's congresses exercise their functions and powers in accordance with the law.

- Political consultation will be incorporated further in the decision-making procedures, and the effectiveness of the participation and deliberation of state affairs by personages from non-Communist parties and people with no political affiliation will be enhanced. The ratio of personages from non-Communist parties and people with no political affiliation holding leadership positions in government departments, particularly principal positions, will be appropriately increased. Respect will

be shown to opinions and suggestions raised by people from non-Communist parties and people with no political affiliation at CPPCC meetings, guaranteeing their right to make inspections, take part in investigations and examinations, submit proposals and report social conditions and public opinion.

- The system of people's self-governance at the grassroots level will be improved, its scope expanded, and the system of democratic management perfected. The amendment of the Organic Law of the Villagers Committee will be pushed ahead, and the level of villagers' self-governance and democratic management enhanced. The coverage of direct elections of urban neighborhood committee members will be expanded, aiming to reach 50 percent by 2010. The democratic management system in enterprises and public institutions, with workers' conferences as its basic form, will be improved; the workers and staff are encouraged to share part of the management duties, and their legitimate rights and interests are safeguarded. Exploration shall be made for new methods and approaches by which neighborhood and social organizations in urban areas participate in neighborhood management and services, and the existing forms of social participation in urban communal affairs, including democratic hearing and coordination meetings, shall be improved. Effective methods and approaches shall be explored to let the floating population participate in residents' self-governance in the neighborhoods they usually live in.

- Democratic and scientific decision-making will be promoted to expand public participation in the decision-making process. In principle, public opinions will be solicited when laws, regulations or public policies which are closely related to the interests of the people are formulated. Institution building will be promoted for holding public hearings on the legislation of important laws and regulations, soliciting public opinions for the formulation of major policies and measures, and holding expert consultation or third-party verification when making decisions over major issues.

- Guarantee will be extended to trade unions, women's federations, youth federations and other mass organizations for them to carry out their work in accordance with the law and their respective charters. The channels will be broadened to support mass organizations to participate in social management and public services, so as to protect the people's legitimate rights and interests. The government will earnestly solicit opinions from the mass organizations when formulating relevant laws, regulations and public policies.

- The construction and management of social organizations will be strengthened to enhance their functions in serving society. Revisions will be made to the Regulations on the Registration and Management of Social Organizations, Interim Regulations on the Registration and Management of Private Non-enterprise Entities, and Regulations on the Management of Foundations to ensure social organizations conduct activities in accordance with the law and their respective charters. The government encourages social organizations to participate in social management and public services, encourages the establishment of private non-enterprise entities in the fields of education, science and technology, culture, health care, sports and public welfare. It gives play to the social functions of social organizations such as industry associations, societies, and chambers of commerce, and develops and standardizes all kinds of foundations to promote programs for the public good.

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

The state will take effective measures to develop the press and publications industry and ensure that all channels are unblocked to guarantee citizens' right to be heard.

- Institutional guarantees for the legitimate rights of news agencies and journalists will be strengthened, the legitimate rights and interests of news agencies, journalists, editors and the person(s) concerned in news items safeguarded, and journalists' right to gathering materials, criticize, comment and publish ensured in accordance with the law. The government will continue to push forward the reform and development of television stations, radio stations, the Internet and the newspaper industry. Efforts will be made to reach the goal of 1,000 people having 90 daily newspapers and every family having 0.3 news-paper, on average, by 2010.

- Laws, regulations and rules governing the Internet will be improved to promote the orderly development and application of the Internet and guarantee citizens' right to use the Internet in accordance with the law.

- Laws and regulations related to the press, publishing, radio, film and television will be improved. The amendment of the Regulations on the Administration of Publications will be launched, and the responsibility of people's governments at all levels



in protecting legal publications will be clearly spelled out. The government will research and draft the Regulations on Copyright Protection of Folk Literature and Artistic Works, and improve the legislation and systems regarding the guarantee of radio and television transmission, and motion pictures.

- The state will give full play to the positive role of social organizations in expanding public participation and reporting their petitions for improvement of the self-governance capability of society. The proportions of deputies from social organizations to the Chinese People's Political Consultative Conference (CPPCC) at all levels will be increased. People's governments at all levels, when formulating major laws, regulations and public policies, will solicit opinions and comments from social organizations. Industry associations and chambers of commerce will solicit suggestions from their respective trades and enterprises; learned societies and research societies will study the demands of the common people; foundations and organizations of a public welfare nature will report to authorities the appeals and demands of the underprivileged; and neighborhood organizations in both urban and rural areas will get to know social conditions and public opinions better. All these measures are aimed at guiding people to express their opinions in a reasonable way and participate in public affairs in an orderly way.

- The channels for people to make complaints in the form of letters and visits will be broadened and remain unblocked. The government will open up different channels, including Green Post, special telephone lines, online complaints and agencies, to ensure that the people can voice their petitions by letter, fax, e-mail or other written forms. A nationwide complaint information system will be built, a state-level office to deal with complaints set up, and a system to solicit suggestions from the people established and improved, so as to make it convenient for the people to voice their petitions, report problems and offer suggestions. We will persist in the system that Party and government leaders read letters from the people and make comments or issue instructions on them and receive visitors on a regular basis. Efforts will be made to improve the system in which Party and government leaders, deputies to Party congresses, deputies to people's congresses and CPPCC members take the initiative to contact people who make complaints through letters and visits, so as to safeguard the people's legitimate rights and interests.

#### (8) The right to oversee

The state will improve laws and regulations, and explore scientific and effective approaches to improve the mechanism of restraint and supervision, and guarantee the people's right of democratic supervision.

- The Law on the Supervision by the Standing Committees of People's Congresses at All Levels shall be implemented to strengthen supervision by the people's congresses' over administrative, trial and procuratorial organs, focusing on conspicuous problems that have a bearing on the overall situation of reform, development and stability, affect social harmony or cause strong public resentment. In the period 2009-2010, the Standing Committee of the National People's Congress will hold hearings and deliberate on reports of the State Council concerning the building of the rural social security system and efforts to improve employment and reemployment; and reports of the Supreme People's Court on strengthening enforcement of court rulings in civil cases, and special reports of the Supreme People's Procuratorate on strengthening inspection of malfeasance and other work. It will continue to strengthen examination and supervision of plans for national economic and social development, and of budgets and final accounts. It will earnestly organize for inspection on the enforcement of the Trade Union Law, Stock-breeding Law, the Law on Food Safety and other laws, do a good job in the follow-up and supervision of any suggestions proposed in inspection reports on the enforcement of the Labor Contract Law, Compulsory Education Law, Law on the Protection of Minors and other laws. It will also strengthen examination and supervision regarding whether normative documents conform to the Constitution and laws.

- The democratic supervision mechanism of the CPPCC will be improved, making institutional improvements in the links of getting information, communication and feedback to guarantee unblocked channels for democratic supervision and enhance the quality and efficiency of democratic supervision. Full play will be given to the role of CPPCC bills and proposals in democratic supervision, and government departments concerned shall handle them seriously, and give formal replies without delay.

- The people's supervision over administrative, trial and procuratorial organs will be strengthened, and efforts will be stepped up to exercise supervision over law enforcement, and government honesty and efficiency. The special supervisor system will

be further improved to strengthen supervision over administrative organs and their functionaries. The state will explore and experiment with the special examiner system to supervise, together with other forms of supervision, court operation and judicial officers in terms of trial style, style of work, professional ethics, honesty and self-discipline. The state will explore and experiment with the special inspector system, reform and improve the people's supervisor system, and supervise procuratorial organs, together with other forms of supervision.

- The state will guarantee citizens' rights to criticize, give advice to, complain of, and accuse state organs and civil servants, and give full play to the role of mass organizations, social organizations and the news media in supervising state organs and civil servants.

- Laws and regulations on the prevention and punishment of corruption will be strictly implemented, so will rules that require leading cadres to be clean and self-disciplined. Supervision over principal leading cadres will be earnestly strengthened to ensure the correct exercise of power. Full play will be given to the role of administrative supervision to resolutely stop unhealthy practices that hurt the fundamental interest of the public, and effective measures will be taken to deal with major issues that cause strong public resentment.

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

In the period 2009-2010, China will take further measures to protect the rights and interests of ethnic minorities, women, children, elderly people and the disabled.

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

China is a unified country composed of 56 ethnic groups identified and acknowledged by the central government. The 55 minority ethnic groups - Han Chinese not included - have a total population of 106.43 million, accounting for 8.41 percent of the total population of China (Based on statistics released after the fifth national census in 2000). In China, all ethnic groups are equal, and the state protects the lawful rights and interests of ethnic minorities.

- Promoting lawmaking related to the affairs of ethnic minorities. The state will expedite the formulating of ancillary regulations that promote the implementation of the Law on Regional Ethnic Autonomy. The Regulations on Ethnic Minority Work in Cities and Regulations on Administrative Work in Ethnic Townships will be revised.

- Guaranteeing that ethnic minorities exercise the right to manage the affairs of ethnic autonomous areas and participate in managing state affairs. The state will make sure that all the 55 minority ethnic groups have their representatives in the National People's Congress, with at least one representative for any ethnic group with a very small population. Any minority ethnic group with a population of more than 1 million is guaranteed to have a member on the Standing Committee of the National People's Congress. The state will continue to guarantee that among the chairman and vice-chairmen of the standing committee of the people's congress of an autonomous area there shall be one or more citizens of the ethnic group or groups exercising regional autonomy in the area concerned, and that the head of an autonomous region, autonomous prefecture or autonomous county shall be a citizen of the ethnic group exercising regional autonomy in the area concerned. The state will guarantee that people from minority ethnic groups are well represented in state power organs as well as administrative, judicial and procuratorate organs at the central and local levels to participate in the management of state and regional affairs.

- Promoting the development of education for ethnic minorities. The state will continue to establish and develop schools and organize preparatory classes for ethnic minorities, adopt bilingual teaching systems and give preferential treatment to students of minority ethnic groups in enrollment in schools and universities. It will promote boarding education in the vast rural and pastoral areas, and establish Tibetan junior high schools and Xinjiang senior high classes in the hinterland. By 2010, more than 95 percent of the population of ethnic autonomous areas should have access to nine-year compulsory education.

- Strengthening the training of personnel of ethnic minorities, and making efforts to let the proportion of people from ethnic minorities in employment approach the proportion of the ethnic minority population to that of China's total population. The state will train, by rotation, cadres of ethnic minorities at the district/county level, and have cadres working in the field of ethnic

minority work receive training in modern management and general skills. It will pick candidates from among the middle-aged and young cadres of ethnic minorities at the county (city, banner, district) and township levels to receive college education, including sending outstanding middle-aged and young technicians of ethnic minorities to other countries for training programs.

- Guaranteeing ethnic minorities' right to learn, use and develop their own spoken and written languages. The state will train people to be specialists in the spoken and written languages of ethnic minorities, and guarantee the use of such languages in the judicial, administrative and educational fields. It will increase financial aid to publications using languages of ethnic minorities, and support the publishing of books and magazines in ethnic-minority languages. It will help enhance the capabilities to produce (as well as the capabilities to translate) films, and radio and television programs in languages of ethnic minorities. It will raise the rate of coverage of radio and television broadcasting in languages of ethnic minorities in border regions, and promote the standardization and informationization of the spoken and written languages of ethnic minorities.

- Promoting the development of the cultures of ethnic minorities. The government will continue to introduce to China and the rest of the world the famous cultural and artistic accomplishments of ethnic minorities in the fields of literature, opera, music, dance, fine arts, handicrafts, architecture, customs, costume and food. It will produce fine films, and radio and television programs with ethnic minorities as the subject matter, and support ethnic publishing projects that have a significant impact on the cultural development of ethnic minorities; donate books and magazines in languages of ethnic minorities as well as Chinese to libraries and elementary and middle schools in counties(cities, banners, districts) where ethnic minorities live in compact communities, and to farming and pastoral areas inhabited by ethnic minorities; and protect, develop and foster performing arts with characteristics of ethnic minorities.

- Promoting economic development in areas inhabited by ethnic minorities and raising the standard of living of the ethnic minorities. The state will increase investment in economic and social programs in areas inhabited by ethnic minorities. During the period 2009-2010, the state will appropriate more than 2 billion yuan as a development fund for ethnic minorities to accelerate their economic and social development. Of the sum, nearly 1 billion yuan will be used to help the construction of infrastructure, the renovation of dilapidated houses, the improvement of people's living and production conditions, industrial development, salaries and social programs in regions where ethnic minorities with relatively small populations live in compact communities. The state will continue to support the economic and social development of border areas, focusing on solving difficulties in people's livelihood in those areas. Poverty elimination in extremely impoverished ethnic villages will be a priority. The goal is to make these villages have access to roads, electricity, telephone service, and radio and TV programs, making sure that these villages have schools, clinics, safe drinking water for people and livestock, safe housing as well as farm fields or pastureland that can provide sufficient food and clothing for the villagers.

## (2) Women's rights

The state will continue its efforts to realize the goals stated in the Program for the Development of Chinese Women (2001-2010), promoting gender equality as well as guaranteeing women's legitimate rights and interests.

- Increasing women's participation in the management of state and social affairs. People's congresses, political consultative conferences and local governments at all levels should have at least one female member in their leadership. Women should be present in at least 50 percent of the government leadership of central government ministries, provincial governments (governments of autonomous regions and municipalities directly under the central government) and city governments (governments of prefectures and leagues). The proportion of female civil servants in the leadership of departments and divisions will be increased in government bodies above the city (prefecture) level. At least 20 percent of the reserve cadres at provincial, city and county levels should be women. The proportion of women civil servants in state organs at all levels will be increased, and in professions and industries where women are in the majority the number of women holding managerial posts should be in an appropriate proportion to the number of total women workers. An appropriate number of women members will be included in community committees and village committees.

- Guaranteeing equal right for women in employment and their access to economic resources. Gender discrimination is prohibited in the recruit of new workers and staff. Special provisions for the protection of women will be included in job contracts and collective contracts, and special labor protection measures for women will be improved. The coverage of maternity insurance for urban female employees will reach 90 percent. The membership and legal rights of women in rural

collective economic organizations will be guaranteed, and local practices against related laws or regulations must be corrected to ensure that women enjoy equal land rights and other property rights with men.

- Guaranteeing women's right to education. The net enrollment rate of school age girls will reach 99 percent, and the proportion of girls staying in elementary school for five years will reach 95percent. The gross enrollment rate of female students in junior high schools will reach 95 percent; that in senior high schools, 75 percent; and that in institutions of higher education, 15 percent. The literacy rate of adult women will be raised to 85 percent, and that of young and middle-aged women, 95 percent. Teachers' training programs should include education on gender awareness.

- Guaranteeing women's reproductive rights and improving maternity health care services. Information and education on family planning and reproductive health will be provided for women, who enjoy equal rights in family planning with men. Information on contraception and reproductive health services will be provided for women to choose, according to their individual conditions, safe, effective and appropriate contraception methods. By 2010, the coverage of maternity health care services in urban and rural areas will exceed 90 percent and 80 percent, respectively. The dissemination rate of knowledge on reproductive health and family planning for women of childbearing age will reach 80 percent. In rural areas, the rate of women giving birth in hospitals will reach 90 percent. In remote areas where hospitalization for lying-in women is hard to achieve, the utilization rate of new delivery methods will reach 95 percent. Complications caused by birth control surgery should be controlled under one per thousand.

- Preventing and cracking down on the crimes of abducting and trafficking in women. The Action Plan to Crack Down on the Abduction and Trafficking in Women and Children (2008-2012) has been promulgated and implemented, and an inter-ministry joint conference system of working units will be established to prevent and crack down on the crimes of abducting and trafficking in women and children, as well as to rescue and resettle those who have been abducted.

- Prohibiting all forms of domestic violence against women, exploring and establishing a working mechanism that combines prevention, prohibition and assistance in the fight against domestic violence.

- Adopting forms of management appropriate for women convicts. The emphasis will be placed on enhancing the ability of female convicts to get jobs after they return to society through training courses in professional skills.

### (3) Children's rights

Centering around the "children first" principle, the government will endeavor to realize the goals set in the Program for the Development of Children of China (2001-2010), making every effort to guarantee children's rights to life, development and participation in various affairs.

- Improving law and policy making for the juvenile population. Correlative regulations to the Law on the Protection of Minors will be revised at provincial levels, and supportive regulations to the Law on the Prevention of Juvenile Delinquency will be made by local governments.

- Guaranteeing children's right to health. Cases of children under five suffering serious malnutrition will drop by one-fourth from that of 2000. Children's health care coverage will reach 90 percent in urban areas, and 60 percent in rural areas, and 90 percent of elementary and middle school students should pass the "National Physical Exercises Standards" test.

- Promoting children's participation. The state will create an environment and opportunities to expand children's participation in family, school, community and social affairs in line with children's physical and psychological development. Children's right to get access to necessary information will be guaranteed through the joint efforts of media, publishing, radio, television and film agencies.

- Prohibiting the employment of child labor. Any individual or entity using child labor will face severe punishment.

- Preventing and cracking down on the crimes of abducting and trafficking in children. The government will establish and improve a rescuing mechanism to help children rescued from abduction integrate again into society, and help them with practical difficulties in life, legal rights, rehabilitation and other problems.

- Reinforcing judicial protection for juveniles' rights. People's courts will, if needed, set up special departments for the trial of juvenile delinquency cases and cases involving the protection of juveniles' rights. In accordance with the actual needs, public security organs and people's procuratorates will setup special working departments for the handling of juvenile delinquency cases or appoint special staff to deal with such cases. Efforts will be made to educate and rehabilitate juvenile delinquents, and communities should play a more important role in helping them return to society. For young victims of crimes, physical and psychological rehabilitation will be provided.

- Protecting disadvantaged children's rights. Families are encouraged to adopt or foster orphans and disabled children. For disadvantaged children with relatives, the guardianship system will be strengthened, with help from society. Welfare centers for children will be standardized. By 2010, every major prefecture-level city will have one welfare center for children's rearing, protection, rehabilitation and education. In cities at and above the prefecture level and key counties (districts), a batch of well-equipped sheltering centers for homeless children will be established. For children with eyesight, hearing, language or intelligence problems, special education will be provided.

- Protecting girls' rights. Identifying the sex of a fetus for other than medical purposes and termination of pregnancy in the case of a female fetus are strictly prohibited. Crimes of killing or abandoning baby girls will be severely punished.

#### (4) Senior citizens' rights

The government will continue to improve the social security system for the aged, pushing forward the establishment of a service system for the elderly and guaranteeing their legitimate rights and interests.

- Revising the Law on the Protection of the Rights and Interests of the Elderly, and reinforcing legal protection of senior citizens' rights to housing, property, marriage, medical care, old-age support and other areas.

- Establishing an integrated service system for the elderly, with home-based care as the basis, community care as support, and nursing homes as supplement. The government supports and encourages social engagement in old-age services through various means, including private running of public facilities, government-supported private facilities and government purchasing services for the elderly. Communities will play an important role in senior citizens' care, tending their physical, psychological and medical needs.

- Pushing forward the construction of old-age service facilities. An additional 2.2 million beds will be placed in the service centers for rural households enjoying the "five guarantees" (guarantee of food, clothing, housing, medical care, and burial [education] expenses for elderly people, handicapped people 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 people to support them). Some 800,000 new beds will be added to nursing homes for bereaved seniors in towns. A batch of nursing homes will be established in big and medium-sized cities. Nursing homes, recreation centers and comprehensive welfare centers for senior citizens will be constructed in rural areas, with the target coverage of 75 percent in the villages and towns.

- Enriching senior citizens' cultural life. More colleges and schools for the elderly will be opened. At least one well-equipped recreation center will be established in each county in the western region of the country, and in every township in the central and eastern areas.

- Developing nonprofit non-governmental organizations that provide service to the elderly, and increasing the number of volunteers and social workers.

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

There are over 83 million people with various kinds of disabilities in China, accounting for 6.34 percent of the total population. The state has made great efforts to develop undertakings relating to the disabled and to beef up the building of the social security and service systems for them, providing guarantees for the legitimate rights and interests of the disabled.

- Improving the legal system to promote the development of undertakings for the disabled and to guarantee their legal rights. The state is pushing forward the formulation of the Mental Health Law, has started formulating the Regulations for the Rehabilitation of the Disabled, Regulations on the Construction of a Barrier-Free Environment, and other administrative rules and regulations, while encouraging local governments to revise the rules on implementing the Law on Protection of the Disabled and regulations for providing related preferential assistance.

- Promoting disability prevention, rehabilitation and other services. The state has started mapping out a national plan for preventing birth defects and reducing the number of disabled people, exploring a way to establish a mechanism for early screening and rehabilitation for children aged up to six. Supervision of labor safety and hygiene will be strengthened to prevent and minimize disabilities caused by work-related injuries and diseases. In the period 2009-2010, standardized community rehabilitation services will be carried out nationwide in 80 percent of urban districts and 70 percent of counties, providing such services to 2 million disabled people. The provision of community or household services is encouraged for people suffering from intelligence or mental disabilities and diseases, as well as for seriously disabled people.

- Promoting the construction of a barrier-free environment. Such work will be carried out in 100 cities. Assistance techniques or substitute technologies such as Braille, sign language, captions and special communication facilities are to be adopted to pave the way for the disabled to receive and send out information, and to participate in social activities. TV programs with sign language and special broadcasting programs for the disabled are to be launched, together with the subtitling of TV programs and films.

- Guaranteeing disabled people's right to education. Students with disabilities are guaranteed to benefit from relevant preferential policies of the state, and non-governmental programs to assist the disabled in schooling are also promoted. In central and western China, a batch of special-education schools will be built or expanded. Secondary vocational schools are encouraged to set up special courses for the disabled.

- Guaranteeing the disabled people's right to employment. The government will strengthen employment training for the disabled and the construction of an employment service network, standardize and develop business that offer jobs to a considerable number of disabled people at one go. It will promote compulsory hiring of disabled people in accordance with their proportion to the population at large. The protective employment system for the disabled will be improved, which includes tax deduction and exemption, and the special production and marketing of certain products by the disabled. Measures such as creating welfare work posts and providing social security subsidies will be implemented to ensure that by the year 2010 there will be 300,000 additional jobs for the disabled in cities and towns.

- Enhancing support for poverty-stricken disabled people in rural areas. Help will be provided to enable the 4 million disabled rural people who want for food and clothing to have adequate food and clothing, to enable the 400,000 disabled rural people with financial difficulties in the central and western regions to receive training in practical skills, and to enable 128,000 rural disabled people to rebuild their dilapidated houses.

- Guaranteeing the cultural and sports rights of the disabled. Disabled people will continue to use public cultural and sports facilities at a discount or free of charge. The Chinese government supports cultural programs of a public welfare nature, such as the production of cultural and artistic products for the disabled, and the publication of books for the blind. Encouragement will also be given to develop the special artistic skills of the disabled. Mass sports and fitness activities for the disabled will be promoted to boost their participation in the Paralympic Games, the Special Olympics and the Deaflympics.

#### IV. Education in Human Rights

In the period 2009-2010, along with the dissemination of knowledge of the law among the general public, the state will actively rely on the present systems of compulsory education, secondary education, higher education and vocational education, training organizations in state agencies, as well as the media, including radio, television, news-papers, magazines and the

Internet, to carry out education in human rights in various forms in a planned way, popularizing and spreading knowledge of the law and human rights.

- Gradually increasing the content of the law and human rights in courses of secondary and elementary schools. By making good use of the courses of Ideological and Moral Standards, China will foster students' awareness of the obligations and rights of citizens, tutoring them in the ideas of democracy, rule of law, freedom, equality, fairness and justice, as well as a healthy concept about interpersonal relations, collectivism, nation and society.

- Human rights education in secondary and elementary schools will be conducted in a flexible and vivid way in line with the characteristics of students at young age. Through varied and vivid activities after class, students will receive education in human rights from first-hand experiences and build up a healthy personality. The reform of teaching and school management will be energetically pursued, and a democratic, equal, and interactive relationship will be advocated between teachers and students, encouraging students to participate in the democratic management of the class and school, so as to enhance their awareness of democracy, rule of law and human rights through experiencing an equal and democratic relationship.

- In senior high schools, besides human rights education of a general nature, education in the "basic rights and obligations of citizens" stipulated in the Constitution and knowledge of international human rights will be carried out.

- The state continues to encourage institutions of higher learning to conduct research and education in human rights theory. Investigations into human rights education will be conducted in a number of institutions of higher learning, while scholars from universities and colleges are encouraged to carry out human right studies. The state will promote the formulating of plans for human rights education in institutions of higher learning, encouraging them to offer human rights as an elective course to all undergraduate students, and offer the course of human rights law to undergraduate students majoring in the science of law. It will promote the compiling of textbooks on human rights law and the development of teaching courseware. A number of institutions of higher learning which started human rights education earlier than others will be designated as the bases for human rights education and training.

- Human rights education and training will be carried out especially among government employees, focusing on people working in public security agencies, procuratorates, courts, prisons, urban management organs, and administrative law enforcement organs. The law enforcement departments will draw up their own plans for human rights education and training in line with their own work needs, highlighting publicity and education of regulations and laws on the protection of human rights, and give human rights education on a regular basis. The government will organize experts to compile special textbooks for human rights training. State agencies and cities with appropriate conditions will be selected as demonstration units for human rights education and training, and follow-up examinations will be conducted.

- Carrying out activities of human rights education among the general public to disseminate the knowledge of human rights and enhance the public's awareness of human rights. The government supports research on human rights theory and on-the-spot investigations throughout society organized by the China Society for Human Rights Studies, as well as the holding of training classes and lectures on human rights. The government will encourage people to develop products for human rights education that appeal to the general public, and set up a permanent mechanism for education in human rights.

- Making good use of the media, including radio, television, newspapers, magazines and the Internet, to disseminate the knowledge of human rights among the general public. The state encourages central and local news media to open special columns on human rights. It supports the development of the magazine Human Rights, China Human Rights Net and other nongovernmental websites on human rights, making good use of new media, including the Internet, to spread knowledge of human rights.

- Carrying out international exchanges and cooperation in human rights education. The state encourages and supports the China Society for Human Rights Studies, as well as human rights research organizations in institutions of higher learning and social science academies and institutes, to make good use of their teaching and scientific re-search platforms to engage in international exchanges and cooperation through various channels, and work hard to train senior professionals in human rights field with an international vision.

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

In the period 2009-2010, China will continue to fulfill its obligations to the international human rights conventions to which it has acceded, and initiate and actively participate in exchanges and cooperation in the field of international human rights.

### (1) Fulfillment of international human rights obligations

China cherishes the important role played by international instruments on human rights in promoting and protecting human rights. So far, China has acceded to 25 international conventions on human rights. China will earnestly fulfill its obligations to those conventions, submit timely reports on implementing the conventions to the treaty bodies concerned, hold constructive dialogues with these treaty bodies, take into full consideration the proposals raised by them, and adopt rational and feasible ones in the light of China's actual conditions.

- Completed the second report on implementing the "International Covenant on Economic, Social and Cultural Rights," and submitted it to the treaty bodies concerned for consideration.
- Completed the 7th and 8th combined report on implementing the "Convention on the Elimination of All Forms of Discrimination Against Women," and submitted it to the Committee on the Elimination of Discrimination Against Women for consideration.
- Completed the 3rd and 4th combined report on implementing the "Convention on the Rights of the Child," and submitted it to the Committee on the Rights of the Child for consideration.
- Completed the first report on implementing the "Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict," and submitted it to the Committee on the Rights of the Child for consideration.
- Completed the latest report on implementing the "Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography," included it in the 3rd and 4th combined report on implementing the "Convention on the Rights of the Child," and submitted them together to the Committee on the Rights of the Child for consideration.
- Completed the first report on implementing the "Convention on the Rights of Persons with Disabilities," and submitted it to the Committee on the Rights of Persons with Disabilities for consideration.
- Participated in the deliberation meeting held by the Committee on the Elimination of Racial Discrimination on China's 10th, 11th, 12th and 13th combined report submitted in accordance with the "International Convention on the Elimination of All Forms of Racial Discrimination."
- China has signed the "International Covenant on Civil and Political Rights (ICCPR)," and will continue legislative, judicial and administrative reforms to make domestic laws better linked with this Covenant, and prepare the ground for approval of the ICCPR.
- Earnestly executed the "United Nations Anti-Corruption Convention," and worked hard to link the Convention to domestic laws.

### (2) Exchanges and cooperation in the field of international human rights

China is committed to hold 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 takes an active part in the work of the United Nations Human Rights Council (HRC), and helps that body to solve human rights problems in a fair, objective and non-alternative way.
- China participated in the HRC's first Universal Periodic Review (UPR) for China, holding constructive dialogues with various sides and carrying out rational proposals.
- China continues its cooperation with the Special Procedures of the United Nations Human Rights Council, answers letters from it, and considers inviting a special rapporteur to visit China while taking into account the principle of balancing various human rights and China's reception abilities.
- China continues technical cooperation with the United Nations Office of the High Commissioner for Human Rights.
- China continues to strengthen exchanges and cooperation with the Food and Agriculture Organization (FAO) of the United Nations, the UN Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), International Labor Organization (ILO) and other relevant international organizations.
- China continues to hold bilateral dialogues and exchanges on human rights with various countries concerned on the basis of equality and mutual respect.
- China continues to participate in human rights activities in the framework of the Asian-Pacific Region and Sub-region.