

**ICCLR's CIDA-funded China Program:
Cooperation to Promote the Rule of Law in Criminal Justice**

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(Dec. 10, 2020)

1. Canada and China are still experiencing the worst crisis in their diplomatic relations. It is time to recall what was achieved through legal cooperation in the past, reconfirm our commitment to the rule of law, and rebuild the channels for friendly dialogues among legal experts.
2. In 1994, Canada was the first western country to enter into an MLAT in criminal matters with China. In 1995, Canada became the first western country to work with China to promote the rule of law and implement international standards in criminal justice reforms through government-funded projects. Cooperation amongst legal professionals started even earlier.
3. During 1995-2011, the Vancouver based International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR), which is a think tank jointly founded by UBC and SFU with formal endorsement of the Canadian government to the United Nations, developed and implemented a series of pioneer projects to assist key Chinese legal research centers and justice institutions in their effort to reform the criminal law and criminal justice system.
4. As ICCLR's Director of China Program, I had the pleasure to assist Mr. Daniel Préfontaine, QC, President of ICCLR, and many enthusiastic Canadian experts to engage our Chinese colleagues in the dialogues on a broad array of important topics, including rectification of ICCPR, implementation of UNCAC and UNTOC, fair trial standards, judicial independence, procuratorate reforms, prison and community corrections, criminal defense and legal aid, prevention of torture, labor reeducation, as well as mutual legal assistance, extradition and removal of foreign criminals, recovery and return of stolen assets, etc.
5. These ground-breaking dialogues involved a significant number of senior justice officials, judges, prosecutors, jurists and law students, criminologists, police officers, executives of legal aid services and correction services, police and correction officers from both countries.
6. On the Canadian side, ICCLR received generous contributions of financial and human resources from agencies of the Canadian Government, namely CIDA, the Department of Justice, Correctional Service of Canada, National Parole Board, Ministry of Attorney General of BC, the law courts, legal aid societies, police agencies, universities and law societies.
7. On the Chinese side, our partner institutions were the Supreme People's Procuratorate, National Prosecutor College, Legal Aid Center of the Ministry of Justice, China Prison Society, and three university-based advanced legal research centers in Beijing.
8. During 1995-2010, the Canadian and Chinese partners jointly produced 20 volumes (50,000 copies) of research-based legal reform recommendations and legal training materials, organized and delivered some 200 seminars, lectures, workshops, conferences, and study tours. These activities reached over 10,000 Chinese officials, judges, prosecutors, police and correction officers, lawyers, legal aid workers, professors and students.
9. More specifically, here are some of the historically significant results of this cooperation:
 - 1) ICCLR's cooperation with the National Legal Aid Center of Ministry of Justice of China assisted the formation of legal aid system in China. Through consultation, research and publication, field studies, they jointly produced two volumes of legislative and regulatory materials, introduced three models of legal aid services in Canada and other western countries. The materials were used in a UNDP training program for China's first generation of local legal aid service managers. In 1996, when ICCLR and

- NLAC started their cooperation, China had only one legal aid center (in Guangzhou) handling a few cases. Now there are over 3,200 legal aid centers and 70,000 legal aid service stations throughout the country, handling some 1.5m legal aid cases per year.
- 2) ICCLR's cooperation with the China Prison Society, which is a national association of correctional professionals, assisted the formation of China's system of community corrections during 1997-2010. Community corrections are promoted in the world as an alternative to incarceration. It is an effective way to reduce prison overcrowding and facilitate offender rehabilitation. In 1997-2002, ICCLR was the only western pioneer assisting China in this field. The UN OHCHR followed ICCLR to enter this field after 2003. In 2003, China started to set up community correction centers in 6 provinces. In 2007, 18 other provinces and 102 cities joined the initiative. In 2019, China enacted its first Community Correction Law. Now community corrections, including half-way houses, are founded throughout the country.
 - 3) ICCLR's cooperation with leading Chinese legal research institutions during 1995-2008 assisted the systematic introduction of UN standards and Canadian best practices for the protection of human rights in criminal justice. ICCLR's partners were the Research Center of Criminal Justice of CUPSL, the Institute of Criminal Law of CRU and the College of Criminal Law Science of BNU. They organized numerous conferences, seminars, visits and joint research and publications. They published seven volumes of research-based recommendations for implementing UN fair trial and criminal justice standards, especially those defined in the UDHR, ICCPR, UNTOC and UNCAC. These books are widely used in law schools. The entire Canadian Criminal Code was translated into Chinese and published in China for the first time in history.
 - 4) ICCLR's cooperation with the Supreme People's Procuratorate and the National Prosecutors' College during 1995-2008 assisted the reform of China's procuratorial system and the training of hundreds of Chinese prosecutors. It helped Chinese prosecutors to understand Canada's legal system and practical details of criminal process. Three volumes of training materials were published in China and used by the National Prosecutors College for the training of prosecutors on international standards of prosecutors and comparative public prosecution systems. Canadian experts delivered seminars to Chinese prosecutors in Beijing and four provinces.
10. ICCLR's dialogues with its Chinese partners always touched up important practical issues and high-profile cases. For example, there were detailed discussions on the fugitive cases of Lai Changxing and Gao Shan, procedures and obstacles in the process of extradition and deportation under Canadian law. Through frank and friendly discussions, the participants improved their understanding of each other's systems and practices, reduced misunderstanding, built trust and prepared the ground for further cooperation between government agencies.
 11. I also recall other CIDA funded law and justice initiatives that I participated as an advisor to other Canadian executing agencies. Regrettably, like the ICCLR China rule of law projects, these initiatives all ended some years ago, although communication and cooperation amongst legal experts have never stopped over the years.
 12. I hope that Canada and China will take effective measures to resolve the current problems and rebuild their friendly relations. In any case, Canadian and Chinese legal professionals should continue our constructive dialogues and friendly cooperation. Together we shall uphold the rule of law, assure the safety of our citizens, protect legitimate businesses, and contain and repair the damages for serving the long-term interest of the people in Canada and China.