

The background of the slide features a bright yellow sun in a clear blue sky at the top. Below the sun is a traditional Chinese pagoda with multiple tiers and a dark roof, set against a blue sky. The pagoda is the central focus of the lower half of the slide.

Enhancing Access to Justice through Judicial Reform in China

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Backgrounds

- In recent past 10 years, the most demanding tasks were: to fulfill the people's needs in education, medicare, employment, and access to justice.
- Gradual maturation of the civil society.
- The judiciary is becoming competent to meet the challenge

1. Developing ADR

- Oriental experience: People;s Mediation and its new face
- Arbitration
- Commercial Mediation
- Administrative Dispute Resolution
- Court's role in the process

2. Enlarging the scope of judicial jurisdiction

- From the Executive dominated to the Judiciary Dominated model
- For instance, damage of Stock right cases, Land contract cases in villages, Personnel management cases, labor disputes, are now under the jurisdiction of the judiciary.
- From exceptional to regular function

3. Lower the court fees for litigants

- In China, the litigants' main expense is court fees and lawyer's fees. In 2006, the court fees are lowered in a wide range with great amount, but a new regulation of Court Fees.
- Under 10,000 yuan, 50 yuan court fee per case; but before the limit is 1000 yuan.
- Above 10,000 yuan, 2.5% of the amount at issue will be court fees

- 50% discount when cases resolved by mediation, summary trial, and withdrawal.
- Enforcement first, then paying court fees.
- Now, a labor management dispute, if mediated during court proceeding, cost only 5 yuan (equivalent to 70 cents in US dollar.)

4. Simplifying judicial procedures

- Summary procedure reform: 70% civil cases
- Enlargement of the scope of summary procedure application
- Development of speedy trial
- Small claim proceeding

5. Improving court management

- Court management is mainly under the court's function
- Case management: Caseflow management, case quality evaluation,
- Personnel management: judicial performance evaluation

6. For people's convenience

- This is from the concept of “for the people” and judicial democracy.
- Measures providing conditions for an effective and easy access to justice: “for the people’s convenience desk”, litigation guide, prompt reaction to enquiry, circuit hearing, legal awareness education, judicial assistance network, weekend court, night court, no “no”,

7. State's relief to criminal victims

- People with poor living conditions and needy medical treatment because of the offence
- Offender is unable to pay the damage
- Before the ordinary social security process begins.
- Procedure of state's relief
- Financial resources

8. Translating People's opinions into Judicial Process

- People's accessors' system reform
- People's Congress' supervision over judiciary
- Mechanism of Inviting and collecting people's opinions about judicial work

9. Legal Aid Development

- Regulation on legal aid, 2003
- 1,350,000 legal aid case in the past 5 years, 2,370,000 people got legal aid
- 520 million Yuan of Appropriation by the Gov in 2007, 30% increase than last year
- 3259 legal aid organizations in China, and 55,000 legal aid stations.

10. High tech application

- The Chief Justice calls upon that high-tech can make the judiciary stronger.
- Data base of legal resources development
- Assisted by computer to make proper sentence
- Online filing;
- Teleconference;
- Caseload management.



Thank you very much.

