

Communiqué of the Fourth Plenary Session of the 18th Central Committee of the Communist Party of China (Excerpts)

The congress stresses that the decisions made at the 18th National Congress of the Communist Party of China (CPC) and the Third Plenary Session of the 18th CPC Central Committee must be fully implemented and delivered in order to advance the rule of law. Doing this, it will implement in depth the basic principles put forward by Xi Jinping, General Secretary of the CPC Central Committee, in a series of major speeches, building on the foundations provided by holding high the banner of socialism with Chinese characteristics, guided by Deng Xiaoping Theory, the important thoughts contained in the Three Represents theory, and the Scientific Outlook on Development theory. China is going to integrate the leadership of the Party, the people's role as masters in their own country and the rule of law. It is determined to uphold the socialist rule of law with Chinese characteristics, defend the authority of the Constitution and laws, and safeguard social equity and justice along with national security and stability. All these efforts will provide legal guarantee for the realization of the Chinese dream of national renewal while at the same time achieving China's "two centennial" goals: to complete the building of a moderately prosperous society in every way possible by the time the CPC celebrates its centenary and to turn China into a modern socialist country that is strong, democratic, culturally advanced and harmonious when the People's Republic of China marks its centenary.

The general target for advancing stronger legality is to create a system which serves socialist rule of law with Chinese characteristics, and to build a socialist country under that rule of law. Put another way, China will adhere to the socialist system with Chinese characteristics and apply the theory of the socialist rule of law under the leadership of the Party. It will put in place a well-developed series of laws and regulations as well as very efficient methods for implementing them, giving this strict oversight and sound support. It will also develop a well-established system of Party rules and disciplines. It will ensure that the rule of law, law-based governance and law-based administration can then advance side by side. It will pull together its efforts in order to build a country under the rule of law, with a government which is law abiding and a society which is law based. China is going to promote governance modernization governance by formulating laws in a scientific way, then enforcing them stringently, administering justice impartially, and ensuring that everyone abides by the law. In order to achieve this, China has to the leadership of the CPC, and that means upholding the people's principal position in the affairs of the country, and abiding by the fundamental principle of equality before the law. In that way the rule of law is synthesized with principles of virtue and everything it does is based on the real situation in the country.

The CPC's leadership bears the hallmark of socialism with Chinese characteristics, fundamentally guaranteeing the socialist rule of law. The crucial lesson China has learned in pursuing the rule of law is that the CPC must take the lead in every aspect of this process. The Chinese Constitution defines the CPC as the nation's leader. Its leadership is a fundamental requirement for socialist rule of law: this is essential to both the CPC and China. This bears with critical importance on the interests and wellbeing of the Chinese people whatever their ethnicity, and represents an inherent tenet of China's campaign to promote the rule of law. The Party's leadership is consistent with the socialist rule of law; the two are mutually dependent. Only if the Communist Party governs the country according to the law will people's rightful position as the masters of their own nation be a reality, and state and social affairs will be handled in line with the law. The rule of law requires the Communist Party not only to rule the country according to the Constitution and other laws, but also to manage itself according to its own rules and regulations.

The major tasks of advancing the rule of law are as follows: improving the socialist framework of laws with Chinese characteristics which positions the Constitution at the heart, strengthening its implementation, promoting administration in accordance with law to accelerate the construction of a law-abiding government; safeguarding judicial justice in order to improve credibility; promoting public awareness of the rule of law so as to consolidate the foundation of a law-based society, strengthening capacity building in the legal profession, and sharpening the Communist Party's leadership as it advances the rule of law.

The law is an important instrument of governance. Good laws are the prerequisite to this. China has to prioritize lawmaking as it develops a system for the rule of law. It needs to make the most of the role of lawmaking in spearheading its efforts, focusing on improving the quality of legislation. It will adhere to the principles of putting people first and making laws for the people at the same time as it observes its core socialist values. It will ensure that every law conforms to the Constitution, reflecting the people's will and gaining popular support. It will uphold the principles of justice, fairness and transparency throughout the whole process of lawmaking at the same time as it improves legislative systems and procedures. It will give equal weight to formulating new laws and regulations while amending, revoking and interpreting existing ones in a bid to make them more timely, systematic, relevant and effective. Efforts to adhere to the rule of law must prioritize the rule of the Constitution. Adherence to governance by law should ensure this is primarily in line with the Constitution. Measures will be taken to ensure the Constitution is implemented and to supervise this. The National People's Congress and its Standing Committee will play an expanded role in exercising oversight over this implementation. Procedural rules regarding the interpretation of the Constitution will be fine-tuned. Lawmaking protocols will also be bolstered by strengthening the Party's leadership and tweaking its decision-making procedures regarding major legislative issues. Arrangements will be made to allow peoples' congresses which have legislative power to play the dominant role in lawmaking. Cities consisting of a number of districts will be granted local legislative power. The legislative process will be made more scientific and democratic. The arrangements under which legislative proposals are collected and deliberated will be improved. Lawmaking characterized by legislative bodies having a dominant role and the effective participation of all sectors of society will be refined. Channels for people's orderly participation in the legislative process will be expanded. China will also intensify its legislative efforts in key areas. It will speed up the progress in forming legal systems enshrining equal rights, equal opportunities and fair rules. It will guarantee citizens' rights to life, property and basic political rights are free from infringement and that they can

realize their economic, cultural and social rights. It will harmonize lawmaking with the making of reform decisions so that major reform measures are lawful and these legislative efforts meet the needs of China's reform drive as well as its economic and social development.

The vitality and authority of any system of law lie in its implementation. Governments at all levels have to operate under the leadership of the Communist Party, in keeping with what the rule of law requires. China will redouble its efforts to build a law-abiding government, one that undertakes its duties in a scientific way, is vested with lawful powers and responsibilities, enforces the law stringently, and is transparent, impartial, clean, efficient and credible. The government will perform its duties fully in accordance with the law. China will push for the proper legal framework and basis for government institutions as well as their duties, powers, procedures and responsibilities. It will also adopt a list of government powers. The government will improve law-based decision-making by making public participation, expert deliberation, risk assessment, legitimacy review and final discussion by decision-makers part of the legal procedures for the adoption of major administrative decisions. Mechanisms to examine the legitimacy of major decision-making in government departments will be established, with a system of lifelong accountability for major decisions and a mechanism in place to hold individuals accountable for poorly judged or incorrect decisions retrospectively. Administrative law enforcement reforms will be bolstered. The mechanism integrating administrative law enforcement with criminal justice will be enhanced. Laws will be enforced strictly, in a standardized, impartial and humane manner. Any violation will be dealt with according to the law. In key areas concerning the public's immediate interests, law enforcement efforts will be intensified. Benchmark standards will be created to regulate administrative discretion. Measures to ensure responsibility and accountability in administrative law enforcement will be fully implemented. Administrative powers will be further restricted and supervised. Provisions to correct mistakes and to hold law enforcement personnel accountable should be strengthened. China will promote transparency in government affairs. In adherence to the principle that transparency should be the norm with only a few exemptions, the government will advance transparency in decision-making, enforcement and administration and publicize both the services it offers as well as their concrete results.

Justice is the lifeblood of the rule of law. Instances of judicial injustice can inflict lethal damage socially wherever they happen. China will improve the manner in which judicial powers are exercised and strengthen supervision over judicial activities in a bid to give the public a sense of confidence that they will receive fair and just treatment in every lawsuit. China will take measures to ensure the lawful, independent and impartial exercise of judicial and procuratorial powers. It will develop a system in which officials are given demerits, criticized in public notices, and held accountable if they are found to be influencing judicial activities or meddling in particular cases. Protective measures will be taken to safeguard law enforcement personnel performing their lawful duties. China will also optimize the assignment of judicial duties. It will promote pilot reforms aimed at separating powers in judging cases and in enforcing court rulings. The Supreme People's Court will found circuit courts to facilitate the handling of judicial cases filed by the inhabitants of local communities. The country will explore the possibility of establishing courts and procuratorates with jurisdictions spanning across different administrative regions, thus creating a situation in which prosecuting bodies can institute public interest litigations. It will administer justice based strictly on the facts in accordance with law while at the same time advancing reforms of legal proceedings centered on court judgments. Trial judges and procurators will have lifelong accountability with regard to their cases.

Public participation will be incorporated into judicial procedures such as mediation, hearings and lodging complaints about legal proceedings to the government. Jury selection will also be updated. Taken as a whole, all of these measures aim to create an efficient judicial system that is open, dynamic, transparent and client friendly. In addition to this, China will enhance the protection of human rights in judicial procedures. It will strengthen supervision over judicial activities in their entirety. The system regulating the power of procuratorates to carry out supervision will be adjusted to enhance the legal oversight of criminal, civil and administrative proceedings. Arrangements for representatives from the general public to oversee these proceedings will also be improved. No illegal mitigation of a sentence will be allowed, and assurances that the handling of judicial cases will not be influenced by personal connections, favors or bribery.

The authority of any system of law is derived from the sincere support and faith of the public. While the law protects people's interests, the people are also responsible for defending the authority of the law. China must advocate the spirit of the rule of law, so as to foster a culture conducive to its implementation. The government will call on society as a whole to be more proactive in implementing the rule of law, thereby creating a social environment in which compliance is prized and violations are condemned. It will encourage all members of society to voluntarily abide by the rule of law and to become its most faithful advocates and staunchest defenders. To this end, it will imbue the public with a sense of the rule of law through an educational campaign. It will also incorporate teachings concerning the rule of law into the national educational curriculum and into the country's long-established program of promoting cultural and ethical progress. The government will forge ahead with promoting the rule of law at multiple levels and in multiple areas. It will address governance issues in a systematic, law-abiding, and comprehensive manner right at their source. It will promote the rule of law in community-level organizations and departments as well as industries. It will support the self-regulation and self-management of social entities. The constructive role of social entities such as means to take on board urban residents', villagers', industry and other organizations feedback shall be brought into play . A full-fledged network of legal services will be established. Efforts will be made to promote the establishment of public legal services that cover both urban and rural residents. Legal aid and access to justice will be widened. Arrangements designed to defend rights and address disputes according to the law will also be improved. An early warning mechanism to detect social tensions as well as provisions for people to articulate their interests, consult and communicate with the government and receive assistance will be established to maintain open legal channels through which diverse interests can be coordinated and the rights and interests of the public safeguarded. The present multidimensional public security management system will be adjusted in order to better guarantee the safety of people's lives and property.

Advancing the rule of law calls for improving political, professional and ethical standards of all the personnel involved. China will focus on developing a group of legal professionals loyal to the Communist Party, the country, the people and their law. It will give priority to political standards as it works to train competent legal personnel. It will encourage legislative, administrative law enforcement and judicial personnel to improve their competence. Open channels will be maintained for these officials and professionals to communicate with one another and with their peers in other departments. Those involved in implementing the rule of law will be called on to follow standard protocol, and be specialized and professional. China will attempt to regulate access to legal professions. It will aim to recruit legislative staff, judges and procurators from qualified lawyers, legal experts and law school graduates while improving job security services for these professionals. China

will bolster the professionalism of legal service providers. It will call on lawyers to be firm in voluntarily following the path of the socialist rule of law. It will develop a reasonably structured contingent of private, public and corporate lawyers complementing each other with their respective advantages. China will make innovations in its approach to educating legal professionals. It will develop socialist legal theories, disciplines and related educational programs. It will push for the introduction of these theories into the school curriculum and their integration into students' knowledge base, thereby training professionals and candidates conversant with and committed to China's rule of law.

The Communist Party's leadership is the most fundamental guarantee for advancing the rule of law and accelerating the transformation of China into a country operating under the rule of law. While strengthening and improving the Party's leadership, China must always adhere to the Party's guidance as it advances the rule of law. To govern the country according to the law, Party officials at all levels should take the lead in abiding by the law. They should not exercise their powers in violation of the law, let alone take their own words as the law, place their own authority above the law or abuse the law. China will refine the legislative provisions enabling the Party to lead the drive for the rule of law as well as the rules and procedures ensuring that the Party determines the policies and plans on advancing the rule of law. In this regard, it will strengthen unified leadership, planning and coordination, while improving the decision-making process of Party committees. Party organizations in people's congresses, governments, committees of the Chinese People's Political Consultative Conference, courts and procuratorates at all levels will lead and supervise these departments' observance of the Constitution and other laws. Enforcement personnel who violate the law will be severely dealt with, as will all those that exercise powers in violation of the law. The Communist Party will strengthen its regulations and rules, refine the methods employed for devising its regulations and establish a complete network of rules. It will implement the principle that the Party should supervise its own conduct and run itself with strict internal discipline in accordance with internal regulations. Party members and officials will be called on to lead by example in abiding by state laws. They should be more willing to adopt a legally based way of thinking and be more capable of doing their jobs according to the law. The effectiveness of implementing the rule of law will be a significant indicator in judging the work of officials at various levels and will be taken into consideration when evaluating their performance. The government will promote the implementation of the rule of law at the community level by giving full play to the key role of community-level Party organizations. It will establish a working mechanism that shifts the focus of the rule of law to communities. The People's Liberation Army will promote the rule of law and enforce strict discipline within its own ranks. In keeping with the Party's goal of strengthening the military under ever-changing circumstances, China will establish a sound system for the application of the rule of law in the military and further apply the rule of law in national defense and military development. China will guarantee the practice of "one country, two systems" and promote national reunification in line with its laws. It will safeguard the long-term prosperity and stability of Hong Kong and Macao special administrative regions, promote the peaceful reunification of the motherland, and safeguard the interests of its Hong Kong, Macao and Taiwan compatriots. China will step up foreign-related legal efforts. It will use legal means to safeguard the country's sovereignty, security and development interests; the overseas interests of Chinese citizens and corporations; and the interests of foreign citizens and corporations in China.