

**Equal Access to Justice in China**  
**ICCLR's China Legal Aid Legislative Research Project Completed in 2000**  
*By Vincent Yang*

Assisting in the development of legal aid is a new area of Sino-Canadian cooperation for the promotion of the rule of law, good governance and human rights. As part of its China Program, the International Centre for Criminal Law Reform and Criminal Justice Policy has successfully completed the Canada/China Co-operation Project to Assist in the Development of a Legal Aid System in China, a bilateral project funded by the Canadian International Development Agency. In China, this Project is referred to as "China-Canada Legal Aid Legislative Research Cooperation Project," given that its objective is to assist the Legal Aid Centre of the Ministry of Justice of China in its development of China's first national Legal Aid Law.

The Centre's Project Team worked in close cooperation with experts in China to effectively achieve all of the project objectives for the Chinese legislative research within a period of fourteen months after the launch of the Project in July 1998. In summer 1998 the Centre organized the first official visit by a Chinese legal aid delegation led by Mr. Gong Xiaobin, Director of the Legal Aid Centre, to four provinces in Canada. During this ten-day visit, nine seminars and many meetings were organized for the Chinese delegation in Vancouver, Saskatchewan, Ottawa and Montreal to study several of the different legal aid models in Canada. In autumn-winter 1998, the project supported the Legal Aid Centre in Beijing in conducting a field investigative study, which covered the emerging legal aid services in nine provinces in China. During 1998-99, massive translation of foreign legal aid legislative materials collected from over fifteen international jurisdictions by ICCLR was completed in China with extensive assistance from Dr. Vincent Yang, the Canadian co-editor. In March 1999, Canadian experts, Mr. Brent Adair (on behalf of David S. Duncan), Prof. Paul J. Brantingham, Dr. Albert Currie, Prof. Maureen A. Maloney, Ms. Eileen Skinnider and Dr. Vincent Yang presented seven research papers at the Beijing International Legal Aid Conference. Senior Chinese officials, Ambassador Howard Balloch, Mr. Daniel Prefontaine, QC, as head of the Canadian delegation, and representatives of the Ford Foundation and the American delegation gave speeches at the Opening Ceremony. At this Conference, which was the first event of such nature held in China, the Legal Aid Centre of China released its draft Legal Aid Law for discussions by the Chinese, Canadian and American participants. Now, the draft has been submitted for publication with a collection of articles of legislative studies in China. This forthcoming publication is also sponsored by Canada through the Project.

In 1999, the Canadian Project Director, Vincent Yang, assisted the Chinese Centre in publishing two books for the comparative legislative study of legal aid in China. The first book, entitled "Selected Foreign Legal Aid Laws and Regulations," includes twenty-five translated foreign legal aid statutes. The second book, "Theories of Legal Aid in Various Countries," is a collection of twenty-two translated foreign legal aid papers. The publications provide a good selection of Canadian and international materials to thousands of Chinese legal aid planners, law and policy makers, researchers and practitioners. Together with the Chinese Draft Law, the two books are distributed nationwide as important references for legal aid legislation and plans. In 1999-2000, under the guidance of the Legal Aid Centre of China, five provinces and five cities in China

enacted the countries first local legal aid legislation by incorporating the principles and norms of the Draft Law with consideration of the laws and models in other countries.

In the meantime, the draft Law and the books were used in the first Legal Aid Training Sessions in China in 1999. The Training Sessions were sponsored by the United Nations Development Program, with Dr. Vincent Yang participating as an expert and joining the Chinese officials from the Legal Aid Centre in delivering lectures on comparative legal aid studies. Experts from Australia and two other jurisdictions delivered their lectures in later sessions. Some special seminars of a smaller size were also organized for Canadian experts to present to Chinese legal aid managers and lawyers. ICCLR experts also visited many provincial, municipal and county legal aid centers in China. As a result of these lectures and visits, ICCLR developed a large network with over 500 Chinese legal aid directors and lawyers. In March 2000, the Project was completed with a visit to China by Dr. Vincent Yang and Prof. Maureen A. Maloney, who conducted a series of activities to assess the needs of continuing cooperation with China in this field.

The Project is successful and productive in meeting the needs of developing a legal aid law and promoting the rule of law in China. The Ministry of Justice of China, the Legal Aid Centre and many other Chinese legal aid organizations have expressed a high-level of satisfaction in their meetings with CIDA and ICCLR representatives. During a visit to the Legal Aid Centre in November 1998, the President of CIDA, Madam Labelle, also gave high remarks for the visible results of the Project on behalf of the Prime Minister and the Government of Canada.

Many Canadian institutions and experts have provided invaluable support to this Project. These institutions include the Department of Justice of Canada, the Ministry of Attorney General and the Legal Service Society of British Columbia, the Legal Service Society and the Provincial Court of Saskatchewan, legal aid centres in Ontario and Montreal, the School of Criminology of Simon Fraser University, members of ICCLR Board of Directors and many legal institutions.

Impressive progress is taking place in the development of legal aid in China. The success of the Project has opened the door for Canada to play a greater role in assisting this development. Since spring 1999, ICCLR has received many requests from China for the expansion and continuation of the cooperation. At present, Canada and China are preparing the launch of new initiatives for expanded cooperation in the field of legal aid.