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RULE OF LAW

Amended criminal procedure law enhances
human rights protection

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THE DESK

2 Applause to Progress

THIS WEEK

COVER STORY

WORLD



16 Playing the Blame Game

U.S. unfairly portrays China as rule breaker

18 Growth Counts

Look at progress under President Hu Jintao

NATION

26 Breaking the Lock

Changes in household registration open doors for migrants

28 Blood: SOS

Cultural biases hinder hospitals' efforts to collect donated blood

30 Lonely Orphans

Rare disease patients struggle for recognition



10 Cover Story

Legislative landmark

FEATURES

10 Major Amendment

Revised criminal procedure law marks progress on human rights

14 New Direction for North Korea

DPRK suspends nuclear program in exchange for food

22 Charting a New Course

Premier Wen highlights priorities for 2012

40 Cool Nerds

Making science fun

BUSINESS



34 Mind the Gap

Income gap is Chinese citizens' top concern

36 Market Watch

CULTURE



42 Pain Behind Glory

National ballet troupe struggling to make ends meet

FORUM

46 Should We Set up Different Standards for Boys and Girls in Schools?

EXPAT'S EYE

48 Torn Down

Returning to find a favorite spot replaced by progress

Applause to Progress

The Criminal Procedure Law Amendment of China was passed in the Fifth Session of the 11th National People's Congress of the country that concluded in Beijing on March 14. This is another big step forward in the country's democratic construction. "To respect and protect human rights" is written into the Criminal Procedure Law Amendment. It is the first time that China has written into a code "to respect and protect human rights" outside the Constitution.

China's Criminal Procedure Law was promulgated in 1979 and was amended once in 1996. Over the past 16 years, as the Chinese economy and society developed rapidly, new situations have emerged in regard to criminal offenses. As the country undergoes democratic reform and progresses in adopting a rule of law while enhancing the public's awareness of the rule of law, people impose higher demands on maintaining judicial fairness and protecting human rights.

The goal of the amendment is to ensure the principle of punishing crimes while protecting human rights is fully implemented in the execution of laws. Almost half the clauses in the current Criminal Procedure Law have been amended, with another 66 new clauses being added. The amendments aim to balance between cracking down on crime and protecting human rights. According to the amendment, the principle of protecting human rights will be further strengthened through the law enforcement process, including taking compulsory measures, evidence confirmation and trial procedures.

The amendment fully reflects the people's will. It pays more attention to the balance between punishment and human rights protection, fairness and equality, legal effect and social effect. It embodies the concept of rule of law in legal documents.

It has been only a few dozen years since China began to construct democracy and the legal system, while developed countries have already spent hundreds of years developing their legal systems. In this sense, China is still at the early stage on the road of legal construction. It must take into full account of its national condition, and refrain from copying other countries' experience. The development of democracy and legal construction should be done step by step in the process of continuous learning and practicing.

Therefore, applause should be given to China's progress in democratic and legal construction as well as human rights protection. We expect to see further improvement of this law. ■



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ZHANG CHUNLEI

Recycled Trees

On March 11, an environmental protection volunteer works on a special tree made of recycled disposable chopsticks.

Many “chopstick trees” were on display that day at an environmental protection exhibition in Dalian, northeast China’s Liaoning Province, as part of the 2012 Earth Hour activities. The exhibition aims to remind people of the importance of environmental protection. In China, 45 billion pairs of disposable chopsticks are used every year, equal to 1.66 million cubic meters of wood.

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“China’s rare earth resources only account for 36.4 percent of the overall reserves in the world. And China provides more than 90 percent of the global supply of rare earth. This is unsustainable. As a result, China has to take measures to control the export of rare earth.”

Liu Weimin, Chinese Foreign Ministry spokesman, on the trade complaint over rare earth exports jointly filed by the United States, the EU and Japan to the WTO, at a news briefing in Beijing on March 13

“Relations between the Chinese and German armies have seen remarkable progress in recent years, while the cooperation structure has been continuously improved.”

Chen Bingde, Chief of the General Staff of the Chinese People’s Liberation Army, saying that China will continue to boost military ties with Germany when meeting with Werner Freers, German Inspector of the Army in Beijing on March 14

“The Schengen Agreement can no longer respond to the seriousness of the situation. It must be revised. There is a need to implement a structural reform that we have implemented for the euro.”

French President Nicolas Sarkozy, making the remarks in a reelection campaign speech in Paris on March 11 that the border-free Schengen Agreement should be rethought and re-founded

“The interest rate in Greece is too low, and therefore people spend too much and park their money abroad. This cannot continue.”

Daniel Gros, Director of the Center for European Policy Studies, suggesting the Greek Government sharply increase interest rates during an interview with Xinhua News Agency

Against Bribery

Seven ministerial-level officials were investigated for suspected embezzlement or bribery in China last year, said the country's top procurator on March 11.

Prosecutors nationwide investigated a total of 2,524 officials above the county head level, said Cao Jianming, Procurator General of the Supreme People's Procuratorate, while delivering a work report at the annual session of the National People's Congress, China's top legislature.

According to him, efforts to crack down on bribe-taking and giving were intensified last year, with 4,217 bribe givers being prosecuted, a year-on-year increase of 6.2 percent.

More Transparency

The Red Cross Society of China (RCSC) plans to select five qualified accounting firms to provide services such as annual auditing, auditing of special programs and off-office auditing, according to a notice the RCSC published on March 13.

The RCSC will receive bids from across the country for 20 days following the publication of the notice, and the selection process will comply with national regulations regarding government procurement, it says.

The RCSC will publicly announce the five bid winners, which are required to be among the top 100 accounting firms included in the Chinese Institute of Certified Public Accountants. It will sign a three-year service protocol with the five firms and assign auditing tasks according to their offer, professional strengths and service level.

This is the first time the charity has publicly called tenders for its auditing services.

Female Astronauts

Authorities have completed the initial selection of crew members for China's first manned space docking mission, and the roster includes female astronauts, according to an official with knowledge of the matter.

But the final three-person crew will be decided "on the very last condition," said Niu Hongguang, deputy chief of China's manned space program.

The manned spacecraft *Shenzhou-9* will take its crew members to the *Tiangong-1* space module lab between June and August this year. *Tiangong-1* was launched in September last year and completed the country's first space docking with the unmanned *Shenzhou-8* spacecraft last November.

Forest Coverage

China aims to increase its forest coverage to more than 23 percent and lift the forested land area in the country to 223 million hectares by the end of 2020, according to Jia Zhibang, Administrator of the State Forestry Administration.

Citing a national afforestation outline for the 2011-20 period, Jia made the remarks during an interview with Xinhua News Agency. He said that the public will be mobilized to plant 26 billion trees over the next 10 years.

China's forest coverage had reached 20.36 percent, or 195 million hectares, at the end of 2008, according to official figures.

Vehicle Emission Control

Beijing is likely to introduce new vehicle emission permits that could be as strict as those in Europe, in response to concerns over the city's air pollution.

The Beijing Municipal Environmental Protection Bureau has released a draft of the new standard, which specifies strict limits for a variety of vehicle emissions, including carbon monoxide, hydrocarbons, nitric oxide and particulate matter.

If adopted, the "Beijing V emission standard" could help reduce the emission of nitric oxide by 25 percent. Nitric oxide is one of the main causes of the tiny pollution particles in the air, 2.5 micrometers or less in diameter, known as PM2.5.

New Discovery

A team of Chinese and American scientists revealed the plumage and feather color of a 120-million-year-old small theropod dinosaur in an article published in *Science*



POWERLINE PATROL Workers inspect ± 800 KV Ultra High Voltage transmission lines in Huzhou, east China's Zhejiang Province, on March 13. The transmission project traverses eight provinces with a total length of 2,089 km

LIFE SAVING People carry an injured rare Chinese white dolphin in Luocun Village in Foshan, south China's Guangdong Province, on March 12. The dolphin, with injuries to its dorsal fin and caudal fin, was found in a river near the village

magazine on March 9.

The microraptor, a theropod dinosaur, was discovered to have had iridescent feathers, according to the research project jointly led by Meng Qingjin, Director of the Beijing Museum of Natural History (BMNH), and Mark Norell, a dinosaur expert with the American Museum of Natural History.

The microraptor fossil studied in the project is a specimen held by the BMNH.

The study proposes that the plumage of the “four-winged” dinosaur was predominantly iridescent, and that the colors of the feathers would change depending on the angle from which they were viewed.

Coldest Winter

The average temperature in China this winter was the lowest in 27 years, the *People's Daily* reports.

Between December 1, 2011, and February 29, 2012, the average temperature in the country was 4.8 degrees below zero degrees Celsius, 1 degree lower than that of the same period of the previous years, according to the China Meteorological Administration.

The National Climate Center said during the last five years, China had experienced three cold winters in which the average temperatures were at least 0.5 degrees Celsius lower than that of the same period between 1981 and 2010.



FREE LUNCH A pupil from the Tu ethnic group takes her lunch at a classroom in the Shimen Central Primary School in Tianzhu, northwest China's Gansu Province, on March 12. The local government has launched a Free Lunch project to improve nutrition of rural students

Young Scientist

He Xionglei, a professor at the School of Life Sciences at Sun Yat-sen University (SYSU) in south China's Guangdong Province, has made significant progress with his research group in how chromatin structure regulates DNA mutations. The findings were published in the journal *Science*, one of the two most influential academic journals in the world, on March 9, according to the official website of SYSU. This is the first time that an academic from SYSU has published a paper in the elite journal.

He, 35, received his bachelor's and master's degrees from SYSU and earned his doctorate at the University of Michigan in the United States. In 2007, He returned to China and was hired as a professor at SYSU, the youngest professor in the history of SYSU.



GREEN GREEN TREES People plant trees in Wuhan, capital of central China's Hubei Province, on March 12, the 34th Tree Planting Day of the country



HEAVY LIFTING An employee of Yibin Port, Sichuan Province, load cargo on March 14. The port, known as the No.1 Port on the Yangtze River, came into operation in 2011 and its container throughput has so far exceeded 10,000 standard containers

New Advisors

China will change three members of the central bank's monetary policy committee, according to the State Council on March 14.

The State Council has approved the appointment of Qian Yingyi, Chen Yulu and Song Guoqing as new members of the monetary policy committee of the People's Bank of China.

Qian is currently Dean of the School of Economics and Management with Tsinghua University. Chen is President of Renmin University of China, and Song is a professor of the National School of Development of Peking University.

Meanwhile, Zhou Qiren, Xia Bin and Li Daokui will no longer be members of the committee.

The committee was established in 1997, tasked with advising on the country's monetary policies. There are currently 15 committee members, including central bank officials, economists, ministers from other government departments and economists.

CPI Dips

China's consumer price index (CPI), a barometer of inflation, climbed 3.2 percent year on year in February, according to data from the National Bureau of Statistics.

The growth, down from 4.5 percent in January, hit the lowest level in 20 months, providing more room for the government to stimulate growth.

The February CPI marks the end of the "negative deposit rate" era that had existed since February 2010, as the inflation rate finally fell below the one-year deposit rate of 3.5 percent.

Deficit Soars

For the first time in a year, China recorded a trade deficit of \$31.48 billion in February, the

largest in a decade, as import growth far outpaced exports (see page 36).

Exports rose 18.4 percent from a year earlier to \$114.47 billion in February, while imports were up 39.6 percent to \$145.96 billion, according to data from the General Administration of Customs.

Liu Ligang, head of Greater China Economics, ANZ Banking Group, was cautiously optimistic about the country's export outlook this year, saying export growth may rally, buttressed by the government's supportive policies and stabilizing external conditions.

"The trade data, along with a slew of other indicators announced previously, suggests the world's second largest economy is heading for a soft landing," he said.

Buying China Assets

Japan announced on March 13 that it has won Chinese approval to buy 65 billion yuan (\$10.3 billion) of Chinese government bonds.

The move will help Japan diversify its foreign exchange reserves away from the U.S. dollar and strengthen ties between the two Asian economic powers.

"We will consider trends in the financial markets to decide on a right time for the purchases," said Jun Azumi, Finance Minister of Japan.

He also suggested the initial purchases would be in small amounts and take into account conditions in Japan's foreign-currency assets.

Lian Ping, an economist with Bank of Communications, said the move shows China is increasingly opening up its bond market to global investors.

Numbers

3.37 trillion yuan

China's retail sales of consumer goods totaled 3.37 trillion yuan (\$534.4 billion) in the first two months of 2012, up 14.7 percent from the previous year, said the National Bureau of Statistics (NBS).

710.7 billion yuan

Newly added yuan-denominated loans amounted to 710.7 billion yuan (\$112.8 billion) in February, said the People's Bank of China.

Auto Gloom

Vehicle sales in China rose 24.5 percent year on year to reach 1.57 million units in February, said the China Association of Automobile Manufacturers. The output was 1.61 million units, surging 28.5 percent.

However, the total sales for the first two months dropped 6 percent from a year ago to 2.95 million units, while output declined 4.9 percent to 2.9 million units.

The performance was dragged down by slack sales in January, as most Chinese worked fewer days in January as a result of the week-long Spring Festival holiday (January 22-28).

China is the world's largest auto market, with last year's automobile sales reaching 18.50 million units and output topping 18.42 million units.

Qinghai's Green Future

The 2012 China Qinghai Green Economy Investment and Trade Fair will be held on June 10-13 in Xining, capital of northwest China's Qinghai Province.

The annual fair serves as a platform to attract investment and facilitate the green economy. In the past 12 years, the fair witnessed a total of 2,313 investment deals worth 457.2 billion yuan (\$72.57 billion).

"Looking ahead, the province will step up a clampdown on highly polluting and energy-depleting projects," said Wu Haikun, Director of Qinghai Economic and Trade Commission. "In addition, more vigorous efforts will be made to propel development of new energies, new materials and information technology."

BUMPER HARVEST A farmer in Pingbian County, Yunnan Province, near the border between China and Viet Nam, sets newly picked bananas along a roadside for purchase. Harvests of bananas and pineapples have boosted income of local farmers

IMF's New Secretary

Lin Jianhai was named the secretary of the International Monetary Fund (IMF) by its managing director Christine Lagarde on March 7.

The appointment will take effect on March 22 and Lin will be the first Chinese to lead the Secretary's Department of the Washington D.C.-based global institution.

This is the second time the IMF chose a Chinese economist as its senior official. In July 2011, Zhu Min was named deputy managing director of the organization.

"Lin has had a wide-ranging Fund career in both country and policy work. This breadth of experience has been of particular benefit to the IMF, where Lin's skill in building consensus among staff, management and our global membership has been essential for the productive work of the executive board during one of the most challenging periods in the Fund's history," said Lagarde.

Lin was born in Wenzhou, east China's Zhejiang Province, in 1955 and studied at the University of International Business and Economics in Beijing and the University of California, Berkeley. He holds a doctorate in international finance from George Washington University. Lin has been acting director of the Secretary's Department since November 2011. Before coming to the IMF in 1989, he worked in the financial sector and academia.



2.12 trillion yuan

China's fixed-asset investments (excluding farmers) increased 21.5 percent from a year ago to reach 2.12 trillion yuan (\$336.3 billion) in the first two months of 2012, said the NBS.

2.09 trillion yuan

China's fiscal revenues in January and February grew 13.1 percent year on year to reach a combined 2.09 trillion yuan (\$332 billion), said the Ministry of Finance.



XINHUA/AFIP



XINHUA/AFIP

Protesters shout anti-U.S. slogans during a demonstration in east Afghanistan's Jalalabad on March 13, two days after a U.S. soldier killed 16 innocent Afghan villagers

AFGHANISTAN



XINHUA/AFIP

Libyans hold a huge national flag as they rally in the eastern city of Benghazi on March 9 against federalism after tribal and political leaders declared Libya's oil-rich eastern region of Cyrenaica autonomous

LIBYA



Nicolas Sarkozy, incumbent French President and Union for a Popular Movement candidate for this year's presidential election, attends a campaign meeting on March 11 in Villepinte, near Paris. The election is scheduled for April 22

FRANCE



A man throws colored water on a woman during Holi celebrations in New Delhi on March 8. Holi, the Festival of Colors, is a popular Hindu festival in India and Nepal at the end of winter

INDIA

JAPAN

Residents stand hand in hand on a beach in Iwaki City in Fukushima Prefecture on March 11 to pray for the victims of the earthquake and tsunami that killed more than 15,000 people one year ago



COVER STORY

MAJOR AMENDMENT

Respecting and safeguarding human rights is added to the Criminal Procedure Law, indicating a significant step in China's rule of law By Lan Xinzen

China's lawmakers are amending the nation's Criminal Procedure Law highlighted by the official inclusion of "respecting and safeguarding human rights" into its text.

The draft amendment to the law, also called the "mini-Constitution," took center stage at the Fifth Session of the 11th National People's Congress (NPC) held in Beijing on March 5-14. This was the first time for China to directly address the issue by including respecting and safeguarding human rights into a law other than the Constitution.

The NPC voted on and passed the amendment on March 14.

Wang Zhenhua, deputy to the 11th NPC and Vice President of the Higher People's Court of Liaoning Province, said the amendment will improve the country's criminal procedural system and serve to effectively

uphold the law and respect individuals' rights. More importantly, it will promote judicial justice and regulate criminal procedures.

China's Criminal Procedure Law was promulgated in 1979 and was amended once in 1996, said Wang Zhaoguo, Vice Chairman of the NPC Standing Committee.

In the past five years, 81 motions to amend the Criminal Procedure Law have been put forward by 2,485 NPC deputies.

Wang Zhaoguo said over the past 16 years, as the Chinese economy and society developed rapidly, new situations have emerged in regard to criminal offenses. These have imposed severe challenges on China's social administration. As the country undergoes democratic reform and progresses in adopting rule of law while enhancing the public's awareness of the rule of law, people impose higher demands on maintaining judicial fair-

ness and protecting human rights.

Respecting rights

Wang Zhaoguo said respecting and safeguarding human rights is an important principle fixed by the Constitution. Considering that the criminal justice system involves citizens' fundamental rights such as personal freedom, explicitly writing "respecting and safeguarding human rights" into the Criminal Procedure Law will help judicial organs observe and implement this constitutional principle in criminal proceedings.

The amendment clarifies that a criminal suspect has the right to confide in an attorney if he or she is being investigated. The current law says that lawyers are limited to providing legal aid—maintaining client-attorney confidentiality is not protected.





COURT HEARING: Gao Xiaosong, a famous singer, is sentenced to six months in prison for dangerous driving in Beijing on May 17, 2011

GETTY IMAGES

“The involvement of lawyers earlier in the investigation can urge legal authorities to abide by the law when working a case,” Wang Zhenhua said.

The issue concerning confessions obtained through illegal interrogative means is also addressed. In the past, such a means was often used to close cases. But now, the amendment clearly states that confessions obtained illegally or through the use of force will be excluded from all legal proceedings. Any and all interrogations must now be audio or video recorded.

Shi Ying, a NPC deputy and lawyer of Liaoning Deheng Law Firm, said the police should be the first to read over and implement the new amendment. In some rural areas, he said, police even handcuff the suspects to trees for hours.

Notifying family members of suspects

under investigation, should the suspects be detained, is also addressed in the amendment. The current law states that family members need not be notified if such action would hinder the investigation or the family cannot be reached. Now, families will be kept in the dark only if a relative is suspected of crimes that threaten national security or involve terrorism.

The death penalty

By law, death penalty in China can be applied to those between the age of 18 and 74 who have been convicted of serious crimes such as murder, robbery and rape. Death sentences are subject to approval by the Supreme People’s Court. On some sentences, the supreme court will impose a death sentence with a two-year reprieve, which can eventually be reduced to

imprisonment of up to 20 years.

According to the amendment, the supreme court will approve or overturn death sentences after proper review. If the supreme court overrules the death sentence, it may remand the case for retrial or issue a new judgment.

During review proceedings, the supreme court shall question the defendant. The defense attorney’s opinions shall also be heard. The supreme procuratorate, the top prosecution department of the country, can then suggest to the supreme court and the latter shall also inform the supreme procuratorate of the result of review.

Lang Sheng, Deputy Director of the Commission for Legislative Affairs of the NPC Standing Committee, said China is committed to limiting the use of death penalty. The amendment to the Criminal Law adopted by the NPC in 2011 reduced the ►►

number of crimes punishable by death by 20 percent to 13, a clear indicator that the nation is trying to limit the use of capital punishment, Lang said.

‘Special’ procedures

The amendment to the Criminal Procedure Law has also added four special procedures for juveniles and other cases involving “special” circumstances.

First, the amendment stipulates special procedures for cases involving juveniles. For juveniles, defined as any person under the age of 18, the amendment sets certain special designs for the litigation proceeding. Juveniles who commit crimes that infringe upon someone’s personal or property rights or upset social administrative order may be subject to imprisonment of up to one year. The people’s procuratorate can make conditional decisions not to initiate prosecution if the suspects show repentance.

To help convicted minors’ transition back into society after serving their sentences, the amendment also states that the criminal records of those under the age of 18 who have received sentences of less than five years will be sealed to any non-judicial body.

Wang Zhaoguo said this procedure will protect minors’ procedural rights and other legitimate rights and interests.

Second, the amendment sets up the victim-offender reconciliation mechanism for some criminal cases. According to the amendment, the mechanism applies to intentional crimes caused by private disputes subject to imprisonment for up to three years, as well as crimes of negligence subject to imprisonment for up to seven years. The mechanism will not apply to cases where the suspects or defendants have committed intentional crimes within five years. Lenient punishment will be given to the defendants if reconciliation is reached between the victims and offenders.

Wang Zhaoguo said this mechanism is to help settle disputes. And to prevent abuse of the mechanism for unfairness, adoption of this mechanism will be prudent and the scope of cases applicable to this mechanism will be limited.

Third, the amendment allows the illegally obtained assets of suspected corrupt officials or terrorists who have fled the country or died to be confiscated. Prosecutors can apply with the courts to seize the assets of those accused



of major crimes related to corruption or terrorism, but it must be on the condition that the suspects are not arrested a year after an arrest warrant is issued, or they have died, and the confiscation must be in accordance with the country’s Criminal Law. This part of the amendment seeks to conform to the require-

ments of the international anti-corruption convention China joined in 2005 and related anti-terrorism resolutions.

Wang Zhaoguo said criminal procedures cannot be started if the suspects run away or die, and their illegally obtained properties cannot be confiscated. With this procedure, if any

Highlights of the Amendment

Safeguarding human rights: The amendment includes respecting and safeguarding human rights into Article 2 of the Criminal Procedure Law. It is a significant step in carrying through the principles of the Constitution and moving toward giving priority to safeguarding human rights.

Prohibiting self-incrimination: No one shall be forced to testify against himself/herself. It is the judicial department’s duty to prove whether a person is guilty, instead of coercing a confession out of the suspect.

Restricting torture for testimony: Illegally obtained evidence shall be excluded from legal proceedings. This will restrict illegally obtained evidence and extorted testimony in China.

Prohibiting “secret arrest”: Improvement shall be made in the conditions for arrest and the procedure for the people’s procura-

torate to examine and approve arrests, and standards shall be set for notifying family members of a relative’s arrest.

Rights of lawyers: The rights of lawyers in meeting with suspects, referring to records and entering the criminal procedure during the investigation period shall be safeguarded. It makes clear that criminal suspects can entrust defendants during the investigation period.

Limiting power: The amendment limits the power of the police and procuratorate, improves stipulations on interrogating suspects and the accused, and enhances supervision over investigation activities.

Reviewing and approval of death penalty: The amendment strengthens provisions on public trial, clarifies the scope of public trial during the second instance and provides more detailed provisions on the reviewing and approval procedure of death penalty.



FESTIVAL ACTIVITIES:
Prisoners celebrate China's
Lunar New Year in a prison in
Beijing on February 14, 2010

corrupt officials flee away to foreign countries in the future, a Chinese court can confiscate their assets that remain in the country.

Fourth, the amendment stipulates compulsory medical treatment procedures for mentally ill persons who bear no criminal responsibility.

According to Article 18 of the Criminal Law, a mentally ill person who causes dangerous consequences at a time when he is unable to recognize or unable to control his own conduct does not bear criminal responsibility after being established through accreditation of legal procedures. The article goes on to say that "his family or guardian shall be ordered to subject him to strict surveillance and arrange for his medical treatment. When necessary, he will be given compulsory medical treatment by the government."

But in reality, many family members or guardians of mentally ill persons fail to make effective surveillance and arrange medical treatment. As such, the amendment to the Criminal Procedure Law sets up the procedure for compulsory medical treatment of mentally ill persons.

"Transferring this responsibility from family members and guardians to judicial departments ensures the public's safety and the mentally ill persons' safety as well," said Yu Guoqing, a NPC deputy.

Unique path

Wang Zhaoguo said the law is being amended

to strengthen and innovate social administration, strengthen criminal punishment procedures and safeguard stability.

He said during the drafting and revising process the NPC complied with the principle of basing any changes on China's basic situation and promoting improvement of the criminal procedure step by step.

"Improvement of the criminal procedure and related systems shall be based on China's basic situation, keeping up with the times but not going beyond the reality at the present stage, and should not blindly copy judicial systems and procedural systems in foreign countries," he added.

According to Wang, improving China's Criminal Procedure Law should help to ensure accurate and timely ascertainment of facts about crimes, correct application of the law, punishment of criminals and protection of the innocent against being investigated for criminal responsibility, respect and safeguard human rights, and protect procedural rights and other legitimate rights and interests of the people. It will also focus on solving conflicts between punishing crimes and maintaining judicial fairness and solving some prominent problems in the judicial practice. ■

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Opinions on the Amendment

To collect public opinion, the draft amendment to the Criminal Procedure Law was posted on the website of the NPC from August 30 to September 30, 2011.

Within the month, **7,489** people raised **80,953** opinions, of which **49,922** approved of the draft, accounting for **61.7** percent; **17,178** proposed suggestions for revision, accounting for **21.2** percent; and other opinions accounted for **17.1** percent. The Office of the NPC Standing Committee also received **323** letters for suggestions, most of which agreed upon the draft.

Evolution of the Criminal Procedure Law

When the People's Republic of China was founded in 1949, no criminal procedure law was formulated. The Constitution and some other laws stipulated the system of judicial departments and some principles and proceedings on criminal procedure. In 1979 China promulgated the Criminal Procedure Law, which took effect on January 1, 1980.

The Fourth Session of the Eighth NPC held on March 5, 1996, made the first amendment to the Criminal Procedure Law. It stated "no person shall be found guilty without being judged as such by a people's court according to law."

The Fifth Session of the 11th NPC held on March 5, 2012, made the second amendment to the Criminal Procedure Law. It included respecting and safeguarding human rights into the law.

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