Human Rights Protection Becomes a New Principle of Extradition System

In addition to the impact of human rights protection on the principle of non-extradition of political prisoners and death penalty, the most important thing is that human rights protection has become an independent principle in extradition agreements. Mainly manifested in the following aspects:

Non-discrimination Clause

The non-discrimination clause is also called: "human rights clause" or "political prosecution clause" (Zhang, 2004). The non-discrimination clause is generally stated as: If there are significant reasons to believe that after extradition, the accused will be prosecuted or punished because of his race, religion, nationality, participation in social groups or political opinions, or his situation will become difficult for any reason, and extradition is not allowed. Therefore, the provisions of the "non-discrimination clause" can better protect the basic human rights of such extradited persons who commit crimes for political purposes but are not within the scope of "political prisoners".

No Torture or Inhuman Treatment Clause

The definition of "torture" first appeared in a document adopted by the United Nations General Assembly in 1975. Because torture and other cruel, inhuman, and degrading punishments are attacks on the core part of human rights, the prohibition of torture has been established as an absolute right without any restriction in universal and regional international human rights documents. Torture has become an important part of the principle of human rights protection in refusing extradition.

Fair Trial Acquisition Clause

Ensuring that the person requested for extradition receives a fair trial is an important way to protect their basic human rights. International treaties also provide for this right. For example, article 14(1) of the "International Covenant on Civil and Political Rights" provides that a legally established, qualified, independent and unbiased court has the right to conduct a fair and public trial. The extradited person should enjoy the right to a fair trial, and this concept of human rights protection is also reflected in the extradition treaties and conventions. The extradition laws of some countries also use unfair trials as a compulsory reason for refusing extradition. For example, article 8 of New Zealand "Extradition Act 1999" regards the criminal prosecution activities concerned as "incompatible with the requirements of impartial administration of the law" as one of the reasons for refusing extradition.

Humanitarian Clause

Humanitarian clauses in extradition are usually used as optional grounds for refusal to execute extradition. Humanitarian clauses include two aspects: (1) age, that is, extradition for minors or elderly people. (2) health status, that is, the person requested for extradition suffers from serious illness and is not suitable for trial,

imprisonment or execution of extradition. Article 4(2) of the "Sino-Russian Extradition Treaty" stipulates: "If the requested party considers the nature of the crime, but believes that in the criminal case, due to the age, health and other personal circumstances of the requested party, the In accordance with humanitarian principles", extradition can be refused. However, each requested country should respect the will of the requested person, in addition to its own legal standards, within the scope of its discretion to examine whether it is in conformity with the humanitarian spirit and whether to grant extradition.

Non Bis in Idem Principle

"Non Bis in Idem Principle" (continental law system) or "The Rule against Double Jeopardy" (Anglo-American Legal System) originated from the idea that "no one should suffer twice." In criminal proceedings, it is not allowed to conduct two trials and impose two penalties on the same case, otherwise it will cause new injustice. Therefore, "several lawsuits, especially criminal lawsuits, that are competing against the same facts should be mutually absorbed." The basic spirit of the principle lies in safeguarding the justice and authority of the judicial trial, and realizing the value of the litigation economy, but its fundamental significance lies in protecting the human rights of the criminal prosecution.

The Legislative Spirit of China's Extradition Law from the Perspective of Human Rights Protection

China's "Extradition Law" was promulgated relatively late, mainly including the procedural guarantees for the rights of the person whose extradition is requested, and most of the content draws on the international extradition conventions. The legislative purpose stipulated in China's "Extradition Law" reflects the emphasis on the protection of the rights and interests of the requested extradition: ensuring the normal conduct of extradition, strengthening international cooperation in punishing crimes, protecting the legitimate rights and interests of individuals and organizations, and safeguarding international interests and social order . Secondly, the "Extradition Law" has detailed provisions on the rights of the person who is requesting extradition. Article 8 takes "political prisoners, military criminals, torture, and default judgments" as compulsory grounds for refusing extradition; Article 9 takes "the principle of disregarding one matter and the principle of humanitarianism" as arbitrary grounds for refusing extradition. The provisions of these clauses conform to both the legislative direction of the world's extradition system and the legislative purpose of our country to protect the basic human rights of extradited persons. Since China is currently one of the countries that use the death penalty most in the world, in order to ensure the equality and uniformity of the existing laws, the principle of non-extradition of the death penalty has not been included in it.

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A Research on Service Outsourcing Industry Agglomeration and Competitiveness in Anhui Province

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Abstract

The service outsourcing industry agglomeration in Anhui province has begun to take shape, but compared with the developed provinces, its service outsourcing started late. Although the development speed is very fast, the gathering effect is not obvious, and the relative gathering level is declining, there is still much room to improve the competitiveness of service outsourcing industry. On the basis of analyzing the present situation of service outsourcing in Anhui province, this paper puts forward the countermeasures of developing service outsourcing in Anhui province from three levels: government,service outsourcing industry and enterprise.

Keywords

Service outsourcing; Industrial agglomeration; Competitiveness

Development Situation of Service Outsourcing in Anhui Province

Since 2006, Anhui Province has been actively promoting the development of service outsourcing industry, especially in Hefei city, which has been approved as a model city for service outsourcing in China, it's model named "One basic city + three demonstration zones" has speeded up and deepened the development of service outsourcing industry. The service outsourcing industry in Anhui has been developing healthily and rapidly, and the scale of the service outsourcing industry has been expanding very fast. By the end of Apirl, 2018, the number of enterprise dealing in service outsourcing in Hefei has reached 485 and more than 180,000 people were employed in the service outsourcing industry. The implementation Contract amount has increased to 15.588 billion yuan in 2018, equivalent to 19 times of 2010. From Small and micro enterprises to eight enterprises selected as country's service outsourcing growth enterprises, all these showed up the development of service outsourcing industry in Anhui Province. At present, Hefei has formed five service outsourcing industrial clusters, which are software R&D, Call Center, financial outsourcing service, animation network game design, data analysis and processing.

Through demonstration and leading by example, the service outsourcing industry in Hefei has begun to show up agglomeration effect and become one of the important sites of undertaking service industry during the

transfer of service industry from Changsanjiao zero and abroad. More than 70 percent of the city's outsourcing enterprises concentrate in six demonstration zones which are of the provincial level and undertake more than 80% outsourcing business. Many well-known enterprises such as Cisco, Mediatek, United Parcel Service, Elong, SF Express, EFSPost and Huatuo digital have entered demonstration zone, lots of local service outsourcing leading enterprises, such as Iflytek, HKUST national innovation, Yide manpower has been growing up sucessfully.

However, the service outsourcing enterprises in Anhui also have its problems. On the one hand, "Focusing on form but loose in effect", Although each service outsourcing enterprise has a close geographical location, but they lack contact each other,then they can not excavate the collaborative resources of enterprises, so they can not play to gathering effect. On the other hand, "A small fortune makes a small fortune", with the development of the outsourcing industry, the demand for enterprise's independent innovation ability has become higher and higher, however, the development of independent innovation capability requires huge investment, and there are many potential risks behind such investment. Most enterprises are short-sighted, lacking long-term vision and do not consider innovation, so it is difficult for them to form long-term competitive advantages, all these are not conducive to the sustainable development of enterprises.

Swot Analysis of Service Outsourcing Industry Agglomeration in Anhui Province

Advantages of Service Outsourcing Industry Agglomeration in Anhui Province

The advantages of service outsourcing industry agglomeration in Anhui province are obvious. Anhui province already has a national service outsourcing demonstration city: Hefei and two provincial service outsourcing demonstration cities: Wuhu and Ma an Shan, from the distribution of the province's software industry, Anhui province has formed a development model with Hefei as the center, Wuhu, Ma'anshan and other cities following up rapidly, and the position of Hefei as the leader has been constantly highlighted. Hefei has14 enterprises selected in the top 20 software of 2015 in Anhui Province, so Hefei city shown remarkable strength in service outsourcing industry.In the first quarter of 2015, Hefei Software Enterprises completed the main business revenue of 2.55 billion yuan, accounting for 74.8 percent of the province's software industry. And of these three cities, the service outsourcing industry is also concentrated in the three national service outsourcing demonstration zones in Hefei (Anhui service outsourcing industrial park, Hefei Economic and Technological Development Zones and Hefei high-tech development zone) and two provincial demonstration zones (Wuhu Economic and technological development zone and Maanshan Huashan Jingkai District), therefore, from the existing service outsourcing pattern, Anhui service outsourcing industry has begun to take shapeIndustrial agglomeration , and benefit from this agglomeration effect.

Anhui province outsourcing industry environment is also constantly optimized, developing outsourcing industry is at the right time. The Government of Anhui Province classifies service outsourcing industry as the growth field of service industry and supports it vigorously. Hefei has convenient transportation: one hour to Nanjing, two hours to Wuhan, Shanghai, four hours to Beijing. Hefei, as a national science and education city, with more than 100 universities and 400,000 talents per year, has unique advantages in the quantity and

quality of service outsourcing talents. All these favor a solid foundation for Anhui province, especially Hefei city, to develop service outsourcingIndustrial agglomeration.

Disadvantages of Service Outsourcing Industry Agglomeration in Anhui Province

In Anhui Province, service outsourcing has established main industrial clusters : service outsourcing demonstration zone, but the overall strength of these service outsourcing industrial clusters is not strong, due to the small size of enterprises and few enterprises obtaining international certification, the enterprises in the region are less capable of receiving orders than those in the developed cities. Although there are leading enterprises such as Iflytek among the enterprises in the demonstration zone, the demonstration effect of the advanced enterprises on their counterparts is not obvious, because the enterprises in the zone are not closely connected with each other, it limits the sharing of talent, information, technology and other resources among enterprises in the agglomeration area, and thus fails to reduce the cost of searching resources; Only 8 enterprises have been selected in the top 100 list of China's service outsourcing growth enterprises. The starting point of the agglomeration area is low, and the degree of concentration, concentration and concentration is poor; The infrastructure of the agglomeration area is not matched, the construction of the service platform is lagging, and the management mode is not clear, all these s weaken the attractiveness of outsourcing enterprises to invest in the park (region) ; The in the demonstration zone developed unbalancely, of industries in the region, the level of outsourcing business is low; The development of service outsourcing industry cluster is restricted by the poor cooperative innovation ability of enterprises in the region, and the failure to give full play to the technology spillover effect of industry cluster.

Opportunity of Service Outsourcing Industry Agglomeration in Anhui Province

On September 25, 2014, the State Council issued "the guiding opinions to promote the development of the Yangtze River Economic Belt relying on the golden waterway" positioning Hefei as the sub center of the global city, which stands side by side with Nanjing and Hangzhou. For the first time, it was positioned as a national comprehensive transportation hub, inland economic open highland and international urban area. On March 28, 2015, the National Development and Reform Commission, the Ministry of Foreign Affairs and the Ministry of Commerce jointly issued "a vision and actions for building the Silk Road economic belt and sea route of Silk Road", Hefei is one of the key city of the Belt and Road. The above two national strategies made Hefei increasingly prominent as a "Bridgehead" and "Throat" in China's economic map and even in the world. The rapid development of service outsourcing industry in Hefei will have more expanding opportunities and broader international market space. In addition, the international financial back-office service base located in Binhu District new area of Hefei, will also release huge market space in the field of service outsourcing.

The Threat of Service Outsourcing Industry Agglomeration in Anhui Province

Developing service outsourcing has become an important policy choice for many provinces to upgrade and transform their industries. All provinces are actively encouraging the development of service outsourcing and competing for undertaking service outsourcing. But on the one hand, due to the rising labor and property costs, and inflation have made China less attractive than it used to be, the increasingly fierce in the interna-