

# Moderate Prosperity in All Respects: Another Milestone Achieved in China's Human Rights (II)

## 全面建成小康社会： 中国人权事业发展的光辉篇章（下）

Improving community-level self-governance. China has amended the Organic Law of the Urban Residents Committees and the Organic Law of the Villagers Committees to improve and regulate the election and removal procedures for committee members. More than 10 rounds of villagers committee elections have been held in villages across the nation. More than 98 percent of these have been conducted by direct election, with more than 95 percent of villagers taking part. The state has worked to expand the channels for the migrant population to participate in community-level governance in their residential areas.

In the fight against poverty, China has paid special attention to improving the mechanism for self-governance by villagers. All matters related to the implementation of poverty alleviation policies, allocation and use of public funds, and projects for improving people's wellbeing are subject to extensive public discussion and consultation to build consensus and obtain popular support.

The system for the democratic management of enterprises and public institutions in the form of workers congresses has improved. Across the country, 29 provinces and equivalent administrative units have issued 36 local regulations concerning the democratic management of enterprises, to guarantee workers' right to participate in management and oversight, and to protect their lawful rights and interests.

Protecting the rights to know, to participate, to express views, and to supervise the exercise of power. China has put in place an audit result announcement system and revised the Regulations on Government Information Disclosure to improve government transparency and protect citizens' right to know.

Internet-based government services have improved. E-government has been promoted to ensure access to all government services through a single portal, shortening the process by over 40 percent for more than half of the items requiring administrative licensing. Moreover, online and one-stop services are provided for over 82 percent of the items requiring provincial administrative

基层群众自治不断完善。修订城市居民委员会组织法、村民委员会组织法，进一步完善和规范居委会、村委会成员的选举和罢免程序。全国农村已普遍开展10轮以上村委会换届选举，98%以上的村委会依法实行直接选举，村民参选率达95%。拓展流动人口有序参与居住地社区治理渠道。在脱贫攻坚中，特别注重健全村民自治机制，凡是涉及脱贫攻坚惠民政策的落实、惠民资金的分配使用、民生工程项目的建设，都广泛开展议事协商，凝聚群众共识，取得群众支持。以职工代表大会为基本形式的企事业单位民主管理制度不断健全，目前全国已有29个省（区、市）制定了36个有关企业民主管理的地方性法规，保障职工参与管理和监督的民主权利，维护职工合法权益。

知情权、参与权、表达权、监督权得到切实保障。实行审计结果公告制度，制定修改政府信息公开条例，提升政府信息公开水平，保障公民知情权。“互联网+政务服务”服务能力持续提升。通过推行“一网通办”，全国一半以上行政许可事项办理时限缩短40%以上，省级行政许可事项网上受理和“最多跑一次”比例超过82%，50个高频服务事项和200个便民服务实现“跨省通办”。根据《2020年联合国电子政务调查报告》，中国电子政务服务的在线服务指数与电子参与水平均

licensing, and 50 commonly used government services and 200 public services are provided on an inter-provincial basis to ensure easier access. According to the E-Government Survey 2020 published by the United Nations, China ranks 9th on both the Online Service Index and the E-Participation Index, showing a very high level of e-government development.

Democratic lawmaking is ensured through improved systems for legislative deliberations and solicitation of public opinion on draft laws, so that every law reflects the will of the people. By the end of 2020, the Standing Committee of the 13th National People's Congress (NPC) had solicited public opinion on 87 draft laws.

China has improved the mechanism of law-based decision-making. This makes public participation, expert discussion, risk assessment, legality review, and group discussion statutory procedures in major administrative decision-making, so as to make decision-making more democratic.

China provides open, smooth, efficient and convenient channels for people to express their opinions and demands. Public complaints can be submitted online as well as through letters, visits, calls and other channels. This ensures that extensive public opinion is collected, that citizens' legitimate demands are addressed quickly, *in situ* and by law, and that people can participate in the management of public affairs in an orderly manner and supervise state agencies in exercising their powers.

From 2018 to 2020, the Standing Committee of the 13th NPC heard and reviewed a total of 52 work reports of the State Council, the National Supervisory Commission, the Supreme People's Court, and the Supreme People's Procuratorate. It examined the implementation of 19 laws and decisions. It conducted 18 surveys and 8 consultations on subjects such as the outline of the 14th Five-year Plan, targeted poverty alleviation, pollution prevention and control, and reform of the social security system.

With a well-defined role in democratic supervision, the CPPCC has strengthened its function of democratic supervision, with clearer priorities and in more forms. It has improved the mechanisms for organizing democratic supervision, protecting related rights and interests, providing informed feedback, and facilitating communication and coordination, so that supervision is embodied in consultation and consultative supervision plays a better role.

Reform of the national supervision system has been advanced to strengthen all-round law-based supervision of public servants in the exercise of public power. The systems of people's assessors and supervisors have been improved to ensure citizens' right to judicial participation and supervision.

## 2. Protecting Personal Rights

China respects human dignity and value, and protects citizens' personal rights and liberty in accordance with the law.

Respecting and protecting personal liberty. Unlawful deprivation or restriction of a citizen's personal freedom is prohibited. In

列全球第9位，进入领先行列。推进民主立法，完善立法座谈论证、法律草案公开征求意见等制度，使每一项立法反映人民意志。截至2020年，十三届全国人大常委会已就87件次法律草案公开征求意见。不断健全依法决策机制，将公众参与、专家论证、风险评估、合法性审查、集体讨论确定为重大行政决策的法定程序，提高决策民主化水平。完善公开透明、高效便捷的诉求表达渠道，实行网上受理信访制度，广泛汇集社情民意，依法及时就地解决公民合理诉求，保障公民有序参与公共事务管理，监督国家机关依法行使职权。2018年至2020年，十三届全国人大常委会共听取和审议“一府一委两院”工作报告52个，共对19部法律和决定的实施情况进行检查，围绕“十四五”规划纲要编制、精准脱贫、污染防治、社会保险制度改革等内容开展18次专题调研，开展8次专题询问。把握政协民主监督性质定位，加强和改进政协民主监督工作，突出政协民主监督重点、丰富政协民主监督方式，不断完善民主监督的组织领导、权益保障、知情反馈和沟通协调机制，寓监督于协商之中，更好发挥协商式监督优势作用。推进监察体制改革，依法全方位加强对所有行使公权力的公职人员的监督。不断完善人民陪审员、人民监督员制度，保障公民参与司法、监督司法的权利。

## 2. 保障人身权利

尊重人格尊严和价值，依法保护公民的人身权利和自由。

公民人身自由得到尊重和保护。非由法律规定、非经法定程序不得剥夺、限制公民人身自由。十二届全国人大常委会2013年通过关于废止有关劳动教养法律规定的决定，十三届全国人大常委会2019年通过关于废止有关收容教育法律规定和制度的决定，国务院2020年废止《卖淫嫖娼人员收容教育办法》，废除劳动教养和收容教育制度，彰显国家尊重和保障人权的宪法精神及依

2013, the Standing Committee of the 12th NPC adopted a decision to repeal laws and regulations on reeducation through labor. In 2019, the Standing Committee of the 13th NPC adopted a decision to repeal laws and regulations on detention education. In 2020, the State Council abolished the Measures for the Detention Education of Persons Engaging in Prostitution and Whoring. The abolition of reeducation through labor and detention education embodies the constitutional principle of respecting and protecting human rights, and demonstrates China's commitment to protecting citizens' personal liberty by law.

Facilitating the movement of people. China has continued to reform the household registration system. It conducts unified household registration of urban and rural areas to enable rural people who have stable jobs and have lived in urban areas for the appropriate time to register as permanent urban residents. In this way, China ensures that people enjoy equal rights. In 2020, the urbanization rate of registered population reached 45.4 percent, an increase of 10.1 percentage points from 2012. Since 2010, more than 15 million unregistered people have completed household registration.

Securing personal information and privacy by law. China has enacted the Civil Code and strengthened protection of personality rights. The government has intensified efforts in protecting data and personal information in accordance with the law and taking firm action on infringements concerning personal information. Since 2016, it has taken special actions to handle cases involving suspected violations of personal information, effectively curbing such violations. In 2019, a campaign was launched nationwide to address collection and use of personal information by applications in violation of laws and regulations, focusing on the absence of a privacy policy, bundled and forced consent, and collection and use of personal information without consent. This campaign has increased transparency in the privacy policy of applications.

The Cyberspace Administration of China and three other departments jointly issued in March 2021 the Provisions on the Scope of Required Personal Information for Common Types of Mobile Applications, clearly defining the personal information required for 39 common types of mobile apps. Between May and July 2021, the authorities conducted an assessment of personal information protection provided by 1,035 frequently downloaded apps of 12 common types. In an ensuing public notice, 351 apps were criticized for seriously violating laws and regulations, and 52 apps were taken down for failing to correct their violations within the required time frame. As a result, infringements of privacy in the collection and use of personal information have declined.

China strikes hard at telecom and cyber fraud, and severely punishes crimes involving infringements of personal information, to strengthen protection of personal privacy. In 2017, 2018, 2019 and 2020, people's courts at all levels concluded 1,393, 2,315, 2,627, and 2,558 such cases at first instance, and 273, 292, 331, and 395 cases at first instance related to privacy disputes.

法保障公民人身自由的人权理念。

人员流动更加便利。不断推进户籍制度改革,实行城乡统一的户口登记制度,促进有能力在城镇稳定就业的常住人口有序实现市民化,更好保障人民公平享有民生权利。2020年,全国户籍人口城镇化率达到45.4%,比2012年提高10.1个百分点。2010年以来,共为1500余万无户口人员办理了落户,基本解决全国无户口人员登记户口问题。

严格依法保护个人信息安全和隐私。颁布实施民法典,加强人格权保护。加强数据安全和个人信息安全保护,加大对侵犯公民个人信息行为的打击力度。2016年以来,通过开展专项行动依法办理一批涉嫌侵犯公民个人信息的案事件,泄露公民个人信息案事件得到有效遏制。2019年在全国范围开展App违法违规收集使用个人信息保护专项治理工作,重点治理无隐私政策、捆绑授权和强制索权、未经同意收集使用个人信息等突出问题,App隐私政策透明度大幅提升。2021年3月,国家网信办等四部门联合发布《常见类型移动互联网应用程序必要个人信息范围规定》,明确39类常见类型移动应用程序必要个人信息范围。2021年5月至7月,相关部门共组织对12种常见类型、用户下载量大的1035款App开展专项检测评估,对存在严重违法违规问题的351款App进行公开通报,对未在规定时间内整改的52款App依法依规采取下架处罚措施,违法违规收集使用个人信息行为逐步减少。依法严厉打击电信网络诈骗违法犯罪,严惩侵犯公民个人信息犯罪,加大个人隐私保护力度。2017年至2020年,全国各级人民法院一审审结侵犯公民个人信息的刑事案件数量分别为1393件、2315件、2627件、2558件,一审审结隐私权纠纷案件数量分别为273件、292件、331件、395件。依法审理手机应用擅自读取用户通讯录信息、网络信用平台滥用个人征信数据等案件,准确适用“通知-删除”规则,对散发诽谤他人言论的网络平台,根据受害人请求责令