

China

The context

Since 1978, China has been engaged in a major reform program of economic modernization and growing openness to the outside world. The movement towards a socialist market economy has resulted in impressive economic growth and widespread improvement in the standard of living for hundreds of millions of people. It has also led to social change, including increasing pressure from segments of the population for greater participation in decision-making and respect for human rights.

The Chinese government is taking steps towards the rule of law, particularly as it strives to reform and modernize its economy. The legal reforms being carried out go beyond the economic sphere, and also gradually affect the relationship between individuals and the state.

Dialogue with the international community has broadened and deepened as well. In 1997, a series of bilateral dialogues was initiated between Canada and China. The following October, China signed the *International Covenant on Civil and Political Rights*, and in March 1998, the *International Covenant on Economic, Social and Cultural Rights*, and has said it is working towards their ratification as the next step before implementation. China's anticipated accession to the World Trade Organization further stimulates China's reform of its legal system and its interaction with international standards and norms.

CIDA's approach

Building trust and sharing knowledge

The Canadian International Development Agency (CIDA) began working with the Chinese government in 1982. CIDA's approach supported China's program of acquiring technical expertise abroad by funding people-to-people contacts and educational programs in Canada and



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China. Today, CIDA's approach—dialogue, mutual understanding, and capacity development—has helped build a network of governmental and institutional contacts, and led to legal reform that both fosters respect for human rights and supports economic growth. The program focuses on a gradual increase in high-level knowledge exchanges between peers that enables Canadians to not only share their own knowledge and experience, but also to keep abreast of ongoing reforms in China.

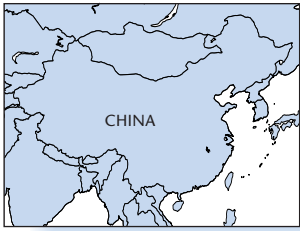
With respect to governance, the current program of cooperation with China is directed to five priority areas: legal and judicial reform; promotion and protection of human rights; development of civil society and public participation; strengthening of legislative/representative institutions and processes; and restructuring of government and enhancement of quality and effectiveness of governance.

Highlights

Judicial reform and the rule of law

Dialogues and exchanges on the Canadian and Chinese legal systems have helped the Chinese to explore ways of adapting their laws, within their system, to conform to international norms. Implementation of the changes has





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not been applied equally and consistently throughout the country, however, and Canadians continue to cooperate toward that end with the Chinese through the **Criminal Law and Criminal Justice Cooperation Program**, with particular reference to United Nations standards for criminal justice.

The **Canada-China Senior Judges Training Project** supports the upgrading of skills and knowledge of senior

judges, in part through familiarization with western judicial and legal theory and practice, fundamental aspects of the rule of law, and international standards. This project is being carried out by a Canadian consortium composed of l'Université de Montréal, McGill University, and the Canadian Institute for the Administration of Justice, with the National Judges College (NJC) of the Supreme Peoples Court of China. This project is strengthening the capacity of the NJC by training a new generation of trainers. High-level seminars have covered such topics as rule of law, including such issues as ethics and independence of the judiciary, gender training, and a comparative study of approaches to adjudication, procedure, and evidence.

The **Supreme People's Procuratorate**, the body in China responsible for prosecution of criminal cases, investigation of corruption, and violations of rights within the justice system, is undergoing major reform, focusing on transparency, upgrading qualifications of prosecutors, administrative rationalization, and a campaign against corruption. CIDA is developing a cooperation project that will support this process of reform, with special emphasis on the protection of citizen's rights and implementation of due process in the criminal prosecution system.

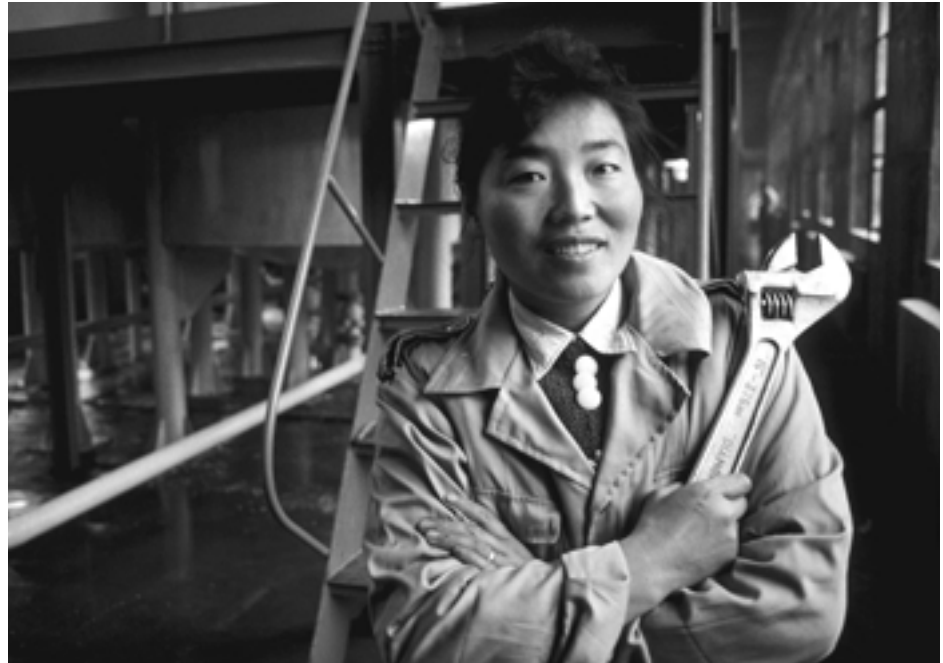
Legal aid and legal services in China are now in the early stages of development, and the **Legal Aid and Community-level Legal Services in China Project** will focus on integrating and coordinating the system, providing training and development for legal workers, and increasing public awareness and information. It is



PHOTO: JEAN-GUY THIBODEAU

expected that this will increase access to legal services for marginalized groups, including women and the poor.

Links have also been established between the Canadian legal profession and their Chinese counterparts. CIDA is supporting the Canadian Bar Association's exchanges with the **All-China Lawyers Association** with a view to promoting the professionalism of the Chinese legal community, as well as the strengthening and greater autonomy of their professional association.



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Human rights

Through the **Programme to Support the Implementation of China's Women's Law**, the Association of Canadian Community Colleges is strengthening the ability of the All-China Women's Federation (ACWF) and other Chinese organizations to raise general public awareness and application of this law and other laws and regulations protecting women's rights in China. The project includes upgrading of ACWF legal offices, legal aid clinics, and gender training for the judiciary, lawyers, and police. Collaborative research also identifies gaps in Chinese legislation, complementing changes to regulations and policies affecting women's rights.

The **International Human Rights Implementation Project** is strengthening the capacity of the Human Rights Research Centre at the University of Beijing and the Institute of Law at the Chinese Academy of Social Sciences to contribute to China's efforts in promoting and implementing the two international covenants on civil and political rights, as well as economic, social, and cultural rights. It will involve dialogue and policy-research exchange with the Human Rights Research Centre of the University of Ottawa, and it will expand the network of knowledgeable and experienced academics, policy-makers, legal experts, and others in both China and Canada who can contribute to the implementation of human-rights standards through their analysis and recommendations.

To take the process one step further, the **Canada-China Co-operation Project for the Ratification and Implementation of Human Rights Covenants in China** supports the efforts of the Chinese stakeholders responsible for the preparation of legislation for ratification and implementation of these covenants. The project is being jointly

implemented by the International Centre for Criminal Law Reform and Criminal Justice Policy and the China University of Political Science and Law of Beijing. It focuses on increasing awareness of international human rights and standards, sharing Canadian and international experiences, examining monitoring mechanisms, and addressing legislative and law-practice problems relating to the ratification and implementation of the two UN covenants.

Institutional reform and public participation

A key dimension of CIDA's cooperation with China is to support an open, participatory, and better informed policy-making process that more effectively addresses issues such as poverty, gender equality, human rights, and the environment within the economic-reform program.

The **Civil Society Program (CSP)** directly supports the development of emerging Chinese civil society organizations (CSOs), the participation of citizens and CSOs in public-policy issues, and the delivery of social services, as well as the promotion of dialogue and interaction between government, citizens, and CSOs. In one initiative, women's groups were enabled to participate in the debate surrounding legislative changes to the Family Law by China's National People's Congress (NPC).

The **Cooperation Project between the Parliamentary Centre and the National Peoples' Congress** has allowed Canadian and Chinese experts to explore their respective parliamentary and congress systems, and their related institutions' practices of governance. Besides reviewing substantive policy and legislative issues, such as social security, taxation, and property systems and laws, exchanges



have enabled the NPC and the Peoples' Congress of Jiangsu Province to become more familiar with the Canadian Parliamentary Committee system and its public consultation mechanisms.

The ongoing reform requires increased efficiency and transparency of municipalities in the provision of their services. The **China Integrated Municipal Development Project** links the Federation of Canadian Municipalities with the Chinese State Council Office for Restructuring the Economic System in an effort to improve management, public participation, and legislative-development processes in selected municipalities. Pilot projects include a plan for greater public participation in pollution reduction in Yuqiao Reservoir. Officials of target municipalities have enhanced their approaches to strategic planning, public communication and public participation, as well as inter-department/agency and stakeholder cooperation.

The **Public Policy Options Program** is linking Canadian experts and policy-makers with key Chinese institutions. The Canadian consultants—coordinated by the Conference Board of Canada and the Institute of Public Administration of Canada—provide technical advice and assistance on priority issues related to macro-economic reform. High-level study tours to Canada have increased the capacity of Chinese officials to formulate and recommend policy options across all state and provincial ministries and agencies. Recommendations have resulted in the creation of agencies related to small and medium-sized businesses and draft laws on occupational safety and legal aid.

The **Public Sector Reform Program** also increases public-sector capacity to formulate socio-economic policies, to implement them, and to regulate relevant institutions. Agriteam Canada Consulting Ltd. coordinates this project with the Chinese Ministry of Foreign Trade and

Economic Cooperation (MOFTEC). The first initiatives were in the areas of finance, macro-economy, grain control, and local-central government relationship.

Other programs supporting administrative reform include the **Technical Assistance in Maritime Boundary-Making Project**, which provides legal information and analysis as well as technical training to the China Institute for Marine Affairs, and the **Statistical Information Management Project**, which is helping the Chinese develop their National Bureau of Statistics and its management systems, adapt statistical measurement systems, and add to their own technical knowledge.

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