刑事司法机关廉政

一、检察院系统：

加强检察机关廉政建设和内部风险防范采取的举措

1. 关于贯彻《联合国反腐败公约》第七条的举措。

（1）检察机关工作人员招聘、录用和退休制度中体现公开透明和问责精神的制度。一是制定完善招聘、录用制度及方案措施。坚持公平、公正、公开原则，提前向人事主管部门报送遴选录用（招聘）计划，并及时公开职位及资格条件；统一组织笔试，命题严格保密；委托国家级命题机构命制面试题本；邀请纪检监察部门全程监督。防止舞弊行为。二是严格执行国家干部退休制度。明确干部达到退休年龄（60岁）后，启动办理退休手续，免去相应职务（法律职务、行政职务），并及时将工资关系转移至离退休干部局。

（2）高腐败风险岗位干部的特殊选任和培训制度，如轮岗制度。针对检察机关领导干部面临的高腐败风险，在《检察官培训条例》中突出政治理论培训的重要地位，作为领导素能培训的一项重点内容。制定《“十三五”时期检察教育培训工作规划》，
牢牢抓住“关键少数”，将思想政治与法治理念培训作为重要培训内容，突出检察机关领导素能培训，要求最高人民检察院5年内对各省级院班子成员和地市级检察长轮训一遍，每3年对县级院检察长轮训一遍；省级院对地市级和县级院班子成员轮训一遍；分层分类完成对省、市、县三级院业务部门负责人的轮训。制定并实施《基层检察人员轮训办法（试行）》，将思想政治理论教育、理想信念教育和检察职业道德纪律教育纳入轮训内容，每三年为一个周期，每三年把基层检察人员轮训一遍，依次接替、循环进行，形成全覆盖、周期性、常态化的轮训机制。

建立和完善任职和新进人员培训制度。根据有关规定，高检院授权并指导各省级院组织初任检察官资格培训，大力开展晋升高级检察官资格培训，举办各级新进干部培训班，把“坚持德育为先”放在第一位，突出强调“立德树人”，加强反腐倡廉教育、警示教育和岗位廉政教育，引导干警保持廉洁操守，提高检察人员廉洁从检能力。

（3）检察官的选用标准。严格检察官选任条件、标准和程序，从入口上保证检察官廉洁从检、公正司法。在坚持公务员法、检察官法相关标准的前提下，积极推行检察官员额制改革，严格检察官遴选考核，规定曾因犯罪受过刑事处罚等情形，不得入额。
I Focus on standardized rules and regulations to promote law-based duty fulfillment and scientific administration

China’s civil servant administration system has experienced the development course from theoretical discussion to pragmatic implementation. The implementation of the Civil Servant Law of the People’s Republic of China (hereafter referred to as Civil Servant Law) on January 1, 2006 marked a new legalization phase of China’s civil servant administration system. The Civil Servant Law defines the scope and basis of civil servant administration. It is formulated in accordance with the Constitution of the People’s Republic of China and actual practices of cadre and personnel system reforms. Civil servants as defined by the Civil Servant Law refer to those who perform public duties according to the law and have been included into the state administrative staffing with wages and welfare borne by the state public finance. The people working in the departments of the Communist Party of China, organs of people’s congresses, administrative offices, departments of the Chinese People’s Political Consultative Conference, judicial organizations, procuratorate departments and departments of democratic parties all belong to the category of civil servants.

The Civil Servant Law defines the principles and contents of civil servant administration. The Civil Servant Law stipulates that civil servants administration should follow the principle of openness, equality, competition and selecting the superior ones, should be carried out pursuant to the legal power limits, qualifications, standards and procedures and should adhere to the principle of paying equal attention to supervisory restrictions and incentive guarantees. The Civil Servant Law covers all the links of civil servant recruitment, management and dismissal and every aspect of a civil servant’s public career is provided for in a comprehensive manner including employment, assessment, appointment and dismissal, promotion and demotion, reward, government discipline punishment, training, intercommunication, avoidance, resignation and dismissal, salary, welfare and insurance, retirement, appeal and accusation and appointment. The Civil Servant Law defines China’s classified system of posts of civil servants as well as the categorization of posts and ranks. The Civil Servant Law establishes the principle of classified administration of civil servants and further improves the categorization of posts and ranks. The posts of civil servants, in light of the nature, features and necessities of administration on civil servant posts, are classified into such categories as comprehensive
administrators, technological professionals and administrative law enforcers. The posts of civil servants are divided into leading posts and non-leading posts.

The Civil Servant Law defines the fundamental requirements and intrinsic nature of civil servants administration. Civil servants’ activities of fulfilling duties according to law are under legal protection. The Civil Servant Law not only stipulates the basic principles, basic systems and basic measures of civil servant administration, but also clarifies the rights and obligations of civil servants, the organizations of administration, and related legal liabilities. Through clearly defining the essential aspects of civil servant administration, the Civil Servant Law provides the solid foundation for the administration of civil servants in a scientific and law-biding manner.

II Focus on institutional innovation to prevent illegitimate manipulations of civil servant selection and appointment.

The Civil Servant Law has scored much reformative and innovative progress in terms of improving the civil servants administration system and related mechanisms.

The Civil Servant Law establishes the mechanism of succession by providing for the recruitment and dismissal of civil servants. For instance, it stipulates that citizens can become civil servants through public examinations, a constitutional right equally bestowed upon every one. It is also stipulated that all the civil servants should be recruited through examinations, which contributes to the effective prevention of certain malpractices in public servants selection. During the past five years since the implementation of the Civil Servant Law, a total of 11.77 million people have participated in public examinations and 620,000 of them have been selected as civil servants.

The Civil Servant Law establishes the mechanism of competition. It is stipulated that recruitment of beginning public servants must follow the principle of open examination, strict assessment, competition on an equal footing and selection by merits and that candidates to be promoted to a leading position within the same public organ shall be selected through competitive post bidding. For certain post vacancies, candidates may be selected through an open selection from the society. The introduction of the mechanism of competition effectively increases the transparency of public servants selection and prevents varied forms of illegitimate manipulation.

The Civil Servant Law establishes the mechanism of protecting the rights and interests of civil servants. The Civil Servant Law stipulates that civil servants enjoy eight rights including participating in trainings, provides for the system of launching an appeal or accusation, the arbitration system for personnel disputes of contracted civil servants, and the system of salary, welfare and insurance for civil servants, and establishes the four circumstances where civil servants cannot be dismissed. All these reflect the importance that the state attaches to the protection of civil servants’ rights and interests.
The Civil Servant System establishes the mechanism of supervision and restraint by providing for the nine obligations of civil servants including exemplarily abiding by the Constitution and laws, 16 disciplines that civil servants should not violate, and systems of assessment, punishment, dismissal, voluntary resignation and forced resignation, all combined to strengthen institutional supervision over civil servants. The establishment of such systems such as responsibility investigation, resignation and dismissal greatly strengthens the administration and supervision of civil servants.

**III Focus on supervisory and restraining measures to promote open and transparent operation of public power and clean governance.**

In recent years, China has made constant reformative and innovative progress in the supervisory mechanism of civil servants and the promotion of clean governance.

China has established the power restraint and supervisory system. On the principles of reasonable structure, scientific distribution, rigorous procedures and effective restraint, China is gradually establishing a sound power structure and operation mechanism featuring both restraint and coordination among decision-making power, executive power and supervisory power. Now, a supervisory system with Chinese characteristics has been established, composed of intra-Party supervision in the CPC, supervision by the National People’s Congress and the local people’s congresses (NPCs), supervision within the governments, and democratic supervision by the Chinese People’s Political Consultative Conference National Committee and local people’s political consultative conferences (CPPCCs), judicial supervision, supervision by the general public and supervision by public opinion. These relatively independent supervision mechanisms collaborate closely with one another to form an integrated force.

Consolidated efforts are devoted to ensuring the proper exercise of public power. The Law of the People’s Republic of China on the Supervision of Standing Committees of People’s Congresses at All Levels enacted in 2007 strengthened the supervisory role of those committees in the form of law over the administrative, judicial and procuratorial powers of the people’s governments, people’s courts and people’s procuratorates at corresponding levels. Also enacted are the Law of the People’s Republic of China on Administrative Supervision, Audit Law of the People’s Republic of China, Administrative Reconsideration Law of the People’s Republic of China, Administrative Procedure Law of the People's Republic of China to establish the systems of administrative supervision, audit supervision, administrative re-consideration and administrative procedure to strengthen supervision over the administrative organs and their staff. China has established the system of making public such information as related to the exercise of power. Since the 1980s, the Chinese government has proactively implemented the systems of making public government affairs. The Regulations of the People’s Republic of China on Making Public Government Information and some other important statutory documents have been promulgated. The Regulations stipulate that government information, other than that related to state secrets, business secrets and personal privacy, should be made public in a timely and accurate manner, with the
requirement of making public as the principle and holding back as the exception, to guarantee the people’s right to know, participate, express and supervise.