

IBJ Country Programs

China

10%

The percentage of criminal defendants in China who receive legal representation at trial.³

Understanding the state of criminal justice in China begins with the fact that the vast majority of accused persons go to trial without legal counsel. It is not surprising, then, that so few defendants successfully contest the criminal charges against them. Moreover, the few individuals who are provided legal counsel often receive substandard representation. Lawyers are frequently appointed to cases just a few days before the day of trial – effectively barring them from asserting their clients' legal rights.

Compounding this issue is the fact that the poor often possess very little practical knowledge about their procedural rights, or about the availability and/or purpose of legal aid. As a result, the vast majority of the criminally accused are detained for many months pre-trial; almost all are convicted and frequently receive jail sentences—even for petty crimes.

17,481

The number of Juvenile Rights handbooks, brochures and posters distributed during IBJ's 2007 Campaign for Youth Justice.

In 2008

IBJ's Beijing office kicked off an ambitious clinical legal aid program, in partnership with area universities. Its aim is to inspire and train the next generation of criminal defenders.

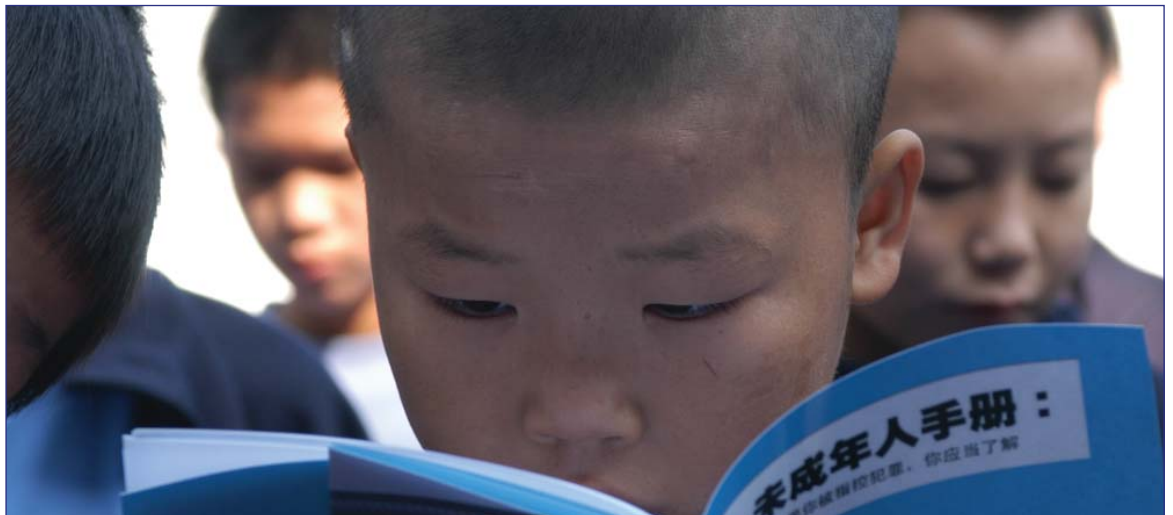


Photo Courtesy of IBJ

The next generation will grow up with an understanding of their rights, guaranteed by Chinese law.

A core aspect of IBJ's programming is its effort to promote legal rights among ordinary people. Recognizing China's growing commitment to the protection of juvenile rights, IBJ's efforts in 2007 were focused on Youth Justice.

Over the course of a dozen events around the country, IBJ staff reached more than 31,000 people through trainings, speeches and the

distribution of materials.

Through materials like "8 Reasons Why You Need a Lawyer if You are Accused of a Crime," IBJ's message will live well beyond the events themselves. Should these children ever be in a situation where they are detained, they will know and understand their right to counsel.

IBJ's Country Programs, *continued...*

IBJ in the Spotlight

IBJ Founder and CEO Karen Tse was the Key-note Speaker at the San Francisco Women Defenders' Annual Fall Seminar. She spoke about IBJ's efforts to launch programming in China.

300 *The number of Chinese criminal defenders trained by IBJ staff in 2007.*

The trainings featured participants from a cross section of private and public sector law firms. Half were returning to IBJ to follow up on a previous training; half were participating for the first time. In all cases, trainees took part in an interactive, comprehensive curriculum of those skills central to full and effective representation of the accused. More specifically, the trainings addressed:

- Methods lawyers can use to establish trusting relationships with their clients, and assist with the client interview process.
- Tactics for becoming an effective spokesperson for the client
- Mechanisms for recognizing which laws are applicable to clients' cases and using them in a professional way to achieve the optimal result, given the facts of the case.

Trainings start with basic techniques to enable lawyers to comprehend the fundamentals of criminal defense. As trainees return for additional sessions, the curriculum becomes more nuanced. In this way, IBJ can track the progress of China's legal community as they move through the IBJ training process.

9 *The number of juvenile suspects freed when the Tianjin prosecutor's office decided to divert the cases out of the criminal justice system. This resulted from an IBJ-mediated agreement between local legal aid and prosecutor's offices.*

In 2007, IBJ coordinated 10 roundtable discussions so that varied stakeholders in criminal justice could share their perspectives and work towards collaborative solutions. Those roundtables in Chongqing and Tianjin were specifically intended to improve access to counsel for juvenile suspects.

In Chongqing, the bar association, the city prosecutor and the police department reached an agreement in March 2007 to ap-

point legal aid at the investigation stage to juvenile criminal suspects.

In Tianjin, legal aid and the prosecutor's office went even further – implementing a rule guaranteeing that a legal aid lawyer or other guardian be present at all juvenile interrogations. The effect of this collaboration was immediate, driving a rapid rise in the number of cases assigned during the pre-trial stage and resulting in the release of the children mentioned above.

38% *The percentage of cases for which the outcome was "significantly influenced" by IBJ's core team of lawyers' involvement.⁴*

A core aspect of IBJ's approach is defender training and support. To that end, IBJ's China team established a new Defender Resource Center in Xi'an to better provide for the legal aid lawyers in the Northwest part of the country. In 2007, IBJ's core team of lawyers also

trained and mentored more than 300 attorneys nationwide – representing a cross section of the defender community. Armed with pre-trial, trial and appellate advocacy techniques, these defenders have advanced more favorable outcomes for their clients.