

Umbrella Programme to Support Promotion of Rule of Law in China

The Challenge

China has for the past decades been constructing a formalized legal system. Legal reform became a government priority in the late 1990s as China deepened economic reforms and prepared for WTO entry, and in March 1999, the concept of the rule of law was formally incorporated into the state constitution.

The emerging market economy and legal reforms have led to increased rights consciousness and higher expectations for translating legal rights into a reality among the general public. Impressive legislative improvements have been made, but there is a discrepancy between legislative rights and actual law enforcement, and access to justice needs to be expanded in order to reach all groups. The government is currently undertaking further legal reform in areas such as improving the on the ground implementation of the law; strengthening the professional capacity of legal personnel; refining codes of conduct for legal professionals; extending access to justice for all groups; and enhancing the efficiency and effectiveness of legal proceedings.

The Response

Legal reform and access to justice is closely linked to poverty reduction since being poor and marginalized means being deprived of opportunities, resources and a voice in decision-making. Lack of access to justice further limits the effectiveness of poverty reduction and democratic governance programmes by limiting participation, transparency and accountability. Working with key national partners like the Ministry of Justice and the Legal Affairs Commission of the National People's Congress, UNDP's Rule of Law programme is designed to respond in a quick and flexible way to emerging areas of legal reform and to further enhance national capacity to develop the rule of law and accessible justice in line with international standards. The overall aim is to help build lasting structural guarantees for the protection of the human rights of all, especially poor and disadvantaged groups, and to develop the capacities of duty-bearers to fulfill their obligations and rights-holders to claim and

Achievements

In the focus area of protecting of the rights of criminal defendants, the Legal Affairs Commission of the National People's Congress in partnership with the Supreme People's Court and the Supreme People's Procuratorate, explored, through research, seminars, and study trips, how criminal defense can be strengthened and illegally obtained evidence excluded through revision of the legislation. The Legal Aid Centre under the Ministry of Justice is piloting a duty counsel system in Henan province, whereby a lawyer provides free legal aid and guidance to people involved in legal proceedings, ensuring easy access to justice and human rights protection to defendants. The programme is also supporting capacity building of the Ministry of Justice, in its role as a central authority, to enhance the quality and efficiency of China's international judicial cooperation and assistance, as per the UN conventions, and multilateral and bilateral treaties of international judicial assistance that

At A Glance

Start Date: 2005

End Date: 2008

Implementing Partner(s): China International Center for Economic and Technical Exchanges (CICETE)

Project ID: 00044355

UNDAF Goal: Social and economic policies are developed and improved to be more scientifically-based, human centered and sustainable.

MDG: Develop a global partnership for development.

CPAP output: Increased access to justice for the poor and disadvantaged group; improved capacity of rights-holders (in particular the disadvantaged and the migrants) to claim their rights;

Website: www.undp.org.cn

Total Budget: US\$ 700,000

UNDP: US\$ 100,000

Donor (Netherlands Embassy): US\$ 600,000

Project location(s): Beijing, Henan, etc.

To contribute to this initiative, or to find out more about the programme, please visit our website or contact Mr Edward Wu, Team Leader, Rule of Law and Democracy, at (86-10 8532 07860 or Edward.wu@undp.org)

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