

## Abstract

*The Annual Report on China's Rule of Law No. 12 (2014)* (the Blue Book of Rule of Law) analyzes various topical and key issues of the rule of law in the fields of legislation, protection of human rights, a government ruled by law, judicial reform, anti-corruption, criminal law, social law, and law of special administrative regions in China in the year 2013, covering the regulation of the securities sector, protection of intellectual property rights, regulation of industrial parks, environmental policy-making, disaster management and emergency response, public health law, and charities law.

The Blue Book of Rule of Law (2014) continues to feature a series of evaluation reports on the rule of law index in China, including investigation and evaluation on the basis of the information available at government websites, of disclosure of government information by 55 departments under the State Council, 31 provincial-level governments, and 49 governments of larger cities, investigation and evaluation on the basis of the information available at the websites of the courts, of the transparency of judicial affairs by the higher people's courts of 31 provinces, autonomous regions, and municipalities directly under the Central Government and the intermediate people's courts of 49 larger cities, as well as the first ever evaluation of judicial transparency of the Supreme People's Court, investigation and evaluation on the basis of information available at the websites of procuratorates, of the transparency of procuratorial affairs by the people's procuratorates of 31 provinces, autonomous regions, and municipalities directly under the Central Government and the people's procuratorates of 49 larger cities, as well as the first ever evaluation on procuratorial transparency of the Supreme People's Procuratorate; the launch of an index system for the evaluation of judicial transparency of maritime courts in China and the investigation and evaluation on judicial transparency of 10 maritime courts on

the basis of information available at the websites of those maritime courts; the launch of a sunshine judiciary evaluation index system for Zhejiang courts and the investigation and evaluation on judicial transparency of 103 Zhejiang courts on the basis of information available at the websites of those courts.

The Blue Book of Rule of Law (2014) continues to present research reports on the situation of the rule of law nationwide and in local regions of China, covering the scale, triggering factors and trends in mass incidents, the supervision by the people's congress of Guangdong province, the exploration and practice of public participation in major administrative decisions in Guangdong province, the re-establishment of social orders at the grass-root levels by Yuhang District of Hangzhou, innovative internal administration by the courts, judicial protection of financial reform, and the trials of cases involving village committees.

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a Forecast for 2014

*Research Team on Rule of Law Studies in China, Law Institute, CASS / 001*

**Abstract:** This report summarizes the progresses achieved by China in developing the rule of law in 2013 in the areas of legislation, a government ruled by law, judicial reform, legal institutions for a clean government, civil and commercial laws and regulations, social justice, and legal institutions concerning foreigners or foreign affairs, analyzes the existing issues, and forecasts the trends of the development of the rule of law in China for 2014.

**Keywords:** 2013; China; Situation of the Rule of Law; Forecast of the Situation

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## II Special Reports

### B. 2 Legislation in China in 2013

*Liu Xiaomei / 026*

**Abstract:** The year 2013 was a new starting point for China's deepening reforms. Comprehensively complementary reforms need to go hand in hand with the building of a comprehensive rule of law regime. Therefore, the legislation in 2013 was primarily focused on the following areas: leading the reforms of the administrative system, advancing the transformation in the patterns of economic development, enhancing social welfare safeguard and social administration, encouraging science and technology innovations and cultural developments, enhancing the regulation of ecological environment and urban safety. In doing so, the new legislative developments not only spearheaded the relevant reforms, but also made substantial progress in the protection of rights and the enhancement of legislative quality and effectiveness. Legislative work in the future still needs to keep engaged with the real-time needs of the reform and development and the social realities, and prudently and steadily play a leading institutional role.

**Keywords:** Legislation; Reform and Development; the Building of the Rule of Law Regime

### B. 3 Human Rights Protection in China in 2013: Achievements, Existing Issues, and Reform Trends

*Zhao Jianwen / 040*

**Abstract:** In 2013, China achieved the relevant goals set out in the *National Human Rights Action Plan (2012 – 2015)* within the promised timeframe and made substantial progress in the protection of civil and political rights, economical, social and cultural rights, and the rights of special groups. China initiated and participated in international human rights dialogues, accepted the compliance reviews of the United Nations' relevant treaty authorities, and the general periodic reviews of the Human Rights Council. The reform goals and measures for key issues existing in human



rights in China were set forth in the Chinese Communist Party (CPC) Central Committee's *Decision on Major Issues Concerning Comprehensively Deepening Reforms* (Decision), and the relevant authorities have started the reform progress based on the Decision.

**Keywords:** Human Rights; Civil and Political Rights; Economic, Social and Cultural Rights

#### B. 4 Evaluation of the Paths and Trends of Anti-Corruption in China in 2013

*Tian He, Lyu Yanbin and Yao Dong / 052*

**Abstract:** Anti-corruption is a global issue and is also an important mission of the CPC and China at present. After the 18th CPC National Congress, especially since the 3rd Plenary Session of 18th CPC Central Committee, the CPC Central Committee has developed new ideas and applied new measures for anti-corruption and the building of a clean government. This report incorporates the CPC Central Committee's spirit for anti-corruption and the building of a clean government. Through reviewing China's anti-corruption practices and features in 2013, this report analyzes the anti-corruption paths in China in 2013, the traditional "mass line" measures for anti-corruption, and the legal and institutional mechanisms for combating corruption and the building of a clean government, and assesses the situation faced by anti-corruption work in China for 2014.

**Keywords:** Anti-corruption; Institutional Innovations; Paths; Evaluation

#### B. 5 Analysis of the Crime Situation in 2013 and Trend Forecast

*Ji Xiangde, Lyu Shengyun and Ji Fang / 071*

**Abstract:** The general social environment in China in 2013 was stable and the general public's feelings of safety had increased. However, the crime situation was still grim, certain types of crimes that severely impact public security still had high levels of occurrence and in certain areas might have even intensified, and certain unstable

factors in society remained unresolved. With the further establishment of “the rule of law in China”, the enhancement of the judicial reform, and the impacts of certain other positive factors, it is expected that the rate of increase of total number of crimes in 2014 will start to be restrained; crimes such as bribery and corruption, dereliction of duty, sexual offences committed against minors, and spread of rumors will be deterred. However, the occurrence of crimes relating to violent extremism, the Internet, espionage and intelligence gathering, and violent terrorism may continue to be at high levels.

**Keywords:** Crime Situation; Status Analysis; Forecast of Trends

## B. 6 The Status of the Implementation of the Basic Law of Hong Kong in 2013 *Lin Feng / 088*

**Abstract:** This report reviews and summarizes the development of the implementation of the Basic Law of the Hong Kong SAR in 2013, especially providing objective analysis for several topical issues concerning core values. These issues include judicial independence and the rights of residency in Hong Kong, new developments of human rights protection, developments of democratic politics, corruption scandals, administrative meetings and administration according to law, “Occupy Central” and “the Rule of Law” concept, etc. Based on the aforementioned, this report predicts the rule of law situation in the Hong Kong SAR in 2014.

**Keyword:** Hong Kong; Basic Law; Implementation; Rule of Law

## B. 7 The Evaluation of the Implementation Effectiveness of Legal Liability System of China’s Securities Law *Chen Su, Chen Jie / 104*

**Abstract:** The implementation and improvement of the legal liability system under China’s securities law is the fundamental path for realizing the goal of regulating the capital market through the rule of law. The practical experience in the development of the Chinese capital market demonstrate that, from the designation of



liabilities to the implementation mechanism, functional obstacles and structural gaps exist in the legal liability system of China's securities law, resulting in serious gaps between the institutional designs of the laws for the Chinese capital markets and the market realities. Rooted in the current situation of the realities and development trends of the Chinese securities market, this report aims to systematically analyze the discovery mechanism, the penalty basis, the procedural costs, the effectiveness of penalties of illegal acts and the internal connections of the aforementioned mechanisms. By so doing, this report provides legislative proposals for a scientific and rational design and establishment of the legal liability system of China's securities law in order for China to make full use of functions and mechanisms of the securities market.

**Keywords:** Legal Liability of Securities Law; Implementation Effectiveness; Improvement of Legislation

## B.8 Choosing the Proper Paths for the Establishment of Intellectual Property Courts in China

Yang Yanchao / 120

**Abstract:** In the recent years, the cases for intellectual property rights (IPR) disputes have significantly increased in China. However, due to the lack of professional expertise in the trials of IPR cases, the jurisdiction of such cases had been chaotic at times. Chinese courts have been actively exploring the trial model reforms, combining the civil, administrative, and criminal IPR cases in a “Three-Trials-in-One” model. The CPC Central Committee's *Decision on Major Issues Concerning Comprehensively Deepening Reforms* has formally put “exploring the establishment of intellectual property courts” as part of the important agenda for deepening reforms. The establishment of intellectual property courts has substantial significance for the enhancement of the professionalism and efficiency in the trials of IPR cases. In the process of the reforms, the well-established models abroad for “specialized intellectual property courts”, “intellectual property courts of appeal”, and “trade practices tribunals” should be fully considered. However, in choosing the proper paths, practical circumstances such as the status of the protection of IPRs in China, the mechanisms of court trials, and

China's current legal regime, must also be taken into consideration.

**Keywords:** Intellectual Property Courts; “Three-Trials-in-One”; Model

## B. 9 The Need for Top-Level Designs for the Regulation of Industrial Parks

*Huang Jin / 130*

**Abstract:** In China, there are many types of industrial parks, such as export processing zones, economic and technological development zones, border economic cooperation zones, high and new tech development zones, bonded zones, bonded port areas, comprehensive bonded zones, bonded logistic parks, logistic parks, cross-border industrial zones, free trade zones, etc. While the industrial parks have played an important role in advancing China's industrialization, promoting China's international economic cooperation and exchanges, and regional economic developments, there are also certain problems that need special attention. From the development and unique features of industrial parks, this report analyzes the current issues facing industrial parks and provides legislative proposals for the development of China's industry parks.

**Keywords:** Industrial Parks; Development and Administration; Industry Parks

## B. 10 Public Participation in Environmental Decisions

*Huan Shengkui / 148*

**Abstract:** Public participation can impose positive impacts on legislation, public decisions, and public governance. In China, the rise of public participation in environmental decisions has unique historical background. Because administrative environmental decisions have high policy risks and involve widespread interests, the role of public participation cannot be missing. In the recent years, the process of public participation based on public incidents involving environmental decisions has very distinguishing features. While there has been significant progress in the standardization of environmental decision participation, there are also many





unfavorable factors that function as obstacles. Incorporating public participation in the environmental decision making process in an orderly and effective manner requires the collective endeavors of the government, the society, and the public.

**Keywords:** Administrative Environmental Decisions; Public Participation; Environmental Social Organizations; New Media

B. 11 Report on the Status of Disaster Management and Emergency  
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**Abstract:** Facing increasingly serious trends of the occurrence of disasters, China's disaster management and emergency response has obtained significant achievements. However, various problems still exist, such as the weakness in comprehensive disaster relief capabilities, the unreasonable structure designs in rescue teams, the backwardness in risk prevention awareness, the imperfections of the resources reserve system, the low level of practicality of emergency response plans, and the lack of coordination and cooperation among different parties. Therefore, it is necessary to improve the legislative models for disaster management and emergency response, enhance the emergency response management mechanism, the coordinating and linkage mechanism, and the accountability mechanism, and standardize the emergency response planning process. At the same time, it is also necessary to enhance the training of professionals and improve the system for reserves of disaster relief resources, and strengthen the protection capability of disaster emergency management.

**Keywords:** Disaster Management and Emergency Response; Emergency Response Mechanism; Coordinating and Linkage Mechanism; Emergency Response Planning

B. 12 Report on the Development of China's Public Health Laws and  
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**Abstract:** Public health concerns the core interest of every citizen and the degree of the rule of law means whether or not public health is effectively protected.

In 2013, public health management mechanism in China underwent significant reforms, the law and regulation for the prevention of infectious diseases and occupational diseases had relatively significant developments, food safety law and regulation made progress under the harsh situation, and the disclosure of public health information also progressed steadily. In order to effectively advance public health work, promoting the rule of law must be carried out through multiple perspectives, including legislation and enforcement, etc.

**Keywords:** Public Health; Rule of Law; Citizen Rights

#### B. 13 The Current Status of Charity Laws and Regulations and the Ways for Improvement *Zhao Qianling, Tian He / 178*

**Abstract:** The year 2013 has witnessed the flourishing development of charitable organizations, especially for the more active participations by private charitable organizations. This report summarizes the classifications of charitable organizations and management mechanisms, and further analyzes the development of charitable organizations and the legal environment. Additionally, this report investigates the launches of websites of 15 charitable organizations, and explores the situation of information disclosure of charitable organizations. Finally, this report offers proposals for the healthy and steadily growth of charitable organizations.

**Keywords:** Charitable Organizations; Rule of Law

### III Reports on the Rule of Law Index

#### B. 14 Report on the Index of Government Transparency in China (2013): From the Perspective of the Disclosure of Information through Government Websites

*Innovation Project Team on the Rule of Law Index, Law Institute, CASS / 191*

**Abstract:** This report investigates and evaluates the implementation of various



systems relating to government transparency by 55 departments under the State Council, 31 provincial-level governments, and 49 governments of larger cities. Focusing on the implementation of the catalogues of government information subject to disclosure, disclosures upon application, and annual reports on the disclosures of government information, and on the situation of the disclosure of information concerning government work, normative documents issued by the government, environmental protection, food safety, and administrative approvals, this report investigates and analyzes the progress achieved and the problems currently existing in the implementation of the government information disclosure system and provides suggestions on the further improvement of the system.

**Keywords:** Transparency of Government; Government Websites; Disclosure of Government Information; Index

B. 15 Report on the Index of Judicial Transparency in China (2013):  
From the Perspective of the Disclosure of Information through the  
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*Innovation Project Team on the Rule of Law Index, Law Institute, CASS / 205*

**Abstract:** In 2013, the Innovation Project Team on the Rule of Law Index, Law Institute, CASS carried out a quantitative evaluation of judicial transparency of the Supreme People's Court, the higher people's courts of 31 provinces, autonomous regions, and municipalities directly under the Central Government and the intermediate people's courts of 49 larger cities. Based on the evaluation, this report applies objective data to directly demonstrate the situation of the transparency of judicial affairs, trials of cases, judgments, and execution of judgments, summarizes and analyses the progress achieved and the problems currently existing in the implementation of judicial transparency by the courts, and further explores the approaches to improve the system of judicial transparency.

**Keywords:** Judicial Transparency; Index; Websites of the Courts

B. 16 Report on the Index of Sunshine Judiciary of the Courts in Zhejiang Province (2013)

*Innovation Project Team on the Rule of Law Index, Law Institute, CASS / 221*

**Abstract:** Entrusted by the Higher People's Court of Zhejiang Province, the Law Institute, CASS set up the "Project Team on the Index of Sunshine Judiciary of the Zhejiang Courts" and established the "Zhejiang Court Sunshine Judiciary Evaluation Index System". The project team focused on the openness of judicial work, case acceptance and court trials, court files and judgments, and execution of judgments as well as the relevant safeguard mechanisms, and applied the methods including visiting websites, gathering relevant statistical data, on-site investigations, random accessing of case files, verifications through telephone calls, and information supplied by the courts, etc. From April 2013 to September 2013, the project team conducted the sunshine judiciary index survey and evaluation for a total of 103 courts. Based on the results from the 5 blocks and using a weighted average, the project team evaluated and formulated the general survey and evaluation result for the 103 courts in the whole province, analyzed the achievements and the existing problems of Zhejiang courts' sunshine judiciary initiative, and offered suggestions to improve the sunshine judiciary work for the future.

**Keywords:** Zhejiang; Sunshine Judiciary Index

B. 17 Report on the Index of Judicial Transparency of Maritime Courts in China (2013): From the Perspective of the Disclosure of Information through the Websites of the Maritime Courts

*Innovation Project Team on the Rule of Law Index, Law Institute, CASS / 240*

**Abstract:** In 2013, the Innovation Project Team on the Rule of Law Index, Law Institute, CASS developed an index system for the evaluation of judicial transparency of maritime courts in China and used the system to carry out a quantitative evaluation of judicial transparency of the maritime courts nationwide. Based on the evaluation, this report applies objective data to directly demonstrate the situation of the



transparency of judicial affairs, trials of cases, court files, and execution of judgments, summarizes and analyses the achievements and problems currently existing in the implementation of judicial transparency by the maritime courts, and provides suggestions on improving the system of judicial transparency of maritime courts.

**Keywords:** Maritime Courts; Judicial Openness; Transparency; Websites

B. 18 Report on the Index of Procuratorial Transparency in China  
(2013): From the Perspective of the Disclosure of Information  
through the Websites of the Procuratorates

*Innovation Project Team on the Rule of Law Index, Law Institute, CASS / 256*

**Abstract:** Based on the first evaluation of procuratorial transparency in China conducted in 2012, the Innovation Project Team on the Rule of Law Index, Law Institute, CASS revised and refined the evaluation index system in 2013 and used the system to carry out a quantitative evaluation of the openness of procuratorial affairs of the Supreme People's Procuratorates, the people's procuratorates of 31 provinces, autonomous regions, and municipalities directly under the Central Government and the intermediate people's procuratorates of 49 larger cities. This report summarizes and analyzes the progress achieved and the problems currently existing in the implementation of the system of procuratorial transparency in 2013 and provides suggestions on promoting procuratorial transparency in China.

**Keywords:** Procuratorial Transparency; Procuratorial Openness; Websites

## IV Field Work

B. 19 Research Report on the Scale, Triggering Factors and Trends of  
Mass Incidents

*Innovation Project Team on the Rule of Law Index, Law Institute, CASS / 270*

**Abstract:** Through gathering information from accessible sources on mass

incidents of China in the past ten years, this report assembles, compares, and analyzes the scale, features, and triggering factors of mass incidents, explores the issues of national development of the rule of law, government administration, dispute resolution reflected from mass incidents, and provides suggestions on the handling of mass incidents.

**Keywords:** Mass Incidents; Conflicts; Rule of Law

## B. 20 Research Report on the Supervision by the People's Congress of Guangdong Province

*Innovation Project Team on the Rule of Law Index, Law Institute, CASS / 289*

**Abstract:** In the process of advancement with times of the people's congress system, The "Guangdong phenomenon", representing the supervision of the people's congress, has been continuously enriched and interpreted and has begun to take shape as a model that worth adopting and promoting. Based on an in-depth investigation, this report points out that, by focusing on key concepts including "research and investigation", "experts", "whole process", the supervision by the People's Congress in Guangdong Province achieved innovations and breakthroughs regarding the concepts, forms, coverage, subject matters, and mechanism of supervision in 2013.

**Keywords:** Guangdong; Supervision of the People's Congress; Fiscal Supervision

## B. 21 Exploration and Practice of Public Participation in Major Administrative Decisions in Guangdong Province

*Innovation Project Team on the Rule of Law Index, Law Institute, CASS / 303*

**Abstract:** In recent years, Guangdong Province has made significant progress in relation to public participation in major administrative decisions. This paper discusses the specific practices and achievements of Guangdong Province in the mechanism



construction of public participation in major administrative decisions, the institutional innovation of “Public Consultation Committee”, and the experiment of “Participatory Budget”. This paper points out that, in order to further improve public participation, the evaluation criteria of major decisions on people’s livelihood should be clearly defined, the response to the political pursuit of the masses should be improved, and the government officials’ awareness of the Mass Line should be enhanced.

**Keywords:** Guangdong Province; Public Participation; Major Administrative Decisions

## B. 22 Exploring the Re-Establishment of Social Orders at the Grass-Root Levels in China; Research Report on the Prioritization of Legal Approach in Yuhang District

*Innovation Project Team on the Rule of Law Index, Law Institute, CASS / 315*

**Abstract:** Governance at the grass-root level is the foundation for the long term stability of society. After more than 30 years opening-up and reforms, economic and social developments have taken gigantic leaps in various regions in China. However, at the same time, a variety of conflicts and problems are obvious, posing significant challenges to the local governance and social administration. Under these circumstances, the government of Yuhang District used the rule of law concept as its guideline, explored the re-establishment of social order at the grass-root level, prioritized the legal approach as an important tool, changed the concept of governance and social stability maintenance, and utilized the rule-of-law thinking and measures to prevent and dissolve various conflicts and confrontations. Yuhang experiences may serve as a useful reference for various regions in China and may also set useful precedents for solving certain issues.

**Keywords:** the Prioritization of Legal Approach; Social Governance at the Grass-root Level; Rule of Law

## Ⓐ V Rule of Law in Different Regions

- B. 23 Innovative Internal Administration by the Courts Effectively Promotes Judicial Credibility: Research Report on the Balanced Judicial Work of Judges *Zhang Hongwei, Guo Wenli / 331*

**Abstract:** Administrative defects such as unreasonable allocation of judges and ineffective management by chief judges aggravate the tension between huge case numbers and limited human resources, constrain the improvement of juridical quality, and eventually impede juridical credibility. To relieve the tension between case numbers and human resources, the adoption of an index on balanced case management, is proposed. In the aforementioned formula, M means the total number of completed cases by judges of a particular division of a court, N means the total number of judges of the particular division, and X means the number of completed cases handled by individual judges of the particular division. Such index reflects the situation of balance judicial work by case handlers as well as guides the management of the courts to effectively adjust the allocation of cases to judges.

**Keywords:** Internal Administration; Judicial Credibility; Balanced Judicial Work

- B. 24 Investigation on Judicial Protection of Financial Reform in Wenzhou

*Project Team of the Intermediate People's Court of Wenzhou / 344*

**Abstract:** Since the establishment of a pilot area of comprehensive financial reform in Wenzhou, the courts of Wenzhou have, based on judicial functions, set up and improved a system of judicial protection of financial reform, regulated the healthy development of private finance in accordance with the law, strongly advanced the disposal of non-performing assets of banks, actively explored the disposal model of





distressed enterprises, and advanced trial works in relation to the financial sector based on the spirit of innovation. With the advancement of financial reform, how to protect innovative financial conduct, to protect financial creditors' rights, and to reduce local financial risks and enterprise risks have become difficult questions challenging the judicial protection of financial reform. In view of the above and in order to protect the financial reform, the courts should improve the linkage mechanism of trial works concerning the financial sector, prefect the case guidance system, normalize the development of private finance, and steadily advance the disposal of non-performing assets and distressed enterprises.

**Keywords:** Courts; Financial Reform; Judicial Protection

## B. 25 Research Report on the Difficulties Causes and Recommendations of Trials of Cases Involving Village Committees

*Project Team of the People's Court of Yiwu / 359*

**Abstract:** Through special investigations and researches on the cases involving village committees adjudicated by the People's Court of Yiwu in the recent years, this report summarizes the characteristics for these types of cases, namely "3 'many' plus '1 concentration'", which means the number of cases are many, the instances where the village committees become the defendants are many, the judgments rendered are many, and the types of cases are concentrated. Handling these types of cases has three types of difficulties, including the difficulties in applying law, the difficulties in trials, and the difficulties in enforcement. The project team analyzed the causations for the cases implicating village committees, and offered proposals for the handing for such cases from the perspectives of the courts, the village committees, and the towns/streets/neighborhoods levels, and also provided suggestions to the village committees and local governments on how to improve the relevant systems and how to actively perform governmental duties.

**Keywords:** Yiwu; Village Committees; Trials