



Mad. **Tao Kaiyuan**, Vice President and Grand Justice of the Supreme People's Court (SPC).

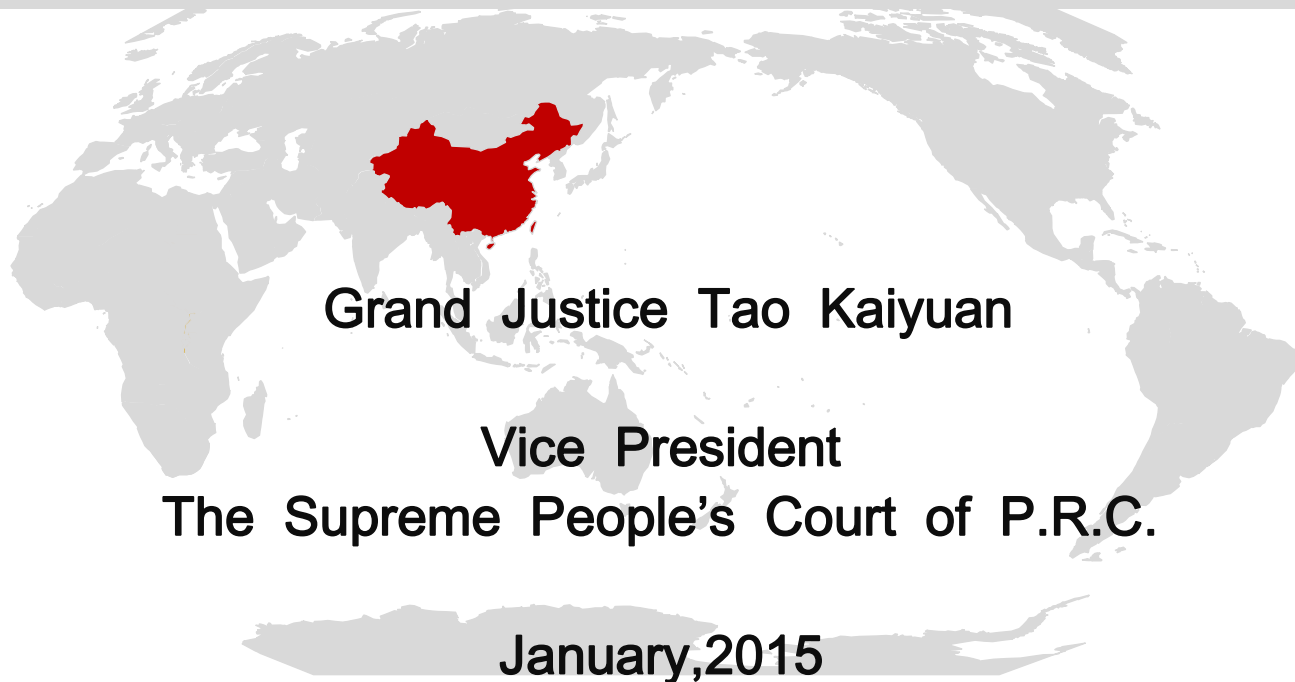
Graduated from the School of Law of Wuhan University, majored in international laws. Ph.D. Professor. She worked in the Law Department of Jinan University for more than ten years.

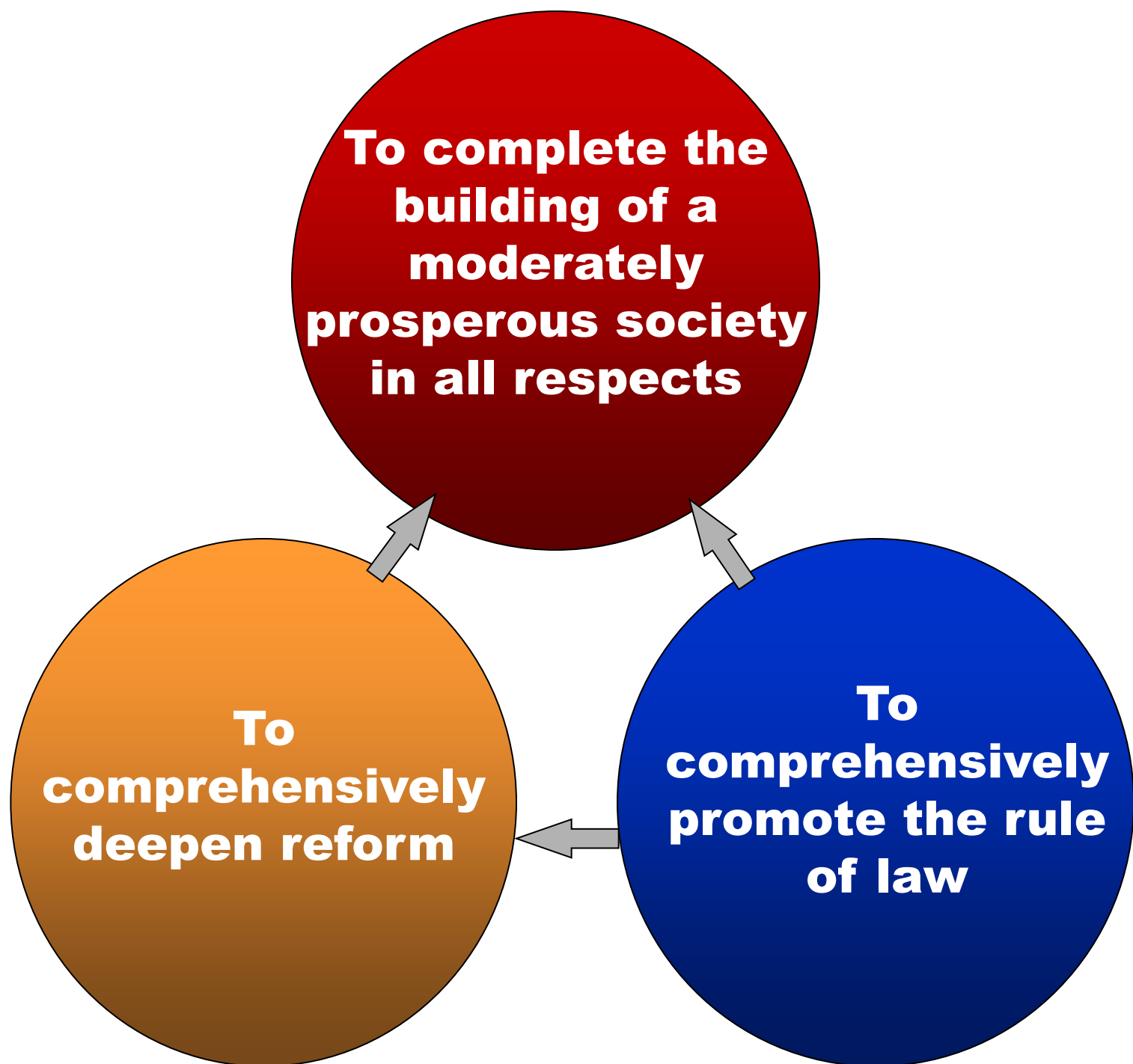
Since April 1999, she started to work as senior judge and the Vice President of Guangdong High People's Court until March 2008 and then as Director General of Guangdong Intellectual Property Office until December 2013. She was appointed Vice President of SPC in December 2013 and is mainly in charge of the Third Civil Division, or the Intellectual Property Division.

She once studied in the Business School and Law School of UBC of Canada from September 2002 to August 2003. In October 2006, she attended a short training course in the Business School of UC Berkeley. She also studied in Kennedy School of Government in Harvard University from October to November 2013.

She has published many law-related thesis paper both at home and abroad. She also authored quite a number of professional books.

# **China under the Rule of Law ---Blueprint and Prospect**







# **China under the Rule of Law ---Blueprint and Prospect**

- ✦ **Why should China promote the rule of law now?**
- ✦ **What will be the major legal changes ?**
- ✦ **Unprecedented Ongoing judicial reform in China**



# Why should China promote the rule of law now?

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- **I. To complete the building of a moderately prosperous society in all respects calls for the rule of law**
- **II. To comprehensively deepen reform calls for the rule of law**
- **III. To maintain long-term peace and stability calls for the rule of law**
- **IV. To take the responsibility as a major country calls for the rule of law**



# What will be the major legal changes ?

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- **I. Rule of law will become the main theme of China's system building**
- **II. Major changes will be introduced to the governing style of the CPC**
- **III. The Constitution will enjoy unprecedented supremacy**
- **IV. Legislation will be more scientific and democratic**
- **V. The building of a law-abiding government that is open, responsible and stream-lining will speed up**
- **VI. People's interests and rights will be better protected**
- **VII. Mechanisms to guarantee fair justice will be improved.**
- **VIII. People's awareness of law will be enhanced.**
- **IX. The CPC will further strengthen Party disciplines in accordance with law**



# Unprecedented ongoing judicial reform in China

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- **I. Strengthen systems to ensure fair justice**
- **II. Strengthen mechanisms to ensure courts and procuratorates exercise their power independently, fairly and in accordance with law**
- **III. Implement measures to hold judges and collegial panels accountable for their decisions**
- **IV. Improve mechanisms to make the judiciary more open and convenient for the public**
- **V. Make judicial jurisdictions more scientific and rational**
- **VI. Reform the procedure system to make it focus on hearing and deciding**



## **I. Strengthen systems to ensure fair justice**

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- After 40 years of development, China's judicial system is still not yet meeting the expectation of the general public.
- Justice is the lifeline of rule of law. Judicial justice is the most important index of social justice. Judicial injustice is a destructive blow to social justice.
- The Decision touches some deep-rooted problems affecting judicial justice. Judicial reform takes a large part in the Decision, covering judicial administration, judicial power operating mechanism and etc.
- The purpose is to make people feel fairness and justice in every judicial case.





## **II. Strengthen mechanisms to ensure courts and procuratorates exercise their power independently, fairly and in accordance with law**

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- A mechanism will be set up to allow the personnel, finance and property of courts and procuratorates at all levels to be uniformly managed at the provincial level to avoid local interference.
- A mechanism will be set up to record officials who interfere in judicial cases and name them publicly to hold them accountable.
- The mechanism to protect the safety of judicial staff will be strengthened.
- The mechanism to safeguard the supremacy of judiciary will be strengthened.



### **III. Implement measures to hold judges and collegial panels accountable for their decisions**

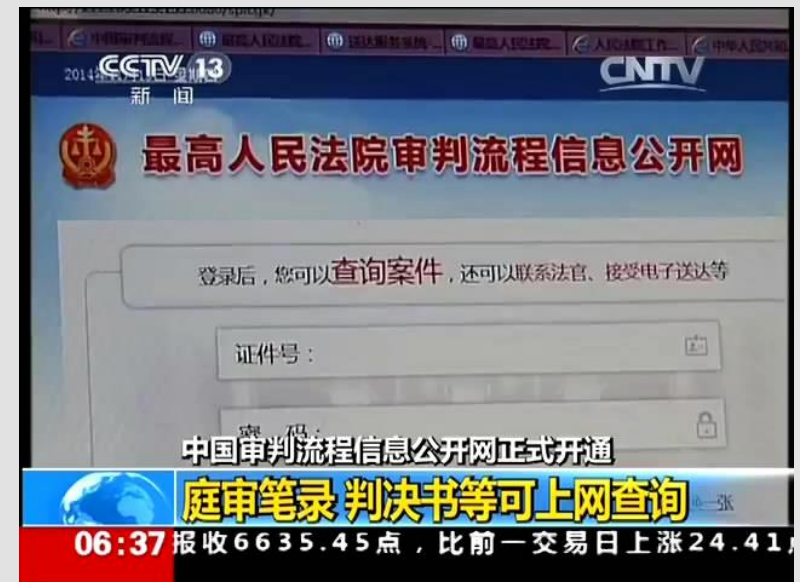
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- The principle of judiciary determines that judges are there to hear and decide and those who give verdict should be held accountable.
- China is country with huge number of lawsuits. There're over 10 million lawsuits every year. The number hit 13 million in 2013 and more than 15 million in 2014.
- Relevant mechanism will be reformed to select excellent judges, who can be relied on in producing high quality cases.
- This reform is carried out in the newly-established Zhuhai Hengqin New District Court, the intellectual property courts and the circuit courts of the SPC.



## IV. Improve mechanisms to make the judiciary more open and convenient for the public

- Decisions are all put on line. All enacted decisions by the SPC and 22 provincial courts that are required by law to go public are all put on line. By Jan.10<sup>th</sup> 2015, nearly 6 million decisions are published on line.
- Adjudication process is made fully open. The website of China Public Database of Adjudication Process was launched by the SPC on November 13th 2014.





## IV. Improve mechanisms to make the judiciary more open and convenient for the public

- Information on decision enforcement is fully accessible.

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## IV. Improve mechanisms to make the judiciary more open and convenient for the public

- The SPC launched its own micro-blog and We-Chat account. Real time uploading of in-court minutes of important cases such as the trial of Bo Xilai, a senior CPC official, through micro-blog has won applause from the society. Foreign diplomats in China were invited to hear trials related to foreign commercial and maritime cases.





#### **IV. Improve mechanisms to make the judiciary more open and convenient for the public**

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- **Replace the review system with the register system in the case filing process**
- **Citizens will have more chances to act as assessors.**



## **V. Make judicial jurisdictions more scientific and rational**

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- The SPC decided to set up circuit courts. The first one was established in Shenzhen, Guangdong Province and second one was set up in Shenyang, Liaoning Province. Starting from earlier this year, these two circuit courts will accept and hear major administrative, civil and commercial cases that cross administrative regions.
- The SPC has set up an Environment and Resources Tribunal in July 2014.



## **V. Make judicial jurisdictions more scientific and rational**

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- Explore establishing cross-administrative region courts and procuratorates. On December 28<sup>th</sup> 2014, China's first one, namely Shanghai No.3 Intermediate People's Court and No.3 Branch of Shanghai People's Procuratorate were established. Two days later, Beijing No.4 Intermediate People's Court and No.4 Branch of Beijing People's Procuratorate of the same kind were established.
- IP Courts are established and operating well. On August 31<sup>st</sup> 2014, the National People's Congress passed the decision to establish IP courts in Beijing, Shanghai and Guangzhou. Beijing IP Court formally opened on November 6<sup>th</sup>, 2014 and appointed 22 presiding judges selected from all three levels of courts in Beijing. Guangzhou and Shanghai IP Courts opened formally on December 16<sup>th</sup> and 28<sup>th</sup> respectively.





## **VI. Reform the procedure system to make it focus on hearing and deciding**

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- The traditional criminal procedure in China emphasizes too much on investigating and solving a case, some times leaving key evidence uncollected or collected illegally in certain cases.
- Reform the procedure system to focus on court hearing and deciding means court must play a decisive role. The principle of “excluding evidence obtained illegally” and “no guilt when there’s still doubts over guilt” must be strictly upheld. Only in this way, investigation and prosecution procedures can withstand the test of law and wrong verdicts or injustice can be avoided.



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罗浮山下梅花  
玉雪为骨冰为魂

**Seeing Is Believing.**

**Welcome to China to see with your own  
eyes the legal changes there.**

**Thanks!**