



中国检察机关依法参与环境治理情况

Role of Chinese Prosecutors in Environmental Protection

主讲人：黄卫平

Huang Weiping



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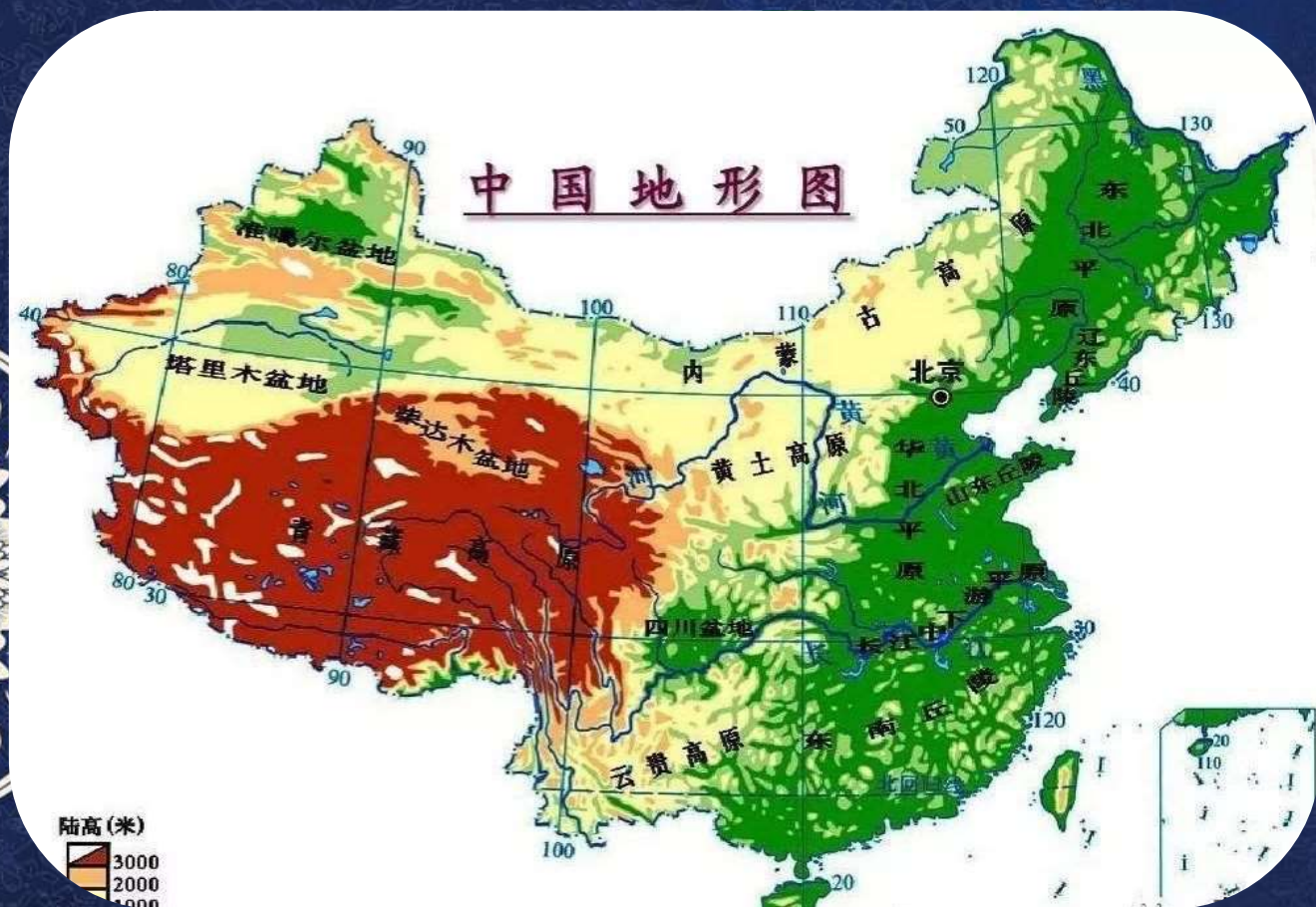
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一、中国环境保护发展理念及现状

Guiding Principles and Current Status of Environmental Protection in China





世界上生物多样性最丰富的国家之一，
 高等植物35000多种，居世界第三位;脊椎动物8000余种，已记录海洋生物28000余种。

中国 China

国土面积 960万平方公里

Land Area: 9.6m km²

森林面积 约2.08亿公顷

Forest: 208m hectares

草原面积 约4亿公顷

Grassland: 400m hectares

水资源总量 32466.4亿立方米

Water Resources: 3.24664t m³

One of the countries with the richest biodiversity in the world, including over 35,000 species of vascular plants, third highest in the world, and > 8,000 species of vertebrates, >28,000 types of marine life

中国古代哲学自然观

Ancient China's Philosophy of Nature

- 人与自然和谐共生 Men and Nature Live in Harmony
- 道法自然 Tao Follows the Laws of Nature
 - 人法地，地法天，天法道，道法自然 Man follows the laws of the Earth, the Earth follows the laws of Heaven, heaven follows the laws of Tao, Tao follows the laws of Nature.

——《道德经》*Tao Te Ching*

天人合一 Man is an Integral Part of Nature

天地者，万物之父母也。The universe conceives all living creatures.

——《庄子·达生》Chuang Tzu, *Mastering Life*

地者，万物之本源，诸生之根苑也。The Earth is the origin of everything, the source of all living creatures.

——《管子·水地》Guan Zi, *On Earth and Water*

中国政府 绿色发展理念 Chinese Government: Green Development

中国明确把生态环境保护摆在更加突出的位置。绿水青山就是金山银山。我们绝不能以牺牲生态环境为代价换取经济的一时发展。Environmental protection shall be one of the top priorities of China. Lucid waters and lush mountains are invaluable assets. We shall never achieve economic development at the cost of environment. It is not sustainable. ——习近平 Xi Jinping



- 将节约资源和保护环境确立为基本国策 Nature conservation and Environmental Protection as Fundamental National Policies
- 将可持续发展作为国家发展战略 Sustainable Development as National Development Strategy
- 全面加强生态环境保护，打好污染防治攻坚战 Step up efforts at all fronts to protect the environment and to win the hard war against pollution



2017年全国338个大城市可吸入颗粒物（PM10）平均浓度比2013年下降**22.7%**,提前实现到2020年森林覆盖率达到**17%**，碳强度比2005年降低**40%-45%**等目标和承诺。In 2017, PM 10 dropped by 22.7% compared to 2013 levels in 338 major cities, forest coverage rate reached the goal set for 2020 at 17% earlier than planned , carbon intensity dropped by 40%-45% compared to 2005 levels.

实施生物多样性保护重大工程，建立440余个生物多样性观测样区。Key projects to protect biodiversity are implemented with over 440 biodiversity monitoring sites established. 建成自然保护区2750处，自然保护区陆地面积约占全国陆地总面积的近14.9%。国家级自然保护区达463个。2,750 nature reserves established, accounting for 14.9% of total land area in China. Among them, 463 are national level Reserves.



二、中国检察机关在保护环境方面发挥的作用

Role of Prosecutors in Protecting the Environment



1. 依法打击破坏环境资源犯罪，形成有力震慑

Prosecutions for Environmental Crimes-Effective Deterrence



《刑法》专门规定了污染环境罪、非法采矿罪、盗伐林木罪等15个涉及破坏环境资源的犯罪。15 Crimes of undermining environment and resource were stipulated in the Criminal Law of China: crimes for causing environmental pollution, crimes for engaging in illegal mining activities, crimes for stealthily felling trees or other woods and etc.

过去五年来，全国检察机关从严打击污染大气、水源、土壤以及进口“洋垃圾”、非法占用耕地、破坏性采矿、盗伐滥伐林木等破坏环境资源犯罪，共起诉13.7万人，



较前五年上升59.3%。Over the past five years, prosecutors across China tackled environmental crimes involving air, water and soil pollution, import of wastes, illegal occupation of farmlands, destructive mining, stealthy and arbitrary felling of tress and etc. 137,000 criminals have been prosecuted, a 59.3% rise over the previous five-year period.



中国检察机关依法办理腾格里沙漠污染案

Tengger Desert Pollution Case by Prosecutors

腾格里沙漠位于内蒙古、宁夏和甘肃交界处，是中国的第四大沙漠，分布着诸多第三纪残留湖，地表有诸多国家级重点保护植物，是国家级自然保护区之一。

2014年，中国部分媒体报道腾格里沙漠腹地建立了工业区，其中一些化工企业私设暗管将未经处理的污水排入沙漠腹地，对腾格里沙漠生态环境造成严重危害。

Tengger Desert is located where Inner Mongolia, Ningxia and Gansu meet. It is the fourth largest desert in China with many Tertiary Period lakes. It is a national-level Nature Reserve Area with many key protected plant species.

In 2014, media reported the establishment of an industrial park in the center of the desert with several chemical companies discharging untreated industrial wastewater directly to the desert through hidden pipelines, causing severe damage to the ecosystem of the desert.





中国检察机关依法办理腾格里沙漠污染案 Tengger Desert Pollution Case by Prosecution

最高人民检察院与国家生态环境部、公安部等部门共同组成督查组，深入现场督查，发现多家公司违法排放工业废水，严重污染生态环境。

检察机关以涉嫌污染环境罪对6家化工企业和10名责任人提起公诉，立案侦查涉嫌渎职犯罪国家机关工作人员4人，并依法提起公诉，追究刑事责任。

The Supreme People's Procuratorate, the Ministry of Environment and Ecology and the Ministry of Public Security formed an inspection team to visit the site, finding many companies discharging wastewater against the law, causing severe damage to the environment.

Public prosecutions were filed against six chemical companies and ten people-in-charge under environmental pollution crime; four government officials were also held criminally liable for dereliction of duties





2. 依法履行诉讼监督职责，坚决防止有案不立、以行政处罚代替刑事处罚等问题 Prosecutors' Role in Supervision over Proceedings – Prevent failure to file cases and imposing of administrative penalty in place of criminal penalty

诉讼监督

Supervision over Proceedings

中国检察机关依法履行诉讼监督职能，包括对刑事立案、侦查、审判活动和刑罚执行活动进行监督。

Prosecutors are responsible for supervision over proceedings in accordance with the law, including supervision over filing of criminal cases, investigation, trials, and enforcement of criminal penalties.

多部门合作

Intra-department Cooperation

中国检察机关与行政执法机关、公安机关建立信息共享、案情通报、案件移送制度，连续四年开展破坏环境资源犯罪专项立案监督活动，依法办理一批重大案件。

Systems for information sharing, case information release, and case transfer have been established among procuratorates, administrative organs and public security organs. The Special Supervision Program on Filing of Environmental Criminal Cases has been implemented for four years in a row, tackling many serious environmental crimes.



中国检察机关保护祁连山自然保护区生态环境案例

Protection of Qilian Mountain Nature Reserve by Prosecutors

祁连山国家自然保护区位于中国甘肃省，总面积260余万公顷，是中国西北地区重要的生物种质资源库和野生动物迁徙的重要走廊，是黄河、青海湖的重要水源补给区。

几年前，该地区出现违法开采矿产资源，违法建设水电设施等破坏环境犯罪。

2017年，检察机关依法起诉破坏祁连山环境资源的犯罪嫌疑人，积极履行诉讼监督职责，建议行政执法机关移送犯罪线索37件64人，督促公安机关立案侦查20件21人。



Qilianshan National Nature Reserve is located in Gansu Province with a total area of over 2.6m hectares. It is an important biological gene pool and a key wildlife migration corridor in Northwest China. It marks a major source of water for the Yellow River and the Qinghai Lake.

Several years ago, the Reserve saw environmental crimes such as illegal mining activities, illegal establishment of hydropower facilities.

In 2017, while filing cases to hold criminal suspects for damaging the environment and resources of the Qilian Mountain liable, the prosecutors also performed its duty to supervise proceedings – Through issuing suggestion notices to administrative organs, 37 crime clues involving 64 people were transferred, while by urging public security organs to act, 20 cases involving 21 people were investigated.



3. 维护公共利益，检察机关加大公益诉讼力度 Prosecutors' Greater Role in Public Interest Litigation

2015

检察机关开始为期二年
公益诉讼试点
2-year Pilot
Programs on PILs
Filed by Prosecutors

2017

全国人大常委修改《民事诉讼
法》、《行政诉讼法》
Amendments to Civil
Procedure Law and
Administrative Procedure
Law passed by the NPC

2018

“两高” 出台《关于检察公益诉
讼案件适用法律若干问题的解释》
Judicial Interpretations on
the Application of Laws for
PILs Filed by Prosecutors
issued by the SPP and SPC

检察机关作为公共利益的代表，履职过程中发现破坏生态环境和资源等损害社会公共利益的行为，可以提起公益诉讼；向有关行政机关提出检察建议；对不依法履职的行政机关提起诉讼。

Prosecutors as representatives of public interests may, while performing their duties, file public interest litigations, if activities damaging public interest including damaging environment and resources were found; procuratorial advice can be issued to administrative organs to urge them to act; for administrative organs who failed to perform their duties in accordance to the law, litigations can be filed against them



近期检察机关办理公益诉讼数据 Data of PILs filed by Prosecutors

办理生态环境和资源保
护领域公益诉讼案件

6335件

6335 environmental
PILs

督促恢复被污染、破坏的耕地、
林地、湿地、草原

15.2万亩

152,000 mu polluted and
damaged arablelands,
forest lands, wetlands and
grasslands are recovered



督促治理恢复被污染
水源面积

284余平方公里

Over 285 km² of
polluted watersources
were recovered

督促违法企业整改

1451家

1451 non-compliant
companies were ordered
to rectify



长江流域生态环保专项检察工作 Prosecutors' Special Environmental Program on Protecting the Yangtze River Basin

2018年最高人民检察院在重庆、湖北、安徽、江苏等长江沿线11个省市检察机关，部署开展长江流域环保专项检察工作。

Led by the SPP, 11 provincial-level procuratorates including procuratorates of Chongqing, Hubei, Anhui, Jiangsu and others (provinces along the Yangtze River) launched the Prosecutors' Special Environmental Program on Protecting the Yangtze River Basin





中国检察机关提出生态环境损害赔偿案例 A case involving Ecological Damage Compensation Filed by Prosecutors



2018年9月14日，江苏省南京市鼓楼区检察院起诉南京科胜水务有限公司，接受排污企业高浓度废水，私设暗管排入长江，要求被告承担损害赔偿 responsibility 3.8亿元。

On Sept 14th, Procuratorate of Gulou District of Nanjing Municipality of Jiangsu Province filed a case against Nanjing Kesheng Water Company Ltd., who accepted the transfer of high concentration wastewater from other companies without and discharged the it directly into the Yangtze River through concealed pipelines set up without authorization.

The defendant was requested to be liable for environmental damage compensation of RMB 380m.



三、几点倡议 Suggestions



1.增强全民环保意识，对破坏环境的行为零容忍。Improve the public's environmental awareness, zero-tolerance to activities that may damage the environment

——检察机关积极参与环境治理，强化与本国相关行政及司法部门协调配合
Active role of prosecutors in environmental protection, with focus on cooperation among administrative and other judicial organs

——严厉惩治环境违法犯罪severe punishment for env crimes

——开展案例警示教育cases release to the public to enhance deterrence

2.加强环境保护领域的司法协助
Greater judicial assistance in environmental cases

3.加强负责环境保护检察官的国际交流。
Enhance international exchanges

良好的生态环境是全球人民最普惠的民生福祉。A healthy ecosystem matters to the well being of all people around the world.

中国检察官愿意与欧洲各国检察官携手努力，共同解决全球环境治理中的司法难题，共同维护美好地球家园。Chinese prosecutors are willing to work together with our European colleagues to guard our planet by using the tool of law.



The slide features a dark blue background with intricate white floral and scrollwork patterns in the corners. A large, central mandala-like flower is positioned on the left side. The text is centered in the middle of the slide.

感谢聆听
**Thank you for your
attention!**