

Abstract

The Annual Report on China's Rule of Law No. 13 (2015) (the Blue Book of Rule of Law) analyzes, from multiple perspectives of legislation, human rights protection, construction of a law-based government, judicial reform, the legal system of a clean and honest government, civil, commercial and economic law, and social law, various hot issues in the relevant fields of the rule of laws in China in 2014, including the reform of the administrative approval system, the legal system of environmental protection, resolution of grassroots disputes, and the supervisory work carried out by people's congresses, and makes predictions on the trend of development of the rule of law in China in 2015.

The Blue Book of Rule of Law (2015) features a series of reports on the assessment of the indices of the rule of law. By taking web portals as the basis and browsing of websites and verification by phone call as the main methods, these reports assessment the situation of disclosure of government information by 54 departments under the State Council, 31 provincial-level governments, and 49 governments of larger cities, the situation 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, the situation of openness of procuratorial affairs of the Supreme People's Procuratorate, the higher people's Procuratorate of 31 provinces, autonomous regions, and municipalities directly under the Central Government, and the intermediate people's Procuratorate of 49 larger cities, the situation of the openness of judicial affairs of ten maritime courts in the country, and the situation of "administration of justice under sunshine" of 105 people's courts at three different levels in Zhejiang Province and 22 people's courts at three different levels in Beijing Municipality.

The Blue Book on the Rule of Law (2015) continues to feature a series of

investigation reports on national situation of the rule of law, including those on the legislative practice of people's congresses of Sichuan Province, the exploration carried out by Guangdong Province in resolving grassroots conflicts, the "Ningbo phenomenon" of disclosure of government information, the supervisory work carried out by town-level people's congresses in Zhongshan City of Guangdong Province, and the exploration by Yuhang District of Hangzhou City in bringing the grassroots governance under the rule of law.

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Ⅲ I General Report

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Innovation Project Team on the Rule of Law Index,

Law Institute, CASS / 001

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Abstract: In the year of 2014, China focused its efforts on the creation of innovative legislative mechanisms and attached equal importance to both the adoption of new laws and the revision of existing laws in the field of legislation. In the field of construction of a law-based government, it continued to take streamlining the administration and delegating power to the lower levels as the main line, strengthened law enforcement, promoted the openness and transparency of the operation of administrative power, and reinforced the supervision over administrative power. In the field of administration of justice, judicial authorities

had been making continuous efforts towards the goal of enabling the people to feel fairness and justice in individual case, carried out research and experiments on judicial reform in accordance with the unified plan of the CPC Central Committee, and strengthened judicial safeguard for human rights. In the field of civil, commercial and social laws, continued efforts were made in improving the system of law and strengthening law enforcement and judicial work. In the field of anti-corruption, the government continued to investigate and prosecute major and serious cases of corruption and strengthen international cooperation. In the year of 2015, the rule of law will play an even greater role in the development process in China and more efforts should be made to propel the work in the fields of scientific legislation, the construction of a law-based government, judicial justice and the construction of a legal system of clean and honest administration.

Keywords: The Rule of Law; Legislation; Law-Based Government; Judicial Reform

II Subject Reports

B. 2 Chinese Legislation in 2014

Liu Xiaomei / 031

Abstract: In 2014, as the construction of the rule of law in China is entering into a new stage, the legislative work in China had also become more precise and elaborated. On the one hand, legislature continued to respond to the needs of reform and development, to play a guiding and promotive role in the reform, and to make further efforts in strengthening the legislative work in the fields of law on people's livelihood, economic law, social law, and ecological law, to truly safeguard citizens' rights and interests, to adhere to the policy of simultaneously promoting the adoption, revision and abolition of law, and to strengthen the unity of the legal system. On the other hand, China had explored the system of solicitation and demonstration of legislative items and the legislative negotiation system, thereby making legislation more scientific and democratic, further promoted the construction of a complete system of legal norms by speeding up the



formulation of law on national security, the anti-corruption law and the Internet law, and improved the effectiveness of legislation by strengthening the adoption of supporting legislation and interpretation of law.

Keywords: 2014; China; Legislation

B. 3 Situation of Human Rights Protection in China in 2014

Liu Huawen / 046

Abstract: The rule of law, development and human rights constitute the three basic dimensions of the “Chinese Road”. The Decision of the CPC Central Committee on Major Issues Pertaining to Comprehensively Promoting the Rule of Law, adopted in 2014, has drawn a new blueprint for the development of the rule of law and human rights in China. In accordance with this decision, the Chinese government has speeded up the frequency of promulgation of white papers on human rights, promoted the implementation the Second National Human Rights Action Plan through mid-term evaluation, intensified the anti-corruption campaign, which had a major impact on the safeguarding of human rights, attached great importance to human rights education, and made initial progress in participating in international human rights protection mechanism.

Keywords: The Rule of Law; Human Rights; National Human Rights Action Plan

B. 4 Implementation of the Basic Law in Hong Kong (2014)

Lin Feng / 057

Abstract: In 2014, the Hong Kong Special Administrative Region had met many challenges in the implementation of the Basic Law. This report carries out objective analyses of such issues as the controversy triggered by the White Paper

“The Practice of the ‘One Country, Two Systems’ Policy in the Hong Kong Special Administrative Region”, the election of the Chief Executive in 2017, the “Occupation Movement”, the protection of fundamental rights, and “filibuster” and “anti-filibuster” cases in Hong Kong. Although there was a worry that the fine tradition of the rule of law in Hong Kong would be seriously eroded by some of these incidents, the consistently independent and professional operation of the judicial organs in Hong Kong had restored people’s confidence in the future of the rule of law in this region. However, the rule of law needs to be recognized and upheld by all citizens of Hong Kong. Those who carry out protest by unlawful means should bring their acts back to the orbit of the rule of law so as not to erode the core value of the rule of law.

Keywords: The Basic Law of Hong Kong Special Administrative Region; Election of the Chief Executive; Occupation Movement

B. 5 Judicial Reform: Problems and Prospect

Chen Weidong and Zheng Bo / 079

Abstract: Since the initiation of the new round of judicial reform, the state has adopted a series of measures for the promotion of judicial reform and local governments have actively carried out pilot reforms, many of which are successful. However, these pilot reforms, which are still at the experimental stage, cannot avoid the “running-in” with the existing systems and require the adoption of supporting measures. Especially, the tackling of the institutional problems has become an unavoidable approach to this round of judicial reform. This report examines the emphases of the new round of judicial reform, summarizes the experience of experimental reforms in pilot areas, analyzes the difficulties and problems encountered in the reform, and on the above bases, predicts the direction of development of judicial reform in China, so as to provide reference for the implementation of the new round of judicial reform in the current judicial environment.



Keywords: Judicial Reform; Ruling the Country of Law; Pilot Reform; Difficulties

B. 6 Reform of the Administrative Approval System and Construction of Power List System in China in 2014

Lu Chao / 107

Abstract: The reform of the administrative approval system, which has been one of the core tasks of the current administration, continued to deepen in 2014. Compared to that of the previous year, the most prominent feature of the administrative reform in 2014 was the local policy experimentation on the construction of the power list system. This report, through a microscopic interpretation of the construction of the power list system at the local level against the macro background of streamlining administration and institute decentralization, tries to explain the progress made and problems existing in the construction of power list system and the complicated game playing between central and local governments around such issues as the reform of administrative approval system, the construction of power list system, the modes of government regulation and market self-regulation, and mechanisms for prior approval and post supervision.

Keywords: Power List; Administrative Approval; Local Experimentation

B. 7 Analysis of the Crime Situation in China in 2014 and Prediction for 2015

Ji Xiangde, Lv Shengyun / 094

Abstract: In 2014, the Chinese society had been stable on the whole, although the crime rate had been high in some areas; the crime of terrorism was still rampant, even intensified in some regions and fields; the situation of drug-

related crimes was still grim and complicated, and the phenomenon of drug abuse and drug trafficking was still widespread despite of repeated prohibition; there was a sharp increase in the number of job-related crimes under investigation; cyber crime was rampant and had seriously endangered network security; vicious crimes were still a prominent problem and had caused widespread social concern; and the situation of juvenile delinquency, crimes committed by entrepreneurs, and the rates of prostitution, pornography-and gambling-related crimes were also high. In 2015, influenced by the relevant factors, crimes of corruption and prostitution, pornography-and gambling-related crimes will be contained to a certain extent, but extremely violent crimes, cyber crimes, drug-related crimes and the crime of terrorism will likely continue to affect social stability.

Keywords: Crime Situation; Analysis of Current Situation; Prediction of Future Development

B. 8 Analysis Report on the Enforcement of Anti-Price-Fixing

Law in the Field of Commodity for the Past Few Years

Lu Yanchun / 120

Abstract: To enforce the anti-price-fixing law, the competent authorities in China have adopted such measures as strengthening supporting legislation, improving law enforcement system, standardizing law enforcement procedure, and boosting law enforcement efforts. They investigated and dealt with in accordance with law a series of typical price-fixing cases in the field of commodity, including the Case of Monopoly of Price of LCD Panel, the Case of Vertical Price Monopoly by Maotai Company and Wuliangye Company, the Case of Vertical Price Monopoly by Milk Power Enterprises, and the Case of Monopoly of Prices of Whole Units and Parts of Automobile in 2014. In 2015, China will continue to firmly propel anti-price-fixing law enforcement, strengthen the publicity of the law, encourage business operators to operate in accordance with law, improve the



anti-price-fixing system, and enhance capacity for anti-price-fixing law enforcement.

Keywords: Price Fixing; Typical Cases; Anti-price-fixing Law Enforcement

B. 9 The Promulgation of the New Environmental Protection

Law and Prospect of Its Implementation

Liu Hongyan / 128

Abstract: The adoption of the new Environmental Protection Law by the Standing Committee of the Twelfth National People's Congress and its implementation in 2014 marked the development of the environmental law from the dimension of "legislative centrism" to that of "democratic legislation and public participation in the implementation of law", and from the traditional mode that emphasizes environmental regulation to a modern mode of "multi-governance and social participation". The new law will have a profound and positive influence on the improvement of environment legislative system, the transition of the mode of environmental law enforcement, and the rise of the capacity and level of administration of environmental justice and play the guiding role in and provide fundamental institutional safeguard for the development of the rule of law in the field of environmental protection in China.

Keywords: The New Environmental Protection Law; The Rule of Law in the Field of Environmental Protection; Environmental Law Enforcement; Administration of Environmental Justice

B. 10 Report on the Development of the Rule of Law in the Field of Education in China (1978 –2014)

Ma Jing'an and Cai Lewei / 148

Abstract: Since the reform and opening up, China has achieved rapid development of in the field of education, continuously innovated on the

educational management system, made major progresses in the construction of the rule of law in the field of education, realized the transition of the idea of educational governance from that of “the legal system” to that of “the rule of law”, established a primary system of education law and a relatively complete educational management system, and made great efforts in promoting the fairness in education and in truly safeguarding people’s right to education. Meanwhile, many problems still exist in the construction of the rule of law in the field of education. This report summarizes the achievements made and problems existing in the development of the rule of law in the field of education in China since 1978 and puts forward suggestions on the further development of the rule of law in the field of education in the country.

Keywords: The Rule of Law in the Field of Education; The Right to Education; Educational Management System; The Idea of Educational Governance

Ⅲ Reports on the Assessment of Indices of the Rule of Law

B. 11 Annual Report on Government Transparency in China (2014): From the Perspective of Disclosure of Information through Government Websites

Innovation Project Team on the Rule of Law Index,

Law Institute, CASS / 167

Abstract: This report investigates and evaluates the implementation by 54 departments under the State Council, 31 provincial-level governments and 49 governments of larger cities of various systems relating to government transparency, including those relating to the catalogue of government information subject to disclosure, disclosure upon application, and annual report on the disclosure of government information, as well as the situation of disclosure of various kinds of government information, such as information about the work of the government,



the normative documents issued by the government, environmental protection, and administrative approval, analyzes the progresses made and problems existing in the implementation of the system of disclosure of government information, and puts forward suggestion on the future improvement of the system.

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

B. 12 Annual Report on Judicial Transparency in China (2014) :
From the Perspective of Disclosure of Information
through the Websites of Courts

Innovation Project Team on the Rule of Law Index,

Law Institute, CASS / 196

Abstract: In 2014, Innovation Project Team on the Rule of Law Index of CASS Law Institute carried out a quantitative evaluation of judicial transparency of 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. The evaluation shows that the development of judicial transparency in China has entered into an advanced stage, in which live TV broadcast of court trial becomes the norm, the decisions on commutation of sentence and release on parole are made in completely open procedure, and importance is attached to the integration of judicial information. However, in order to make further breakthroughs in this area, China needs to correctly handle the relationships between internal openness and external openness, between concentrated openness and decentralized openness, and between openness and publicity, collection of fees and confidentiality, and carry out more sophisticated institutional design in these respects.

Keywords: Judicial Transparency; Law Index; Websites of Courts; Openess of Judicial Affairs

B. 13 Report on the Indices of Maritime Judicial Transparency:
From the Perspective of Disclosure of Information
through the Websites of Maritime Courts

Innovation Project Team on the Rule of Law Index,

Law Institute, CASS / 214

Abstract: In 2014, Innovation Project Team on the Rule of Law Index of CASS Law Institute, on basis of further improvement of the system of indices of maritime judicial transparency, carried out the second assessment of the situation of judicial transparency of ten maritime courts based on the information available at the websites of these courts, and used objective data to directly reflect the situation of transparency of judicial affairs, of filing of cases, of court trial, of court documents, and of the execution of judgments, summarized and analyzed the highlights of and problems in the current system of maritime judicial transparency, and put forward suggestions on further improving the system.

Keywords: Maritime Courts; Maritime Judicial Transparency; Websites of Courts; Openness of Judicial Affairs

B. 14 Annual Report on Procuratorial Transparency in
China (2014): from the Perspective of Disclosure
of Information through the Websites of Procuratorates

Innovation Project Team on the Rule of Law Index,

Law Institute, CASS / 230

Abstract: In 2014, Innovation Project Team on the Rule of Law Index of CASS Law Institute, in accordance with the requirements of deepening the openness of procuratorial affairs and on the basis of the information disclosed



through the websites of procuratorates, carried out quantitative evaluations of the openness of procuratorial affairs of the Supreme People's Procuratorate, the higher 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. Compared to the evaluation in 2013, no change was made to the subjects of evaluation in 2014, but the indices system used in the evaluation was upgraded in light of the newly adopted normative documents and prominent problems in practice. This report summarizes the current situation of and existing problems in the openness of procuratorial affairs in China in 2014 and puts forward suggestions on further improving the system in the future.

Keywords: Procuratorial Transparency; Openness of Procuratorial Affairs; Websites of Procuratorates; Law Index

B. 15 Report on Indices of “Administration of Justice in Sunshine” of Courts in Zhejiang Province (2014)

Innovation Project Team on the Rule of Law Index,

Law Institute, CASS / 270

Abstract: In 2014, Innovation Project Team on the Rule of Law Index of CASS Law Institute, entrusted by the Higher People's Court of Zhejiang Province, carried out assessment of the judicial transparency of 105 courts at three different levels in Zhejiang Province in terms of openness of judicial affairs, of filing of cases, of court trial and of adjudicative documents. The assessment shows that in 2014 the courts of Zhejiang Province had attached greater importance to the openness of judicial affairs and to the improvement of their web portals, and markedly raised the level of standardization of openness of judicial affairs. However, further efforts still need to be made by these courts in updating their ideas about openness of judicial affairs, in constructing the necessary platform, and in the design of the relevant institutions. Moreover,

these courts are also faced with the problems of heavy caseload, lack of personnel, and complicated circumstances in some cases, which impede the openness of judicial affairs.

Keywords: Openness of Judicial Affairs; “Administration of Justice in Sunshine”; Courts in Zhejiang Province; Law Index

B. 16 Report on Indices of “Administration of Justice in Sunshine” of Courts in Beijing Municipality

Innovation Project Team on the Rule of Law Index,

Law Institute, CASS / 287

Abstract: In 2014, Innovation Project Team on the Rule of Law Index of CASS Law Institute, entrusted by the Higher People’s Court of Beijing Municipality, carried out quantitative assessment on the judicial transparency of 22 courts in Beijing in terms of openness of judicial affairs, of court trial, of adjudicative documents and of execution of judgments and used objective data to directly demonstrate the results of the assessment. The Team also carried out assessment of the situation of notification on rights and obligations and on matters that have major impact on rights and assessment on the accuracy of the data in the trial management system, summarized and analyzed the progress made and difficulties faced by courts in Beijing Municipality in implementing the system of openness of judicial affairs, and conducted research on measures for further improving the system.

Keywords: Openness of Judicial Affairs; “Administration of Justice in Sunshine”; Courts in Beijing Municipality; Law Index



IV Reports on the Investigation of the National Situation of the Rule of Law

B. 17 Legislative Practice of People's Congresses in Sichuan Province and Its Implications

*Innovation Project Team on the Rule of Law Index ,
Law Institute , CASS / 307*

Abstract: Local legislation is an important part of the socialist legislative system in China. In 2014, Innovation Project Team on the Rule of Law Index of CASS Law Institute carried out investigation and analysis of the legislative practice of people's congresses of Sichuan Province as a typical example of the practice of local legislation. Currently, the people's congresses of Sichuan Province have gained some experience and achieved some results in local legislation, but at the same time, are faced with many problems in terms of leading mechanism, distribution of competences, and working mechanism of local legislation. This report carries out a theoretical summarization of the practice of local legislation in Sichuan Province and analyzes the existing problems in this practice, with a view to providing decision-makers with reference for the further improvement of the system of local legislation in China.

Keywords: Legislative System; Working Mechanism; Legislative Competence; Legislation on Nationality Affairs

B. 18 Exploration and Practice of Guangdong Province in the Resolution of Grassroots Conflicts

*Innovation Project Team on the Rule of Law Index ,
Law Institute , CASS / 324*

Abstract: In recent years, grassroots conflicts in China have showed the

features of pluralization, radicalization, and involvement of a large number of people. Therefore it is necessary to actively explore new approaches to the resolution of these conflicts, so as to create a stable and orderly social and economic environment for the deepening of the reform and opening up. The government of Guangdong Province has carried out institutional innovation on the resolution of grassroots conflicts in accordance with law and achieved marked results in enhancing the legal awareness and medication ability of grassroots government organs and in strengthening the mechanism for the resolution of grassroots conflicts, thereby laying a sound foundation for the further construction of the rule of law in the province.

Keywords: Guangdong Province; Resolution of Grassroots Conflicts; Construction of the Rule of Law

B. 19 Disclosure of Government Information; Analysis of the “Ningbo Phenomenon”

Innovation Project Team on the Rule of Law Index,

Law Institute, CASS / 337

Abstract: Ningbo City is ahead of all other cities in China in the implementation of the system of transparency of all aspects of the operation of public power, especially in the disclosure of government information. This report examines the basic situation of disclosure of government information by the Municipal Government Ningbo City, summarizes its achievements and experience in building a “government in sunshine”, while at the same time points out a series of difficulties faced by Ningbo Government in further implementing the system of disclosure of government information, and puts forward suggestions on the corresponding measures to be adopted to further improve the system in terms of institution, personnel and platform.

Keywords: Disclosure of Government Information; Government in Sunshine; Platform for the Disclosure of Government Information



B. 20 Township and Town-Level People's Congresses on the
Way out of Their Marginalized Position; Based on the
Field Investigation on the Supervisory Work of the
Town-level People's Congresses in Zhongshan City

Innovation Project Team on the Rule of Law Index,

Law Institute, CASS / 357

Abstract: Township and town-level people's congresses, as an important component of people's congress system and the bedrock of socialist democracy, ought to occupy an important position in the system of democracy and the rule of law, even in the entire social-political structure of China. However, because of the restrictions by many factors at the institutional and practical levels, the functions of township-and town-level people's congresses have not been given full play to and there is a big gap between their defined role and the role they are actually playing. This report, based on the field investigation on the supervisory work of town-level people's congresses in Zhongshan City, points out that these town-level people's congresses, by giving full play to their unique advantages, have achieved limited breakthroughs in their supervisory work within the existing legal framework. Their positioning of the supervision by grassroots people's congress and their understanding and handling of the relationship between the people's congress, the Party committee and the government reflect the down-to-earth work style and spirit of the people of Guangdong, and embody the pragmatic idea of and approach to the work of people's congresses. However, in the long run, the status and function of township-and town-level people's congresses need to be more scientifically defined within the framework established by the Constitution and laws.

Keywords: Zhongshan City; Town-Level People's Congresses; Supervision

B. 21 Exploration by the Government of Yuhang District
of Hangzhou City in Bringing Grassroots Governance
under the Rule of Law

*Innovation Project Team on the Rule of Law Index ,
Law Institute , CASS / 372*

Abstract: The Government of Yuhang District of Hangzhou City, by taking the opportunity of the streamlining of public affairs at the village (and community) level and making a distinction between government affairs and social affairs, has emphasized the administration by law on the part of the government and self-government by law on the part of the community, thereby playing an exemplary role in bringing the grassroots governance under the rule of law. On the one hand, community self-government is realized and village (community) affairs are brought under the rule of law by streamlining government agencies, reducing performance appraisals, and simplifying paperwork; on the other hand, the power of grassroots government has also been brought under the rule of law through the adoption and promulgation of power list and the downward shift of the emphasis of work of government agencies, and the quality of village (community) public services has been improved through the active development of community organizations and government purchase of services.

Keywords: Yuhang District of Hangzhou City; Bringing the Grassroots Governance Under the Rule of Law; Community Self-government