



China

Country Background

The People's Republic of China is the world's second largest, and fastest growing, economic entity. It is also one of the most significant global political powers. Yet, while economic reforms have brought tremendous wealth to China's city and coastal regions, the vast majority of the country is still mired in poverty. The most vulnerable are the 300 to 400 million people living in the country's vast rural areas; it is these rural populations who are most likely to fall victim to limitations in the criminal justice system. In addition, rural to urban migrant workers, many of whom live illegally in China's cities, face discrimination and extreme difficulties accessing social services such as Legal Aid.



IBJ legal training seminar

During the Cultural Revolution, China's justice system completely collapsed and it was only in 1979 that it began to be slowly rebuilt with the gradual re-admission of lawyers. Despite this progress, China still has a total of only 200,000 lawyers for a population of more than 1.3 billion. It is noteworthy that the vast majority of these lawyers are concentrated in the major cities and some have had little or no formal legal education and training in particular. In addition, many lawyers continue to regard the practice of criminal defense as a high-risk profession due to mounting obstacles at every stage of the proceedings. It is therefore not surprising that many attor-

neys have been unwilling to handle criminal cases and that an exceptionally high percentage of criminal defendants remain unrepresented by counsel at trial.

Window of opportunity

The good news is that tremendous changes are afoot in the Chinese criminal justice system. China has amended its Constitution and recently amended its Criminal Law for the eighth time since the late 1990s. It is in the process of amending its Criminal Procedural Law to bring it closer to internationally accepted standards and has also begun the historic task of erecting a nationwide system of Legal Aid, with responsibility placed at all levels of government. These reforms provide a clear framework for the rights of Chinese individuals and empower the courts to enforce these rights.

It is testament to China's efforts that there are now over 3,200 Legal Aid centers across the country. Yet, the efficacy of some of these centers remains marginal. Many are without the most basic resources necessary to carry out an effective defense. Some centers lack even a single staff member and many others are run by those with no legal background, training, or financial support.

Seizing the opportunity offered by recent changes, IBJ has been working in partnership with these government centers and other stakeholders in the criminal justice system to support an emerging class of attorneys and to contribute towards the development of China's criminal justice system.



Advisement of rights campaign



A decade of IBJ and China - The Highlights

What we do:

- IBJ holds trainings for legal professionals and police, covering a wide range of criminal defense skills and modern scientific investigative techniques.
- IBJ hosts roundtables and workshops bringing together different legal professionals and government officials to discuss ongoing challenges within the criminal justice system.
- IBJ organizes widespread rights awareness campaigns covering all 32 provincial regions.
- IBJ runs a Duty Lawyer Program in Shaanxi Province providing early access to competent legal counsel.
- IBJ conducts social investigation background reports for juvenile defendants to encourage alternatives to incarceration.

The IBJ China Defender Program has been one of the most successful and long-running programs the organization has undertaken. Since the beginning of our partnership with the Chinese National Legal Aid Center (NLAC) in 2001, IBJ has made a significant impact on the conditions of public defense in China and has contributed to a nationwide transformation of the criminal justice system.

Three DRCs covering 32 provinces in China

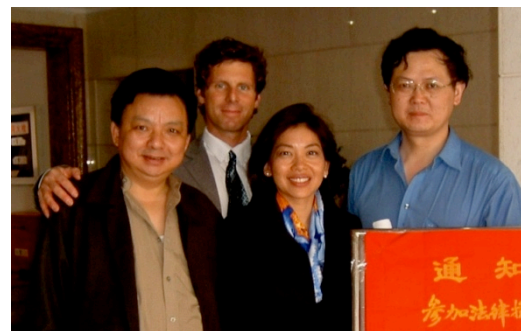
At the core of IBJ's approach are three Defender Resource Centers (DRCs) located in northeast, northwest and southeast China. IBJ's DRCs have amassed a network of local and national partners that advance China's rule of law from the Chinese perspective. IBJ serves as the bridge between these dedicated partners and the attainment of greater rights protection. At each of the DRCs we empower criminal defense attorneys by encouraging initiatives that promote fundamental legal rights and build supportive networks within the legal community. The DRCs also conduct trainings for defense law-

yers in crucial advocacy skills and organize rights campaigns. On the national level, we conduct police trainings, support the development of criminal defense clinical programs at fourteen universities, and create distance learning modules accessible to defense lawyers throughout China.

First pilot DRC in Anhui



Lawyers at the Anhui DRC



Karen Tse with Director of Provincial Legal Aid

In June 2004, the pilot Regional DRC was opened in Hefei, Anhui province. Through this initial DRC, we equipped four model Legal Aid centers across the province and trained a core team of Legal Aid lawyers from those centers. These lawyers have in turn trained many other lawyers in the province, thus significantly improving the environment for the local criminal defenders. By partnering directly with the Anhui Justice Department and the Anhui Provincial Legal Aid Center, IBJ has successfully achieved a change in practice resulting in greater access to counsel. Anhui Regional Defender Resource Center has demonstrated its ability to make advancements



in both the quality of representation provided to the accused and contribute towards improved implementation of China's criminal laws.

Three other DRCs have been established since then. In 2005, IBJ opened an operations base and national DRC in Beijing, to serve as a strategic hub for its national initiatives and northeast regional programming. The Northwest DRC established in 2007 in Xi'an has developed strong cooperative relationships with local procuratorates, bar associations, Legal Aid centers, private lawyers, and law schools, and is building a robust justice community to promote justice sector reform. The Southeast DRC was established in 2009 in Wuhan. In

cooperation with Wuhan University School of Law, more than 20 trainings and roundtables have been organized by this newest of the DRCs. Our achievements in China

Defense Trainings

From 2002 to 2011, we have trained 11,259 legal professionals, including lawyers, judges, prosecutors, police officers, government officers, and law school professors. During these trainings, over 15,000 copies of training materials have been distributed.



Participants and trainers of a lawyer training in 2003



The scope of our trainings are broad yet practical. They have included general and specific defense skills training for Legal Aid as well as private lawyers taking defense cases and modern scientific investigative technique trainings for police. Our trainings have also reached out to lawyers practicing in remote areas of Yunnan, Guizhou, and Ningxia,

where the Legal Aid system is greatly needed but severely lacking.

IBJ's trainings help improve the professionalism of the justice system in many ways. For example, one surveyed participant at a defense training in Handan, Hebei Province in August 2011 commented that "the training helped lawyers to gain knowledge as well as confidence." Another lawyer at a March 2011 training in Xi'an remarked: "I always read my paper in court, seldom look at the judges or react to their response, and I dare not to speak out in front of people; that is because I lack the confidence of my presentation, and I don't know how to effectively present. I like today's presentation very much, these steps will surely help me a lot."



eLearning to reach out to thousands across China

Our eLearning project additionally provides interactive online learning for lawyers and Legal Aid workers located in these regions, teaching them skills relevant to all stages in the proceedings, from client interviewing to appeal. In partnership with the Criminal Law division of the All China Lawyers Association, IBJ has posted 22 modules to date, teaching lawyers across China basic advocacy skills. Six of these modules follow a fictional defendant, Fan He, through his case.

In the first Fan He module, lawyers review client interview techniques. As they progress through the series, they are taught how to analyze the substantive law, develop a theory of the case, interview witnesses, and apply for missing exculpatory evidence. Current modules in development take the lawyer through the final phases of a case, all the way through appeal. Development of these learning tools is a collaborative effort with Beijing-based law professors, lawyers, and international IBJ staff.

Roundtables and workshops

We have hosted 72 roundtables attended by 1,643 participants. These events have covered key cases and their significance, ongoing judicial reforms, and the role of public interest law in strengthening the rule of law in China.



Roundtable event organized by IBJ



The roundtables and workshops bring different stakeholders in the justice community together and foster mutual understanding about priorities within the justice sector in China. Notably, our Xi'an Lawyers Salon, which began in mid-2010, is now a monthly event where local lawyers gather together to share case strategies and find professional support.

Rights Awareness Campaigns

Since 2003, IBJ has organized widespread annual rights campaigns in cooperation with Legal Aid centers, universities, justice institutions, and various government bodies. The campaigns have covered all 32 provincial regions in China, including urban and rural areas. Distributed brochures and posters have targeted minority populations, urban migrant workers, and other vulnerable groups.

In 2005, IBJ held the campaign along the historic Long March route which transformed the landscape of China 70 years ago. In devising the Long March to Justice Campaign IBJ aims to transform the legal consciousness by informing ordinary citizens of their rights and privileges. Participants used a number of creative and unique approaches to implement the objectives of the campaign among them:

- Distributing "Advisement of Rights" brochures
- Conducting individual counselling sessions
- Visiting detention centers and prisons to speak with detainees about their procedural rights
- Targeting vulnerable communities, such as potential juvenile offenders,
- Conducting community roundtables
- Holding a Moot Court, designed to highlight the key elements in the Chinese criminal justice system

Over 20 law schools and 50 Legal Aid centers have been involved in the effort, with over 3,000 law school students and volunteers enthusiastically participating in these campaigns. Justice sector officials including police officers have also been active in distributing these materials to the public.

Over 60,000 brochures and posters have been distributed and an estimated half-million individuals have been reached through online coverage. In addition, over 5,000 free legal consultations have been conducted on site during these campaigns.



Individual Cases

A total of 139 of these have been taken under IBJ's Duty Lawyer project in 2011. Under this project, IBJ—in cooperation with the Xincheng Procuratorate, the Shaanxi Female Legal Workers' Association, and local law firm partners—takes cases at the pre-trial stage, where lawyers in the Chinese system are able to have the biggest impact. In addition to taking cases, the lawyers involved in the program receive special training in pre-trial advocacy skills and receive mentorship support on individual cases from local and foreign lawyers at our Northwest DRC.

This project has been a success in both preventing prosecution of those innocently accused and finding alternatives to incarceration for juvenile offenders. For example, in October, our client Jing was accused of



stealing from the family for which he was babysitting. The only evidence was hearsay testimony, proof that he was at the location, and a coerced confession. Duty Lawyer Attorney Geng worked hard to demonstrate to the prosecutor the flaws in the confession and lack of verifiable evidence of the crime. Consequently, despite the coerced confession, the prosecutor accepted the defense attorney's recommendation and referred the case back down to the investigative level.

In another case, our client Pengpeng, a seventeen year old migrant worker's child was caught stealing approximately 300 US dollars from the wallet of a car he was cleaning. According to the Chinese Criminal Law, this would carry a sentence of six months to one year in prison. Pengpeng is a secondary school dropout who quit to get a job to support his disabled father. While Pengpeng admitted to the theft, the Duty Lawyer worked to find him an alternative to imprisonment so that he could keep working and not have the stigma of a criminal record. With Pengpeng's cooperation, the victims recovered the stolen funds. While the prosecutor was concerned of the possibility he would reoffend, the Duty Lawyer helped Pengpeng write a letter of apology to the victim and also agreed to help supervise her client for a six month probationary period. The prosecutor accepted the Duty Lawyer's request. Pengpeng was released from detention and not prosecuted. He has now found a new job as a security guard.

Law School Clinics

IBJ supports 14 criminal law clinical programs at law schools nationwide. Under this project, law professors are trained in how to develop clinical programs, create curriculums that provide students with hands-on experience, and deliver an interactive educational program. In addition to receiving training and financial support, clinics are periodically evaluated and schools receive advice on how to improve their programs.

Through these clinics, the next generation of China's defense lawyers is being trained to be both skillful and passionate in their advocacy.

New Projects

The Defender Empowerment Series

IBJ's Defender Empowerment Series (DES) is designed to empower defense attorneys and to improve fundamental deficiencies in the delivery of criminal defense services to the accused by producing a sustainable, self-generating network of expert lawyers and legal skills trainers.

The DES will employ IBJ's train-the-trainer curriculum to build a sustainable cadre of trainers who can replicate IBJ's successful model throughout China. At the outset, IBJ will recruit 36 of the best and the brightest practicing criminal defense lawyers and trainers and help them build their skills to then teach an additional 5,000 dedicated lawyers the art of litigation and the role of defense lawyers in promoting the rule of law. The DRCs will support these trainers with a wide range of training resources and also will incorporate IBJ's work on indigent defense best practice standards into the training events.

Over time the DES will pragmatically transform Chinese criminal defense practices and elevate the professional skills and status of criminal defense attorneys.

Memoranda of Understanding have already been signed by the first 17 participating lawyers and they are scheduled to undergo a training-of-trainers in December 2011.

The Defender Engagement Corps

IBJ's Defender Engagement Corps (DEC) is designed to support the development of the Chinese Legal aid system as a viable mechanism for delivering legal services to the poor. To accomplish this, the DEC project provides trainings and partnerships with domestic law firms to create teams of lawyers specially trained and focused on providing reliable indigent-defendant legal services.



In this program, IBJ will enable five law firms to take more Legal Aid cases and will promote early access to counsel for the indigent accused. Corps members will receive training and mentorship from DES graduates and seasoned criminal defense lawyers at partner law firms. The firms in turn will request additional Legal Aid cases and provide supervision to Corps lawyers. Over the next three years, between 25 and 50 lawyers will defend a minimum of 1,000 legal aid cases.

Three law firms have already signed Memoranda of Understanding with IBJ and have begun taking cases.



Pilot Project of Juvenile Justice

IBJ is beginning three new pilot projects that emphasize early access to counsel in juvenile cases in central, southwest, and southeast China. Partners in the projects include procuratorates, PSB officials, Justice Bureau officials, and local university criminal defense law clinics. IBJ's DRCs are playing a central role in training initial participants, providing mentorship, and documenting results. Successful models developed from these pilot projects will be promoted nationally.

The first two pilots are building the legal community infrastructure so that stakeholders work towards the same goal of protecting fundamental legal rights by facilitating lawyer engagement at the earliest stage

of the case. In one of the pilot locations, Shapingba, one-hundred percent of juveniles are now provided the option to access free counsel at the earliest stages. IBJ is now working to train these lawyers to improve the efficacy of their work. The second pilot will build upon the success of this project as well as the Duty Lawyer project to spread the early access model.

For the third project, IBJ will assist the local procuratorate in establishing an office for pre-trial investigation and develop a mechanism to make social investigation reports available to both the defense and the prosecution. These reports help support juveniles' applications for alternatives to prosecution and incarceration. This pilot is built off an IBJ volunteer-led initiative in 2010 that successfully helped six juvenile accused avoid lengthy detentions.

“International Bridges to Justice represents an incredibly powerful force for systemic social change”

The Skoll Foundation