

# The Communist Party of China and Human Rights Protection — A 100-Year Quest (II)

## 中国共产党尊重和保障人权的伟大实践(下)

### 3. Coordinating Protection of Civil and Political Rights

Personal rights protection has been strengthened in China. The Constitution states that “the personal freedom of citizens of the PRC shall not be violated.” The Legislation Law stipulates that matters involving criminal offences and penalties, compulsory measures and penalties involving deprivation of a citizen’s political rights or restriction of personal freedom, and the justice system must be governed by laws developed by the National People’s Congress (NPC) and its Standing Committee. The Criminal Law sets the principles of legality, equality before the law, and punishment fitting the crime. It punishes criminal acts that violate citizens’ rights to life, health, freedom, etc., as provided for by the law. The Criminal Procedure Law states in the General Provisions that respecting and protecting human rights is one of the objectives of this law, and defines the principles of presumption of innocence and exclusionary rule to protect the human rights of criminal suspects, defendants and criminals. The Civil Code states that a natural person’s right to life, life safety and dignity are protected by law and free from infringement by any organization or individual. The Law on Administrative Penalty, the Administrative Compulsion Law and other administrative laws protect the personal rights of citizens by regulating administrative power. China has successively abolished the systems of re-education through labor and of detention education to better protect the personal freedom of its citizens.

The right to vote is guaranteed by law. The right to vote and to stand for election is a basic political right of citizens defined in the Constitution: All citizens who have reached the age of 18 have the right to vote and stand for election, regardless of ethnicity, race, gender, occupation, family background, religious belief, education, property status, or length of residence, except persons deprived of political rights in accordance with the law. The principles of universality, equality, combination of direct and indirect elections, competitive election and secret ballot are applied to ensure equal right to vote for everyone in accordance with the law. The election system ensures that both rural and urban areas are represented by people’s congress deputies in proportion to their population, and that all regions, ethnic groups, and sectors of society have a certain proportion of deputies.

### (三) 协调推进公民权利和政治权利保障

人身权保障不断加强。宪法确认了公民人身权。立法法规定，有关犯罪和刑罚、对公民政治权利的剥夺和限制人身自由的强制措施和处罚、司法制度等事项，只有全国人大及其常委会会有权立法。刑法确立罪刑法定原则、平等适用刑法原则、罪刑相适应原则，依法制裁侵犯公民生命、健康、自由等权利的犯罪行为。刑事诉讼法将“尊重和保障人权”写入总则，明确规定无罪推定原则、非法证据排除规则，保护犯罪嫌疑人、被告人和罪犯依法享有的人权。民法典强调人身自由、人格尊严受法律保护，明确规定公民的人身权利受法律保护，任何组织或者个人不得侵犯。行政处罚法、行政强制法等行政法律通过规范行政权保障公民人身权。为更好保障公民的人身自由，中国先后废止了劳动教养和收容教育制度。

选举权受到法律保障。选举权和被选举权是宪法规定的公民基本政治权利，凡年满18周岁的中国公民，不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限，除依法被剥夺政治权利的人外，都有选举权和被选举权。中国依据普遍、平等、直接选举和间接选举相结合以及差额选举、秘密投票的原则，依法保障人人享有平等的选举权利，实现城乡按相同人口比例选举人大代表，并保证各地区、各民族、各方面都有适当数量的代表。

People's rights to know, to be involved, to express views, and to supervise the exercise of power are better protected. A mechanism through which public opinion is consulted in drafting laws has been established and improved. By April 2021, the state legislatures had solicited public opinion on 230 draft laws. A total of 425,762 comments were received for the draft Civil Code alone, collecting 1,021,834 pieces of opinion.

Administrative work of the government has been made more transparent. Following the principle that public disclosure is the rule rather than the exception, a list of well-defined powers, a list of responsibilities and a negative list for governments at different levels have been introduced across the country. The power list for governments at provincial, city and county levels has been published nationwide.

The mechanism in which decisions are made in accordance with the law has been improved, with a focus on the effectiveness of public participation and the quality of expert discussion, so as to protect the citizens' right to participate in administrative decision-making.

The public complaints reporting system has been steadily improved to ensure problems are handled in a lawful and timely manner, and people's legitimate rights and interests are protected. The national public complaints information system links the public complaints and proposals departments of all the provincial-level administrative units on the Chinese mainland, and 42 departments of the CPC Central Committee and ministries of the central government. This system makes it easier for people to report information, or raise suggestions, complaints, or requests.

A system to solicit proposals from the public has been set up. China provides smooth channels through which people express their opinions, and offers innovative means of public supervision. It has put in place convenient and effective online platforms for citizens to offer their views and advice, express their demands, and participate in social management in an orderly manner, making such platforms an important channel for realizing whole-process democracy.

Citizens and social organizations have the right to supervise state organs and public functionaries. The NPC Standing Committee performs its constitutional and legal duty of supervision. The system for recording and reviewing regulations, rules and other normative documents has been improved, and a national platform has been set up to this end.

Freedom of religious belief is guaranteed. Based on the realities of the country and the conditions applying to its religions, China follows the policies of separation of government from religion and of freedom of religious belief, maintains religious harmony, builds active and healthy religious relations, and respects and protects the citizens' right to follow or not to follow any religion. The government protects normal religious activities, and manages religious affairs involving national and public interests but does not interfere in the internal affairs of religions. It supports all religions in upholding the principle of indepen-

知情权参与权表达权监督权保障体系持续完善。建立健全常态化的法律草案公开征求意见工作机制。截至2021年4月，国家立法机关共有230件次法律草案向社会公开征求意见。民法典草案公开征求意见期间共收到425762人次提出的1021834条意见。大力推行政务公开，以公开为原则，不公开为例外，全面推行权力清单、责任清单、负面清单公开工作，全国均已公布省市县三级政府部门权力清单。健全依法决策机制，在重大行政决策过程中，注重增强公众参与实效，提高专家论证质量，依法保障公民在行政决策中的参与权。不断完善信访制度，依法及时处理信访问题，维护群众合法权益。国家信访信息系统联通了全国31个省（区、市）和新疆生产建设兵团信访部门、42个中央和国家机关，方便群众反映情况、提出意见建议或者投诉请求。建立人民建议征集制度，畅通民意表达渠道，创新群众监督方式。建立便捷高效的网络表达平台，公民在网络上积极建言献策、表达诉求，有序参与社会管理，成为全过程民主的重要渠道。保障公民和社会组织对国家机关和公职人员进行监督的权利。全国人大常委会履行宪法法律监督职责，健全备案审查制度，建立全国统一的备案审查信息平台。

实行宗教信仰自由政策。中国始终坚持从本国国情和宗教实际出发，实行政教分离和宗教信仰自由政策，维护宗教和谐，构建积极健康的宗教关系，尊重和保护公民信仰宗教和不信仰宗教的权利。国家保护正常宗教活动，依法对涉及国家利益和社会公共利益的宗教事务进行管理，但不干涉宗教内部事务。支持各宗教坚持独立自主自办原则，在独立自主、平等友好、互相尊重的基础上开展对外交往。在中国，信教公民和不信教公民相互尊重、和睦相处，积极投身改革开放和社会主义现代化建设，共同为实现中华民族伟大复兴的中国梦贡献力量。

dence and self-management, and in carrying out external exchanges on the basis of independence, equality, friendship, and mutual respect. In China, believers and non-believers respect each other and live in harmony; they work together in China's reform and opening up and socialist modernization for the realization of the Chinese Dream of national rejuvenation.

#### 4. Protecting the Rights of Special Groups in All Respects

China maintains that all ethnic groups are equal. It ensures that people of all ethnic groups have equal rights to administer state affairs in accordance with the law. China protects the rights of ethnic minority groups through the Law on Regional Ethnic Autonomy, the Electoral Law for the National People's Congress and Local People's Congresses, the Education Law, the Law on the Standard Spoken and Written Chinese Language, the Employment Promotion Law, and other relevant laws and regulations.

All 55 ethnic minority groups have deputies at the NPC and members in the National Committee of the Chinese People's Political Consultative Conference (CPPCC). The 13th NPC has 438 deputies from ethnic minority groups, accounting for 14.7 percent of the total, and the 13th CPPCC National Committee has 247 members from ethnic minority groups, making up 11.5 percent of the total.

China has invested a significant effort in ethnic minority education. It works to ensure their right to education by running boarding schools in farming and pastoral areas, opening preparatory courses and special classes for ethnic minorities at colleges and schools, and prioritizing ethnic minority areas in developing higher education. Nine-year compulsory education (elementary and junior high schools) is universal in ethnic minority areas. In Tibet Autonomous Region and south Xinjiang Uygur Autonomous Region, students are exempt from charges for education for a total of 15 years from preschool to senior high school.

With the exception of the Hui, who have used Han Chinese historically, and the Manchu and She peoples who now generally use Han Chinese, the other 52 ethnic minorities have their own spoken languages, and over 20 groups use nearly 30 written scripts. The Chinese government protects by law the legitimate use of the spoken and written languages of ethnic minorities in the areas of administration and judicature, press and publishing, radio, film and television, and culture and education.

China has put in place a legal system of more than 100 laws and regulations that comprehensively protects the rights and interests of women and children. It has enacted three guidelines on women's development and three on children's development, coordinating protection of women and children with economic and social development.

China promulgated a special law to prevent and stop domestic violence and protect the legal rights of family members.

The Criminal Law and the Criminal Procedure Law have been amended many times to strengthen the protection of minors. Robust action has been taken against criminal acts against minors, and the system of special protection for minors involved

#### (四) 全面保障特定群体权利

坚持各民族一律平等。依法保障各民族群众平等享有管理国家事务的权利。中国通过民族区域自治法、选举法、教育法、国家通用语言文字法、就业促进法等法律法规保障少数民族享有的各项权利。中国55个少数民族均有本民族的全国人大代表和全国政协委员，十三届全国人大代表中少数民族代表438名，占14.7%；十三届全国政协委员中少数民族委员247名，占11.45%。发展民族教育事业，在广大农牧区推行寄宿制教育，举办民族预科班、民族班，着力办好民族地区高等教育，保障少数民族受教育权利。目前，民族地区已全面普及从小学到初中9年义务教育，西藏自治区、新疆维吾尔自治区的南疆地区等实现了从学前到高中阶段15年免费教育。除回族历史上使用汉语，满族、畲族基本转用汉语外，其他52个少数民族都有本民族语言，有20多个少数民族共使用近30种文字。国家依法保障少数民族语言文字在行政管理、司法活动、新闻出版、广播影视、文化教育等各领域的合法使用。

中国建立了包括100多部法律法规在内的全面保障妇女儿童权益的法律体系，先后制定实施了3个周期的妇女、儿童发展纲要，有力推动了妇女儿童事业与经济社会协调发展。制定专门法律，预防和制止家庭暴力，保护家庭成员的合法权益。多次修改完善刑法和刑事诉讼法，加强对未成年人的保护，严厉打击侵害未成年人的犯罪行为，健全涉罪未成年人的特殊保护制度。截至2021年4月，全国共有少年法庭1800余个，未成年人检察机关1500余个，未成年人检察机关检察官4400余名。

尊老敬老是中华民族的传统美德。多次修订完善老年人权益保障法，31个省（区、市）制定了配套地方性法规，切实保障老年人合法权益。2019年11月，中共中央、国务院印发《国家积极应对人口老龄化中长期规划》，进