

China Stresses Authority of Constitution, Pledges Judicial Reform—Xinhua (Published 29 October 2014)

An overview of the Decision on Rule of Law

- The decision was adopted at the fourth plenary session of the 18th CPC Central Committee.
- The main contents of the decision:
 - Stressing the supreme authority of the Constitution
 - Promising wide ranging changes to the judicial system.
- The goal of the judicial reform:
To build a well-off society, to deepen reform and to achieve the Chinese dream of a rejuvenated nation.
- The decision was drafted by a group headed by Xi and his two deputies Zhang Dejiang, top legislator, and Wang Qishan, secretary of the Central Commission for Discipline Inspection of the CPC.

Constitutional Authority

- Government officials must pledge their allegiance to the Constitution before taking office.
- Dec. 4 has been designated Constitution Day.
- A government power list will squeeze out the room for rent-seeking and help to establish a law-abiding government.
 - No decision may undermine the rights and interests of citizens, corporations or other organizations;
 - Additional obligations for citizens or others may not be created without legal authorization;
 - Major government decisions should be checked and reviewed;
 - Authorities will have legal advisors to ensure their decisions and administrative work are in line with the law.
- The vitality of law lies in its implementation, and the authority of law is established during its implementation.
- The passage of national anti-graft legislation should be accelerated.

Judicial Reform

¹ source: <http://www.globaltimes.cn/content/888880.shtml>

- Xi pledged to end judicial injustice.
- The reform plan includes guarantees of independence for courts and prosecutors.
- The Supreme People's Court (SPC) will set up circuit courts for major administrative, civil and commercial cases involving different administrative regions.
- It will also allow SPC headquarters to concentrate on judicial policy and try important cases that have profound, guiding significance in the application of law.

The fundamental guarantee

- The relationship between the Party and the rule of law is "the core issue for the building a country with the rule of law.
- Keys to do well in comprehensively promoting rule of law:
 - the Party's leadership;
 - socialism with Chinese characteristics; and
 - implementing the theory of socialist rule of law with Chinese characteristics.
- The fundamental guarantee of socialist rule of law: Party's leadership
- Systemic guarantee for comprehensively promoting the rule of law: socialism with Chinese characteristics.
- Socialist rule of law must adhere to the Party's leadership, while the Party's leadership must rely on socialist rule of law.
- China will consistently follow the path of socialist rule of law, which is the only right course.