

Washington International Law Journal

Volume 22

Number 3 *Law in Japan and Its Role in Asia: Between East and West. Festschrift Conference in Honor of Prof. John O. Haley*

6-1-2013

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Recommended Citation

Annamarie C. Larson & Melody W. Young, Translation, *Beijing Municipal Regulation to Reward and Protect Persons of Courageous Behavior*, 22 Pac. Rim L & Pol'y J. 685 (2013).

Available at: <https://digitalcommons.law.uw.edu/wilj/vol22/iss3/8>

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BEIJING MUNICIPAL REGULATION TO REWARD AND PROTECT PERSONS OF COURAGEOUS BEHAVIOR

北京市见义勇为人员奖励和保护条例

Annamarie C. Larson and Melody W. Young[†]

Translator's Note: The Beijing Municipal Regulation to Reward and Protect Persons of Courageous Behavior (北京市见义勇为人员奖励和保护条例) was enacted on April 21, 2000, and has been in force since August 1, 2000. This translation serves as a source of reference for context on the similar emerging legislation in Guangdong province. The translation is based on Beijing Municipal People's Congress Standing Committee Bulletin No. 21 (北京市人大常委会公告第号).

BEIJING MUNICIPAL REGULATION TO REWARD AND PROTECT PERSONS OF COURAGEOUS BEHAVIOR

Article 1: This regulation was established in order to award and protect persons of courageous behavior, to develop a social spirit of upright behavior, and to strengthen socialist ideals and ethical progress in accordance with relevant laws and regulations, based on the realities of this city.

Article 2: This regulation defines “person of courageous behavior” as anyone who, in order to protect national or collective interests or the physical safety or property of others, and in spite of the possible risk to his own personal safety, takes action to stop the occurrence of criminal activity, rescues persons, renders emergency aid, or delivers disaster relief.

Article 3: This regulation shall apply to rewards and protection for persons of courageous behavior in this city's jurisdiction.

This regulation applies to persons who are not residents of this city and who demonstrate courageous behavior within this city's administrative region, and residents of this city who demonstrate courageous behavior outside this city's administrative region.

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Article 4: This city rewards persons of courageous behavior and protects their legal interests.

The whole society shall care for and support persons of courageous behavior.

Article 5: The news media department shall promptly publicize courageous acts, and report activities which award and protect persons of courageous behavior.

Article 6: The municipal, district, and county People's Government shall be responsible for the work of the reward and protection for persons of courageous behavior. The Civil Affairs Department shall be responsible for the daily routine work. All other relevant departments will closely coordinate with such tasks.

Article 7: In accordance with the law, the city, district, and county shall establish a Persons of Courageous Behavior Foundation or a Persons of Courageous Behavior Fund (the Foundation's fund and Persons of Courageous Behavior Fund hereinafter shall be referred to as Courageous Behavior Fund).

The Courageous Behavior Fund shall be used for rewarding persons of courageous behavior and financially assisting persons disabled as a result of their courageous behavior and other costs/expenses. Use and management of the fund shall, in accordance with the law, accept the supervision of relevant departments and the social community. This city encourages *danwei* and individuals to donate to the Courageous Behavior Fund.

Article 8: When the district and county civil affairs departments receive reports or applications from an organization or individual about a person of courageous behavior, the departments shall organize verification and confirmation in a timely manner. Organizations and citizens that understand the situation shall actively cooperate with the verification and confirmation work. Beneficiaries of the emergency aid have a responsibility to present evidence to confirm the courageous behavior.

Article 9: People's Governments at all levels and other organs, public organizations, enterprises and institutions shall reward persons of courageous behavior. The rewards shall combine the principles of spiritual

recompense and material reward.¹

Article 10: For extraordinary deeds performed by persons of courageous behavior, district and county People's Governments may decide to confer the title of "Courageous Behavior Activist." For especially extraordinary deeds, upon the district and county People's Governments' recommendation, the municipal People's Government may decide to confer the title of "Capital Good Citizen of Courageous Behavior."²

Article 11: Citizens must support and help persons of courageous behavior, and must promptly deliver an injured person of courageous behavior to a medical institution. Medical institutions shall promptly render medical treatment.

Article 12: For injured persons of courageous behavior that are employed, their *danwei* shall advance the medical treatment costs. If employers cannot advance the costs of medical treatment or if the persons of courageous behavior are unemployed, the Courageous Behavior Fund shall temporarily pay for these costs. In critical situations, the medical institution shall advance the costs of treatment.

Article 13: The medical expenses of an injured person of courageous behavior under different circumstances may be resolved the following ways:

Subsection (1): The tortfeasor shall bear the costs;

Subsection (2): The Social Insurance Institute shall in accordance to the regulations pay the costs;

Subsection (3): The *danweis* shall pay the costs.

In accordance with the provisions of the preceding clause, if these solutions cannot resolve the medical costs or if funding is insufficient, the Courageous Behavior Fund shall pay the remaining expenses.

¹ The phrase *jingshen jiangli he wuzhi jiangli* (精神奖励和物质奖励) has sometimes been translated in other literature as "Spiritual Meed and Material Reward," though the "spirituality" of the reward can also refer to a psychological support.

² The word *shoudu* (首都) means "capital," as in Beijing is the capital city of the country. It also has the connotation of being exemplar or model.

Article 14: Injured persons of courageous behavior who are employed by agencies, community organizations, and institutions shall be considered to be in normal work attendance during their period of medical treatment. All such *danweis* shall not deduct wages, bonuses or reduce the benefits of a person of courageous behavior. Persons of courageous behavior who are employed as enterprise staff shall, in accordance with the Municipality's Enterprise Labor Insurance, enjoy employment injury benefits. Unemployed persons of courageous behavior shall be given economic assistance from the district and county Courageous Behavior Funds.

Article 15: For persons who are disabled as a result of their courageous behavior, all relevant departments shall evaluate the disability in accordance with the law and treat the disability in accordance to national laws and regulations relating to work-related injuries.

Article 16: For persons of courageous behavior who sacrifice their lives, compensation shall be managed in accordance to relevant national laws relating to work-related deaths. In accordance with the relevant national provisions, the person of courageous behavior may be approved as a Revolutionary Martyr and his relatives will enjoy the preferential treatment of national martyrs.

Article 17: For persons of courageous behavior who lose their lives or become disabled and lose capacity to work, and whose families have no other source of income, the district and county People's Government that they live in shall help the family members increase occupational income and implement measures to address the loss of income.

Article 18: The district and county People's Government shall give financial subsidies to the relatives of persons of courageous behavior who lose their lives or become disabled if they face practical difficulties paying for housing, medical expenses, children's school fees, etcetera.

Article 19: Persons of courageous behavior who have been awarded honorary titles by the district, county, and higher levels of the People's Government, shall enjoy preferential treatment in employment, school admissions, enlistment, etcetera.

Article 20: Should persons of courageous behavior or their relatives face retaliation, and should such retaliation threaten their personal safety or

property, public security organs shall take effective measures to protect these interests.

Those that retaliate against persons of courageous behavior shall be handled by relevant authorities in accordance with the law.

Article 21: Departments and their staff who are responsible for the reward and protection of persons of courageous behavior that commit fraud, fraudulently practice favoritism, abandon their duty, or abuse their authority shall be given administrative sanctions by competent authorities. The aforementioned acts constitute a crime and such persons shall be held criminally responsible.

Article 22: To assume the legal or implementation obligations of this statute, in accordance with other relevant provisions, all relevant departments³ shall reward and protect the actions stipulated in Article 2 of this regulation.

Article 23: This regulation's use of "relatives" is defined as the spouses, children, and parents of persons of courageous behavior, including any dependent sibling under the age of eighteen and anyone who was once dependent on the courageous person's relatives and now relies on them for his or her livelihood.

Article 24: The Municipal People's Government shall establish the implementation measures for this regulation.

Article 25: This regulation shall be effective on August 1, 2000.

³ The translators inferred by context that the regulation is referring to all relevant departments, though Article 22 makes no mention of a subject for the provision.