



Communiqué of the Fourth Plenary Session of the 18th Central Committee of the Communist Party of China (Excerpts)

中国共产党第十八届中央委员会第四次全体会议公报（节选）

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The congress stresses that the decisions made at the 18th National Congress of the Communist Party of China (CPC) and the Third Plenary Session of the 18th CPC Central Committee must be fully implemented and delivered in order to advance the rule of law. Doing this, it will implement in depth the basic principles put forward by Xi Jinping, General Secretary of the CPC Central Committee, in a series of major speeches, building on the foundations provided by holding high the banner of socialism with Chinese characteristics, guided by Deng Xiaoping Theory, the important thoughts contained in the Three Represents theory, and the Scientific Outlook on Development theory. China is going to integrate the leadership of the Party, the people's role as masters in their own country and the rule of law. It is determined to uphold the socialist rule of law with Chinese characteristics, defend the authority of the Constitution and laws, and safeguard social equity and justice along with national security and stability. All these efforts will provide legal guarantee for the realization of the Chinese dream of national renewal while at the same time achieving China's "two centennial" goals: to complete the building of a moderately prosperous society in every way possible by the time the CPC celebrates its centenary and to turn China into a modern socialist country that is strong, democratic, culturally advanced and harmonious when the People's Republic of China marks its centenary.

The general target for advancing stronger legality is to create a system which serves socialist rule of law with Chinese characteristics, and to build a socialist country under that rule of law. Put another way, China will adhere to the socialist system with Chinese characteristics and apply the theory of the socialist rule of law under the leadership of the Party. It will put in place a well-developed series of laws and regulations as well as very efficient methods for implementing them, giving this strict oversight and sound support. It will also develop a well-established system of Party rules and disciplines. It will ensure that the rule of law, law-based governance and law-based administration can then advance side by side. It will pull together its efforts in order to build a country under the rule of law, with a government which is law abiding and a society which is law based. China is going to promote governance modernization governance by formulating laws in a scientific way, then enforcing them stringently, administering justice impartially, and ensuring that everyone abides by the law. In order to achieve this, China has to the leadership of the CPC, and that means upholding the people's principal position in the affairs of the country, and abiding by the fundamental principle of equality before the law. In that way the rule of law is synthesized with principles of virtue and everything it does is based on the real situation in the country.

The CPC's leadership bears the hallmark of socialism with Chinese characteristics, fundamentally guaranteeing the socialist rule of law. The crucial lesson

全会强调，全面推进依法治国，必须贯彻落实党的十八大和十八届三中全会精神，高举中国特色社会主义伟大旗帜，以马克思列宁主义、毛泽东思想、邓小平理论、“三个代表”重要思想、科学发展观为指导，深入贯彻习近平总书记系列重要讲话精神，坚持党的领导、人民当家作主、依法治国有机统一，坚定不移走中国特色社会主义法治道路，坚决维护宪法法律权威，依法维护人民权益、维护社会公平正义、维护国家安全稳定，为实现“两个一百年”奋斗目标、实现中华民族伟大复兴的中国梦提供有力法治保障。

全会提出，全面推进依法治国，总目标是建设中国特色社会主义法治体系，建设社会主义法治国家。这就是，在中国共产党领导下，坚持中国特色社会主义制度，贯彻中国特色社会主义法治理论，形成完备的法律规范体系、高效的法治实施体系、严密的法治监督体系、有力的法治保障体系，形成完善的党内法规体系，坚持依法治国、依法执政、依法行政共同推进，坚持法治国家、法治政府、法治社会一体建设，实现科学立法、严格执法、公正司法、全民守法，促进国家治理体系和治理能力现代化。实现这个总目标，必须坚持中国共产党的领导，坚持人民主体地位，坚持法律面前人人平等，坚持依法治国和以德治国相结合，坚持从中国实际出发。

全会强调，党的领导是中国特色社会主义最本质的特征，是社会主义法治最根本的保证。把党的领导贯彻到依法治国全过程和各方面，是我国社会主义法治建设的一条基本经验。我国宪法确立了中国共产党的领导地位。坚持党的领导，是社会主义法治的根本要求，是党和国家的根本所在、命脉所在，是全国

China has learned in pursuing the rule of law is that the CPC must take the lead in every aspect of this process. The Chinese Constitution defines the CPC as the nation's leader. Its leadership is a fundamental requirement for socialist rule of law: this is essential to both the CPC and China. This bears with critical importance on the interests and wellbeing of the Chinese people whatever their ethnicity, and represents an inherent tenet of China's campaign to promote the rule of law. The Party's leadership is consistent with the socialist rule of law; the two are mutually dependent. Only if the Communist Party governs the country according to the law will people's rightful position as the masters of their own nation be a reality, and state and social affairs will be handled in line with the law. The rule of law requires the Communist Party not only to rule the country according to the Constitution and other laws, but also to manage itself according to its own rules and regulations.

The major tasks of advancing the rule of law are as follows: improving the socialist framework of laws with Chinese characteristics which positions the Constitution at the heart, strengthening its implementation, promoting administration in accordance with law to accelerate the construction of a law-abiding government; safeguarding judicial justice in order to improve credibility; promoting public awareness of the rule of law so as to consolidate the foundation of a law-based society, strengthening capacity building in the legal profession, and sharpening the Communist Party's leadership as it advances the rule of law.

The law is an important instrument of governance. Good laws are the prerequisite to this. China has to prioritize lawmaking as it develops a system for the rule of law. It needs to make the most of the role of lawmaking in spearheading its efforts, focusing on improving the quality of legislation. It will adhere to the principles of putting people first and making laws for the people at the same time as it observes its core socialist values. It will ensure that every law conforms to the Constitution, reflecting the people's will and gaining popular support. It will uphold the principles of justice, fairness and transparency throughout the whole process of lawmaking at the same time as it improves legislative systems and procedures. It will give equal weight to formulating new laws and regulations while amending, revoking and interpreting existing ones in a bid to make them more timely, systematic, relevant and effective.

Efforts to adhere to the rule of law must prioritize the rule of the Constitution. Adherence to governance by law should ensure this is primarily in line with the Constitution. Measures will be taken to ensure the Constitution is implemented and to supervise this. The National People's Congress and its Standing Committee will play an expanded role in exercising oversight over this implementation. Procedural rules regarding the interpretation of the Constitution will be fine-tuned. Lawmaking protocols will also be bolstered by strengthening the Party's leadership and tweaking its decision-making procedures regarding major legislative issues. Arrangements will be made to allow peoples' congresses which have legislative power to play the dominant role in lawmaking. Cities consisting of a number of districts will be granted local legislative power. The legislative process will be made more scientific and democratic. The arrangements under which legislative proposals are collected and deliberated will be improved. Lawmaking characterized by legislative bodies having a dominant role and the effective participation of all sectors of society will be refined. Channels for people's orderly participation in the legislative process will be expanded. China will also intensify its legislative efforts in key areas. It will speed up the progress in forming legal systems enshrining equal rights, equal opportunities and fair rules. It will guarantee citizens' rights to life, property and basic political rights are free from infringement and that they can realize their economic, cultural and social rights. It will harmonize lawmaking with the making of reform decisions so that major reform measures are lawful and these legislative efforts meet the needs of China's reform drive as well as its economic and social development.

The vitality and authority of any system of law lie in its implementation. Governments at all levels have to operate under the leadership of the Communist Party, in keeping with what the rule of law requires. China will redouble its efforts to build a law-abiding government, one that undertakes its duties in a scientific way, is vested with lawful powers and responsibilities, enforces the law stringently, and is transparent, impartial, clean, efficient and credible. The government will perform its duties fully in accordance with the law. China will push for the proper legal framework and basis for government institutions as well as their duties, powers, procedures and responsibilities. It will also adopt a list of government powers. The government will improve law-based decision-making by making public participation, expert deliberation, risk assessment, legitimacy review and final discussion by decision-makers part of the legal procedures for the adoption of major administrative decisions. Mechanisms to examine the legitimacy of major decision-making in government departments will be established, with a system of lifelong accountability.

各族人民的利益所系、幸福所系，是全面推进依法治国的题中应有之义。党的领导和社会主义法治是一致的，社会主义法治必须坚持党的领导，党的领导必须依靠社会主义法治。只有在党的领导下依法治国、厉行法治，人民当家作主才能充分实现，国家和社会生活法治化才能有序推进。依法执政，既要求党依据宪法法律治国理政，也要求党依据党内法规管党治党。

全会明确了全面推进依法治国的重大任务，这就是：完善以宪法为核心的中国特色社会主义法律体系，加强宪法实施；深入推进依法行政，加快建设法治政府；保证公正司法，提高司法公信力；增强全民法治观念，推进法治社会建设；加强法治工作队伍建设；加强和改进党对全面推进依法治国的领导。

全会提出，法律是治国之重器，良法是善治之前提。建设中国特色社会主义法治体系，必须坚持立法先行，发挥立法的引领和推动作用，抓住提高立法质量这个关键。要恪守以民为本、立法为民理念，贯彻社会主义核心价值观，使每一项立法都符合宪法精神、反映人民意志、得到人民拥护。要把公正、公平、公开原则贯穿立法全过程，完善立法体制机制，坚持立改废释并举，增强法律法规的及时性、系统性、针对性、有效性。

坚持依法治国首先要坚持依宪治国，坚持依法执政首先要坚持依宪执政。健全宪法实施和监督制度，完善全国人大及其常委会宪法监督制度，健全宪法解释程序机制。完善立法体制，加强党对立法工作的领导，完善党对立法工作中重大问题决策的程序，健全有立法权的人大主导立法工作的体制机制，依法赋予设区的市地方立法权。深入推进科学立法、民主立法，完善立法项目征集和论证制度，健全立法机关主导、社会各方有序参与立法的途径和方式，拓宽公民有序参与立法途径。

加强重点领域立法，加快完善体现权利公平、机会公平、规则公平的法律制度，保障公民人身权、财产权、基本政治权利等各项权利不受侵犯，保障公民经济、文化、社会等各方面权利得到落实。实现立法和改革决策相衔接，做到重大改革于法有据、立法主动适应改革和经济社会发展需要。

全会提出，法律的生命力在于实施，法律的权威也在于实施。各级政府必须坚持在党的领导下、在法治轨道上开展工作，加快建设职能科学、权责法定、执法严明、公开公正、廉洁高效、守法诚信的法治政府。依法全面履行政府职能，推进机构、职能、权限、程序、责任法定化，推行政府权力清单制度。健全依法决策机制，把公众参与、专家论证、风险评估、合法性审查、集体讨论决定确定为重大行政决策法定程序，建立行政机关内部重大决策合法性审查机制，建立重大决策终身责任追究制度及责任倒查机制。

深化行政执法体制改革，健全行政执法和刑事司法衔接机制。坚持严格规范公正文明执法，依法惩处

ity for major decisions and a mechanism in place to hold individuals accountable for poorly judged or incorrect decisions retrospectively. Administrative law enforcement reforms will be bolstered. The mechanism integrating administrative law enforcement with criminal justice will be enhanced. Laws will be enforced strictly, in a standardized, impartial and humane manner. Any violation will be dealt with according to the law. In key areas concerning the public's immediate interests, law enforcement efforts will be intensified. Benchmark standards will be created to regulate administrative discretion. Measures to ensure responsibility and accountability in administrative law enforcement will be fully implemented. Administrative powers will be further restricted and supervised. Provisions to correct mistakes and to hold law enforcement personnel accountable should be strengthened. China will promote transparency in government affairs. In adherence to the principle that transparency should be the norm with only a few exemptions, the government will advance transparency in decision-making, enforcement and administration and publicize both the services it offers as well as their concrete results.

Justice is the lifeblood of the rule of law. Instances of judicial injustice can inflict lethal damage socially wherever they happen. China will improve the manner in which judicial powers are exercised and strengthen supervision over judicial activities in a bid to give the public a sense of confidence that they will receive fair and just treatment in every lawsuit. China will take measures to ensure the lawful, independent and impartial exercise of judicial and procuratorial powers. It will develop a system in which officials are given demerits, criticized in public notices, and held accountable if they are found to be influencing judicial activities or meddling in particular cases. Protective measures will be taken to safeguard law enforcement personnel performing their lawful duties. China will also optimize the assignment of judicial duties. It will promote pilot reforms aimed at separating powers in judging cases and in enforcing court rulings. The Supreme People's Court will found circuit courts to facilitate the handling of judicial cases filed by the inhabitants of local communities. The country will explore the possibility of establishing courts and procuratorates with jurisdictions spanning across different administrative regions, thus creating a situation in which prosecuting bodies can institute public interest litigations. It will administer justice based strictly on the facts in accordance with law while at the same time advancing reforms of legal proceedings centered on court judgments. Trial judges and procurators will have lifelong accountability with regard to their cases. Public participation will be incorporated into judicial procedures such as mediation, hearings and lodging complaints about legal proceedings to the government. Jury selection will also be updated. Taken as a whole, all of these measures aim to create an efficient judicial system that is open, dynamic, transparent and client friendly. In addition to this, China will enhance the protection of human rights in judicial procedures. It will strengthen supervision over judicial activities in their entirety. The system regulating the power of procuratorates to carry out supervision will be adjusted to enhance the legal oversight of criminal, civil and administrative proceedings. Arrangements for representatives from the general public to oversee these proceedings will also be improved. No illegal mitigation of a sentence will be allowed, and assurances that the handling of judicial cases will not be influenced by personal connections, favors or bribery.

The authority of any system of law is derived from the sincere support and faith of the public. While the law protects people's interests, the people are also responsible for defending the authority of the law. China must advocate the spirit of the rule of law, so as to foster a culture conducive to its implementation. The government will call on society as a whole to be more proactive in implementing the rule of law, thereby creating a social environment in which compliance is prized and violations are condemned. It will encourage all members of society to voluntarily abide by the rule of law and to become its most faithful advocates and staunchest defenders. To this end, it will imbue the public with a sense of the rule of law through an educational campaign. It will also incorporate teachings concerning the rule of law into the national educational curriculum and into the country's long-established program of promoting cultural and ethical progress. The government will forge ahead with promoting the rule of law at multiple levels and in multiple areas. It will address governance issues in a systematic, law-abiding, and comprehensive manner right at their source. It will promote the rule of law in community-level organizations and departments as well as industries. It will support the self-regulation and self-management of social entities. The constructive role of social entities such as means to take on board urban residents', villagers', industry and other organizations feedback shall be brought into play. A full-fledged network of legal services will be established. Efforts will be made to promote the establishment of public legal services that cover both urban and rural residents. Legal aid and access to justice will be widened. Arrangements designed to defend rights and address disputes according to the law will also be improved. An early warning

各类违法行为, 加大关系群众切身利益的重点领域执法力度, 建立健全行政裁量权基准制度, 全面落实行政执法责任制。强化对行政权力的制约和监督, 完善纠错问责机制。全面推进政务公开, 坚持以公开为常态、不公开为例外原则, 推进决策公开、执行公开、管理公开、服务公开、结果公开。

全会提出, 公正是法治的生命线。司法公正对社会公正具有重要引领作用, 司法不公对社会公正具有致命破坏作用。必须完善司法管理体制和司法权力运行机制, 规范司法行为, 加强对司法活动的监督, 努力让人民群众在每一个司法案件中感受到公平正义。完善确保依法独立公正行使审判权和检察权的制度, 建立领导干部干预司法活动、插手具体案件处理的记录、通报和责任追究制度, 建立健全司法人员履行法定职责保护机制。优化司法职权配置, 推动实行审判权和执行权相分离的体制改革试点, 最高人民法院设立巡回法庭, 探索设立跨行政区划的人民法院和人民检察院, 探索建立检察机关提起公益诉讼制度。

推进严格司法, 坚持以事实为根据、以法律为准绳, 推进以审判为中心的诉讼制度改革, 实行办案质量终身负责制和错案责任倒查问责制。保障人民群众参与司法, 在司法调解、司法听证、涉诉信访等司法活动中保障人民群众参与, 完善人民陪审员制度, 构建开放、动态、透明、便民的阳光司法机制。加强人权司法保障。加强对司法活动的监督, 完善检察机关行使监督权的法律制度, 加强对刑事诉讼、民事诉讼、行政诉讼的法律监督, 完善人民监督员制度, 绝不允许法外开恩, 绝不允许办关系案、人情案、金钱案。

全会提出, 法律的权威源自人民的内心拥护和真诚信仰。人民权益要靠法律保障, 法律权威要靠人民维护。必须弘扬社会主义法治精神, 建设社会主义法治文化, 增强全社会厉行法治的积极性和主动性, 形成守法光荣、违法可耻的社会氛围, 使全体人民都成为社会主义法治的忠实崇尚者、自觉遵守者、坚定捍卫者。推动全社会树立法治意识, 深入开展法治宣传教育, 把法治教育纳入国民教育体系和精神文明创建内容。

推进多层次多领域依法治理, 坚持系统治理、依法治理、综合治理、源头治理, 深化基层组织和部门、行业依法治理, 支持各类社会主体自我约束、自我管理, 发挥市民公约、乡规民约、行业规章、团体章程等社会规范在社会治理中的积极作用。建设完备的法律服务体系, 推进覆盖城乡居民的公共法律服务体系建设, 完善法律援助制度, 健全司法救助体系。

健全依法维权和化解纠纷机制, 建立健全社会矛盾预警机制、利益表达机制、协商沟通机制、救济救助机制, 畅通群众利益协调、权益保障法律渠道。完善立体化社会治安防控体系, 保障人民生命财产安全。

全会提出, 全面推进依法治国, 必须大力提高

mechanism to detect social tensions as well as provisions for people to articulate their interests, consult and communicate with the government and receive assistance will be established to maintain open legal channels through which diverse interests can be coordinated and the rights and interests of the public safeguarded. The present multidimensional public security management system will be adjusted in order to better guarantee the safety of people's lives and property.

Advancing the rule of law calls for improving political, professional and ethical standards of all the personnel involved. China will focus on developing a group of legal professionals loyal to the Communist Party, the country, the people and their law. It will give priority to political standards as it works to train competent legal personnel. It will encourage legislative, administrative law enforcement and judicial personnel to improve their competence. Open channels will be maintained for these officials and professionals to communicate with one another and with their peers in other departments. Those involved in implementing the rule of law will be called on to follow standard protocol, and be specialized and professional. China will attempt to regulate access to legal professions. It will aim to recruit legislative staff, judges and procurators from qualified lawyers, legal experts and law school graduates while improving job security services for these professionals. China will bolster the professionalism of legal service providers. It will call on lawyers to be firm in voluntarily following the path of the socialist rule of law. It will develop a reasonably structured contingent of private, public and corporate lawyers complementing each other with their respective advantages. China will make innovations in its approach to educating legal professionals. It will develop socialist legal theories, disciplines and related educational programs. It will push for the introduction of these theories into the school curriculum and their integration into students' knowledge base, thereby training professionals and candidates conversant with and committed to China's rule of law.

The Communist Party's leadership is the most fundamental guarantee for advancing the rule of law and accelerating the transformation of China into a country operating under the rule of law. While strengthening and improving the Party's leadership, China must always adhere to the Party's guidance as it advances the rule of law. To govern the country according to the law, Party officials at all levels should take the lead in abiding by the law. They should not exercise their powers in violation of the law, let alone take their own words as the law, place their own authority above the law or abuse the law. China will refine the legislative provisions enabling the Party to lead the drive for the rule of law as well as the rules and procedures ensuring that the Party determines the policies and plans on advancing the rule of law. In this regard, it will strengthen unified leadership, planning and coordination, while improving the decision-making process of Party committees. Party organizations in people's congresses, governments, committees of the Chinese People's Political Consultative Conference, courts and procuratorates at all levels will lead and supervise these departments' observance of the Constitution and other laws. Enforcement personnel who violate the law will be severely dealt with, as will all those that exercise powers in violation of the law. The Communist Party will strengthen its regulations and rules, refine the methods employed for devising its regulations and establish a complete network of rules. It will implement the principle that the Party should supervise its own conduct and run itself with strict internal discipline in accordance with internal regulations. Party members and officials will be called on to lead by example in abiding by state laws. They should be more willing to adopt a legally based way of thinking and be more capable of doing their jobs according to the law. The effectiveness of implementing the rule of law will be a significant indicator in judging the work of officials at various levels and will be taken into consideration when evaluating their performance. The government will promote the implementation of the rule of law at the community level by giving full play to the key role of community-level Party organizations. It will establish a working mechanism that shifts the focus of the rule of law to communities. The People's Liberation Army will promote the rule of law and enforce strict discipline within its own ranks. In keeping with the Party's goal of strengthening the military under ever-changing circumstances, China will establish a sound system for the application of the rule of law in the military and further apply the rule of law in national defense and military development. China will guarantee the practice of "one country, two systems" and promote national reunification in line with its laws. It will safeguard the long-term prosperity and stability of Hong Kong and Macao special administrative regions, promote the peaceful reunification of the motherland, and safeguard the interests of its Hong Kong, Macao and Taiwan compatriots. China will step up foreign-related legal efforts. It will use legal means to safeguard the country's sovereignty, security and development interests; the overseas interests of Chinese citizens and corporations; and the interests of foreign citizens and corporations in China.

法治工作队伍思想政治素质、业务工作能力、职业道德水准，着力建设一支忠于党、忠于国家、忠于人民、忠于法律的社会主义法治工作队伍。建设高素质法治专门队伍，把思想政治建设摆在首位，加强立法队伍、行政执法队伍、司法队伍建设，畅通立法、执法、司法部门干部和人才相互之间以及与其他部门具备条件的干部和人才交流渠道，推进法治专门队伍正规化、专业化、职业化，完善法律职业准入制度，建立从符合条件的律师、法学专家中招录立法工作者、法官、检察官制度，健全从政法专业毕业生中招录人才的规范便捷机制，完善职业保障体系。加强法律服务队伍建设，增强广大律师走中国特色社会主义法治道路的自觉性和坚定性，构建社会律师、公职律师、公司律师等优势互补、结构合理的律师队伍。创新法治人才培养机制，形成完善的中国特色社会主义法学理论体系、学科体系、课程体系，推动中国特色社会主义法治理论进教材进课堂进头脑，培养造就熟悉和坚持中国特色社会主义法治体系的法治人才及后备力量。

全会强调，党的领导是全面推进依法治国、加快建设社会主义法治国家最根本的保证。必须加强和改进党对法治工作的领导，把党的领导贯彻到全面推进依法治国全过程。坚持依法执政，各级领导干部要带头遵守法律，带头依法办事，不得违法行使权力，更不能以言代法、以权压法、徇私枉法。健全党领导依法治国的制度和工作机制，完善保证党确定依法治国方针政策和决策部署的工作机制和程序，加强对全面推进依法治国统一领导、统一部署、统筹协调，完善党委依法决策机制。各级人大、政府、政协、审判机关、检察机关的党组织要领导和监督本单位模范遵守宪法法律，坚决查处执法犯法、违法用权等行为。

加强党内法规制度建设，完善党内法规制定体制机制，形成配套完备的党内法规制度体系，运用党内法规把党要管党、从严治党落到实处，促进党员、干部带头遵守国家法律法规。提高党员干部法治思维和依法办事能力，把法治建设成效作为衡量各级领导班子和领导干部工作实绩重要内容、纳入政绩考核指标体系，把能不能遵守法律、依法办事作为考察干部重要内容。

推进基层治理法治化，发挥基层党组织在全面推进依法治国中的战斗堡垒作用，建立重心下移、力量下沉的法治工作机制。深入推进依法治军、从严治军，紧紧围绕党在新形势下的强军目标，构建完善的中国特色军事法治体系，提高国防和军队建设法治化水平。依法保障“一国两制”实践和推进祖国统一，保持香港、澳门长期繁荣稳定，推进祖国和平统一，依法保护港澳同胞、台湾同胞权益。加强涉外法律工作，运用法律手段维护我国主权、安全、发展利益，维护我国公民、法人在海外及外国公民、法人在我国的正当权益。