Institutionalized Protection of the Rights and Interests of crime victims: Progress, Challenges and Way out

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Introduction: How large is the group of crime victims in China

In China, any number linked to the population will be several times or even dozens of times larger than that in other countries, and so is it with the problem of crime victims. According to the data published by the National Bureau of Statistics, from 2014 to 2016, the number of criminal cases registered by police was 6,539,692, 6,427,533 and 7,174,037, respectively.

Among them, crimes with direct victims such as homicide, injury, robbery, rape, trafficking in women and children, theft and fraud account for about 85%. Of the crimes in which counterfeit money is sold and used and other crimes accounting for about 14%, some have physical victims.
However, serious violent crimes hold a very small proportion and have decreased in the past years. According to the above figures, with an annual increase of 5.7 million victims. This huge group is innocently victimized in daily work, study and life, which requires the serious treatment by the government and effective protection of their legitimate rights and interests.
Chapter II Evolution of the System for Protection of the Rights of crime victims

In recent years, China’s awareness of the protection of crime victims’ rights and interests has been enhanced, and relevant legislations have been strengthened as well, which present Chinese characteristics in some aspects. The following sections will focus on issues such as victims’ litigious rights, legal aid, compensation, and other assistance, etc.
2.1 Protection of litigious rights

In the past 30 years, with the improvement of the awareness of rule of law and human rights, China has paid more and more attention to the protection of the rights of criminal defendants and suspects from the legislative and judicial aspects.

The Criminal Procedure Law 1979 stipulated that “the aim of the Criminal Procedure Law is to ensure accurate and timely ascertainment of facts about crimes, correct application of law, punishment of criminals, and protection of the innocent against being investigated for criminal responsibility...”;

The words “to respect and safeguard human rights” were added to the relevant provisions of the revised Criminal Procedure Law in 1996, and these texts continued to be retained in the relevant clauses amended in 2012.
However, it is understood that respecting and safeguarding human rights mainly refers to safeguarding the legal rights of criminal suspects and defendants. The legislative protection for the rights and interests of crime victims lags behind.

In the *Criminal Procedure Law 1979*, only the victims to private prosecution cases were treated as a party to litigation, while the victims to public prosecution cases or their family members were treated as litigation participants.

Crime victims were clearly given the litigation status of a “party” and the related procedural rights were established and enriched in the revised *Criminal Procedure Law 1996*.

Thereafter, the protection of the rights of crime victims were gradually strengthened, in order to establish a legislative guarantee system that was mainly based on the *Criminal Procedure Law* and supplemented by relevant laws and regulations to ensure the rights of crime victims in various litigation stages.
Registration stage: The right to report to public security organs, procuratorates or directly to courts, and request reasons for refusal of registration and apply for reconsideration.

Investigation stage: The right to challenge the conclusion of judicial expertise provided by public security organs and apply for re-appraisal.

The stage of review and prosecution: The right to entrust an agent ad litem from the date when the case is transferred for review and prosecution, and appeal against the non-prosecution decision to a higher-level procuratorate or court.

Trial stage: A series of rights of directly attending or entrusting agents to attend pre-trial conferences, court investigations and court debates, applying for withdrawal, etc.
The judgments and rulings that have taken effect may be appealed to courts and procuratorates, and those dissatisfied with the first instance judgments may request the procuratorates to appeal.

In addition, crime victims also enjoy relevant rights such as the right to know, privacy protection right, and the right to apply for withdrawal, and may lodge private prosecution against specific cases or cases in which there is evidence to prove that defendants have violated their personal or property rights and shall be held criminally responsible according to law while public security organs or procuratorates decide not to investigate, and may file incidental civil actions against material losses caused by criminal activities.
In recent years, restorative justice has been surging forward vigorously, and the criminal justice systems in various countries have been trying, so that the separate rights of crime victims related thereto have also come into being and gradually developed.

In criminal reconciliation procedures, victims are entitled to voluntarily commence and select criminal reconciliation procedures in accordance with the relevant provisions of the *Criminal Procedure Law*, the *Criminal Procedure Rules of the Supreme People’s Procuratorate (Trial)*, etc., and may go back on the settlement agreement that has been concluded if certain conditions are met.
In the lenient punishment system for criminal defendants who plead guilty or accept punishment, the victims’ right to participate in sentencing has received more and more attention. The Decision of the Central Committee of the Communist Party of China on Major Issues of the Overall Promotion of the Rule of Law, Opinions on Deepening Procuratorial Reform (Work Plan for 2013-2017), Guidance of People’s Courts on Sentencing (Trial), Guidance of the Supreme People’s Court on Sentencing of Common Crimes, Measures on Pilot Work for Lenient System for Pleading Guilty and Accepting Punishments in Criminal Cases in Certain Areas, as well as other legal documents or principles have specifically stipulated the victims’ right to participate in sentencing. Whether a settlement agreement is concluded, victims’ losses have been compensated for, and the forgiveness of victims has been obtained are important factors to be taken into account in sentencing.
Correspondingly, the criminal judicial organs more respect the victims’ right to speak and advice in judicial practice.

As early as 2008, in the case in which Song Xiaoming deliberately wounded Ma to death, the court included in the sentencing basis the statement in court of the victim’s mother (who expressed understanding and even interceded for the defendant) and made a lighter punishment decision in favor of the defendant.
2.2 Provision of legal aid

Legal aid is an important system to ensure the realization of victims’ right of legal action. In China, the legal aid system comes up late but develops rapidly.

- In 1992, China’s first non-governmental legal aid agency - Center for Protection of Rights of Disadvantaged Citizens of Wuhan University - was established, and it has taken a step forward in practice.

- In 1994, the Ministry of Justice publicly proposed the concept of establishing a legal aid system with Chinese characteristics for the first time. In the same year, the Guangzhou Legal Aid Center was established as the first official legal aid institution in China.
• In 1996, the revised the *Criminal Procedures Law* incorporated “legal aid” into the law for the first time, providing for a designated defense system to be implemented by a legal aid lawyer. However, it was limited to the designation of a legal aid lawyer for defendants, while victims had to hire an agent by themselves.

In the same year, the Ministry of Justice approved the establishment of a preparatory group for the National Legal Aid Center, and promoted the pilot work of the legal aid system gradually in Beijing, Shanghai, Guangzhou, etc.

• In 2003, the State Council deliberated and adopted the *Regulations on Legal Aid*, which was China’s first nationwide separate regulation on legal aid.
• In 2005, the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, and the Ministry of Justice jointly promulgated the *Regulations on Legal Aid for Criminal Proceedings* to implement the relevant provisions of the *Regulations on Legal Aid*, clarifying that crime victims may apply for legal aid.

• In 2009, the Ministry of Justice issued the *Opinions on Strengthening and Improving Legal Aid*, confirming that legal aid receivers included victims of criminal cases.
• In 2013, the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, and the Ministry of Justice revised the *Regulations on Legal Aid for Criminal Proceedings* promulgated in 2005. The revised draft still retained the provision that crime victims could apply for legal aid.

• In 2017, the Supreme People’s Court and the Ministry of Justice launched trials for full coverage of lawyer defense in criminal cases, intending to provide legal aid to all criminal defendants who have not retained defenders, and designate lawyers for them.
We can conclude from the analysis of the above laws and regulations and judicial practice that:

- Criminal suspects and defendants who have not retained lawyers in criminal proceedings were, under certain circumstances at first, provided with, and now are proposed to, in general, provided with legal aid by the government, while victims who could not afford to retain lawyers may only apply for legal aid.
2.3 Advancement of the compensation system for victims

In recent years, China’s central and local governments have made many initiatives to advance compensation for victims, especially collective victims. These attempts should be based primarily on the public assistance doctrine and, to a large extent, on the need to maintain social stability or begin on the need to maintain social stability.
The first case in which the state compensates crime victims:
• The Shijiazhuang bombings on March 16, 2001

In 2004, Zibo City, Shandong Province promulgated the *Implementation Opinions on Establishing an Assistance System for crime victims with Economic Difficulties* (jointly by the committee of political and legal affairs and the court), which stipulated that when citizens encountered injuries in criminal cases, and could not obtain actual financial compensation from injurers or other sources and lived in extreme poverty, the government should give a certain amount of money to help.
After evaluation, the Supreme People’s Court affirmed and promoted the experiences of the courts in Zibo City, etc., and implemented a relief system for crime victims throughout the country.

- In April 2007, the Supreme People’s Court, together with the Ministry of Justice, submitted the Report on the Proposal of Establishing the National Relief System for crime victims to the Committee of Political and Legal Affairs of the CPC Central Committee, which was highly valued by the top leadership.

- In 2008, under the common appeal of all sectors of society, the establishment of a relief system for crime victims was brought in the reform arrangements for the central judicial system and working mechanism, and determined to be implemented under the coordination of the Supreme People’s Court.
• In March 2009, the Committee of Political and Legal Affairs of the CPC Central Committee, the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, the Ministry of Justice, the Ministry of Finance, the Ministry of Civil Affairs, and the Ministry of Human Resources and Social Security jointly issued *Opinions on the Implementation of Relief Work for crime victims* to fully carry out the work throughout this country.
Targets of relief:

• Crime victims suffering from severe disability due to serious violence, who can not timely obtain compensation through litigation;

• Crime victims living in poverty, or immediate relatives living with or dependent on crime victims who have died due to serious violent crimes, who live in poverty and cannot timely obtain compensation through litigation.

• Crime victims suffering from severe disability or death due to negligent crimes or wrongdoings committed by a person who is not criminally responsible (such as a mental patient or a person under the age of criminal responsibility), who live in poverty and cannot obtain compensation through litigation, shall be granted relief by reference to the above objects.

According to incomplete statistics, from 2009 to 2011, the amount of relief funds granted by national courts to crime victims increased year by year, totaling 200 million yuan.
• In September 2013, the Decision of the Central Committee of the Communist Party of China on Major Issues Concerning Comprehensively Deepening Reforms was adopted at the Third Plenary Session of the 18th CPC Central Committee, which called for the improvement of the judicial system to protect human rights and the improvement of the national judicial relief system.

• In October 2014, the Decision of the Central Committee of the Communist Party of China on Major Issues of the Overall Promotion of the Rule of Law was adopted at the Fourth Plenary Session of the 18th CPC Central Committee, which further called for the improvement of the judicial relief system.

• In December 2015, the Committee of Political and Legal Affairs of the CPC Central Committee, the Ministry of Finance, the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, and the Ministry of Justice issued the Opinions on Establishing and Improving the National Judicial Relief System (for trial implementation), which further expanded the scope of relief.
• Amount of relief: Generally, it remains within the total salary of 36 months. However, in the event of particularly significant loss or extreme poverty, if it is necessary to properly exceed the relief limit, it shall be subject to strict examination and control. The amount of relief shall not exceed the amount of compensation that the people’s court shall decide according to law.

• Relief procedures: The courts, procuratorates, police departments, and judicial administration departments that handle the cases shall notify the parties of this system, and then upon the application of the parties, the case handling agencies approve and grant the relief.

• Total relief funds: According to statistics, in 2014, 2015 and 2016, the central and local governments allocated relief funds totaling 2.47 billion yuan, 2.94 billion yuan, and 2.66 billion yuan respectively, and more than 268,000 parties received judicial relief.
2.4 Establishment of relevant organizational systems for relief

In China, no separate relief agency for crime victims has been established. The relief responsibility is mostly undertaken by the relevant departments of criminal justice agencies or special coordination groups. Special legal aid agencies have been established only in judicial administration systems.
From 1997 when the Legal Aid Center was established by the Ministry of Justice to 2017, China had established more than 3,200 legal aid centers, and more than 70,000 legal aid stations, with more than 14,000 legal aid lawyers and staff, thereby establishing a legal aid network in China. Legal aid organizations at all levels handled 1.307 million cases throughout the year, of which, social lawyers handled 570,000 cases. The number of legal aid recipients reached 1.388 million person times, and there were more than 8.182 million legal consultations.
Other criminal justice agencies have separately established some mechanisms composed of criminal justice personnel handling cases to review and grant relief to victims. In addition, All-China Women’s Federation, the Central Committee of the Communist Youth League, the National Committee on Ageing, the China Working Committee on Next Generation Care, and the China Disabled Persons’ Federation all engage in the protection of the rights of women, juveniles, the elderly, and the disabled, including the support and assistance to crime victims among these groups.
The Ministry of Justice, cooperated with these organizations, has established a legal aid mechanism for these groups of people. Among them, the All-China Women’s Federation has been generally praised by women for the protection of the rights and interests of and provision of psychological support to women victims, especially victims of domestic violence.

At local levels, some special mechanisms or places have also been established in some regions to give special care and help to crime victims. The Second People’s Hospital of Yinzhou District, Ningbo City, Zhejiang Province, and the District Procuratorate jointly established the first “one-stop” enquiry site targeting juvenile victims in China - “Juvenile Protection Station”, to provide a comprehensive and three-dimensional relief model to reduce the harm suffered by victims as a result of the statement of the process of getting victimized, help them ease emotions and give psychological instructions, and also improve the efficiency of handling cases.
Chapter III Challenges in front of Protecting the Rights and Interests of Crime Victims

• As above mentioned, in recent years, the protection of the rights and interests of crime victims in China has changed, from as litigation participants to as litigants, and from completely through civil claims to through combination of civil claims and national relief, which has made great progress. However, to ensure the full realization of all aspects of the rights and interests of such a large group of crime victims, many formidable challenges lie ahead.
3.1 Lacking deep understanding of victims’ plight and rights

• Before the reform and opening up: China did not promulgate a criminal code, focused on punishment of offenders, and ignored the rights and interests of victims;

• At the beginning of the reform and opening up: China began to rebuild the rule of law. In 1979, the Criminal Law and the Criminal Procedure Law were enacted. However, the criminal legal relationship remained the dual structure of “offender-state”, and the rights and interests of victims gave way to national and collective interests. Victims themselves were often more concerned about whether injurers would be sentenced to corresponding criminal penalties and ignored the pursuit and realization of property rights.
• In recent years, with several amendments to the *Criminal Procedure Law*, the victims’ litigation status has significantly improved and the scope of rights has gradually expanded. However, the legislative and judicial structure in which the rights and interests of criminal suspects and defendants are far more concerned and guaranteed than those of the victims remains.

• In practice, the actual implementation rate of judgments of civil suits collateral to criminal proceedings is less than 10%.
• The lack of awareness of victims’ plight and rights is also reflected in fact that only the apparent results of the victimization are seen, while the psychological trauma, indirect damages, secondary damages, and the long-term negative impact of victimization on individuals and families are paid no attention.

• Due to unable to sympathize with the damages suffered by victims as if received in person, the attention and support of the relevant government agencies, non-governmental organizations, and the public to crime victims is far from adequate, which is not only less than the sympathy and support to the victims of natural disasters, but even less than the attention and protection to the rights and interests of victimizers.
• In particular, the overwhelming majority of members of the entire society, including many members of the legal community, fail to understand the plight and rights of victims from the perspective that victimizers and victims shall be treated equally, and the law shall establish balanced justice. People’s concerns about victims of natural disasters far outweigh the concerns about the victims of man-made disasters, even though the latter is a larger group than the former.
3.2 Lacking complete legislation

• Complete legislation is the legal basis for the activities of any government and non-governmental organizations, and so is it with the protection of the rights and interests of crime victims. However, despite the above, China has made significant progress in legislation, but it is clear that there are still some serious flaws:

  • First, lack of a separate national-level legislation. The provisions concerning the rights and interests of crime victims are scattered in different laws and regulations.

  • Second, the relevant principle-based legislative provisions. The lack of detailed provisions and supporting specifications has led to various practices in practice that have affected the implementation and promotion of related systems.

  • Third, lack of extensive scope of protection for the rights and interests of victims in legislative contents. The Criminal Procedure Law does not directly stipulate the right to appeal of victims. There is no relevant law concerning the psychological support, shelter, etc. for victims.
3.3 Lacking separate functional departments

In modern countries, if any system is to play its intended role after the establishment, it shall have a separate functional department to coordinate implementation. The same is true of the system for protection of the rights and interests of crime victims. However, due to the fact that the importance attached to the rights and interests of crime victims is far from enough as described above, the idea of setting up a separate department has never been put on the agenda of the government. Of course, the Chinese government has its own priority.
According to the above-mentioned *Opinions on Establishing and Improving the National Judicial Relief System (For Trial Implementation)*, in practice, under the leadership of the Committee of Political and Legal Affairs of the CPC Central Committee, the public security departments, procuratorates, courts, and judicial administration departments will grant corresponding relief when they encounter victims or relatives of victims in poverty in the criminal justice process. However, in fact, the courts at all levels have undertaken the main responsibility, as failure of victims or relatives of victims to obtain compensation from injurers or other compensation will seriously affect the decisions of the courts, and even interfere with the judicial order of the courts.
In fact, the court system also believes that although the current judicial relief is of both judicial and administrative nature, the existing pattern and methods of work fall more within the administrative category. It does not belong to the functions of a judge in principle. As the leading organ, the Committee of Political and Legal Affairs of the CPC Central Committee does not and is not suitable to act as the unified management organization for the application, approval, and grant of judicial relief, as well as provision of accommodation, medical, and psychological support to victims. There is no separate functional department responsible for the protection of the rights and interests of victims. Compared to many other countries and regions, the system lags behind in terms of improvement and implementation, although, as above mentioned, relevant non-governmental organizations have done a lot of work on the protection of the rights of minor victims and female victims.
3.4 Increase of new cyber crimes

With the rapid development of modern science and technology, the Internet has become a breeding ground for many new crimes while improving work efficiency and facilitating people’s lives.

According to statistics, China’s cyber crimes account for 1/3 of the total number of crimes, and it has grown at a rate of more than 30% annually. In particular, telecommunication network fraud crimes use social networking services, APPs, QR codes and other emerging fraud methods, which are threatening the safety of citizens’ personal information, and seriously violating the property interests of victims.
Such crimes are difficult to be uncovered as they are extensive, mobile, concealed, and gang-based, and the offenders have a relatively high technological level and counter-investigation capability, who can transfer assets and destroy evidence at any time, which make it difficult for victims to recover their assets and cause irreparable damages to victims.

In 2017 alone, public security agencies across the country registered 537,000 telecommunication network fraud cases. In recent years, the continued high incidence of such cases poses new challenges to the protection of the rights and interests of victims.
China’s criminal justice agencies are gradually paying attention to the victims’ situation. Since 2015, the State Council has approved the establishment of a joint inter-ministerial conference system for fighting and controlling new telecommunication network crimes attended by 23 departments. In 2016, the Supreme People’s Court, the Supreme People’s Procuratorate, and the Ministry of Public Security jointly issued the *Opinions on Several Issues Concerning the Application of Law in Handling Telecommunication Network Fraud and Other Criminal Cases*, which stipulated that offenders of telecommunication network fraud crimes with corresponding amount, under any of ten circumstances such as causing suicide, death or mental disorder of victims or the near relatives thereof, should be given a heavier punishment as appropriate, in order to further protect the legitimate rights and interests of victims.
The Supreme People’s Procuratorate and the Ministry of Public Security have listed and supervised two batches of a total of 62 major telecommunication network fraud cases involving a large number of people, a wide range of regions, and difficulty in collecting evidence. The *Notice on Effectively Cracking down on Personal Information Offences on the Internet* and other normative documents have been issued in succession. Case study meetings, television and telephone training sessions and other meetings have been convened one after another. Special websites against cybercrimes have been established. Great achievements have been made in the control of telecommunication network fraud crimes.
• In 2017, the public security authorities nationwide uncovered 78,000 telecommunication network fraud cases and investigated and dealt with 47,000 offenders, with a year-on-year increase of 55.2% and 50.77%.

• Since 2017, more than 300 million yuan have been returned to the masses who have been swindled. In particular, in 2013, Zhejiang Hangzhou Intermediate People’s Court returned a total of RMB 2.37 million to 17 Taiwan victims in accordance with the article of transfer of illicit money in the Cross-Strait Joint Crime Combat and Mutual Legal Assistance Agreement. However, the proportion of the uncovered 78,000 cases in the 537,000 cases that have been registered is too small. The challenges of detecting cases and recovering victims’ losses are still great.
3.5 Lacking adequate separate funds

- From 2014 to 2016, there were more than 268,000 parties receiving relief, and relief funds of more than 2 billion yuan were granted each year.

- However, there are few people in China buying personal insurances. Therefore, compared to tens of millions of victims each year, the proportion of people receiving relief is very small due to limited funds. The lack of funds is mainly due to the fact that there is currently no separate central budgetary arrangement protected by legislation. The funds are mostly levied and managed by local governments at all levels. As a result, the gap between different regions is too large. The relief standards in the rich regions continue to improve, with combination of social insurances, urban and rural subsistence allowances, relief from civil affairs departments, and charitable relief, leading to a large proportion of relief recipients.
Due to the low level of economic development, it is difficult to raise funds in poor regions, leading to a smaller proportion of relief recipients. In addition, due to the single source of funds, mainly from financial appropriations and judicial funds, and lack of social contributions, the limited relief funds of the state are utterly inadequate in front of the large group of victims. Finally, due to multiple management and multiple uses, the relief funds are used on an expedient basis without long-term considerations, leading to inefficient use of funds.
In response to the challenges and difficulties faced by the system for protection of the rights and interests of victims in China as described above, China needs to respond in a targeted, feasible, and effective manner, raise awareness, improve legislation and mechanisms, and invest funds.
4.1 Raising awareness of the plight and rights of crime victims

• The above-mentioned challenges encountered by China in advancing the system for protection of the rights and interests of crime victims have often been related to the lack of understanding of the plight of crime victims, lack of compassion for their pain, and lack of respect for their rights and interests on the part of the authorities and the public. Therefore, raising the awareness of the government and the whole society in this respect is the prerequisite for improving and perfecting the system.
• To deeply understand the negative impact of victimization on victims.

• To fully realize that further protection of the rights and interests of victims is the key to establishing balanced justice in criminal justice.

• To fully recognize that protection of the rights and interests of crime victims is not only essential to social harmony and stability, but is also an important reflection of humanity and civilization in our modern society.

• To further realize that promoting attention to and protection of the rights and interests of crime victims is an important measure to prevent “circulation of victimization”.

• In addition, attention should be paid to not only victims who are constantly petitioning, but also “silent” victims.
4.2 Improving laws to protect the rights and interests of crime victims

• In October 2014, the *Decision of the Central Committee of the Communist Party of China on Major Issues of the Overall Promotion of the Rule of Law* was adopted at the Fourth Plenary Session of the 18th CPC Central Committee, emphasizing that “The law is of great value in the governance of a country, and good laws are a prerequisite for good governance”.

• “Law-based governance of the country is an inevitable requirement for realizing the modernization of the country’s governance capacity and governance system.” China has almost the world’s largest group of crime victims, and the protection and realization of the rights and interests thereof will undoubtedly require good laws.
Many people of insight and related criminal justice departments in China have basically the same views on the formulation of relevant legislations. Some scholars have even drafted legislative proposals.

In December 2006, the experts and scholars of the Criminal Appeals and Prosecution Office of the Supreme People’s Procuratorate, Jiangxi Provincial Procuratorate, and the Chinese Society of Criminology drafted the Proposal on the Law on State Compensation for crime victims and submitted the relevant proposal to the legislature the following year. Prof. Wang Mu led the drafting of the Law of the People’s Republic of China on State Compensation for crime victims (Proposal), and Prof. Chen Bin and other scholars came up with the Law of the People’s Republic of China on State Relief for crime victims (Proposal). The relevant person in charge of the Supreme People’s Court will also promote the introduction of separate legislations into the work plan.
Legislations on the rights and interests of crime victims may be included into a comprehensive law, stipulating in a comprehensive manner the litigation rights, compensation rights and other relevant material and non-material rights and interests of victims. The law shall include basic principles, responsible institutions, sources of funds, scope of objects, compensation conditions and restrictions, compensation items and standards, procedures, supervision and relief methods, etc.

At the same time, a separate law on relief of victims or state compensation for victims may be formulated, and other rights and interests shall be improved in the relevant laws and regulations such as the Criminal Procedure Law.
4.3 Establishing dedicated management organizations

- As mentioned above, at present, China’s judicial relief is at least scattered among the public security departments, procuratorates, courts, and judicial administration departments. The courts have assumed the main responsibility. However, it is inevitable that each department will not make overall and long-term plans for the system. It is also difficult to unify the standards of the relief. The victims or the relatives thereof who have been granted relief in the previous litigation stage may also take extreme petitioning measures to request relief in the following stages. Therefore, for such a system that faces tens of millions of victims each year, it is necessary to set up a separate agency to coordinate and implement the relief and protection of other rights and interests of victims.
Upon preliminary consideration, the functions of the agency for protection of the rights and interests of victims may include:

• First, to draft relevant legislations on the protection of the rights and interests of crime victims. The above countries that have established agencies for protection of the rights and interests of crime victims have enacted legislations on compensation and relief of victims. Without a separate agency, it is difficult to advance relevant legislations;

• Second, to formulate policy and plans for protecting the rights and interests of crime victims;
• Third, to manage the relief funds for crime victims, including applying for budgets to the finance departments, raising funds from the society, accepting and reviewing victims’ relief applications, and granting relief funds;

• Fourth, to coordinate and guide the relief of victims by relevant local agencies and social groups. In addition to establishing national separate agencies, countries also have many local branches and non-governmental organizations;

• Fifth, to carry out publicity and education on care and relief of crime victims.
In addition, the agency may be allowed to undertake the function of granting state compensation to citizens in a unified manner in accordance with the *State Compensation Law*, so as to reduce the difficulty of citizens in conducting administrative litigations and the difficulties of the organ assuming the compensatory obligation. The victims of abuse of power included in the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power are basically the recipients of state compensation in China.
4.4 Establishing separate relief funds

• Sustainable and adequate funding is the material basis for the realization of the rights and interests of crime victims, and the most solid material basis is separate funds.

• China’s economic and social development has reached the level of establishing such a fund. In 2017, China’s GDP reached 82.7 trillion yuan, and China became the second largest economy in the world, with fiscal revenues of 17.3 trillion yuan. Due to the increasing demand for the rule of law, fairness, justice, and security by the public in the new era, separate funds are required to meet the immediate need of crime victims.
With regard to the source of funds, the following channels may be considered by reference to the practice in other countries and regions:

• First, financial appropriations. The financial appropriations shall become the main source of funds for the following reasons. Firstly, the state shall bear the responsibility for compensation or relief of crime victims. Therefore, the financial appropriations of the state shall become the main source of funds; secondly, the fines and confiscation of property imposed by the people’s courts on the defendants and the criminal assets confiscated by judicial organs are also handed over to the state treasury. The allocation of funds from this part of incomes is equivalent to using the illegitimate gains obtained by the offenders through crimes for the purpose of justice, and providing compensation or relief to the victims in the name of the country.
• Second, production incomes in prisons. In China, in order to re-educate inmates, prisons organize production by inmates according to the provisions of the prison law. Due to the large number of inmates, the scale of production in prisons is very considerable. According to the relevant provisions of the prison law, the investment in the production organized by prisons shall be guaranteed by the state finance.
• In theory, the production incomes in prisons should have been handed over to the state finance. However, in the past, due to inadequate prison funding from the state, the prison authorities used the production incomes in prisons to supplement insufficiency in prison funds.

• In recent years, the state has reformed the prison system, the state has provided financial guarantee for prison funding, and the labor remuneration paid to criminals has greatly increased. Therefore, part of the incomes from production in prisons and the labor incomes of criminals shall be used to supplement the compensation or relief funds for victims.
Third, social donations. The compensation or relief granted to crime victims by the state is a public welfare undertaking. It can also be said to be a charitable undertaking in a certain sense. Therefore, donations of individuals and legal persons can be accepted. Based on the values pursued by this undertaking, individuals and legal persons with the sense of social responsibility and economic capability will actively donate.
Conclusion

• In conclusion, since the reform and opening up, China has made unremitting efforts to explore the system for protection of the rights and interests of crime victims, and has achieved great results. However, it also faces many challenges.

• In view of the facts that the Chinese society has not fully understood the plight and rights of crime victims, the research on related issues is still not mature enough, the relevant legislation is not yet perfect, separate institutions and teams have not yet been established, separate funds are not yet in place, and the scope and intensity of the relief for crime victims have not yet reached the ideal level, so it is necessary to strengthen the exchange and sharing with the international community, and draw lessons from the experiences of the countries and regions with mature systems for protection of the rights and interests of crime victims, in order to improve the system for protection of the rights and interests of crime victims in China through close combination of the national conditions of China, and provide China’s experience in guaranteeing the rights and interests of crime victims.
Thank you!