

# Working with Local Actors to Transform Criminal Justice

*IBJ China Launches Two New Multi-Year Programs in 2013 and 2014*

*“I am neither a famous lawyer, nor a rich lawyer. But when I realize that some clients are very poor, ignorant of the law, and in need of legal aid, I cannot help but to try every means to help them.” Attorney Wang Yanmei, working with IBJ China*

## JUSTICE FACTS:

### China

#### Rule of Law (Percentile Rank)

2013: 40

#### 2014 Prison Population:

1,657,812

119 per 100,000

IBJ was able to reach every province and autonomous region in China in 2013 and 2014. With its live and online trainings, rights awareness campaigns, community building activities, and pilot projects in local districts, IBJ took significant steps forward in its mission to improve the rights of the accused. IBJ China works out of three offices, with the National Defender Resource Center (NDRC) in Beijing, the Southeast Defender Resource Centre (SEDRC) in Wuhan, and the Northwest Defender Resource Centre (NWDRC) in Xi’an.

IBJ has worked diligently to push forward a criminal justice system that is truly able to protect the rights of the accused. We were delighted when IBJ and many others’ efforts advocating for legal reform culminated in China introducing a new Criminal Procedure Law (CPL), which came into effect on January 1, 2013. The new CPL greatly improves aspects of the legal system by expanding legal protection, introducing provisions for securing witness testimony in court, outlining new pre-trial procedures, excluding the admissibility of illegally obtained evidence, expanding the role for defense attorneys at early stages

of a case, and developing procedures for special juvenile cases.

IBJ’s activities in China were conducted under the framework of three major multi-year projects: the China Defender Resource Center Project, the China Defending Marginalized Populations Project, and the Next Generation Chinese Rights Defenders Project.

Under the umbrella of the China Defender Resource Center Project, several capacity building activities were conducted. This included a train-the-trainer initiative called the Defender Empowerment Series (DES), an early access case-intake project consisting of five Defender Engagement Corps (DEC), a set of juvenile justice initiatives, rights awareness activities, and a series of salons and symposia aimed at developing solutions to criminal justice problems and

building the criminal justice community.

Under the DES initiative, we accredited 42 new IBJ expert trainers. IBJ’s efforts at building capacity through training expert trainers filled a major gap in the local legal landscape. IBJ’s new DES trainers went on to equip 5,194 legal professionals with advocacy skills through 54 trainings across 16 provinces and administrative zones.

Through our five DEC teams operating in Shaanxi, Hubei, Fujian and Shandong Province, and the cities of Beijing and Tianjin, IBJ’s work extended beyond training and provided access to IBJ-mentored counsel for 450 individuals during 1,019 case stages. As one judge in an IBJ pilot district reported: “After the start of the program, the lawyers were given early access to the cases at the police station. This change is very good



Professor Ming, who was trained through the DES program now leads the training at a Series of Trainings (SOT) event.



Participants at the Series of Training (SOT) in China

for judges to have evidence from both sides and to be able to deliver a fair judgment.”

Through our final rights awareness activities under the same three-year initiative, IBJ distributed over 23,000 informational materials and provided free legal consultations for 2,351 individuals. These campaign activities took place all over China, reaching 12 provinces, three autonomous regions, and two separately administered municipalities. To carry out these campaigns, IBJ partnered with local police, university law school clinics, local NGOs, and law firms, thus building bridges between IBJ and the community.

Through this project, IBJ also worked to promote new models for handling juvenile cases, including the use of Social Background Investigation reports by prosecutors and defense attorneys, securing early access to counsel for all juveniles, and the use of Appropriate Adults (AAs) for children without guardians. In 2013 and 2014 alone, our team worked with 1,037 local stakeholders in 30 roundtables and one symposium to develop practical solutions to advocacy issues, both for juveniles and other vulnerable defendants.

In August 2013, IBJ

launched another major initiative, the ‘China Defending Marginalized Populations’ Project. This targeted the needs of defendants with disabilities, ethnic and linguistic minorities, women in the criminal justice system, and continued our important efforts to improve representation for all accused. In 2013 and 2014, we worked in partnership with experienced local and international actors in the disability sector to draft a set of guidelines to improve rights protection for suspects, which will be piloted in the upcoming year. In addition, we provided defense skills training to 282 justice sector workers in minority rich regions and reached almost 4,000 individuals in these underserved regions with direct access to rights awareness information and legal advice, including in Mongolian and Tibetan.

Expanding our vast online learning platform, we added nine new online courses to our 51 previous modules, and provided free, 24/7 online access to the latest in defender advocacy advice, forensic evidence analyses, and legal updates to criminal defense attorneys across the country. From the inception of our online project in 2010 through the end of

2014, these courses have been accessed over 50,000 times. Lastly, we signed agreements to work cooperatively with local defenders in two provinces to continue our early access case work now that our DEC project has finished.

Finally, in the second half of 2014, IBJ China commenced a third major initiative, its Next Generation China Rights Defenders project. This project aims to make online learning content accessible by mobile phone, foster dedicated teams of new defense attorneys through four multi-month series of trainings, and expand our work focused on defendants with disabilities through targeted live and online trainings for justice professionals. Through our online programs, numerous trainings, and pilot projects that constantly seek to find innovative solutions to some of today’s most pressing legal problems, IBJ China continues to work tirelessly to train human rights defenders and provide hope to the countless women, children and men who desperately need legal protection.

## *IBJ lawyer successfully defends mother of disabled son*

In 2013, one of the legal protection programs implemented by IBJ China was the Defender Engagement Corps (DEC) program. The DEC is an early access case-intake project that spearheaded IBJ's efforts at providing early access to counsel to those who would otherwise have no access to justice.

The DEC helps hundreds of individuals get access to a lawyer when they would otherwise be left without the means to pay for legal representation. One such individual was Ms. Feng (whose name has been altered to protect client confidentiality). Ms. Feng, who lives with her disabled son and elderly mother, had a neighbor who built a new structure nearby to her house. This obstruction made coming and going from her home very inconvenient. An altercation ensued during which the neighbor allegedly bit Ms. Feng's disabled son. In defending her son, Ms. Feng injured her attacking neighbor. The prosecution brought charges against Ms. Feng for intentional injury, which carries a maximum sentence of 10 years of incarceration.

Feng was the primary caretaker for both her disabled son and elderly mother, who had suffered brain damage as a result of a stroke. The prosecutor recommended a sentence of 4 years, but loss of the primary caregiver for this long would impose a great burden on her family. At this stage, during the early Public Security Bureau stage, an IBJ Defender Engagement Corps became involved with the case and was able to negotiate a reconciliation agreement with the neighbor including payment of 20,000 yuan. As a result, the court sentenced Feng to only 8 months incarceration with one year probation.

Despite the penalty, Feng was immensely relieved that the outcome was not worse and grateful for the help IBJ was able to provide. It allowed her to continue caring for her family, rather than spend several years in jail.

In 2013 and 2014, IBJ provided early access to legal counsel to 271 individuals through the Defender Engagement Corps project.



Newly accredited IBJ expert trainer Wan Yanmei (centre) with Anthony Natale, Expert Trainer (left), and Aurora Bewicke, China Program Director (Right) at Defender Empowerment Series Training.