

**国家人权行动计划  
(2009—2010年)**

**评估报告**

**Assessment Report on the National  
Human Rights Action Plan of China  
(2009-2010)**

中华人民共和国国务院新闻办公室  
(2011年7月)

**Information Office of the State Council  
The People's Republic of China  
July 2011**



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## 前 言

2009年4月，国务院授权国务院新闻办公室发布了《国家人权行动计划（2009—2010年）》（以下简称《行动计划》）。这是中国政府制定的第一份以人权为主题的国家规划，是全面推进中国人权事业发展的阶段性政策文件，是中国政府落实尊重和保障人权这一宪法原则，积极推动科学发展，促进社会和谐的一项重大举措，是中国政府在人权领域作出的庄严承诺。

《行动计划》发布后，中央和国家机关各有关部门、各级地方政府高度重视，依照“各司其职、分工负责”的原则，将《行动计划》纳入本部门、本地区的工作职责，并结合各个领域的中长期工作规划，周密部署，精心组织，采取切实有效的措施积极推动落实。各类企事业单位、社会团体、非政府组织、新闻媒体、学术机构和社会各界积极参与《行动计划》的宣传教育和贯彻落实。在党中央、国务院的领导下，经过各有关部门、单位和全社会的共同努力，如期完成了《行动计划》规定的目标任务。

根据《行动计划》的规定，由国务院新闻办公室和外交部牵头，国家立法和司法机关、国务院相关职能部门以及社会团体、非政府组织等组成的国家人权行动计划联席会议机制，负责统筹协调《行动计划》的执行、监督和评估工作。

为保证《行动计划》确定的促进和保护人权的各项目标措施得到落实，联席会议机制先后两次组织对《行动计划》的执行情况进行评估。

2009年底，联席会议机制组织开展了《行动计划》中期评估工作，责成各有关部门和单位对2009年度《行动计划》执行情况作出报告，组织有关单位和专家学者有针对性地进行调查研究，并召开了“《国家人权行动计划（2009—2010年）》执行情况中期评估会议”，对前期的落实情况进行评估检查，对如何完成《行动计划》下一阶段的目标任务提出意见和建议，作出相应部署。中期评估工作有力地推动了《行动计划》的全面落实。

2010年11月，联席会议机制启动了《行动计划》终期评估工作，对计划的完成情况展开全面、科学的评估。终期评估工作分调研、评估、总结三个阶段。2010年11—12月，国务院新闻办公室组织新闻单位、人权专家赴上海、四川等地进行调研，听取各界人士的意见和建议，形成了调研报告。中国人权研究会先后五次组织人权专家和非政府组织代表赴北京、天津、山东、广东、福建、浙江等地，就《行动计划》的落实情况进行实地调研，提出意见和建议。在此基础上，联席会议机制责成各有关部门和单位对各自所涉《行动计划》任务的执行、落实与完成情况进行自我评估，提交了书面评估材料。联席会议机制组织中央国家机关有关部门和单位、人民团体、非政府组织以及南开大学、上海社会科学院、中国社会科学院、中央党校等高校和科研机构的人权专家成立了评估小组，汇集各方面资料，对《行动计划》的执行情况进行认真的评估总结。在评估过程中，联席会议机制

和评估小组多次召开工作会议，对照《行动计划》中各项指标，对各部门、各单位的自我评估情况进行逐条核实和研究，并通过信函、通话等多种方式广泛征求联席会议机制成员单位和社会各界的意见和建议，最后形成了《〈国家人权行动计划（2009—2010年）〉评估报告》。

现将《〈国家人权行动计划（2009—2010年）〉评估报告》予以公布。

## 一、总体执行情况

2009—2010年是进入新世纪以来中国经济发展最困难的两年，也是中国应对各种挑战，全面落实《行动计划》，推动人权事业取得显著进步的两年。中国政府将尊重和保障人权作为治国理政的重要原则，将贯彻落实《行动计划》贯穿于改革发展稳定的各项工作中，妥善应对国际金融危机的巨大冲击，战胜重大自然灾害的严峻挑战，大力推进改革开放和现代化建设，全面完成了《行动计划》确立的目标任务，推动中国人权事业取得了重大进展。

——坚持以人为本，妥善应对国际金融危机的巨大冲击和重大自然灾害的严峻挑战，坚定不移地推进人权事业。

2009—2010年，是历史罕见的国际金融危机持续蔓延，给包括中国在内的世界各国的经济社会发展带来巨大冲击，对人民生活和人权保障构成严重威胁的两年。面对严峻形势，中国政府坚持将应对金融危机冲击、保持经济社会平稳较快发展与落实《行动计划》、促进人权事业发展结合起来，将扩内需、调结构、保增长与保民生结合起来，果断推出一系列应对措施，投入超过4万亿元，加快建设保障性安居工程、农村基础设施、医疗卫生和教育事业等民生工程，加快铁路、公路、机场等基础设施建设，加快生态环境建设，增加城乡居民特别是低收入群众收入，在全球率先实现了经济总体回升向好和人民生活的明显改善，取得了有目共睹的巨大成就。2009年和2010年，国内生产总值分别比上年增长9.2%和10.3%，城镇居民人均可支配收入分别比上年增长9.8%和7.8%，农村居民人均纯收入分别比上年增长8.5%

和 10.9%。中国为应对国际金融危机所作的不懈努力，不仅保证了中国经济的平稳较快发展和人权状况的持续改善，并且为世界各国摆脱金融危机、实现经济回升和民生改善作出了重要贡献。

2009—2010年，中国重大自然灾害频发，抗灾救援和灾后重建任务十分艰巨，人民生命财产和人权保障面临巨大挑战。2008年5月12日，四川汶川发生新中国成立以来破坏性最强、波及范围最大的8级特大地震，重创约50万平方公里，直接严重受灾地区达13万平方公里，69227人遇难，17923人失踪，37万多人受伤，直接经济损失8451亿元。2010年4月14日，青海玉树发生7.1级强烈地震，造成2698人遇难，270人失踪。2010年8月7日，甘肃舟曲发生特大山洪泥石流灾害，舟曲县三分之二区域被水淹没，1501人遇难，264人失踪。面对这一系列重大自然灾害，中国政府始终把人民的生命安全放在第一位，迅速组织开展抗震救灾和抢险救援工作，最大限度地挽救了受灾群众的生命，最大限度地降低了灾害造成的损失，谱写了人类历史上伟大的人道主义新篇章。在灾后重建工作中，中国政府坚持以人为本、尊重自然、统筹兼顾、科学重建的原则，迅速出台一系列支援灾区的政策措施，将人权保障融入抗灾救援和灾后重建的政策措施之中，在《行动计划》中专门就四川汶川灾后重建中的人权保障作出规定。两年来，四川汶川灾后恢复重建三年任务已基本完成，受灾群众基本生活条件和灾区经济发展水平达到或超过灾前水平，家家有房住、户户有就业、人人有保障。玉树强烈地震和舟曲特大山洪泥石流恢复重建有序推进，灾区人民的人权切实地得到了保障。

——坚持将尊重和保障人权与推动科学发展、促进社会和谐结合起来，有效保障全体社会成员平等参与、平等发展的权利。

2009—2010年，中国政府坚持科学发展观，将落实《行动计划》贯穿于推动科学发展、促进社会和谐的全过程，贯穿于统筹城乡发展、统筹区域发展、统筹经济社会发展、统筹人与自然和谐发展、统筹国内发展和对外开放各个方面，坚持将保障人民的生存权、发展权摆在保障人权的首位，着力解决好人民最关心、最直接、最现实的权利和利益问题，不断完善保障和改善民生的制度安排，大力促进就业，加快发展多项社会事业，推进基本服务均等化，加大收入分配调节力度，努力使发展成果惠及全体人民，有效地改善了人民的生存权、发展权和经济、社会、文化权利。两年来，人民生活明显改善，城镇居民的人均可支配收入和农村居民的人均纯收入均大幅增长，覆盖城乡的社会保障体系逐步健全，基本医疗卫生服务体系和覆盖全国城乡居民基本医疗卫生制度框架初步建立，教育文化事业不断发展，全体人民学有所教、劳有所得、病有所医、老有所养、住有所居的目标扎实推进，少数民族、妇女、儿童、老年人和残疾人权利保障得到进一步加强。

——坚持将尊重与保障人权与加强民主法治建设结合起来，积极稳妥推进政治体制改革，依法保障公民权利与政治权利。

2009—2010年，中国坚持党的领导、人民当家作主、依法治国有机统一，将落实《行动计划》贯穿于民主法治建设

各个环节，积极稳妥推进政治体制改革，扩大公民有序政治参与，健全民主制度，丰富民主形式，拓宽民主渠道，深入推进政务公开，不断增强决策透明度与公众参与度，不断推进决策科学化、民主化，依法实行民主选举、民主决策、民主管理、民主监督，着力保障人民的知情权、参与权、表达权、监督权。特别是经修改的选举法明确规定，实行城乡按照相同人口比例选举人大代表，保障公民平等享有选举权，这是中国民主政治建设中的一个重大进步。中国将尊重和保障人权的原则贯穿于立法、行政和司法各个环节之中，加强对公共权力的制约和监督。两年来，全国人大及其常委会先后审议通过了30件与人权密切相关的法律和有关法律问题的决定。到2010年底，中国已制定现行有效法律236件、行政法规690多件、地方性法规8600多件，中国特色社会主义法律体系已经基本形成，社会生活的各个领域和人权保障的各个方面实现了有法可依。

总之，在党中央、国务院的高度重视和坚强领导下，中央国家机关各部门、各单位、各级政府以及社会各界共同努力，通力合作，砥砺奋进，攻坚克难，认真、全面、坚决地执行落实《行动计划》。到2010年底，《行动计划》规定的各项措施得到了有效实施，预定的各项目标如期实现，各项指标均已完成。其中有约35%的约束性指标、50%以上的涉民生指标提前或超额完成。《行动计划》得到了全面落实。在《行动计划》规定的任务之外，中国政府在各领域、各方面还做了大量的工作。通过《行动计划》的全面落实，中国公民的人权意识显著提高，人民的总体生活状况明显改善，经济、社会和文化权利保障得到全面加强，公民权利与政治

权利的保障更加有效，少数民族、妇女、儿童、老年人和残疾人的权利得到有力保障，国际人权领域交流与合作进一步深化，各领域的人权保障在制度化、法治化的轨道上全面推进。《行动计划》各项目标任务的如期完成，标志着中国人权事业的发展进入了一个新的阶段。这是中国政府深入贯彻落实以人为本的科学发展观，妥善应对国际金融危机巨大冲击和各种重大自然灾害严峻挑战，推动经济社会发展和人民生活水平提高取得的重大成果；是中国落实“国家尊重和保障人权”的宪法原则，坚持将人权的普遍性原则同中国具体国情相结合，坚定不移地推进中国人权事业取得的重大进展。

应该看到，中国仍然是一个发展中国家，发展中不平衡、不协调的问题依然突出。如经济增长的资源环境约束强化，收入分配差距较大，城乡区域发展不协调，优质教育、医疗资源总量不足、分布不均，物价上涨压力加大，部分城市房价涨幅过高，违法征地等引发的社会矛盾增多，食品安全问题比较突出。受自然、历史、文化、经济社会发展水平的影响和制约，中国的人权事业发展还面临诸多挑战，实现公民充分享有人权的崇高目标任重道远。

中国将继续坚定不移地坚持中国特色社会主义道路，坚持以人为本，进一步加强和完善党和政府主导的维护群众权益机制，健全保障人权的法律体系，不断提升全社会尊重和保护人权的意识，全面推进中国人权事业的发展，努力使每一个社会成员的各项基本权利得到切实保障，使每一个社会成员生活得更有保障、更有尊严、更加幸福。

## 二、关于经济、社会和文化权利

两年来，国家采取有效措施，着力改善民生，人民的经济、社会和文化权利保障得到全面加强。《行动计划》规定的经济、社会和文化权利指标绝大多数提前或超额完成。

### （一）工作权利

两年来，城镇新增就业 2270 万人，转移农业劳动力 1939 万人，分别超出《行动计划》目标的 26.1% 和 7.7%。截至 2010 年底，城镇登记失业率为 4.1%，低于《行动计划》预定的 5%。全国规模以上企业劳动合同签订率达到 97%，小企业劳动合同签订率达到 65%。共查处用人单位不签订劳动合同、拖欠工资、不依法参加社会保险等劳动保障违法案件 81.9 万件。

国家采取一系列措施，加强劳动保护，保护劳动者生命安全。两年来，国家安全生产监督管理局开展“安全生产年”活动和安全生产法、《国务院关于进一步强化企业安全生产工作的通知》的宣传教育，强化全民安全意识。先后颁布了《煤矿领导带班下井及安全监督检查规定》和《企业安全生产标准化基本规范》等 70 多个部门规章，制定修订 100 多项安全生产标准和煤炭行业标准，集中开展打击非法违法生产经营建设行为专项行动。据不完全统计，截至 2010 年，全国共查处各类非法违法行为约 200 万起，依法关闭取缔各类非法生产、经营等单位 and 项目 3.34 万余个，共排查各类隐患 1356.3 万项。

出台人民调解法和《劳动人事争议仲裁组织规则》，推动公正、及时解决劳动争议，促进劳动关系和谐稳定。目前，

全国共建立各级协调劳动关系三方组织 1.4 万多个，建立各类劳动争议调解组织约 53.4 万个，有调解人员 200 多万人。

## （二）基本生活水准权利

2010 年，城镇居民人均可支配收入达到 19109 元，比《行动计划》预定的 15781 元高出 3328 元。全国各省（自治区、直辖市）普遍调高了最低工资标准。

贫困人口生活状况得到改善。2009 年初，国家将扶贫标准提高至 1196 元，新标准覆盖的人口规模为 4007 万人。截至 2010 年底，贫困人口减少到 2688 万人，比 2008 年底减少了 1319 万人，贫困发生率从 4.2% 降至 2.8%；全国 592 个国家扶贫开发工作重点县农民人均纯收入从 2611 元增至 3273 元。两年来，对 3.78 万个重点贫困村实施了整村推进，贫困劳动力转移技能培训 264.3 万人。

城市居民尤其是中低收入家庭的住房条件不断改善。2008 年第四季度到 2010 年底，全国保障性安居工程建设投资超过 1.3 万亿元，开工建设保障性住房和棚户区改造住房 1300 万套，竣工 800 万套，以实物方式解决了 800 多万户城镇低收入和中等偏下收入家庭的住房困难。2010 年以发放住房租赁补贴的方式，改善了近 400 万户城镇低收入家庭的住房条件。两年来，国务院颁布实施了《国有土地上房屋征收与补偿条例》和《关于进一步严格征地拆迁管理工作切实维护群众合法权益的紧急通知》等行政法规和政策文件，进一步规范了征收行为和征地拆迁管理工作。2009 年，民政部会同财政部下拨 100 亿元用于农房重建补助。

最低生活保障制度进一步完善。两年来，民政部下发了《关于进一步加强城市低保对象认定工作的通知》、《关于进一步规范农村最低生活保障工作的指导意见》等一系列文件。2010年，中央财政补助城市低保资金365.5亿元，增幅达12.5%；补助农村低保资金269亿元，增幅达24.5%。

### （三）社会保障权利

社会保险制度进一步完善。两年来，国家颁布了社会保险法，修订了《工伤保险条例》和《工伤认定办法》。截至2010年底，全国参加城镇基本养老保险、医疗保险、失业保险、工伤保险和生育保险人数分别为2.57亿、4.32亿、1.34亿、1.62亿和1.23亿。参加新型农村社会养老保险的人数达1.4亿。建立工伤保险地市级或相当于地级管理的统筹区269个。

农村五保供养制度得到完善。民政部颁布《农村五保供养服务机构管理办法》，修订《农村敬老院管理暂行办法》。两年来，国家安排中央预算内投资、彩票公益金，支持近1300个农村五保供养服务机构项目建设。目前，农村五保供养对象为556.3万人。全国集中供养平均标准为每人每年2951.4元，分散供养平均标准为每人每年2102.1元。

民政部制定了《救助管理站服务标准》和《流浪未成年人救助保护机构服务标准》。2010年，民政部用彩票公益金3000万元支持40个重点县（市）和大中城市重点社区建设流浪未成年人救助保护中心和全天候救助保护中心。两年来，安排中央预算内投资2.8亿元，直接支持164所流浪未成年人保护机构建设。

#### （四）健康权利

覆盖全国城乡居民的基本医疗卫生制度框架初步建立，居民的基本卫生保健水平得到提高。目前，中国人口平均预期寿命达到 73.5 岁，孕产妇死亡率为 30 / 10 万，5 岁以下儿童死亡率为 16.4%，婴儿死亡率为 13.1%。截至 2010 年底，职工基本医疗保险和城镇居民基本医疗保险参保人数 4.3 亿，新型农村合作医疗（以下简称“新农合”）覆盖人数超过 8.36 亿，总参保人数达到 12.6 亿，覆盖 90% 以上的城乡人口。2011 年初，各级财政对城镇居民医保和新农合参保补助标准由每人每年不低于 40 元提高到 200 元。近几年，中央财政安排 509 亿元专项资金，解决了 800 万关闭破产国有企业及其他企业退休人员的医疗保障问题。职工医保、城镇居民医保政策范围内住院费用统筹基金支付比例分别达到 75% 和 59%，大多数地区职工医保、城镇居民医保统筹基金最高支付限额分别达到当地职工年平均工资、居民可支配收入的 6 倍。

基本医疗卫生服务体系进一步健全。两年来，国家安排投资 448.3 亿元，支持全国 2382 所社区卫生服务中心、116 所精神卫生机构、1877 所县级医院、5169 所中心乡镇卫生院和约 1.13 万所村卫生室改善业务条件。同时，国家分别安排投资 11.4 亿元和 16.9 亿元，支持 16 所国家中医临床研究基地和 142 所地市级以上重点中医院；为乡镇卫生院招聘执业医师 2 万余名，培训城市社区和农村基层医务人员近 300 万人次。每年为中西部乡镇卫生院免费定向培养 5000 名医学生。

基本公共卫生服务均等化得以逐步推进。2010年，全国人均基本公共卫生服务经费补助标准达到17.4元。城镇、农村居民健康档案累计建档率分别为48.7%和38.1%。两年来，为8449万65岁以上老年人进行健康检查，完成贫困白内障患者复明手术56.1万例。目前，3553.8万高血压病人、918.9万糖尿病病人和170.6万重性精神疾病患者纳入慢性病规范管理。农村已建成783.3万个无害化卫生厕所，燃煤型氟中毒改灶143.9万户。

有效控制传染病流行。两年来，完成1.02亿人次的麻疹疫苗强化免疫。白喉等15种传染病报告病例数大幅下降。2010年，全国乙脑、狂犬病、出血热报告发病率分别为0.19/10万人、0.15/10万人、0.17/10万人，分别比2007年下降42%、40%、15%。

食品、药品安全的保障措施进一步完善。2009年2月以来，国家颁布实施了食品安全法、食品安全法实施条例等29件涉及食品安全监管工作的法律法规和其他规范性文件，制定公布了163项国家食品安全标准。建立违法食品添加剂的“黑名单”制度，全国质监部门食品执法打假工作共立案查处6.5万多起。

城乡社区公共体育设施条件明显改善。2009年10月，《全民健身条例》开始实施。两年来，国家体育总局共投入资金9.14亿元援建各类全民健身工程。截至2010年底，全国各类体育场地超过100万个，其中，建在农村的体育健身工程23万多个。群众体育活动站点超过25万个。

#### （五）受教育权利

公民受教育权利进一步得到保障。国家颁布了《国家中长期教育改革和发展规划纲要（2010—2020年）》，确立了到2020年进入人力资源强国行列的战略目标。截至2010年底，普及九年义务教育人口覆盖率达100%，小学学龄儿童净入学率达99.7%，小学五年巩固率达到99%，初中毛入学率达到100%。城市小学新生中接受学前教育的比例达96.6%，农村小学新生中接受学前教育的比例达90.8%。全国15岁以上人口文盲率下降到4.08%。

农村教育事业发展步伐加快。2010年，国家免除了全国约1.3亿名农村义务教育学生学杂费和教科书费，免除了寄宿生住宿费，按照小学每生每年750元、初中每生每年1000元的标准，对约1224万名农村家庭经济困难寄宿生补助了生活费。2009年，中央财政支持的农村义务教育阶段教师特岗计划扩大到中部地区国家级贫困县，公开招聘高校毕业生到农村教学任教，截至2010年共为农村学校补充18.5万名特岗教师。

职业教育得到大力推进。两年来，教育部会同财政部确定了960个中央财政支持的职业教育实训基地，285所国家中等职业教育改革发展示范学校项目，229所优质特色中等职业学校建设项目，100所骨干高等职业学校建设项目；新建和改扩建910所中等职业学校的教学实习实训和生活设施523万平方米，购置各种教学实训设备6.2万余台（套）。

实施“高等学校本科教学质量与教学改革工程”。国家共批准3453个本科特色专业建设点，累计建设3863门国家

级精品课程，批准 120 所高校实施大学生创新性实验计划 1.6 万多个。

校外教育得到大力支持。两年来，中央继续利用专项彩票公益金 30 亿元建设 600 所未成年人校外活动场所，对 1692 个校外活动场所实施补贴，给 1092 个校外活动场所重置设备和维护经费各 60 万元，并投入 3000 万元用于校外活动场所管理人员和骨干教师培训。

家庭经济困难学生资助体系进一步健全。2010 年 9 月，国家将全国普通高校国家助学平均资助标准从原来的每生每年 2000 元提高到 3000 元。全国普通高校每年约有 50 万名家庭经济困难新生通过“绿色通道”入学。全国中等职业学校约有 1200 万名学生获得每人每年 1500 元的国家助学金。从 2010 年秋季学期起，国家设立普通高中国家助学金，下达中央预算 22.5 亿元，资助学生 479 万名，平均资助标准为每生每年 1500 元。

#### （六）文化权利

公共文化服务体系更加完善。截至 2010 年底，全国有线广播电视用户达 18872 万户，农村地区数字电影流动放映设备超过 4.2 万套，基本实现一村一月放映一场电影的公益目标，全国所有已通电行政村和 20 户以上已通电自然村基本实现村村通广播电视。截至 2010 年底，全国共有公共图书馆 2885 个，群众艺术（文化）馆 3264 个，博物馆 2435 个，乡镇（街道）文化站 4 万多个。截至 2010 年底，国家累计投入资金 70 多亿元，建成各类农家书屋 30 多万家，覆盖 50% 的行政村。国家投入 57.8 亿元用于覆盖城乡的全国

文化信息资源共享五级网络服务体系建设，工程资源量达到 108 万亿字节（TB），累计服务超过 8.9 亿人次。国家财政投入 1 亿元，为剧团等基层文化机构配备流动舞台车 330 辆。两年来，中央财政安排免费开放专项经费 40 亿元，重点补助地方博物馆、纪念馆免费开放所需资金。全国 1749 家公共博物馆、纪念馆和数千家其他各类博物馆、纪念馆和各级爱国主义教育基地向社会免费开放。

国家制定《文化产业振兴规划》和《关于促进电影产业繁荣发展的指导意见》，推进文化产业发展。2010 年，文化产业本外币中长期贷款累计新增 276 亿元，文化企业上市融资 104 亿元。

知识产权的保护力度加大。两年来，国家修订了著作权法、专利法和知识产权海关保护条例，颁布了《广播电台电视台播放录音制品支付报酬暂行办法》。2010 年，国务院开展了打击侵犯知识产权和制售假冒伪劣商品专项行动；文化部开展了打击网络游戏侵权盗版行为等专项行动；国家版权局持续开展了软件正版化和打击侵权盗版专项行动。两年来，全国共受理专利侵权纠纷案件 2014 件，查处各类商标违法案件 10 万余件。文化行政部门和文化市场综合执法机构共出动执法人员约 1650 万人次，责令经营单位整改约 51 万家次，7058 家被吊销许可证。

### （七）环境权利

环境质量进一步改善，公众环境权益得到保障。《应对气候变化国家方案》得到落实。截至 2010 年底，单位国内生产总值能耗、全国化学需氧量（COD）和二氧化硫的排放

量均实现或超过《行动计划》的目标。重点城市空气质量优良天数比例平均为 91.5%，95.6%的重点城市空气质量优良天数超过 292 天。两年来，各地共出动执法人员 508 万余人次，检查企业 204 万余家次。开展各类重金属排放企业和造纸企业的专项检查。全面排查沿江沿河化工石化企业，特别是距离饮用水水源地较近的企业存在的环境污染隐患。截至 2010 年底，全国已有 80% 的地市级环保部门和 70% 的县级环保部门开通了“12369”环保举报热线，30% 的县级以上环保部门成立了环境投诉受理中心。2009 年，国家修订了可再生能源法。到 2010 年，新增水电装机容量、风电装机容量、太阳能光伏电池产量、太阳能热水器集热面积均居世界第一。

实施《全国林地保护利用规划纲要》。目前，中国森林面积达 29.32 亿亩，森林覆盖率从 20 世纪 90 年代初期的 13.92% 提高到 20.36%；人工林保存面积达 9.26 亿亩，居世界首位。截至 2010 年底，在森林覆盖率、改良草地、治理退化、沙化和碱化草地、灌溉水有效利用、典型森林生态系统和国家重点野生动植物保护、自然湿地保护以及水土流失综合治理等方面均完成或超额完成《行动计划》的目标。

#### （八）农民权益的保障

农民土地权利得到切实保障。全国人大常委会颁布实施了农村土地承包经营纠纷调解仲裁法，农业部会同有关部门制定了农村土地承包经营纠纷仲裁规则、农村土地承包仲裁委员会示范章程等配套规章和文件。截至 2010 年底，18 个省（自治区、直辖市）制定了征地补偿费在农村集体内部分

配使用办法。全国 2.29 亿承包农户以家庭承包方式承包到了集体耕地；全国土地流转面积达到 1.87 亿亩，占家庭承包经营耕地面积的 14.7%；全国设立农村土地承包仲裁委员会 1405 个，其中县级设立仲裁委员会 1369 个，覆盖全国 47.9% 的县（市）。各地区全面展开集体林权制度改革。截至 2010 年底，已有 18 个省（自治区、直辖市）基本完成了明晰产权、承包到户的改革任务；完成林改确权面积 24.31 亿亩，发放林权证 7260 万本，3 亿农民直接受益。农民宅基地用益物权得到保障。“一户一宅”的基本分配制度得到实行，农村宅基地管理办法不断完善。农村宅基地申请报批程序进一步规范，农村宅基地登记发证工作切实加强。

改革征地制度，被征地农民合法权益得到维护。贯彻实施《征收土地公告办法》和《国土资源听证规定》，在报批拟征地项目的补偿标准和安置方案前，书面告知当事人有要求举行听证的权利。征地程序进一步完善。按照“先安置、后拆迁”的要求，做好征地中农民住房拆迁补偿安置工作，妥善解决好被拆迁农户居住问题。各地公布实施了征地统一年产值标准和征地区片综合地价，补偿水平普遍提高 20% 至 30%，部分地方提高幅度达 1 倍以上。建立补偿标准动态调整机制，每 2—3 年对征地补偿标准进行调整；建立被征地农民社会保障制度，全国已有 29 个省（自治区、直辖市）出台了被征地农民纳入社会保障体系的办法，将被征地农民纳入基本生活或养老保障体系。进一步拓展征地安置途径，采取农业生产安置、异地移民安置等多种方式妥善安排被征地农民的生产和生活，维持其基本的生产条件和收入来源。

国家把促进农民增收和民生改善作为农业和农村工作的中心任务。2009年和2010年，农村居民人均纯收入分别达到5153元和5919元，扣除价格因素，实际增长分别为8.5%和10.9%。农村居民人均纯收入实际增幅连续7年超过6%。国家对种粮农民实行直接补贴和农资综合补贴，扩大良种补贴范围，进一步增加农机具购置补贴，2009和2010年上述四种补贴规模分别为1274.5亿元和1225.9亿元。

农民的健康保障水平进一步提高。新农合覆盖面持续稳定扩大，参合率保持在90%以上。筹资和保障水平进一步提高，人均筹资达到155.3元。60%以上的统筹地区实行门诊统筹。2010年，统筹地区政策范围内住院费用报销比例比上一年提高5个百分点，最高支付限额提高到全国农村居民人均纯收入的6倍左右。两年来，全国共解决1.22亿农村居民的饮水安全问题。

农民工权益得到保障。两年来，有关部门培训农民工逾千万人，农村劳动者创业培训13万人。国家逐步建立农民工工资支付保障制度，最低工资水平大幅提高。截至2010年底，全国已有30个省（自治区、直辖市）调整了最低工资标准，月最低工资标准平均增长幅度为22.8%。全国已有26个省（自治区、直辖市）建立了工资支付监控制度。31个省（自治区、直辖市）全部在建设领域建立了工资保证金制度。

#### （九）四川汶川特大地震灾后重建中的人权保障

四川汶川地震灾区群众的生活和各项权利得到充分保障。现在，四川、甘肃、陕西三省灾区共维修加固农村住房

292 万户、城镇住房 146 万套，重建农村住房 191 万户、城镇住房近 29 万套，城乡居民居住条件比震前明显改善。

灾区劳动者就业得到充分保障。国家采取建立就业援助联席会议制度等措施，投入 36.78 亿元支持扩大就业和社保事业，直接帮助灾区劳动者实现就业 176.5 万人，稳定就业 13 万多人，开发 23 万个公益性岗位，实现“零就业”家庭至少一人以上就业目标，灾区整体就业状况恢复到震前水平。出台政策措施促进灾区群众增收脱贫致富，加快培育灾区农村产业，拓展农民稳定增收渠道。四川省全部解决纳入国家规划的 228.6 万人的农村安全饮水问题，纳入国家规划的 39 个重灾县和极重灾县的城镇居民可支配收入增长 12.1%，农民人均现金收入增长 13.2%，城乡居民收入超过灾前水平。

灾区中小学和医疗卫生机构的重建工作基本完成。国家规划重建的 3972 所学校开工 99.7%，完工 93.8%，灾区学生于 2010 年春季开学时已全部进入永久性建筑学习。规划重建的 3001 个医疗卫生机构恢复重建项目已开工 99.7%，完工 92.2%，基本完成了 1108 个地震灾区计划生育服务机构的恢复重建工作。灾区建成一批文化市场服务网点、社会福利院、社区服务中心、敬老院、广播电视等配套服务设施。

尊重遇难者，对地震中遇难和失踪人员登记造册并予以公布。四川省本着实事求是、依法办事、分类处理的原则，制定规范的工作方法，核实一批、公布一批。目前，全省 98 个确认有遇难或失踪人员的县（市、区），绝大部分已完成公布工作。灾区各级政府正继续本着高度负责的精神，郑重

稳妥地做好遇难失踪人员的名单公布工作和最终遇难人数的核定工作。

抗震救灾资金物资得到公开透明、规范有序的使用。2009年1月起，国家审计署全面启动跟踪审计工作，到2010年11月，国家审计署和地方审计机关共派出1.9万多人次，组成7137个审计组，对四川、甘肃、陕西三省灾后恢复重建项目开展跟踪审计，审计情况已向社会公告。四川省及其所辖市、县相继成立抗震救灾资金物资监督检查领导小组，监督款物的接收使用，实现了从灾初到恢复重建阶段的全过程监督，确保专款专用。

防震减灾的法制不断健全，公众的防震减灾意识不断提高。四川省出台了《关于加强农村村民住宅抗震设防管理的决定》和《汶川地震灾区城镇受损房屋建筑安全鉴定及修复加固拆除实施意见》等地方性法规；其他受灾地区也制定了相关规范性文件。2009年起，四川省要求各级各类学校安排专门学时实施省级地方课程《生活·生命与安全》，进行应急疏散安全演练，普及防震减灾知识。

### 三、关于公民权利与政治权利

两年来，中国切实加强民主法治建设，积极稳妥推进政治体制改革，公民权利与政治权利得到更加有效的保障，《行动计划》预定的公民权利与政治权利目标得到实现。

#### （一）人身权利

司法机关出台关于刑事证据制度的司法指导性文件，依法保障人身权利。2010年6月，最高人民法院、最高人民检察院等下发了《关于办理刑事案件排除非法证据若干问题的规定》，明确规定采用刑讯逼供等非法手段取得的供述和证人证言等，不能作为定案的根据。

严禁执法人员实施非法拘禁的各项措施得到落实。2010年4月，有关部门联合颁布了《公安机关人民警察纪律条令》，严惩非法剥夺、限制他人人身自由行为。检察机关加强对刑事侦查、刑事审判和刑罚执行的法律监督，立案侦查国家机关工作人员利用职权实施非法拘禁、报复陷害、破坏选举等侵犯公民人身权利和民主权利的犯罪1002人。两年来，各级人民法院共审理包括国家机关工作人员利用职权实施的非法拘禁犯罪在内的非法拘禁案件1.86万件。

国家进一步严格控制和慎用死刑。2011年2月，全国人大常委会审议通过《刑法修正案（八）》，取消了票据诈骗罪等13个经济性非暴力犯罪的死刑，死刑罪名削减幅度近五分之一。修改后的刑法还对审判时已满75周岁的人犯罪适用死刑作了限制性规定。2010年6月，有关部门联合发布了《关于办理死刑案件审查判断证据若干问题的规定》，对死刑案件的证据审查判断采用更为严格的标准。人民法院坚

持死刑二审案件全部开庭审理的制度，保障死刑被告人的上诉权利。

执法制度建设不断完善。国务院下发《关于加强法治政府建设的意见》，对行政机关公正文明执法作出了严格规范。最高人民检察院、公安部出台了《关于审查逮捕阶段讯问犯罪嫌疑人的规定》，进一步保证刑事案件办案质量，保障犯罪嫌疑人的合法权益。公安部制定了执法细则，对办案的主要环节和步骤作出了具体规定。此外，公安部还出台了《公安机关涉案财物管理若干规定》、《关于建立完善法制员制度的指导意见》、《关于进一步规范和加强公安机关执法信息化建设的指导意见》等 30 多项部门规章，完善了执法环节、执法岗位等方面的制度。

## （二）被羁押者的权利

保护被羁押者权利的法律法规进一步完善。2009年5月，公安部出台《看守所防范和打击“牢头狱霸”十条规定》、《关于对看守所女性在押人员实行集中关押管理的通知》等规范性文件，完善了看守所在押人员分押分管制度、新入所人员过渡管理和收押告知制度、在押人员受虐报警制度等。2009年12月，公安部、卫生部联合发出《关于切实加强和改进公安监管场所医疗卫生工作的通知》，要求加强公安监管场所医疗机构建设。2010年12月施行的《监狱建设标准》，进一步规范了监狱管理和设施建设。监管执法公开制度基本建立，看守所设立接待室、举报箱，并公布民警姓名以及有关的监管执法制度和程序。目前，已有 1500 多个看守所向社会开放，接受社会监督。最高人民法院、最高人民检察院

等颁布了《关于加强和规范监外执行工作的意见》，明确减刑、假释裁定前的公示和听证制度，增强减刑、假释案件审理的透明度。两年来，各级人民法院依法办理减刑 100.5 万余人、假释 6.8 万人。

为防止对被羁押者实施刑讯逼供或者体罚、虐待、侮辱等行为，公安部规定，除特殊原因外，提讯在押人员必须在看守所讯问室内进行，讯问室内用金属防护网分隔，分设在押人员和办案人员出入口，避免在押人员与办案人员的人身接触。启动讯问室加装同步录音录像设备工作，借助科技手段防止刑讯逼供等行为。实行在押人员被提讯前、后和被提解出所、送返看守所时体表检查制度。

### （三）获得公正审判的权利

诉讼当事人获得公正审判的权利得到保障。最高人民法院制定了《关于庭审活动录音录像的若干规定》，经人民法院许可，当事人可以查阅和复制庭审录音录像。目前，北京、上海、山东等地法院已实现了庭审同步录音录像。2010 年 9 月，最高人民法院公布了《人民法院量刑指导意见（试行）》，会同有关部门联合下发了《关于规范量刑程序若干问题的意见（试行）》。从 2010 年 10 月起，全国各级法院全面试行量刑规范化改革，规范刑事自由裁量权，统一了 15 种常见犯罪的量刑标准，目前这 15 种常见犯罪案件占基层法院刑事案件总数的 90% 左右。

审判信息全面公开。两年来，最高人民法院制定了《关于司法公开的六项规定》和《关于人民法院接受新闻媒体舆论监督的若干规定》，保障公民获得审判信息的权利。全国

各级人民法院建立了立案大厅，公示开庭信息、司法救助等有关信息；设立导诉台，开通导诉热线；建立审判信息网络查询系统和执行案件信息管理系统，方便诉讼当事人查询。目前，全国大多数高级人民法院、97家中级人民法院和472家基层人民法院开展了裁判文书网上公布工作。

人民陪审员制度进一步健全和完善。两年来，最高人民法院制定了《关于人民陪审员参加审判活动若干问题的规定》和《关于进一步加强和推进人民陪审员工作的若干意见》，人民陪审员参与审判案件154.4万件，占基层法院普通程序案件总数的32.44%。全国各级法院扩大人民陪审员选任范围，人民陪审员数量已近8万人。

律师在执业活动中的权利进一步得到保障。2009年以来，有关部门推动修改或废止与律师法规定不一致的各类规章和规范性文件，先后出台了《律师和律师事务所执业证书管理办法》、《律师执业活动年度考核规则（试行）》等规章和行业规范。司法部会同有关机关正在起草《关于在刑事诉讼活动中依法保障律师执业权利的规定》，着力解决律师会见难、阅卷难、调查取证难等问题。

国家赔偿制度进一步完善。2010年4月，全国人大常委会审议通过了《关于修改〈中华人民共和国国家赔偿法〉的决定》，使赔偿请求渠道进一步畅通，赔偿程序进一步完善，赔偿的范围和标准更加明确，赔偿费用管理和支付机制得到理顺。为保证国家赔偿法的贯彻实施，国家有关部门相继制定、修改了相关行政法规和司法解释。两年来，各级人民法院审结国家赔偿案件2950件，其中决定赔偿的805件，赔

偿金额 7170.9 万元。2009 年 3 月，最高人民法院、最高人民检察院等联合下发《关于开展刑事被害人救助工作的若干意见》。人民法院扩大司法救助的范围，两年来共批准当事人减、缓、免交诉讼费案件 54.7 万件。

#### （四）宗教信仰自由

正常的宗教活动依法得到保护。两年来，国家宗教事务局发布了《藏传佛教寺庙管理办法》、《关于修订〈中华人民共和国境内外国人宗教活动管理规定实施细则〉的决定》，会同有关部门下发了《关于妥善解决宗教教职人员社会保障问题的意见》，制定了《国家宗教事务局办理行政复议案件程序规定》等规章制度。国家支持改善全国性宗教团体和部分宗教院校办公办学条件。截至 2010 年底，中国道教学院和中国道教协会新会所基本竣工。国家投入资金支持伊斯兰教朝觐工作，支持四川天主教神哲学院、中南神哲学院等宗教院校和宗教团体建设以及宗教教职人员培训。投入近 6 亿元用于西藏桑耶寺、昌珠寺、扎什伦布寺和新疆伊犁陕西清真大寺、喀什艾提尕尔清真大寺等重点寺庙的保护和维修。

#### （五）知情权

积极推行政务公开，公民的知情权得到切实保障。在政府信息公开条例和《国务院办公厅关于施行〈中华人民共和国政府信息公开条例〉若干问题的意见》的基础上，2010 年 10 月国务院发布《关于加强法治政府建设的意见》，基本形成了政务公开制度体系。

截至 2010 年底，75 个中央部门公开了部门预算，18 个省（自治区、直辖市）公开了公共财政预算和政府性基金预

算，12个省（自治区、直辖市）按月或季度公开了预算执行情况。省、市、县、乡、村联动的政务服务体系初步形成，31个省（自治区、直辖市）共设立政务（行政）服务中心2842个，乡镇（街道）便民服务中心约2.5万个。

2010年6月，国务院通过《自然灾害救助条例》，对自然灾害救助中的信息公开问题作出了具体规定。条例规定，在自然灾害发生并达到自然灾害救助应急预案启动条件时，应当立即向社会发布政府应对措施和公众防范措施；通过报刊、广播、电视、互联网，主动向社会公开所接受的自然灾害救助款物和捐赠款物的来源、数量及其使用情况。重特大安全生产事故责任追究联席会议机制定期对瞒报事故的查处进行专项督察和检查。

新闻发布制度和新闻发言人制度进一步完善，建立了党委新闻发言人制度和县级政府新闻发言人制度。2010年，中共中央出台《关于建立党委新闻发言人制度的意见》，大力推进党中央有关部门和省（自治区、直辖市）党委设立新闻发言人制度的建设。目前，已有13个中共中央部门和单位，31个省（自治区、直辖市）和新疆生产建设兵团的党委设立了新闻发言人，党委新闻发布工作走向制度化、规范化。两年来，各部委各部门以及各省（自治区、直辖市）共举办了3522场新闻发布会。

#### （六）参与权

公民的参与权得到切实保障。2010年3月，全国人大通过了修改选举法的决定，规定城乡按照相同人口比例选举人大代表，人大代表更具有广泛的代表性，进一步完善了关于

选举机构、选举程序等规定，更好地体现了人人平等、地区平等和民族平等。两年来，全国政协共立提案 1 万多件，其中 90% 以上已答复办理。全国政协共组织 15 个委员视察团和 30 个委员考察团，并向中央和国务院报送了视察报告和考察报告；收到社情民意信息 27333 篇，群众来信 75119 件，并多次召开专题议政性常委会、专题协商会、座谈会和咨询会，积极为经济社会发展建言献策。

健全基层群众自治制度。2010 年 10 月，全国人大常委会通过新修订的村民委员会组织法，提高了农村村民自治和民主管理水平。目前，已有 31 个省（自治区、直辖市）出台了村委会选举办法，8 个省份制定了村务公开条例；约 85% 的村建立了村民大会或村民代表会议制度，90% 以上的村建立了村务公开监督机构。国家发布的《关于加强和改进城市社区居民委员会建设工作的意见》，明确要求进一步规范社区民主选举程序，稳定扩大社区居民委员会直接选举覆盖面。2010 年，全国各地普遍进行了城市居民委员会选举。

推进厂务公开，维护职工权益。2010 年，国家有关部门联合下发了《关于 2010 年厂务公开民主管理工作的意见》，加强对国有企业改制重组关闭破产过程中厂务公开民主管理工作的指导。截至 2010 年 9 月，在全国已建工会的企事业单位中，211.3 万家单独建立了厂务公开制度，比上一年增长 20.6%，224.9 万家单独建立了职工代表大会制度，增长率为 22.3%。

国家支持各人民团体参与社会管理和公共服务，维护群众合法权益。全国总工会参与了社会保险法和《工伤保险条

例》等直接关系职工和工会权益的法律、法规的制定与修改；积极推动工会法的修改工作。全国妇联大力推动农村妇女进入村委会；参与全国人大常委会组织的妇女权益保障法执法检查，推动全国 31 个省（自治区、直辖市）全部完成了妇女权益保障法实施办法的制定和修改。共青团各级委员会开展了“共青团与人大代表、政协委员面对面”活动，建立人大代表关心青少年事务小组，建立“青少年权益使者”工作队伍，开展共青团倾听活动，反映和维护青少年权益。

进一步加强社会组织建设与管理，增强社会服务功能。《基金会管理条例》、《社会团体管理登记条例》和《民办非企业单位登记管理暂行条例》的修订工作已列入国务院立法工作计划。社会组织每年募集资金 100 多亿元用于减贫济困、救灾防灾等。社会组织尤其是行业协会在规范市场秩序、发展行业自律、制定行业标准、调解贸易纠纷等方面发挥着越来越重要的作用。目前，全国 6 万多个行业协会联系会员 2000 多万家（含个体工商户），4 万多个学术社团联系专家学者 500 多万人，各类农村专业经济协会联系农户 1000 多万个，社会组织提供了超过 1000 万个专兼职工作岗位。

### （七）表达权

公民的言论自由得到充分保障。近年来，互联网成为公民行使表达权利的新渠道。截至 2010 年底，中国网民人数达到 4.57 亿，互联网普及率达到 34.3%，超过世界平均水平；中国境内现有网站 552 万个、论坛上百万个，博客用户 2.95 亿个。据抽样统计，网民每天发表的言论达 300 多万条，超过 66% 的中国网民经常在网上发表言论，充分表达思想观点

和利益诉求。中国领导人经常上网了解公众意愿，与网民进行在线交流。通过互联网征求意见已成为各级政府的普遍做法，每年通过互联网征求到的建议多达几百万条。

新闻和出版事业进一步发展。两年来，国务院完成了《出版管理条例》和《音像制品管理条例》的修订工作；新闻出版总署发布了《新闻记者证管理办法》和《报刊记者站管理办法》，依法保障新闻媒体和记者的合法权益。两年来，全国出版图书、期刊、报纸总印张数为 2701.14 亿印张，出版图书 33 万种，报纸 2056 种。

#### （八）监督权

公民的民主监督权利得到进一步保障。全国人大及其常委会充分行使监督宪法和法律实施的职权，全面促进公民各项权利的维护和实现。两年来，常委会听取审议国务院、最高人民法院、最高人民检察院 20 个专项工作报告；开展了对妇女权益保障法等 9 部法律实施情况的执法检查；对部分重大公共投资项目实施情况和“十二五”规划编制工作若干重要问题开展专题调研；就中央决算、国家粮食安全和深化医药卫生体制改革三个专项工作报告开展了专题询问；作出了应对气候变化的决议；对 3000 余件行政法规、地方性法规和司法解释等规范性文件进行了备案审查。人民政协的监督机制渐趋完善，民主监督效果日益显著。

信访渠道进一步拓宽。国家信访局建成互联互通、资源共享的全国信访信息系统，推广和规范了网上信访、专线电话、绿色邮政、视频接访等多种信访形式。人民建议征集制度在全国逐渐推广，各级党政领导干部阅批群众来信、定期

接待群众来访成为常态，党政领导干部和党代会代表、人大代表、政协委员联系信访群众制度逐渐完善。

#### 四、关于少数民族、妇女、儿童、老年人和残疾人的权利

两年来，中国少数民族、妇女、儿童、老年人和残疾人权利得到有力保障，实现了《行动计划》确定的目标。

##### （一）少数民族权利

少数民族的合法权益得到依法保障。目前，中国的 55 个少数民族都有全国人大代表。在第十一届全国人大代表中，有少数民族代表 411 名，占代表总数的 13.76%，在十一届全国人大常委会中有少数民族委员 25 名，占委员总数的 15.53%，均超过少数民族人口占人口总数 8.49% 的比例。人口超过 100 万的 18 个少数民族都有本民族的全国人大常委会委员。截至 2010 年底，全部 155 个民族自治地方的人大常委会中均有实行区域自治的民族的公民担任主任或者副主任，自治区主席、自治州州长、自治县县长（或自治旗旗长）也依法全部由实行区域自治的民族的公民担任。全国共有 290 多万名少数民族干部。

少数民族教育事业迅速发展。民族自治地方普及九年义务教育的人口覆盖率已达到 100%。目前，全国共有 18 所民族院校，全日制在校生总规模超过 20 万人。民族地区各级各类学校约 8.3 万所，全国各级各类学校中少数民族在校学生总数为 2309.85 万人。全国有 300 多所普通高校举办了民族预科班，每年招生规模达 3 万余人，累计招收少数民族预科生 20 余万人。国家累计投资超过 20 亿元用于新疆、西藏、内蒙古、青海等地推行寄宿制教育。在内地设立的西藏中学和新疆高中班累计招生超过 4 万人。

少数民族自由、平等地学习、使用和发展本民族语言文字的权利得到保障。目前，适应各民族语言环境与教育条件的双语教学模式基本建立。到 2010 年，全国 1 万余所学校开展了双语教学，在校生近 500 万人；有 14 种少数民族语言广播，8 种少数民族语言电视；在内蒙古、新疆、西藏等 10 个省、自治区建立了 11 个少数民族语电影译制中心，覆盖 34 个少数民族语种或方言，自 2009 年起已完成 466 部数字电影的译制和 361 部少数民族语数字电影译制发行版的制作；7 种少数民族语言文字能够在计算机中广泛使用；国家投入 1.2 亿元，扶持发展少数民族出版事业，36 家民族类出版社用 23 种少数民族文字出版各类图书；国家扶持少数民族文字报纸近百种、期刊 192 种。

少数民族文化得到保护和发展。国家建立四级非物质文化遗产名录体系和传承人认定制度，加强对少数民族文化的保护。国家设立了热贡文化、羌族文化、土家族苗族文化等少数民族文化生态保护实验区。截至 2010 年底，国家累计投入 3 亿元，用于发展新疆少数民族文化事业。两年来，国家推出了一批具有较大影响的少数民族题材影视作品，举办了“中国非物质文化遗产展演——少数民族传统音乐舞蹈专场”、“全国少数民族非物质文化遗产项目调演”等活动。

民族地区经济快速发展，少数民族的生活水平进一步提高。两年来，国家投入少数民族发展资金 27.79 亿元；安排兴边富民补助资金 11.84 亿元，其中西藏 1.53 亿元，新疆 2.4 亿元。2010 年，人口较少民族聚居区行政村农牧民人均纯收入已达 2344 元，比 2005 年增长 2.6 倍。2010 年，新疆维吾尔自治区地区生产总值为 5418.8 亿元，西藏自治区地区生产

总值为 507.5 亿元，分别比 2009 年增长 10.6% 和 12.3%。截至 2010 年底，640 个人口较少民族聚居村均已基本实现了具备条件的特困村通路、通电、通电话、通广播电视，有学校、有卫生室、有安全的人畜饮用水、有安居房、有稳定解决温饱的基本农田或草场。

## （二）妇女权利

妇女平等参与管理国家和社会事务的权利得到保障。十一届全国人大女代表占代表总数的 21.3%，全国政协女委员比例为 17.7%。各级政府组成人员中女干部的比例也在不断上升。农村妇女参与基层民主管理的水平逐步提高，2009 年全国村委会成员、居委会成员中女性比例分别为 21.5% 和 49.7%。

妇女的就业权利和获得经济资源的平等权利得到保障。截至 2010 年 10 月，全国共发放妇女小额担保贷款 166.05 亿元，帮助 41.05 万名称乡妇女创业。各地妇联开展的来料加工、手工编织项目，带动 400 多万名妇女就业。“创办你的企业”项目每年培训妇女 5 万人次。截至 2010 年 9 月，全国工会女职工组织已达 158.9 万个，占已建工会组织的 77.61%。女职工专项集体合同签订数已达 71.36 万份，覆盖企事业 124.39 万家，覆盖女职工 5424.46 万人。

国家将人口和计划生育及生殖健康纳入国家发展战略。全国所有县和 95% 的乡（镇）设立了人口和计划生育信息、咨询与技术服务中心。80% 以上的县开展了生殖健康和计划生育优质服务。2010 年，接受宫颈癌、乳腺癌检查的农村妇女人数分别为 649 万和 87 万，享受住院分娩补助的农村孕

产妇人数为 884.7 万，住院分娩率达 96.7%。两年来，共安排中央预算内投资 11.6 亿元，支持中西部地区县级计划生育服务站和乡（镇）中心服务站的设施建设；安排中央预算内投资 3 亿元，补助购置 1822 辆流动服务车，改善了为育龄妇女提供生殖健康优质服务的条件。

反对针对妇女的家庭暴力工作进一步加强。27 个省（自治区、直辖市）出台了预防和制止家庭暴力的专门法规，许多地方公安机关在“110”报警网络提供家庭暴力报警服务。有条件的地方法院设立了维权合议庭和反家暴合议庭，部分法院开展了家庭受害者人身保护令试点工作。

### （三）儿童权利

保护未成年人的法律体系得到完善。截至 2010 年，18 个省（自治区、直辖市）完成了未成年人保护法地方性配套法规的修订工作，5 个省（自治区、直辖市）制定了预防青少年违法犯罪的地方性法规。两年来，有关部门联合发布了《关于进一步建立和完善办理未成年人刑事案件配套工作体系的若干意见》，最高人民法院出台了《关于进一步加强少年法庭工作的若干意见》，《刑法修正案（八）》对未成年人犯罪宣告缓刑、构成累犯以及免除轻罪报告义务等方面作出了明确的规定。目前，全国法院共设少年法庭 2219 个。

儿童健康权得到有效保障。儿童免疫规划疫苗增加到 11 种，可预防 12 种疾病，接种率达 90% 以上。两年来，国家免费为 15 岁以下儿童接种乙肝疫苗 5762.9 万人。农村儿童白血病和先天性心脏病的补偿超过 70%，符合民政医疗救助条件的家庭可再获 20% 的补助。

全国地级以上城市都拥有儿童福利机构，初步形成儿童福利机构服务网络。2010年，国务院办公厅颁布了《关于加强孤儿保障工作的意见》。中央财政安排专项补助资金25亿多元，对东、中、西部地区孤儿分别给予月人均180元、270元、360元的补助。继续实施“安康计划”，为青海等地孤儿赠送儿童重大疾病公益保险11.7万余份。实施《“十一五”儿童福利机构建设规划》，投入15.2亿元，新增孤儿安置床位约5.7万张，每年为10万名左右的孤儿提供服务。

预防和打击拐卖妇女儿童犯罪取得新进展。《中国反对拐卖妇女儿童行动计划（2008—2012年）》得到贯彻落实，有关部门建立了来历不明人员、疑似被拐人员信息通报核查机制。2009年4月起在全国开展“打拐”专项行动，截至2010年底，全国共破获拐卖妇女案件9165起、拐卖儿童案件5900起，解救被拐卖儿童9388人、妇女约1.8万人。打掉犯罪团伙3573个，刑事拘留拐卖犯罪嫌疑人2.25万人。两年来，各级人民法院审结拐卖妇女儿童、组织儿童乞讨等侵害未成年人权益的刑事案件7395起，依法严惩罪犯9596人。2010年，中越双方在两国边境开展打击跨国拐卖妇女儿童犯罪专项行动，并签署《关于加强预防和打击拐卖人口合作的协定》；中缅签署《关于加强打击拐卖人口犯罪合作谅解备忘录》。

#### （四）老年人权利

老年人权益得到进一步保障。2011年，企业退休人员基本养老金在2005—2009年连续增加的基础上，月人均增加140元。目前，全国已建成养老机构3.8万个，床位266.2万

张；社区服务中心 17.5 万个，城市便民、利民服务网点 69.3 万个；基层老年文化活动设施 70 多万个；老年大学（学校）4 万多所，在校老年学员超过 430 万；全国性老年社会团体 14 家，分会遍及全国各地；老年人协会 80 多万个，会员超过 3500 万；老年法律援助中心 1.6 万多个；老年维权协调组织约 9.6 万个。

### （五）残疾人权利

残疾人社会保障和服务体系建设进一步加强。精神卫生法已列入全国人大常委会立法工作计划。《无障碍环境建设条例（征求意见稿）》已公布，《残疾人残疾分类和分级》国家标准已正式颁布实施。2010 年 3 月，有关部门联合下发了《关于加快残疾人社会保障体系和服务体系建设的指导意见》、《关于加强残疾人法律救助工作的意见》。2010 年，全国 3592 个法律援助机构为 5.4 万多名残疾人提供了辩护、代理等法律援助服务。

残疾人康复服务水平不断提高。两年来，安排中央预算内投资 1.8 亿元，支持 396 所中西部地区残疾人综合服务设施建设。目前，全国有社区康复站约 14.5 万个，接受社区康复服务的残疾人数累计 1268 万；残疾人托养服务机构 4029 个，14.5 万名智力、精神和重度残疾人得到机构托养服务；实施“贫困残疾儿童抢救性康复项目”，惠及 4 万名贫困残疾儿童。

两年来，有关部门出台了《残疾人航空运输办法（试行）》，修订了《民用机场旅客航站区无障碍设施设备配置标准》，修订了《机动车驾驶证申领和使用规定》，使更多残疾人获

得申请驾驶证的资格。100个城市开展无障碍城市创建工作，1118个地市、县系统地开展无障碍建设。27个省级电视台开办了手语新闻栏目，341个公共图书馆建立了盲人阅览室。

2009年5月，国务院办公厅转发了《关于进一步加快特殊教育事业发展的意见》，明确了今后一个时期加快发展残疾人教育事业的目標、任务和措施。截至2010年底，全国特教学校共1706所，特教班1.6万多个，在校残疾学生55万人。20多个省（自治区、直辖市）制定了专项资助残疾学生政策。截至2010年，纳入“中西部地区特殊教育学校建设规划”，拟新建或改扩建的1160所特教学校，有80%已经建成。

继续开展“全国就业援助月”、“万人就业工程”等专项残疾人就业援助活动。城镇新安排67.4万残疾人就业，就业人数达到441万；农村1749.7万残疾人实现就业。

贫困残疾人的扶助力度进一步加大。有关部门联合下发了《关于优先解决城乡低收入残疾人家庭住房困难的通知》，帮助22万余户农村贫困残疾人家庭进行了危房改造。城镇残疾人参加社会保险人数达405万；城镇集中供养残疾人和农村五保供养残疾人分别达到10.6万和60.5万；292万城乡残疾人获得临时救济，160.4万城乡残疾人得到定期补助。

为残疾人提供更广泛的机会参加体育文化活动。开展全国特奥日，建设了27个示范性国家全民健身助残工程，参加了美国冬季特奥运动会、温哥华冬季残奥会等四十项国际赛事。到2010年5月，成功举办了首届全国残疾儿童艺术节等重大体育文化活动，在1000个社区开展残疾人文化进

社区活动。上海世博会设立“生命阳光馆”，开创了在世博会上设立残疾人馆的先河。

## 五、关于人权教育

两年来，通过多种形式的人权教育和传播普及人权知识，公民的人权意识和维权能力明显提高，完成了《行动计划》确定的任务。

在九年义务教育中，增加了法律和人权方面的教学内容。在小学阶段的《品德与生活》课程中，引导儿童热爱生命、热爱生活、熟悉儿童权利。在初中阶段的《思想品德》课程中，介绍了 17 项关于法律和人权方面的内容以及未成年人保护法等法律法规。在高中阶段的《思想政治》等课程中，介绍了宪法规定的公民权利和义务以及国际人权公约的有关内容。

高等院校深入开展人权理论与教育。国际人权法等三部人权法教材入选“普通高等教育‘十一五’国家级教材规划”。目前，高校和科研院所成立的人权研究机构近 30 个，数十所高校开设了人权法和人权教育课程，南开大学、山东大学、中国政法大学等高校招收和培养人权方向的硕士和博士研究生。教育部在南开大学、中国政法大学和广州大学设立国家人权教育与培训基地。

有重点地开展针对公职人员的人权教育培训。两年来，国务院新闻办公室举办了四期人权知识培训班，对各级党政干部和司法系统干部等进行人权知识培训。中央党校和各级党校普遍把人权纳入教学内容，对各级领导干部进行人权知识教育。公安机关开展人民警察核心价值观教育活动，培养民警的法治意识、程序意识、证据意识和人权意识。两年来，

全国县级公安局长、监狱长、司法局长分别接受集中培训，强化人权法治意识。

面向大众的人权教育广泛开展。两年来，中国人权研究会等人权研究机构编写出版了《中国人权在行动》、《中国人权建设 60 年》等书籍。《人权》杂志、中国人权网等媒体积极促进人权知识的普及。

## 六、关于国际人权义务的履行及国际人权领域的交流与合作

两年来，中国认真履行已参加的国际人权条约规定的义务，倡导并积极参与国际人权领域的交流与合作，为推动国际人权事业的健康发展作出了新的努力，落实了《行动计划》的要求。

中国重视国际人权文书对促进和保护人权的重要作用，认真履行条约义务，及时向相关条约机构提交履约报告，与条约机构开展建设性对话，并充分考虑条约机构提出的建议与意见，结合中国国情对合理可行的建议加以采纳和落实。

两年来，中国政府撰写了《经济、社会和文化权利国际公约》第二次履约报告、《儿童权利公约》第三和第四次合并履约报告（包括履行《〈儿童权利公约〉关于买卖儿童、儿童卖淫和儿童色情制品问题的任择议定书》最新情况）、《〈儿童权利公约〉关于儿童卷入武装冲突问题的任择议定书》首次履约报告和《残疾人权利公约》首次履约报告，广泛征求相关部门、非政府组织、学术机构和社会公众的意见，并分别向联合国提交了上述报告。

2009年，中国政府派团出席联合国消除种族歧视委员会审议中国履行《消除一切形式种族歧视国际公约》第十至十三次合并报告的会议，与委员会进行了建设性对话。8月28日委员会通过并公布审议结论，积极肯定了中国政府在发展民族地区经济、扶持人口较少民族、保护少数民族文化等方面的举措和成就。中国政府高度重视委员会审议结论，于2010年8月就审议结论中的部分建议向委员会提交了反馈材料。

中国政府认真履行《联合国反腐败公约》，积极开展反腐败领域的国际合作。2009年以来，先后派代表团出席了《联合国反腐败公约》第三次缔约国大会及公约框架下履约审议、资产追回和预防腐败工作组历次会议和磋商。

中国正在进行一系列立法、司法改革，目前已完成对律师法和国家赔偿法等法律的修订，为尽早批准《公民权利和政治权利国际公约》创造条件。

中国致力于在平等和相互尊重的基础上，开展国际人权交流与合作，推动国际人权事业健康发展。中国继续深入参与联合国大会第三委员会、联合国人权理事会等机构的工作，派代表团出席人权理事会第四至十轮国别人权审查，推动理事会以公正、客观和非选择性方式处理人权问题。2009年2月，中国首次接受联合国人权理事会国别人权审查。中国代表团在审议会议中全面介绍了中国人权事业的发展、面临的挑战和努力的目标，与各国进行了开放、坦诚的对话。许多国家肯定中国在人权领域所作的努力和取得的进步，并提出了有价值的建议。中国代表团以严肃和高度负责任的态度，认真研究了各国所提的建议，接受了所有符合中国国情、具有可行性的建议共42条。同年6月，人权理事会全会核可了工作组审议中国的报告。

中国与联合国人权特别机制保持了良好的合作关系。2010年12月，中国政府接待了粮食权特别报告员访华。中国继续重视联合国人权事务高级专员办公室在国际人权领域的重要作用，每年均向高专办捐款支持其工作。落实了与高专办签署的人权技术合作《谅解备忘录》。

中国重视并继续加强与联合国粮农组织、教科文组织、世界卫生组织、国际劳工组织等专门机构和其他相关国际组织的交流与合作；继续积极参与亚太地区、次区域框架下的人权交流活动，出席人权理事会雇佣军问题亚洲区域磋商，发挥了建设性作用。

中国继续在平等和相互尊重的基础上与有关国家和地区组织开展双边人权对话与交流。两年来，中国与欧盟、美国、英国、荷兰、德国、澳大利亚等分别举行了人权对话或磋商，并与发展中国家广泛开展了人权交流。

中国的非政府组织积极开展国际人权领域的交流与合作。两年来，中国人权研究会两次举办“北京人权论坛”，先后与 40 多个国家和地区以及有关国际组织的官员、专家进行了交流。

# **Assessment Report on the National Human Rights Action Plan of China (2009-2010)**

**Information Office of the State Council**

**The People's Republic of China**

## **Preface**

In April 2009, after being approved by the State Council, the Information Office of the State Council published National Human Rights Action Plan of China (2009-2010) (hereinafter referred to as the Action Plan). It is China's first national plan on the theme of human rights, and serves as a policy document for advancing China's human rights in a comprehensive way. It is an important move to implement the constitutional principle of respecting and safeguarding human rights, and to promote sustainable development and social harmony. It is also a solemn commitment to the world made by the Chinese government on human rights.

Since the Action Plan was promulgated, the relevant departments of the central government and state organs, and local governments at all levels nationwide have attached great importance to it. Based on the principle of "each performing its own functions and sharing the work and responsibilities," they have incorporated the Action Plan into their work and adopted effective measures to implement it based on mid- and long-term work plans in their respective fields. Enterprises and institutions, social groups, non-governmental organizations, media agencies,

academic and research institutions and the general public have also been actively involved in the publicity and implementation of the Action Plan. Under the leadership of the CPC Central Committee and the State Council, and with the joint efforts of the relevant government departments and institutions and the general public, all targets and tasks set by the Action Plan have been fulfilled as scheduled.

According to what is stipulated in the Action Plan, a "joint meeting mechanism for the National Human Rights Action Plan" was created, consisting of the Information Office of the State Council and the Ministry of Foreign Affairs - they jointly take the leading role in this mechanism - and relevant state legislative and judiciary organs, departments of the State Council, social groups and non-governmental organizations, and is responsible for coordinating the implementation, supervision and assessment of the Action Plan. To ensure the effective implementation of the goals and measures for promoting and protecting human rights set forth in the Action Plan, the joint meeting mechanism has organized two assessments for the implementation of the Action Plan.

At the end of 2009, the joint meeting mechanism launched a mid-term assessment of the implementation of the Action Plan, instructed the relevant departments and government institutions to deliver reports on the implementation of the Action Plan for the year 2009, organized staff from the relevant departments along with experts and scholars to carry out corresponding

research and investigations, and convened a mid-term assessment meeting on the implementation of the Action Plan, at which it appraised and reviewed the implementation of the Action Plan for the earlier period, put forward opinions and suggestions on how to better carry out the Action Plan in the next phase, and made corresponding arrangements. The mid-term assessment meeting gave great impetus to the comprehensive implementation of the Action Plan.

In November 2010 the joint meeting mechanism launched the final assessment of the implementation of the Action Plan to give it a comprehensive and scientific evaluation. The final assessment was conducted in three stages - investigation, evaluation and summary. From November to December 2010 the Information Office of the State Council took media agencies and human rights experts on a tour of investigation in Shanghai and Sichuan, where they listened to comments and suggestions of people from all walks of life before writing an investigation report. The China Society for Human Rights Studies arranged five trips for human rights experts and NGO representatives to Beijing, Tianjin, Shandong, Guangdong, Fujian and Zhejiang, where they conducted investigations on the implementation of the Action Plan, and offered their opinions and suggestions. On this basis, the joint meeting mechanism instructed relevant departments and institutions to make self-assessment of the completion of their respective tasks concerning the Action Plan, and submitted written reports. The joint meeting mechanism

established an assessment team composed of human rights experts from relevant departments and institutions of central state organs, mass organizations and NGOs, as well as Nankai University, Shanghai Academy of Social Sciences, Chinese Academy of Social Sciences, Party School of the CPC Central Committee and other universities and research institutions. Based on the data collected from all the parties involved, the assessment team made a conscientious evaluation and summary of the implementation of the Action Plan. During the assessment, the joint meeting mechanism and the assessment team convened a number of conferences to examine the self-appraisals of each department and institution in accordance with the targets set by the Action Plan, solicited opinions and suggestions from member organizations of the joint meeting mechanism and all social sectors by correspondence, telephone conversations and other means, and finally formulated the Assessment Report on the National Human Rights Action Plan of China (2009-2010).

The Assessment Report on the National Human Rights Action Plan of China (2009-2010) is hereby promulgated as follows.

## **I. Overall Implementation**

During the two years 2009 and 2010, China faced the most difficult economic situation since entering the new century, but it also made remarkable achievements in promoting human rights by comprehensively implementing the National Human Rights Action Plan (2009-2010) while rising up to various challenges. The Chinese government has embraced respecting and safeguarding human rights as one of the major principles for managing state affairs; incorporated the implementation of the Action Plan into all work promoting social reform, development and stability; appropriately tackled the impacts of the global financial crisis; defeated the grave challenges posed by severe natural disasters; forcefully advanced reform and opening-up, and the modernization drive; and comprehensively fulfilled the goals and tasks set by the Action Plan, thereby making significant progress in promoting the cause of China's human rights.

- Upholding the principle of putting people first, appropriately addressing the heavy toll brought about by the global financial crisis and the challenges posed by major natural disasters, and unswervingly advancing the cause of human rights

During 2009 and 2010, an unprecedented global financial crisis spread throughout the world, which imposed a heavy toll on global economic and social development, and posed severe threat to people's life and human rights. Facing this tough

situation, the Chinese government persistently incorporated addressing the financial crisis and maintaining sound and relatively rapid economic and social development with implementing the Action Plan and advancing the cause of human rights in China; integrated expanding domestic demand, adjusting the economic structure and maintaining economic growth with improving people's livelihood; and took prompt measures with an investment of over four trillion yuan. The Chinese government accelerated subsidized housing projects, rural infrastructure construction, health care and education projects, railway, highway and airport construction, and ecological and environmental construction, and raised rural and urban residents' incomes, especially that of low-income groups, thus taking the lead in realizing overall economic recovery and improving the people's life with tremendous achievements obvious to all. In 2009 and 2010, China's GDP increased by 9.2 percent and 10.3 percent, urban residents' disposable income by 9.8 percent and 7.8 percent, and rural residents' net income by 8.5 percent and 10.9 percent respectively over the previous year. China's unremitting efforts to address the global financial crisis not only ensured its stable and relatively rapid economic development and the continuous improvement of its human rights situation, it also made significant contributions to helping other countries shake off the financial crisis, achieve economic recovery and improve their people's livelihood.

In 2009 and 2010, China suffered several major natural disasters, shouldering the heavy task of disaster relief and rescue, post-disaster reconstruction, and facing tremendous challenges to people's lives and property and human rights. On May 12, 2008, an earthquake with a magnitude of 8.0 - the most devastating and widespread since the founding of the People's Republic of China in 1949 - hit Wenchuan, Sichuan Province, with an affected area covering about 500,000 sq km, including a severely stricken area of 130,000 sq km, leaving 69,227 persons dead, 17,923 missing and 370,000 injured, and a direct economic loss of 845.1 billion yuan. On April 14, 2010, a 7.1-magnitude earthquake hit Yushu, Qinghai Province, with 2,698 persons dead and 270 missing. On August 7, 2010, a landslide in Zhouqu, Gansu Province, resulted in two thirds of the area being flooded, 1,501 persons dead and 264 missing. Facing these severe natural disasters, the Chinese government persisted in putting the security of people's lives on top of its work agenda, and promptly organized disaster relief and rescue work, doing everything to save as many lives as possible and reduce losses to the minimum, thus writing a new chapter in the history of humanitarian rescue. During the post-disaster reconstruction, the Chinese government, upholding the principle of putting people first, respecting nature, and conducting overall planning and scientific reconstruction, promptly adopted multiple disaster relief policies and measures, and incorporated the safeguarding of human rights into policies and measures for

disaster relief and post-disaster reconstruction. The Action Plan has specific stipulations on safeguarding human rights during the post-disaster reconstruction of Wenchuan. Over the past two years, the three-year Wenchuan post-disaster reconstruction task has been basically completed; the basic living conditions of disaster victims and the economic development of disaster-stricken areas has either equaled or exceeded the pre-disaster levels, with guaranteed housing and employment for every family. Following the Yushu earthquake and Zhouqu landslide, reconstruction proceeded in an orderly manner, and the human rights of people in the disaster-stricken areas were effectively safeguarded.

- Incorporating respecting and safeguarding human rights with advancing scientific development and promoting social harmony, and thereby effectively protecting the right to participation and development of all individuals on an equal footing

In 2009 and 2010, the Chinese government, applying the Scientific Outlook on Development, incorporated the implementation of the Action Plan with advancing scientific development and promoting social harmony, with balancing urban and rural development, regional development, economic and social development, the harmonious development of man and nature, and domestic development and opening to the outside world. Regarding the protection of people's right to subsistence and development as top priorities in the

safeguarding of human rights, the government spared no effort to solve the practical problems of the utmost and immediate concern for the people regarding their rights and interests; continuously improved institutional arrangements for safeguarding and bettering the people's livelihood; positively promoted employment, while accelerating the development of various social improvement undertakings; advanced the equalization of basic public services; put more efforts into adjusting income distribution and extending the benefits of development to all. These policies and measures effectively enhanced the people's right to subsistence and development, as well as their economic, social and cultural interests. Over the past two years, the people's life has been remarkably improved; urban residents' average disposable income and rural residents' average net income have increased by large margins; a social security system covering both urban and rural areas has been gradually perfected; the framework of a basic health service system and basic medical care system covering urban and rural residents have been primarily established; education and culture have been increasingly developed; considerable progress has been made toward the goal of ensuring education, employment, housing, health care, and old-age support for all; and the rights and interests of ethnic minorities, women, children, elderly people and the disabled have been further enhanced.

- Incorporating respecting and safeguarding human rights with strengthening democracy and the rule of law, vigorously and

steadily advancing political system reform, and protecting the people's civil and political rights in accordance with the law

During 2009 and 2010, China, upholding the principles of the leading role of the Communist Party of China, the people as masters of the country and the rule of law, incorporated the implementation of the Action Plan into every link of the efforts to strengthen democracy and the legal system; energetically and steadily pushed forward political system reform; expanded citizens' orderly political participation; improved institutions of democracy, diversified its forms and expanded its channels; made government affairs known to the public by increasing policy-making transparency and public participation as well as advancing scientific and democratic policy-making; practiced democratic election, policy-making, governance and supervision in accordance with the law; put more efforts into protecting the people's rights to information, participation, expression and supervision. The revised Electoral Law of the People's Republic of China on the National People's Congress and Local People's Congresses explicitly stipulates that urban and rural deputies to people's congresses shall be elected in accordance with the corresponding population proportion, so as to ensure citizens' equal right to vote. This is a significant progress in China's construction of democratic politics. China has incorporated the principle of respecting and safeguarding human rights into all aspects of legislation, administration and judiciary, and has strengthened its control and supervision over public power.

Over the past two years, the National People's Congress and its Standing Committee have adopted 30 laws and resolutions closely related to human rights. By the end of 2010, China had enacted 236 laws, over 690 administrative laws and regulations, and over 8,600 local laws and regulations (all are currently in effect). A legal system with Chinese socialist characteristics has been basically established, covering all sectors of social life and all aspects of human rights protection.

In conclusion, with the close attention and strong leadership of the Party's Central Committee and the State Council, all departments and institutions of the central state organs, local governments and society as a whole have pledged joint efforts and pressed forward against difficulties to implement the Action Plan conscientiously, comprehensively and resolutely. By the end of 2010, all measures stipulated in the Action Plan had been put into practice, with all the goals achieved and tasks fulfilled in due time. Of these, 35 percent of the binding targets and over 50 percent of the targets concerning the people's livelihood had been met ahead of time or exceeded, thus realizing the comprehensive implementation of the Action Plan. Besides the tasks stipulated in the Action Plan, the Chinese government has made extra efforts in other fields and aspects. With the full implementation of the Action Plan, Chinese citizens' awareness of human rights has been remarkably enhanced; the people's overall living situation has been markedly improved; their economic, social and cultural rights and interests have been

comprehensively safeguarded; their civil and political rights have been effectively protected; the rights and interests of ethnic minorities, women, children, elderly people and the disabled have been robustly safeguarded; international communication and cooperation on promoting human rights have been further advanced; and safeguarding human rights in all fields has been put on the path of institutionalization and legalization. The fulfillment of all targets and tasks in the Action Plan as scheduled shows that the cause of human rights in China has entered a new stage. This is a significant achievement made by the Chinese government by thoroughly applying the Scientific Outlook on Development which puts people first, appropriately tackling the big impact of the global financial crisis and the challenges posed by various major natural disasters, and pushing forward socio-economic development while improving the people's living standard; it is also significant progress that China achieved through implementing the constitutional principle that "the state respects and safeguards human rights," incorporating the principle of universal human rights with China's actual national situation, and unswervingly pushing forward the country's cause of human rights.

It should be remembered that China remains a developing country with significantly unbalanced national development, e.g., resource and environmental restriction for economic growth, wide gap in income distribution, unbalanced urban and rural development, insufficient and unevenly distributed

educational and medical resources, increasing pressure for price rise, soaring housing prices in some cities, increasing social conflicts caused by illegal land requisition, and food safety problems. Affected and restricted by natural, historical and cultural factors, and economic and social development levels, the cause of human rights in China is still facing many challenges, and there is still a long way to go before achieving the lofty goal of Chinese citizens fully enjoying human rights.

China will continue to adhere to the path of socialism with Chinese characteristics, while upholding the principle of putting people first; further improve and enhance the mechanism of safeguarding the rights and interests of the masses guided by the Party and the government; improve the legal system to safeguard human rights and enhance social awareness of respecting and protecting human rights; comprehensively push forward the cause of human rights in China, and ensure that the basic rights and interests of all individuals are effectively safeguarded and their lives more secure, dignified and happy.

## **II. Economic, Social and Cultural Rights**

In 2009 and 2010, the state took effective measures and worked hard to improve the people's livelihood, strengthening the guarantee of people's economic, social and cultural rights. Most targets set in the Action Plan for ensuring these rights were fulfilled ahead of schedule or over-fulfilled.

### **(1) Right to work**

During those two years, an additional 22.7 million urban workers were employed and 19.39 million rural laborers moved to cities or towns and found jobs there, 26.1 percent and 7.7 percent, respectively, above the targets set in the Action Plan. By the end of 2010, the registered urban unemployment rate was 4.1 percent, lower than the target (5 percent) set in the Action Plan. Labor contracts were signed among 97 percent of enterprises above a designated size, and 65 percent of small enterprises. The state investigated and dealt with 819,000 cases in violation of social security-related laws, in which employers had failed to sign labor contracts, or did not pay workers promptly, or did not participate in social insurance in accordance with the law.

The state adopted a series of measures to strengthen labor protection and protect the lives of workers. During the two years, the State Administration of Work Safety carried out the "Year of Safe Production" activity and an educational campaign on the Law on Production Safety and the Notice of the State

Council on Further Enhancing Work Safety in Enterprises, to enhance people's awareness of work safety. The Regulations on Coal Mine Leaders Leading Shifts Underground and on Safety Supervision and Examination, General Norms for Safety Production Standardization of Enterprises, and 70 other departmental rules and regulations were issued in succession. Over 100 safety production standards and coal industry standards were formulated and revised. Special actions were carried out to combat illegal production, operation and construction. By 2010, about two million illegal acts had been investigated and dealt with across the country, over 33,400 companies and projects that had been engaged in illegal production and operation had been closed or cancelled in accordance with the law, and 13.563 million hidden dangers had been eliminated.

The People's Mediation Law and Organizational Rules on the Arbitration of Labor and Personnel Disputes were issued to help solve labor disputes fairly and promptly, and promote harmonious and stable labor relations. At present, throughout the country there are over 14,000 tripartite organizations for labor relations coordination at all levels, about 534,000 labor dispute mediation organizations, and over two million mediators.

## (2) Right to basic living conditions

In 2010, the per capita disposable income of urban residents reached 19,109 yuan, 3,328 yuan more than the targeted 15,781 yuan in the Action Plan. All provinces, autonomous regions, and municipalities directly under the central government raised minimum wages.

The living conditions of poor people were improved. In early 2009 the state raised the poverty line to 1,196 yuan, below which were 40.07 million people. By the end of 2010 the number of the impoverished population had decreased to 26.88 million, 13.19 million less than that at the end of 2008; the poverty incidence dropped from 4.2 percent in 2008 to 2.8 percent in 2010; and the per capita net income of farmers in 592 key counties for state poverty alleviation and development grew from 2,611 to 3,273 yuan. During the two years, the state improved conditions in 37,800 key poverty-stricken villages, and provided pre-employment training for 2,643,000 impoverished laborers.

The housing conditions of urban residents, particularly middle- and low-income families, were improved. From the fourth quarter of 2008 to the end of 2010, the state invested over 1.3 trillion yuan in low-income housing projects, and started constructing 13 million apartments for low-income housing and run-down area re-development, with eight million completed, solving housing difficulties for over eight million low- and below-middle-income urban families. In 2010, by providing rent subsidies, the state improved the housing conditions of nearly

four million low-income urban families. During 2009 and 2010, the State Council issued the Regulations on the Requisition of Buildings on State-owned Land and Compensation, the Urgent Notice on Strengthening the Management of Land Expropriation, Housing Demolition and Resident Relocation and Safeguarding the People's Legitimate Rights and Interests, and some other administrative regulations and policies, regulating the requisition of buildings and the management of land expropriation, housing demolition and resident relocation. In 2009 the Ministry of Civil Affairs and the Ministry of Finance allocated 10 billion yuan as subsidies for rural housing rebuilding.

The system of subsistence allowances was improved. During the two years, the Ministry of Civil Affairs distributed the Notice on Strengthening the Work of Identifying Urban Residents Entitled to Basic Living Allowances, Guidelines on Regulating the Work of Allocating Rural Basic Living Allowances and some other related documents. In 2010, the central government allocated 36.55 billion yuan as subsistence allowances in urban areas, an increase of 12.5 percent over the previous year, and 26.9 billion yuan as subsistence allowances in rural areas, an increase of 24.5 percent over the previous year.

### (3) Right to social security

The social insurance system was improved. During the two years, the state issued the Social Insurance Law, and revised the

Regulations on Work-related Injury Insurance and the Measures for the Ascertainment of Work-related Injuries. By the end of 2010, the population covered by the urban basic old-age insurance reached 257 million; that covered by basic medical insurance, 432 million; that covered by unemployment insurance, 134 million; that covered by work-related injury insurance, 162 million; and that covered by maternity insurance, 123 million. The population covered by the new rural old-age insurance reached 140 million. Altogether 269 zones of unified planning for work-related injury insurance were set up at city (prefecture) level or equivalent administrative levels.

The system of "Five Guarantees" (Note 1) was improved. The Ministry of Civil Affairs issued the Methods for the Management of Rural Five-guarantee Providers, and revised the Interim Measures for the Management of Elderly People's Home in Rural Areas. In 2009 and 2010, the state appropriated budgetary funding and lottery proceeds for supporting the construction of facilities of nearly 1,300 rural Five-guarantee providers. At present, 5.563 million people in the countryside enjoy the "Five Guarantees." The average standard for concentrated support is 2,951.4 yuan per person per year, while that for individual support is 2,102.1 yuan per person per year.

The Ministry of Civil Affairs formulated the Service Standards of Assistance and Management Centers and the Service Standards for Assistance and Protection Centers for Vagrant Minors. In 2010 the Ministry of Civil Affairs used 30 million

yuan of lottery proceeds to support 40 key counties (county-level cities) and major communities in big and medium-sized cities to build assistance and protection centers for vagrant children and 24-hour assistance and protection centers. From 2009 to 2010, the state allocated 280 million yuan from the central budget for the building of 164 protection institutes for vagrant children.

#### (4) Right to health

The basic framework for a basic medical and health system covering the entire nation has taken shape, and the basic health care level of residents has been improved. At present, the average life expectancy is 73.5 years; mortality rate of pregnant and birth-giving women, 30 per 100,000; mortality rate of children under five, 16.4 per thousand; and infant mortality rate, 13.1 per thousand. By the end of 2010, the basic medical insurance for urban workers and basic medical insurance for urban residents covered 430 million people while the new rural cooperative medical insurance covered over 836 million; the total number of participants reached 1.26 billion, covering more than 90 percent of the country's population. In early 2011 governments at all levels increased the subsidy for participation in the medical insurance for urban residents and the new rural cooperative medical insurance from not less than 40 yuan to 200 yuan. In recent years, the central government has appropriated 50.9 billion yuan as special funds to solve the medical insurance problems of eight million uninsured retirees from closed or

bankrupt state-owned enterprises and other enterprises. The proportion of hospitalization expenses of urban workers with medical insurance paid out of the medical insurance fund has been increased to 75 percent, while that of urban residents with medical insurance paid out of the medical insurance fund has been increased to 59 percent. The maximum amount for urban workers with medical insurance in most areas paid out of the medical insurance fund is six times these workers' average annual wages, while that for urban residents with medical insurance paid out of the medical insurance fund is six times their yearly disposable income.

The system of basic medical and health services has been improved. From 2009 to 2010, the state appropriated 44.83 billion yuan for improving the conditions of 2,382 community-based health service centers in cities, 116 mental health institutes, 1,877 county-level hospitals, 5,169 health clinics in key towns and townships, and 11,300 health centers in villages. The state has also allocated 1.14 billion yuan to support 16 national bases for traditional Chinese medicine (TCM) clinical research and 1.69 billion yuan to support 142 key TCM hospitals above city (district) level. The state has recruited over 20,000 certified doctors for health clinics in towns and townships, and trained nearly three million medical personnel for urban communities and primary-level services in rural areas. Every year the state gives free training to 5,000 medical students

for health clinics in towns and townships in central and western China.

Equality in the right to basic health services has been promoted. In 2010, the per capita spending on basic public health services for urban and rural residents was 17.4 yuan. At the same time, 48.7 percent of urban residents and 38.1 percent of rural residents have had their health records established. From 2009 to 2010, health checkups were conducted for 84.49 million people over 65 years old; and 561,000 surgical operations were conducted to recover lost eyesight for poor cataract patients. At present, standard management of chronic diseases includes 35.538 million sufferers from hypertension, 9.189 million sufferers from diabetes and 1.706 million sufferers from acute mental illnesses. In rural areas, 7.833 million sanitary toilets have been built, and 1.439 million households have had their coal-fired stoves improved to prevent fluorine poisoning.

Infectious diseases have been brought under control. During the two years, 102 million people were immunized against measles. The number of reported cases of 15 infectious diseases, including diphtheria, dropped markedly. In 2010, the incidences of meningitis B, rabies and hemorrhagic fever throughout the country were 0.19 per 100,000, 0.15 per 100,000 and 0.17 per 100,000, respectively, decreases of 42 percent, 40 percent and 15 percent, respectively, compared to 2007.

Measures ensuring food and medicine safety have been improved. From February 2009, the state issued the Food Safety Law, Regulations on the Implementation of the Food Safety Law, and 27 other related laws, regulations and regulatory documents on the supervision of food safety; and formulated and promulgated 163 national standards on food safety. In addition, the state established a blacklist of illegal food additives. Throughout the country, quality inspection departments placed on file over 65,000 cases for investigation and prosecution in the course of cracking down on fake food products.

The conditions of community sports facilities for both urban and rural residents have been improved. In October 2009, the Regulations on National Fitness came into effect. From 2009 to 2010, the China General Administration of Sports spent 914 million yuan on various kinds of projects for national fitness. By the end of 2010, there were over one million sports venues across the country, among which over 230,000 had been built for rural residents. In addition, there were more than 250,000 mass sport sites.

#### (5) Right to education

Citizens' right to education was better guaranteed. The state promulgated the Outline of the State's Medium- and Long-term Program on Education Reform and Development (2010-2020), defining the strategic goal of making China a country rich in

human resources by 2020. By the end of 2010, nine-year compulsory education covered 100 percent of the national population: the net enrollment rate of school-age children in elementary schools reached 99.7 percent, the retention rate for students undergoing five years of elementary-school education reached 99 percent, and the gross enrollment rate in junior high schools reached 100 percent. Among new pupils in elementary schools in urban areas, 96.6 percent had received pre-school education, while 90.8 percent of new pupils in rural areas had received it. The illiteracy rate among the population above 15 years of age dropped to 4.08 percent.

Rural education developed more rapidly. In 2010, the state exempted 130 million rural students in compulsory education from paying tuition and miscellaneous fees, and supplied them with free textbooks; exempted boarders from boarding fees, and subsidized about 12.24 million boarders from poor rural families, granting 750 yuan each year to every boarder in elementary schools and 1,000 yuan to every boarder in junior high schools. In 2009, the state expanded the scope of central government-funded special programs for attracting teachers to rural schools in compulsory education to include state-level poor counties in central China, publicly recruiting college graduates to teach in rural schools. By the end of 2010, some 185,000 new teachers went to teach at special posts in rural schools.

Vocational education was boosted. During the two years, the Ministry of Education and the Ministry of Finance decided that

funding from the central government would be provided to: 960 practical training bases for vocational education, 285 secondary vocational schools for national demonstration of education reform and development, 229 secondary vocational schools with high quality and characteristics, and 100 key vocational colleges. The state built, renovated and expanded teaching, practical training and living facilities measuring 5.23 million sq m for 910 secondary vocational schools, and bought more than 62,000 sets of teaching aids or practical training equipment.

The project of improving and reforming undergraduate teaching at institutions of higher learning was implemented. The state approved 3,453 programs for special undergraduate disciplines, established 3,863 state-level courses, and approved over 16,000 plans for innovative experiments carried out by undergraduates in 120 universities.

After-school education received active support. In 2009 and 2010, the central government used three billion yuan of lottery proceeds to build 600 after-school facilities for minors. The central government subsidized 1,692 after-school facilities, granted 1,092 after-school facilities 600,000 yuan each for equipment purchase and maintenance, and invested 30 million yuan in training managerial personnel and key teachers for after-school activities.

The system of assistance to students with financial difficulties was improved. In September 2010, the state raised government

grants to college students with financial difficulties from 2,000 to 3,000 yuan per student per school year. Every year, over 500,000 new students from families with financial difficulties are enrolled in regular institutions of higher learning through "green channels." About 12 million students in secondary vocational schools each receive 1,500 yuan of government grants per year. From the autumn term in 2010, the state established government grants for junior high school students, appropriated 2.25 billion yuan from the central budget, and subsidized 4.79 million students at the rate of 1,500 yuan per student per year.

#### (6) Cultural rights

The public cultural services system has been improved. By the end of 2010, there were 188.72 million household users of wired radio and cabled television, and 42,000 sets of equipment for mobile projection of digital movies in rural areas, with the goal of one showing every month in each village having been basically realized. Radio and TV broadcasting has been made available in almost all administrative villages and natural villages each with at least 20 households where electricity is available. By the end of 2010, there were 2,885 public libraries, 3,264 art galleries (cultural centers), 2,435 museums, and over 40,000 cultural stations in towns and townships and communities. By the end of 2010, the state had spent over seven billion yuan on the construction of over 300,000 farmers' reading rooms in half of the country's administrative villages.

The state spent 5.78 billion yuan on building a five-level national cultural resource sharing network, whose data reached 108 TB and were used by more than 890 million people. The state spent 100 million yuan equipping opera troupes and other grassroots cultural establishments with 330 mobile stages. In 2009 and 2010, the central government allocated four billion yuan as special subsidies for local museums and memorial halls that open to the public free of charge. Throughout the country, 1,749 public museums and memorial halls, and several thousand other kinds of museums, memorial halls and patriotic education bases at all levels are now open to the public free of charge.

The state has formulated the Culture Industry Revitalization Plan and Guiding Opinions on Promoting the Prosperity and Development of the Film Industry. In 2010, mid- and long-term renminbi and foreign currency loans to the cultural sector grew by 27.6 billion yuan, while cultural enterprises raised 10.4 billion yuan on the stock market.

Efforts for the protection of intellectual property rights were intensified. In 2009 and 2010, the state revised the Copyright Law, the Patent Law and the Regulations on Customs Protection of Intellectual Property Rights, and promulgated the Interim Measures for the Payment of Remuneration for Audio Products Played by Radio and TV Stations. In 2010, the State Council carried out a special campaign against all infringements of IPR and the production and sale of counterfeit and shoddy products; the Ministry of Culture launched a special campaign against

piracy of online games; the National Copyright Administration carried out special campaigns to advocate the use of authorized software and to combat IPR infringements and piracy. In 2009 and 2010, throughout the country 2,014 cases involving patent infringement were accepted and heard in court, and over 100,000 cases of trademark infringement were investigated and dealt with. Departments of cultural administration and related law-enforcement authorities dispatched 16.5 million staff members who instructed business entities to make about 510,000 rectifications, and revoked the licenses of 7,058 entities.

#### (7) Environmental rights

The country's environmental quality was improved, and environmental rights and interests of the public were ensured. China's National Plan for Coping with Climate Change was implemented. By the end of 2010, the ratio of energy consumption per GDP unit, the amount of chemical oxygen demand and the emission of sulfur dioxide had met or exceeded the targets set in the Action Plan. The days with good air quality in major cities made up 91.5 percent per year on average, and 95.6 percent of the major cities had more than 292 days with good air quality in a year. In 2009 and 2010, more than 5.08 million law-enforcement personnel were dispatched to make over 2.04 million examinations of enterprises. Special examinations were made of paper-making enterprises and enterprises which discharge heavy metal residue. Environmental

safety checkups were conducted on chemical and petrochemical enterprises located by rivers, particularly those close to sources of drinking water, to eliminate potential threats to the environment. By the end of 2010, some 80 percent of environmental departments at city (district) level and 70 percent of environmental departments at county level had joined the "12369" environmental protection hotline, while 30 percent of environmental departments above county level had set up centers for receiving environment-related complaints and petitions. In 2009, the state revised the Law on Renewable Energy Resources. By the end of 2010, China ranked first in the world in terms of the newly-installed capacity of hydropower and wind power, output of solar photovoltaic batteries and coverage of solar heating.

The Outline of the Plan for National Forest Land Protection and Utilization was implemented. At present, the forest area in China is 2.932 billion mu (about 195,466,666 hectares), and the forest coverage has grown from 13.92 percent in the early 1990s to the present 20.36 percent. The preserved area of planted forests reaches 926 million mu (about 61,733,333 hectares), ranking first in the world. By the end of 2010, the state had fulfilled or over-fulfilled the targets set in the Action Plan regarding forest coverage, grassland improvement, treatment of degraded, sand-encroached and alkaline grasslands, effective utilization of irrigation water, protection of typical forest ecological systems and wild animals and plants under state

protection, protection of natural wetlands, and comprehensive treatment of soil erosion.

#### (8) Safeguarding farmers' rights and interests

Farmers' land right has been ensured. The Standing Committee of the National People's Congress issued and implemented the Law on the Mediation and Arbitration of Rural Land Contracting Disputes, and the Ministry of Agriculture and other relevant departments formulated related rules and documents, notably the Rules on the Arbitration of Rural Land Contracting Disputes, and Model Bylaws for Rural Land Contracting Arbitration Commissions. By the end of 2010, a total of 18 provinces, autonomous regions, and municipalities directly under the central government had worked out measures for distributing and using the compensation funds of requisitioned land within rural collectives. Altogether, 229 million rural families had contracted farmland from collectives by way of household contract; land-use rights transfer had covered 187 million mu (about 12,466,666 hectares), making up 14.7 percent of the total farmland under household contract management. Nationwide 1,405 rural land contract arbitration commissions were set up, among which 1,369 were at county level, covering 47.9 percent of counties or county-level cities. Overall reform of tenure in collective forests was carried out throughout the country. By the end of 2010, a total of 18 provinces, autonomous regions, and municipalities directly under the central government had basically fulfilled the task of clarifying

forest rights and contracting out to households. Tenure of 2.431 billion mu (about 162,066,666 hectares) of forests had been determined in the course of the reform, and 72.6 million certificates of forest right were issued, bringing direct benefits to 300 million farmers.

Farmers' usufructuary right to their homesteads has been protected. The basic distribution system of "one homestead per family" has been implemented, while the measures for the management of farmers' homesteads were constantly improved. The examination and approval procedures for homesteads were standardized, and the work of homestead registration and certificate issuance was strengthened.

The land requisition system was reformed, and the legitimate rights and interests of farmers whose land had been requisitioned were protected. The Measures on Public Announcement of Land Requisition and the Provisions on the Hearings in Respect of Land and Resources have been carried out, and thus before the authorities report the compensation standards and relocation plans about the land to be requisitioned to the upper level for approval, any party concerned will receive a written notice stating that he/she has the right to a hearing. The procedure of land requisition has been improved. In accordance with the requirement of "relocation first and demolition later," the government ensures that the compensation for and relocation of farmers are done properly. Local governments have publicized the uniform standards for land requisition and the

comprehensive land prices of the areas to be requisitioned, and raised the compensation level by 20 percent to 30 percent, and even over 100 percent in some places. A dynamic mechanism for adjusting compensation standards has been established, under which the compensation standards for land requisition will be adjusted every two or three years. A social security system for farmers whose land has been requisitioned has been established; the governments of 29 provinces, autonomous regions, and municipalities directly under the central government have issued measures to include farmers whose land has been requisitioned in the social security system, enabling them to enjoy basic living or old-age insurance. More methods have been adopted for the relocation of farmers, including relocation to other areas of agricultural production and relocation of farmers to other places, so that farmers whose land has been requisitioned can be provided with basic production conditions and source of income.

The state has made the increase of farmers' income and improvement of people's wellbeing a central task for agriculture and rural work. In 2009 and 2010 the per capita net annual income of rural residents reached 5,153 and 5,919 yuan, respectively, increases of 8.5 percent and 10.9 percent in real terms after adjusting for inflation. The increase of the per capita net annual income of farmers in real terms exceeded 6 percent for seven successive years. The state granted grain growers direct subsidies and general subsidies for purchasing agricultural

supplies, expanded the scope of subsidies for purchasing superior seeds, and granted more subsidies for purchasing agricultural machinery. In 2009 and 2010 the total of the four subsidies was 127.45 billion yuan and 122.59 billion yuan, respectively.

Health care services for farmers have been improved. The coverage of the new rural cooperative medical care system has been constantly expanded, with the number of participants accounting for over 90 percent of rural residents. More money was raised for this, with an average of 155.3 yuan from each participant. Out-patient expenses were paid out of the medical insurance fund in over 60 percent of all the areas throughout the country. In 2010 the proportion of hospitalization expenses paid out of the medical insurance fund in accordance with relevant policies grew by five percentage points, with the maximum amount for rural participants paid out of the medical insurance fund increasing to six times the per capita annual net income of farmers. In 2009 and 2010, the state solved the problem of safe drinking water for 122 million rural residents.

The rights and interests of rural migrant workers have been further protected. In 2009 and 2010, the relevant departments provided vocational training courses for over ten million rural migrant workers and training courses about starting businesses for 130,000 rural laborers. The state gradually put in place a system ensuring payment for rural migrant workers, and increased the minimum wage by a big margin. By the end of

2010 some 30 provinces, autonomous regions, and municipalities directly under the central government had adjusted the minimum wage, and the minimum monthly wage increased by 22.8 percent on average. A supervision system has been set up in 26 provinces, autonomous regions, and municipalities directly under the central government to ensure the prompt payment of wages to workers. All the 31 provinces, autonomous regions, and municipalities directly under the central government in China have established the wage deposit system in the field of construction.

(9) Guarantee of human rights in the reconstruction of areas hit by the devastating earthquake in Wenchuan, Sichuan Province

The life and rights of the victims in areas hit by the earthquake in Wenchuan have been fully ensured. In three quake-hit provinces (Sichuan, Gansu and Shaanxi), houses of 2.92 million rural families and 1.46 million urban families have been repaired and reinforced, and new housing has been built which can accommodate 1.91 million families in rural areas and nearly 290,000 families in towns, greatly improving the living conditions of both urban and rural residents in these areas.

The employment of people in quake-hit areas has been ensured. The state adopted a joint conference system for employment assistance and some other measures, and invested 3.678 billion yuan in employment expansion and social security. It helped 1.765 million people find jobs, stabilized over 130,000 jobs, and

created 230,000 public welfare jobs, thereby realizing the goal of finding a job for at least one member of each jobless family. Employment in quake-hit areas was restored to the situation before the earthquake. The state formulated policies and measures to help people in quake-hit areas to increase their incomes, fostered rural industries in these areas at a faster pace, and opened up more channels for farmers to increase their incomes. The Sichuan government solved the problem of safe drinking water for 2.286 million rural people, as covered in the national plan. The disposable income of urban residents in the 39 hardest-hit counties - whose reconstruction was incorporated into a national plan - increased by 12.1 percent, and the per capita cash income of farmers in those counties grew by 13.2 percent. The income of both urban and rural residents exceeded what they earned before the earthquake.

The reconstruction of elementary and high schools and medical and health services has been basically completed. Construction began in 99.7 percent of the 3,972 schools that the state had planned to rebuild, and 93.8 percent have been completed; students moved into permanent buildings when the spring term began in 2010. Construction began in 99.7 percent of the 3,001 medical and health services that the state had planned to rebuild, and 92.2 percent have been completed; the reconstruction of the 1,108 family-planning service centers have been basically completed. Cultural centers, social welfare institutes, community service centers, elderly people's homes, radio and

TV broadcasting stations, and some other facilities have been rebuilt.

The names of those who died or reported missing in the earthquake were recorded and made public. The Sichuan government, following the principles of being realistic, acting in accordance with the law and dealing with things by category, worked out standardized procedures, and published the names of victims as soon as they were confirmed. At present, most of the 98 quake-hit counties and county-level cities and districts have completed the work of making public the names of people who died or disappeared in the earthquake. With a sense of responsibility and in a solemn and prudent manner, governments of quake-hit areas at all levels are still continuing the work of publishing the names and confirming the number of victims.

Relief funds and materials were used in an open, transparent, standard and orderly way. From January 2009, the National Audit Office launched follow-up audit of these funds and materials. By the end of November 2010, the National Audit Office and local audit departments had sent 7,137 teams consisting of 19,000 people to conduct investigations in Sichuan, Gansu and Shaanxi in follow-up audits of recovery and reconstruction projects in the three provinces, and the results have been made public. The Sichuan Provincial Government and governments at city and county levels each established a leading group for supervising and inspecting the receipt and use of relief funds and materials, supervising the whole process

from the early period of the earthquake to recovery and reconstruction and ensuring that these funds and materials are used for people in the quake-hit areas, and for recovery and reconstruction work.

The legal system to ensure precautions against earthquakes and disaster reduction has been improved, and the public's awareness in this regard has been constantly enhanced. The Sichuan government has promulgated some local regulations, including the Decision on Strengthening the Seismic Fortification Management of Rural Houses and the Opinions on the Implementation of Appraising the Safety of, Renovating, Reinforcing and Demolishing Urban Houses Damaged in the Wenchuan Earthquake. Governments of other quake-hit areas have also worked out relevant regulations. The Sichuan government demanded that from 2009, all schools should teach a course titled, "Life and Safety," practice emergency evacuation, and popularize knowledge concerning precautions against earthquakes and disaster reduction.

*(Note 1) Guarantee of food, clothing, housing, medical care, and funeral expenses for elderly people, people with disabilities, and residents under the age of 16 living in the countryside who have lost the ability to work, have no sources of income and have no one to support them.*

### **III. Civil and Political Rights**

Over the past two years, China has been taking effective measures to enhance democracy and the rule of law, actively and steadily advancing the reform of the political system. Civil and political rights have been guaranteed more effectively and the goals about civil and political rights set in the Action Plan in this regard have been achieved.

#### **(1) Rights of the person**

China's judicial organs have issued guidance documents regarding the criminal evidence system to protect the rights of the person in accordance with the law. In June 2010 the Supreme People's Court and the Supreme People's Procuratorate issued the Regulations on Some Issues Concerning the Exclusion of Illegal Evidence in Criminal Cases. It is clearly stipulated in the Regulations that confessions and witness testimony obtained by illegal means such as torture should not be taken as evidence to support a verdict.

Measures on forbidding illegal detention by law enforcement personnel have been implemented. In April 2010 related departments jointly promulgated the Ordinance on Discipline for the People's Police of Public Security Organs to prohibit illegal deprivation or restriction of others' freedom of the person. Procuratorial organs have strengthened the legal supervision of criminal investigation, criminal trial and the execution of sentences. In 2009 and 2010, procuratorial organs filed and

investigated cases involving 1,002 government functionaries who had taken advantage of their positions and powers to conduct illegal detention, revenge and frame-ups, and disruption of elections and other crimes that infringe upon citizens' rights of the person and democratic rights. In the last two years, people's courts at all levels have held hearings for 18,600 cases of illegal detention, including those committed by government functionaries who used their positions and powers.

The state further strengthened its control and prudent application of death penalty. In February 2011 the Standing Committee of the National People's Congress (NPC) discussed and adopted Amendment VIII to the Criminal Law of the People's Republic of China. The amendment abolished death penalty for 13 types of economic and non-violent crimes, such as negotiable instruments fraud. The reduction accounted for nearly one fifth of the total number of death penalty crimes. The amended Criminal Law laid down restrictive stipulations on the application of death penalty to people 75 years old and above. In June 2010 the related departments jointly issued Regulations on Some Issues Concerning the Examination and Judgment of Evidence in Death Penalty Cases, which adopts stricter standards in the examination and judgment of evidence for death penalty cases. The people's courts stick to the principle of public trial for all death penalty cases of second instance to guarantee the defendants' right of appeal.

The law enforcement system has been continuously improved. The State Council issued the Opinions on Strengthening the Building of a Government Ruled by Law, which sets strict regulations to ensure that law enforcement by administrative organs is impartial and civilized. The Supreme People's Procuratorate and the Ministry of Public Security promulgated the Regulations on the Interrogation of Criminal Suspects during the Examination of Arrest Request to further ensure integrity in handling criminal cases and guarantee the legitimate rights of criminal suspects. The Ministry of Public Security has formulated detailed rules for law enforcement and specific regulations regarding the main links and steps for the handling of cases. In addition, the Ministry of Public Security has issued over 30 regulatory documents, including Some Regulations on the Management of Property Involved in Cases, Guiding Opinions on Establishing and Improving the System of Law Enforcement Supervisors, and Guiding Opinions on Further Regulating and Strengthening the Informationization of Law Enforcement by Public Security Organs, which have improved the systems concerning links and posts of law enforcement.

## (2) Rights of detainees

Laws and regulations to guarantee detainees' rights have been further improved. In May 2009 the Ministry of Public Security promulgated the Ten Provisions on Preventing and Cracking Down on Bullies in Detention Houses, Notice on the Concentration of Female Detainees for Management in

Detention Houses, and other regulatory documents. These documents improved the system of categorized detention and management of detainees, the system of transitional management of new detainees and informing them of their legitimate rights, and the system allowing detainees to report abuse to the police. In December 2009 the Ministry of Public Security and the Ministry of Health jointly issued the Notice on Effectively Strengthening and Improving Medical and Health Work in Places Under the Surveillance and Control of Public Security Organs to consolidate the building of medical institutions in these places. The Construction Standards for Prisons, which came into effect in December 2010, further regulates the management of prisons and the construction of facilities in prisons. An open system of supervision and law enforcement has been basically established. Detention houses have set up reception rooms and complaint boxes, and publicized the names of police officers and systems and procedures for supervision and law enforcement. So far, over 1,500 detention houses have been opened to the public and receive public supervision. The Supreme People's Court, Supreme People's Procuratorate and other organs have issued the Opinions on Strengthening and Regulating the Execution of Sentences Outside Prison. The system of public announcement and hearing before ruling on penalty reduction and parole is set out clearly in the Opinions, increasing transparency in the trial of such cases. In 2009 and 2010 people's courts at all levels

reduced the penalties for over 1.005 million people, and released 68,000 others on parole in accordance with the law.

To prevent the extortion of confessions by torture and the infliction of corporal punishment, abuse and insult on detainees, the Ministry of Public Security stipulates that, except for special cases, all interrogation of detainees must be conducted in the interrogation rooms of detention houses. Every interrogation room must have a metal mesh as separation between detainees and interrogators, and two doors - one for the detainee and one for the interrogator - to avoid physical contact between them. Technological means, including simultaneous audio and video recording, are employed in interrogation rooms to prevent such abuses as the extortion of confessions by torture. Physical examination of detainees before and after an interrogation and when they leave and return to the detention house is conducted.

### (3) The right to impartial trials

Litigants' right to impartial trials has been guaranteed. The Supreme People's Court formulated Some Regulations on the Audio and Video Recording of Court Trials, which stipulates that litigants may consult and copy the audio and video records of their own court trials with the approval of the people's court. So far, courts in Beijing, Shanghai, and Shandong practice simultaneous audio and video recording of their trials. In September 2010 the Supreme People's Court promulgated the Guiding Opinions on Sentencing by the People's Courts (for trial

implementation), and issued jointly with related departments the Opinions on Some Issues Concerning the Regulation of Sentence Procedures (for trial implementation). Since October 2010 courts at all levels throughout the country have been implementing the regulatory reform of sentencing on a trial basis. They have regulated the use of discretionary power in criminal cases, and unified the sentencing standards for 15 common crimes. Cases of these 15 crimes now account for about 90 percent of the total number of criminal cases handled by grassroots courts.

Court trials are fully publicized. In the past two years, to guarantee citizens' right of access to information about court trials, the Supreme People's Court formulated the Six Regulations on Judicial Openness, and Some Regulations on Subjecting the People's Courts to the Supervision by News Media and Public Opinion. People's courts at all levels throughout the country have established case reception halls and publicized the information about the opening of court sessions and judicial aid; set up lawsuit information desks and opened up related hotlines; installed a network information inquiry system of court trials and information management system of law-enforcement cases to facilitate litigants' access to relevant information. At present, most higher people's courts, 97 intermediate people's courts and 472 grassroots people's courts release court rulings and decisions on the Internet.

The system of people's jury has been improved. In the past two years, the Supreme People's Court has formulated the Regulations on Some Issues Concerning People's Jurors' Participation in Court Trials and Some Opinions on Further Strengthening and Advancing the Work of People's Juries. In 2009 and 2010 people's jurors participated in the trial of 1.544 million cases, accounting for 32.44 percent of cases handled with common procedure by grassroots courts. Courts at all levels have expanded the scope of selecting people's jurors. The number of people's jurors throughout the country is approximately 80,000.

Lawyers' professional rights have been further guaranteed. Since 2009 related departments have been promoting the revision and abolition of regulations and regulatory documents that are inconsistent with the Lawyers Law. Measures for the Administration of the Practicing Licenses of Lawyers and Law Firms, Rules on the Annual Assessment of Lawyers' Practice of Law (for trial implementation), and other regulations and codes of professional conduct have been promulgated. The Ministry of Justice is now working with related departments on drafting the Regulations on Guaranteeing Lawyers' Professional Rights in Criminal Litigation, placing the emphasis on solving lawyers' difficulties in meeting criminal suspects, in reviewing the files of persons in custody, and in conducting investigations and collecting evidence.

The state compensation system has been improved. In April 2010 the Standing Committee of the National People's Congress discussed and approved the Decision on Revising the Law of the People's Republic of China on State Compensation. The Decision further smoothes the channels for claiming state compensation, improves the compensation procedures, clarifies the scope and standards of compensation, and straightens out the compensation management and payment mechanism. To ensure the effective implementation of the State Compensation Law, related departments have formulated and revised relevant administrative laws and regulations, and judicial interpretations. In the last two years people's courts at all levels have adjudicated 2,950 cases of claiming state compensation, among which the decision to compensate was made in 805 cases, involving a total amount of 71.709 million yuan. In March 2009 the Supreme People's Court and the Supreme People's Procuratorate jointly issued Some Opinions on Carrying Out Relief Work for Crime Victims. In addition, people's courts have expanded the scope of judicial aid and approved the reduction, deferral or exemption of litigation fees in 547,000 cases.

#### (4) Freedom of religious belief

Normal religious activities are protected by law. In the past two years the State Administration for Religious Affairs promulgated the Measures for the Administration of Tibetan Buddhist Temples, and the Decision on Revising the Rules for

the Implementation of the Regulations on the Administration of Religious Activities of Foreigners Within the Territory of the People's Republic of China. It jointly issued the Opinions on Properly Solving Social Security Issues Concerning Religious Personnel with related departments, and formulated the Regulations of the State Administration for Religious Affairs on Procedures for Handling Administrative Reconsideration Cases and other regulations and systems. The state supports the improvement of the working and teaching conditions of national religious organizations, and some religious colleges and institutes. The new building of the Chinese Academy of Taoism and the Taoist Association of China had been basically completed by the end of 2010. The state provides financial support for believers in Islam to make pilgrimages, and for the building of religious colleges, institutes and societies such as Sichuan Catholic Seminary and Central-South Catholic Seminary, as well as the training of their religious personnel. The state has invested nearly 600 million yuan in the preservation and maintenance of major religious temples, including the Samye, Trandruk and Tashilhunpo monasteries in Tibet, and Ili's Shaanxi Grand Mosque and Kashgar's Id Kah Mosque in the Xinjiang Uygur Autonomous Region.

#### (5) The right to know

The state makes active efforts to keep the public informed of government affairs, and takes effective measures to guarantee citizens' right to know. On the basis of the Regulations on the

Disclosure of Government Information, and the Opinions of the General Office of the State Council on Implementing the Regulations on the Disclosure of Government Information, the State Council, in October 2010, issued the Opinions on Strengthening the Building of a Government Ruled by Law. Thus, the system of keeping the public informed of government affairs took initial shape.

By the end of 2010 some 75 departments under the central government had adopted the practice of publicizing their budgets; 18 provinces, autonomous regions, and municipalities directly under the central government had begun to publicize their public financial and government fund budgets; 12 provinces, autonomous regions, and municipalities directly under the central government had begun to publicize their budgetary performance every month or quarter. A government affairs service system connecting provinces, cities, counties, townships and villages has taken initial shape. A total of 2,842 government affairs service centers and 25,000 township and neighborhood administrative service centers have been set up in 31 provinces, autonomous regions, and municipalities directly under the central government.

In June 2010 the State Council passed the Regulations on Natural Disaster Relief, which contains specific regulations on issues concerning the disclosure of information about natural disaster relief work. It is stipulated in the Regulations that when a natural disaster takes place and meets the conditions to

activate the emergency plan for natural disaster relief, the central government should inform the public of its measures against the disaster as well as what precautions they should take, and that the government should inform the public of the source, quantity and use of state relief funds and materials, and public donations. The mechanism of a joint meeting for determining the liability in major production accidents has been established to conduct regular special inspections on the investigation and handling of suspected cover-ups of production accidents.

The government news release system and the spokesperson system have been improved. The spokesperson systems for committees of the Communist Party of China (CPC) and for governments at county level have been established. In 2010 the CPC Central Committee promulgated the Opinions on Establishing the Spokesperson System for Party Committees, to vigorously promote the setting up of the spokesperson system in related departments of the Party Central Committee and Party committees in provinces, autonomous regions, and municipalities directly under the central government. At present, 13 departments and units of the Party Central Committee and Party committees of 31 provinces, autonomous regions, and municipalities directly under the central government and the Xinjiang Production and Construction Corps have established the spokesperson system. The news release work of Party committees is becoming institutionalized and standardized. In the past two years all ministries, commissions and departments,

and provinces, autonomous regions, and municipalities directly under the central government held a total of 3,522 press conferences.

(6) The right to participate

Citizens' right to participate has been effectively guaranteed. In March 2010 the National People's Congress adopted the decision to revise the Election Law to stipulate that deputies to the people's congresses should be elected in the same proportion to the populations of urban and rural areas. The revisions broadened the representativeness of the people's congresses, and improved the regulations concerning election organs and procedures, better demonstrating the equality among all people, regions and ethnic groups. In 2009 and 2010, the Chinese People's Political Consultative Conference (CPPCC) filed over 10,000 proposals, of which over 90 percent have been replied to and handled. The CPPCC organized 15 inspection groups and 30 investigation groups, submitted inspection and investigation reports to the Party Central Committee and the State Council, and received 27,333 reports on social conditions and public opinions, and 75,119 petitions from the public. It also convened meetings among members of its Standing Committee to discuss political and government affairs, and hosted consultative symposiums, seminars and consultation meetings, actively making proposals for the social and economic development of the country.

The system of people's self-governance at grassroots level has been improved. In October 2010 the NPC Standing Committee passed the newly-revised Organic Law on the Villagers' Committees to enhance the level of villagers' self-governance and democratic management. So far, 31 provinces, autonomous regions, and municipalities directly under the central government have published their own electoral measures for village committees, and eight provinces have formulated their rules on making village affairs more transparent; about 85 percent of the villages have set up the system of villagers' council or villagers' congress, and over 90 percent of the villages have established organs to supervise the transparency of village affairs. The state has promulgated the Opinions on Strengthening and Improving the Work of Building Urban Neighborhood Committees, which puts forth clear requirements for the further standardization of democratic neighborhood electoral procedures and the steady expansion of the coverage of direct elections of neighborhood committee members. In 2010 the election of urban neighborhood committee members was being practiced nationwide.

The transparency of enterprise affairs has been further enhanced to protect workers' rights and interests. In 2010 related state departments jointly issued the Opinions on Making Enterprise Affairs More Transparent and Practicing Democratic Management to reinforce guidance for work in this regard in the reorganization, restructuring, closedown and bankruptcy of

state-owned enterprises. By the end of September 2010, among all enterprises and public institutions with trade unions, 2.113 million had established a separate system of making enterprise affairs public, an increase of 20.6 percent over the previous year, and 2.249 million have set up a separate system of workers' conferences, an increase of 22.3 percent over the previous year.

The state encourages mass organizations to participate in social management and public services to protect the people's legitimate rights and interests. By the end of 2010 the All-China Federation of Trade Unions participated in the formulation and revision of laws and regulations having a direct bearing on the rights and interests of workers and trade unions, including the Social Insurance Law and the Work-related Injury Insurance Regulations. It also actively pushed forward the revision of the Trade Union Law. The All-China Women's Federation made great efforts to promote women's representation in villagers' council and villagers' congress. Its active participation in the inspection of the enforcement of the Law on the Protection of the Rights and Interests of Women organized by the NPC Standing Committee gave impetus to the formulation and revision of the rules for the implementation of this law in 31 provinces, autonomous regions, and municipalities directly under the central government. Youth League committees at all levels carried out an activity under the title "Youth League Members Meeting with NPC Deputies and CPPCC Members,"

established the NPC Deputy Mentor Groups for Teenage Affairs and the Working Groups of Guardians of Rights and Interests of Teenagers, and held activities for the Youth League to listen to the opinions of its members, so as to represent and safeguard the rights and interests of teenagers.

The construction and management of social organizations have been strengthened to enhance their function in serving society. The revision of the Regulations on the Management of Foundations, Regulations on the Registration and Management of Social Organizations, and Interim Regulations on the Registration and Management of Private Non-enterprise Entities has been incorporated into the legislative work plan of the State Council. Social organizations raise over 10 billion yuan every year for poverty reduction and relief, and disaster relief and prevention. Social organizations, trade associations in particular, are playing an increasingly important role in regulating market order, developing industry self-discipline, establishing industry standards and mediating trade disputes. At present, China's over 60,000 trade associations keep in close contact with over 20 million members, including private industrial and commercial units; over 40,000 academic organizations keep in close contact with over five million experts and scholars; and special economic associations in the rural areas keep in close contact with over ten million households. Meanwhile, social organizations have provided over ten million full-time and part-time jobs.

## (7) The right to be heard

Citizens' freedom of speech has been fully guaranteed. In recent years, the Internet has become a new channel for citizens to exercise their right to be heard. By the end of 2010 China's netizen population had reached 457 million, and the Internet penetration rate had reached 34.3 percent, higher than the world average. China boasts 5.52 million websites, millions of bulletin board systems (BBS) and 295 million blog users. Statistical sampling shows that Chinese netizens issue over three million statements a day on the Internet, and over 66 percent of Chinese netizens often issue statements of views and claims freely on the Internet. Chinese leaders often get on the Internet to learn about public sentiment, and communicate with the netizens online. Soliciting views via the Internet has become a common practice of governments at all levels. The proposals collected from the Internet amount to several million every year.

Press and publishing undertakings have been further developed. In the past two years the State Council has completed the revision of the Regulations on the Administration of Publication and the Regulations on the Administration of Audio and Video Publications; the General Administration of Press and Publications has promulgated the Measures for the Administration of Press Cards and the Measures for the Administration of Correspondent Bureaus of Newspapers and Periodicals to protect the legitimate rights and interests of news media and reporters; the printed sheets for books, periodicals

and newspapers totaled 270.114 billion, with 330,000 titles of books and 2,056 newspapers.

(8) The right to oversee

Citizens' right of democratic supervision has been further guaranteed. The National People's Congress and its Standing Committee fully exercise the function and power to supervise the implementation of the Constitution and laws and comprehensively promote the protection and realization of the people's rights. In the past two years the NPC Standing Committee has heard and examined 20 special work reports made by the central government, Supreme People's Court and Supreme People's Procuratorate. It conducted inspections on the enforcement of nine laws, including the Law on the Protection of the Rights and Interests of Women. The Standing Committee carried out special investigations and surveys on the implementation of some major public investment projects as well as on important issues concerning the formulation of China's 12th Five-year Plan. It held special consultations on work reports on the state final accounts, national food security and deepening of reform in the medical and health care system. The Standing Committee also made a resolution on coping with climate change. It filed and reviewed 3,000 regulatory documents, including administrative regulations, local regulations and judicial interpretations. The democratic supervision mechanism of the CPPCC has been improved, and democratic supervision has become increasingly effective.

The channels for people to make complaints in the form of letters and visits have been broadened. The State Bureau for Letters and Calls has established a nationwide complaint information system featuring interconnection, interworking and resource sharing, and promoted and regulated various channels for making complaints, such as the Internet, hotlines, Green Post, and video conferences. The system of soliciting suggestions from the people has been gradually popularized across the country. Party and government leaders read letters from the people and receive visits by them on a regular basis. The system in which Party and government leaders, deputies to Party congresses and people's congresses, and CPPCC members take the initiative to contact people who have made complaints through letters and visits is being improved step by step.

#### **IV. Guarantee of the Rights and Interests of Ethnic Minorities, Women, Children, Elderly People and the Disabled**

Over the past two years, China has taken further measures to protect the rights and interests of ethnic minorities, women, children, elderly people and the disabled, and achieved the goals set by the Action Plan.

##### **(1) The rights of ethnic minorities**

The lawful rights and interests of ethnic minorities are protected in accordance with the law. At present, all 55 ethnic-minority groups in China have representatives in the National People's Congress. Of all the deputies to the 11th NPC, 411 are from ethnic minorities, accounting for 13.76 percent of the total; on the 11th NPC Standing Committee, 25 members are from ethnic minorities, accounting for 15.53 percent of the total. Both figures exceed the proportion of minority population in the total population of China, i.e. 8.49 percent. All the 18 ethnic-minority groups with a population of more than one million have members on the NPC Standing Committee. At the end of 2010, in each of the 155 ethnic autonomous areas, among the chairpersons and vice-chairpersons of the standing committee of the people's congresses there was one or more citizens of the ethnic group or groups exercising regional autonomy in the area concerned, and the head of any autonomous region, autonomous prefecture or autonomous county (banner) has to be a citizen of

the ethnic group exercising regional autonomy in the area concerned, in accordance with the law. There are now over 2.9 million ethnic minority cadres in China.

Education among ethnic minorities is developing rapidly, as 100 percent of the populations of ethnic autonomous areas now has access to nine-year compulsory education. At present, there are 18 universities and colleges for ethnic minorities, with over 200,000 full-time students. There are 83,000 schools of all levels and all types in the minority areas, and the number of students from ethnic minorities studying in schools of all levels and all types across the country amounts to 23.0985 million. More than 300 general institutions of higher learning have organized preparatory classes for ethnic minorities, with the annual enrolment of 30,000 students and accumulative enrolment of over 200,000 students. The state has allocated more than two billion yuan to promote boarding-school education in Xinjiang, Tibet, Inner Mongolia and Qinghai. Tibetan secondary schools and Xinjiang senior high classes established outside Tibet and Xinjiang have recruited over 40,000 ethnic minority students.

Ethnic minorities' right to learn, use and develop their own spoken and written languages is guaranteed. A bilingual teaching mode has taken shape, adapting to the language environment and educational conditions of each ethnic group. By the end of 2010 there were more than 10,000 schools carrying out bilingual teaching in the country, with close to five

million students attending these schools. Radio programs are broadcast in 14 minority languages, and TV programs in eight minority languages. At the same time, 11 film dubbing centers had been set up in ten provinces and autonomous regions, including Inner Mongolia, Xinjiang and Tibet, using 34 minority languages or dialects. Since 2009 they had finished the dubbing of 466 digital films and the production of 361 digital films dubbed in minority languages. Seven languages of ethnic minorities can be used on computers. With the allocation of 120 million yuan from the state, 36 publishing houses catering to ethnic minorities are publishing books of all kinds in 23 minority languages. Nearly 100 newspapers and 192 periodicals in ethnic minority languages are subsidized by the state.

The cultures of ethnic minorities are protected and promoted. A four-level intangible cultural heritage list and one of inheritors of cultural traditions have been set up to strengthen the protection of minority cultures. In addition, the state has established experimental zones to protect the cultures of the Regong, Qiang, Tujia, Miao and other ethnic groups. By the end of 2010 the government's funding of cultural undertakings of ethnic minorities in Xinjiang totaled 300 million yuan. Over the past two years China has produced a series of influential films and TV programs with ethnic minorities as the subject matter, and organized events including "Intangible Cultural Heritage Show - Special Performances of Traditional Music and Dances

of Ethnic Minorities" and "Select Performances of Intangible Cultural Heritage Projects of Ethnic Minorities."

The economy is developing rapidly in areas inhabited by ethnic minorities, and their standard of living is rising correspondingly. Over the past two years, the state has appropriated 2.779 billion yuan as a development fund for ethnic minorities. It has allocated 1.184 billion yuan to support the economic and social development of border areas and solve difficulties in people's livelihood in those areas, of which 153 million yuan was invested in Tibet and 240 million yuan in Xinjiang. By the end of 2010 the per capita net annual income of farmers and herdsmen in regions where ethnic minorities with relatively small populations live in compact communities was 2,344 yuan, an increase of 2.6 times over that of 2005. In 2010 Xinjiang and Tibet saw their GDP reach 541.88 billion yuan and 50.75 billion yuan, respectively, 10.6 percent and 12.3 percent higher than in 2009. By the end of 2010 most of the 640 impoverished villages inhabited by ethnic minorities with relatively small populations had access to roads, power supply, telephones, and radio and TV coverage. They also had schools, clinics, safe drinking water for both people and livestock, safe housing, and basic farmland or pastureland for the supply of adequate food and clothing.

## (2) Women's rights

Women's right to participate on an equal footing with men in the management of state and social affairs is guaranteed. Women

representatives account for 21.3 percent of all representatives in the 11th NPC, and female members account for 17.7 percent in the 11th CPPCC. The proportion of females in the leadership of governments at all levels is increasing, as is the level of participation of rural women in grassroots democratic management. In 2009 females made up 21.5 percent and 49.7 percent of the members of village committees and neighborhood committees, respectively, nationwide.

Women's right to employment and equal access to economic resources is guaranteed. By the end of October 2010 the state had provided 16.605 billion yuan in small loans to aid 410,500 women across the country to start businesses. Women's federations in all parts of the country created jobs for more than four million women by launching projects including processing with customers' materials and knitting. The SYB (Start Your Business) project provides training to 50,000 women every year. By September 2010 there were 1.589 million organizations for female employees in 77.61 percent of all the trade unions established in China. A total of 713,600 collective contracts for female employees were signed, covering 1.2439 million enterprises and public institutions, and 54.2446 million women workers.

The state brings population management, family planning and reproductive health into its national development strategy. Centers providing information, consultation and technical services for population management and family planning have

been set up in all the counties and 95 percent of townships. High-quality services concerning reproductive health and family planning have been made available in over 80 percent of the counties. In 2010, 6.49 million and 870,000 rural women had tests for cervical cancer and breast cancer, respectively, 8.847 million pregnant rural women received hospital delivery subsidies, and the rate of women giving birth in hospitals reached 96.7 percent in the countryside. Over the past two years a total of 1.16 billion yuan has been allocated from the central budget to support the construction of family planning centers in counties and townships in central and western China, and 300 million yuan has been allocated from the central budget to buy 1,822 mobile service vehicles to provide better reproductive health services for women of childbearing age.

The state has intensified efforts to combat domestic violence against women. Already, 27 provinces, autonomous regions, and municipalities directly under the central government have formulated special rules and regulations on the prevention of domestic violence. Public security organs at many places include service of reporting domestic violence in their "110" emergency police service networks. Many local courts have set up collegial panels for safeguarding the rights and interests of women and anti-domestic-violence collegial panels, and some have launched a trial of habeas corpus for victims of domestic violence.

### (3) Children's rights

The legal system for the protection of minors has been improved. By 2010, among all the country's provinces, autonomous regions, and municipalities directly under the central government, 18 had revised the relevant local regulations in support of the Law on the Protection of Minors, and five had made local regulations on the prevention of juvenile delinquency. In the past two years related government departments have jointly promulgated the Opinions on Further Constructing and Improving the Supporting System for Handling Juvenile Criminal Cases. The Supreme People's Court has issued the Opinions on Further Strengthening Juvenile Tribunal Proceedings. Amendment VIII to the Criminal Law of the People's Republic of China explicitly stipulates the conditions under which a juvenile convict shall be put on probation, or constitute a recidivist, and when a juvenile convicted of committing a small offence shall be exempted from the reporting obligation. At present, there are 2,219 juvenile courts established nationwide.

Children's right to health is guaranteed. The categories of national planned immunity vaccines for children have been increased to 11, aiming at the prevention of 12 diseases, with a vaccination rate of over 90 percent. In the past two years 57.629 million children below the age of 15 have been inoculated against Hepatitis B gratis. More than 70 percent of the expenses borne by rural children with leukemia and CHD (congenital heart disease) are covered by medical insurance, and for those

from families meeting the specific conditions, an additional 20 percent of the related expenses will be covered by medical assistance funds granted by civil affairs organs.

Welfare institutions for children have been established in cities at and above the prefecture level all over the country, basically forming a service network of child welfare. In 2010 the General Office of the State Council issued the Opinions on the Strengthening of Care for Orphans. The central government allocated more than 2.5 billion yuan to offer per capita subsidies of 180 yuan, 270 yuan and 360 yuan, respectively, every month to orphans in the eastern, central and western regions. The government continued its "China Children and Teenagers' Safe & Healthy Growth Project," providing critical illness insurance to 117,000 orphans in Qinghai Province and other places. The Plan for the Construction of Welfare Institutions for Children during the 11th Five-Year Plan (2006-2010) was implemented, with a fund of 1.52 billion yuan, increasing the number of beds for orphans in welfare institutions by 57,000. Such institutions can look after about 100,000 orphans every year.

The government has made headway in preventing and cracking down on the crimes of abducting and trafficking in women and children. The Action Plan to Crack Down on Abducting and Trafficking in Women and Children (2008-2012) has been implemented. Relevant departments have established a notification and verification mechanism for people of unknown identity and those who are suspected of being abducted. In April

2009 an anti-trafficking campaign was launched throughout China. By the end of 2010 the Chinese government had solved 9,165 cases of trafficking in women and 5,900 cases of trafficking in children, rescued 9,388 abducted children and 18,000 women, rounded up 3,573 trafficking gangs, and placed 22,500 suspects in criminal detention. In the past two years people's courts at different levels have concluded the trial of 7,395 criminal cases of abducting and trafficking in women and children, of organizing children to beg and other violations of minors' rights and interests, and severely punished 9,596 criminals in accordance with the law. In 2010 China and Vietnam jointly launched a campaign to combat transnational crimes of abducting and trafficking in women and children in their border areas, and signed the Agreement on Strengthening Cooperation in Preventing and Combating the Crimes of Human Abducting and Trafficking; China and Myanmar signed the Memorandum of Understanding on Strengthening Cooperation in Combating the Crimes of Human Abducting and Trafficking.

#### (4) Senior citizens' rights

The rights and interests of elderly people are better guaranteed. In 2011 enterprise retirees saw their per capita basic pension increase by 140 yuan per month, which had already grown for four consecutive years from 2005 to 2009. At present, there are 38,000 institutions providing services for elderly people, with a total of 2.662 million beds; 175,000 community service centers and 693,000 convenience service outlets; more than 700,000

amenities for elderly people's recreational activities; more than 40,000 institutions of higher learning (schools) for the elderly, with a total enrolment of over 4.3 million senior students; 14 national social organizations for the elderly, with branches all over the country; more than 800,000 associations for elderly people, with over 35 million members; more than 16,000 legal assistance agencies for elderly people; and 96,000 mediation organizations for settling disputes concerning elderly people and protecting their rights and interests.

#### (5) The rights of the disabled

The building of the social security and service systems for people with disabilities has been further strengthened. The NPC Standing Committee has included the Mental Health Law into its lawmaking plan. The Regulations on the Construction of a Barrier-free Environment (Draft) has been published, and the National Standards for Classifying and Grading Disabilities has been officially issued and implemented. In March 2010 the related departments jointly issued the Guiding Opinions on Accelerating the Building of the Social Security and Service Systems for People with Disabilities and the Opinions on Strengthening the Work of Providing Legal Aid to Disabled Persons. In 2010 a total of 3,592 legal aid agencies throughout the country provided legal services (e.g. defending cases in court or serving as procurators) to over 54,000 people with disabilities.

Rehabilitation services for people with disabilities have improved. In the past two years 180 million yuan from the central budget has been appropriated to support the construction of 396 comprehensive facilities for people with disabilities in central and western China. At present, there are 145,000 community rehabilitation stations across China, enabling 12.68 million people with disabilities to enjoy rehabilitation services in their communities. There are 4,029 nursing homes providing services for 145,000 people with intellectual, mental or severe physical disabilities. The Project on Rehabilitation of Disabled Children Living in Poverty is under way, which benefits 40,000 poor children with disabilities.

Over the past two years relevant departments have issued the Measures for Air Transport of Persons with Disabilities (for trial implementation), revised the Standards for the Configuration of Non-barrier Facilities and Devices at Passenger Terminal Areas of Civil Airports, and the Regulations on the Application for and Use of Motor Vehicle Driving Licenses, making it possible for more disabled people to apply for driving licenses. One hundred cities began to build themselves into non-barrier cities, and so did 1,118 prefectural-level cities and counties. Meanwhile, 27 provincial-level television stations launched news programs with sign language assistance, and 341 public libraries set up multimedia rooms for people with visual impairments.

In May 2009 the General Office of the State Council approved the Opinions on Accelerating the Development of Special

Education, clearly pointing out the goals, tasks and measures of the government in accelerating the development of education for the disabled in the coming years. At the end of 2010 there were 1,706 special-education schools in China and over 16,000 special-education classes, with a total enrolment of 550,000 disabled students. More than 20 provinces, autonomous regions, and municipalities directly under the central government have drawn up policies to assist the disabled in schooling. By 2010 some 80% of the 1,160 schools listed in the Plan for the Building of Special-education Schools in Central and Western China had been built or renovated.

Activities including the "National Month-long Employment Assistance" and "Promoting Employment for Ten Thousand People" projects have been launched to provide special employment services for the disabled. The state has helped 674,000 urban residents with disabilities to find jobs, bringing the number of employed urban residents with disabilities to 4.41 million. Meanwhile, the number of employed rural residents with disabilities has reached 17.497 million.

The government has enhanced support for poor people with disabilities. Related departments have jointly issued the Notice on Giving Priority to the Resolution of the Housing Difficulties of Low-income Families with One or More Disabled Members in Urban and Rural Areas, helping 220,000 poor rural families with one or more disabled members to renovate their houses. At the same time, 4.05 million urban people with disabilities are

participating in social insurance scheme; 106,000 people with disabilities are supported in special concentrated dwelling complexes in urban areas, and 605,000 people with disabilities enjoying the five guarantees are supported in rural areas. Some 2.92 million urban and rural disabled people with financial difficulties are receiving temporary relief, and 1.604 million are receiving regular subsidies.

China is also making efforts to enrich the lives of disabled people in the cultural and sports areas. It has launched the "National Special Olympics Day" and 27 demonstration fitness projects aimed at benefiting the disabled. Chinese athletes with disabilities participated in 40 international events, including the Special Olympics World Winter Games held in the United States and the Winter Paralympics held in Vancouver, Canada. By May 2010 the government had held many important cultural and sports events, including China's First Arts Festival for Disabled Children, and organized cultural activities for disabled people in 1,000 communities. A Life and Sunshine Pavilion was built for the 2010 Shanghai World Expo, which was the first pavilion dedicated to persons with disabilities in the World Expo's history.

## **V. Human Rights Education for the Public**

With the Chinese government's efforts in the field of human rights education and publicity, the Chinese public's awareness of human rights and their ability to safeguard such rights have been greatly enhanced during the past two years. The goals set in the Action Plan have been achieved.

Knowledge about laws and human rights has been included in China's nine-year compulsory education. The course "Morality and Life" at the elementary education stage leads children to respect and cherish life, and get to know about children's rights. The course "Ideological and Moral Standards" at the junior high school stage introduces 17 items concerning laws and human rights, as well as the Law on the Protection of Minors. While in senior high schools, the course "Ideology and Politics" summarizes citizens' rights and duties as stipulated in the Constitution, and international conventions on human rights.

More theoretical researches and education on human rights are carried out in institutions of higher learning. Three textbooks about human rights, including International Human Rights Law, were included in the national textbooks for higher education during the 11th Five-year Plan. At present, there are nearly 30 human rights research centers in China, set up by colleges and research institutes. Dozens of colleges are offering courses in human rights laws and human rights education. Universities including Nankai University, Shandong University and China

University of Political Science and Law have enrolled masters and Ph.D. candidates in human rights. The Ministry of Education has also established national-level human rights education and training centers at Nankai University, China University of Political Science and Law and Guangzhou University.

Human rights education for civil servants has also been stressed. Over the past two years, the State Council Information Office has held four training sessions about human rights for Party cadres and government employees at various levels, and judiciary personnel. The Party School of the CPC Central Committee and Party schools of local CPC committees all conduct courses in human rights. The public security organs run core-value education among the police force, raising policemen's awareness of the rule of law, judicial procedures, evidence and human rights. County-level police chiefs, prison wardens and directors of justice bureau also received training on human rights during the two years.

Human rights education oriented to the general public has been carried out. During the two years China Society for Human Rights Studies and other research institutes published a series of books, including China's Human Rights in Action and China's Human Rights Achievements over the Past Sixty Years. The periodical Human Rights and the website Humanrights.cn also energetically spread knowledge about human rights among the public.

## **VI. Performing International Human Rights Duties, and Conducting Exchanges and Cooperation in the Field of International Human Rights**

China conscientiously fulfils its obligations under the international human rights conventions to which it is a signatory, and advocates and actively participates in exchanges and cooperation in the field of international human rights. It has fulfilled its commitments in the Action Plan, making new efforts for the healthy development of international human rights endeavors.

China cherishes the important role played by international human rights instruments in promoting and protecting human rights, and conscientiously fulfils its obligations to the conventions. It submits timely reports to the relevant bodies on how it implements the conventions, holds constructive dialogues with these treaty bodies, takes into full consideration the suggestions offered by them, and adopts those deemed feasible in the light of China's actual conditions.

During the past two years, after soliciting opinions from related departments, NGOs, academic institutes and the public, the Chinese government completed its second report on implementing the International Covenant on Economic, Social and Cultural Rights, its third and fourth combined report on implementing the Convention on the Rights of the Child (including its latest report on implementing the Optional

Protocol on the Sale of Children, Child Prostitution and Child Pornography), the first report on implementing the Optional Protocol on the Involvement of Children in Armed Conflict and its first report on implementing the Convention on the Rights of Persons with Disabilities, and submitted them to the United Nations.

In 2009 the Chinese government sent a delegation to participate in a meeting held by the U.N. Committee on the Elimination of Racial Discrimination to discuss China's 10th, 11th, 12th and 13th combined report on its implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and held a constructive dialogue with the committee. On August 28, the committee passed and published the concluding report, which confirmed China's measures and achievements in developing the economy in the areas inhabited by ethnic minorities, supporting less-populated ethnic groups and protecting ethnic-minority cultures. The Chinese government valued the conclusion seriously, and presented feedback materials for some suggestions in the concluding report to the committee in August 2010.

The Chinese government earnestly executes the requirements of the UN Convention Against Corruption (UNCAC), and actively conducts international cooperation in this field. Since 2009 it has sent delegations to attend the Third Conference of the States Parties (CoSP) of the UNCAC, as well as all meetings and exchanges regarding review of the implementation of the

Convention, asset recovery and preventive measures under the framework of the Convention.

China is carrying out legislative and judicial reforms. It amended the Law on Lawyers and the Law on State Compensation to prepare the ground for the ratification of the International Covenant on Civil and Political Rights.

China is committed to holding exchanges and cooperation in the field of international human rights and promoting the healthy development of international human rights on the basis of equality and mutual respect. China continues to take an active part in the work of the Third Committee of UN General Assembly and the UN Human Rights Council (HRC). It sent delegations to participate in the fourth to tenth rounds of the HRC Universal Periodic Review (UPR), helping the HRC to solve human rights problems in a fair, objective and non-selective manner. In February 2009 China for the first time underwent the UPR on China, at which the Chinese delegation gave a detailed account of the development in China's human rights situation, the challenges it faces and the goals it has set, and held open and candid dialogues with various countries. Many countries have confirmed China's efforts and achievements in the field of human rights, and offered some valuable proposals in this regard. The Chinese delegation, with a serious and responsible attitude, deliberated these proposals, and adopted 42 that were regarded as feasible in the light of

China's reality. In June the same year the HRC approved the UPR reports on China.

China has maintained good cooperation with the HRC Special Procedures. The Chinese government received the visiting UN Special Rapporteur on the Right to Food in December 2010. China has high regard for the important role played by the Office of the High Commissioner for Human Rights (OHCHR), and donates to it every year to support its work. Meanwhile, China has implemented the Memorandum of Understanding on Technical Cooperation on Human Right of the OHCHR.

China values highly and continues to strengthen exchanges and cooperation with the UN Food and Agriculture Organization, the UN Educational, Scientific and Cultural Organization, the World Health Organization, the International Labor Organization and similar international organizations. It continues to participate in human rights exchange activities within the framework of the Asia-Pacific Region and Sub-region. It attended the UN HRC Asian regional consultation on the issue of mercenaries, playing a constructive role.

China continues to hold bilateral dialogues and exchanges on human rights with various countries and regional organizations on the basis of equality and mutual respect. During the two years China held dialogues and consultations on human rights with the EU, the US, the UK, the Netherlands, Germany and

Australia, and conducted exchanges on human rights with a wide range of developing countries.

China's NGOs also promote cooperation and exchanges in the field of human rights. During the past two years China Society for Human Rights Studies twice held the "Beijing Human Rights Forum," communicating with officials and experts from over 40 countries and regions and international organizations concerned.