ACCESS TO JUSTICE

Introduction

While many Chinese citizens persist in seeking redress for violations of their rights, the Commission continued to observe a significant discrepancy between official statements that affirm the importance of law-based governance or that promote recent legal developments and the actual ability of citizens to access justice. Developments during the 2017 reporting year also continued to demonstrate that individuals and groups who attempt to help citizens advocate for their rights do so at significant professional and personal risk.

Judicial Reform Efforts

During this past year, the Commission observed some progress and ongoing challenges as Chinese courts and local governments implemented certain key areas of the judicial reforms outlined in the Chinese Communist Party Central Committee Fourth Plenum Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law (Fourth Plenum Decision) from October 2014. Key developments included the following areas.

JUDICIAL INDEPENDENCE

The Commission continued to observe actions and statements by Chinese authorities that contradict their claim of judicial independence. The Supreme People's Court (SPC) repeatedly emphasized the Chinese Communist Party's leadership role over the judiciary. At a conference held in January 2017, SPC President Zhou Qiang urged high court presidents from across China to reject Western ideals including "constitutional democracy, separation of powers, and judicial independence." The SPC-run People's Court Daily published a series of articles arguing that Chinese courts retain independence in decisionmaking even while they are subject to the Party's leadership. Some legal professionals and scholars, however, viewed Zhou's speech as a setback in the progress toward judicial independence.

In his March 2017 delivery of the SPC's annual work report, Zhou Qiang reiterated the SPC's goal of judicial independence, yet in the same presentation, he noted the convictions of rights lawyer Zhou Shifeng and other rights advocates as key achievements of the court system in 2016. Amnesty International and other human rights organizations characterized these trials as politically motivated, and one China-based lawyer said the SPC work report signified that the court system is a political tool of the Party. In this past year, reports of other politically motivated convictions continued to emerge. [See Section II—Criminal Justice for more information.]

The Party continued to exert control over the judiciary, including the four newly established cross-jurisdictional circuit tribunals that have a mandate to improve judicial independence by preventing interference by local officials. An inspection group under central Party authorities conducted an inspection beginning in No-
Access to Justice

November 2016 to ensure ideological alignment of the SPC, which in turn exerts leadership over the circuit tribunals through their Party branch groups. In July 2017, the SPC issued an opinion with a provision instructing chief judges to carry out plans made by Party branch groups and adjudication committees.

JUDICIAL ACCOUNTABILITY

Although a senior Party official declared that courts had substantially achieved accountability reforms, implementation by lower courts remained at an initial stage, and certain problems that authorities intended to correct persisted in some localities. Meng Jianzhu, a Party Central Committee Political Bureau member and Political and Legal Affairs Commission Secretary, said in January 2017 that central Party authorities had substantially completed the policy-making aspect of the judicial accountability reform, and in a subsequent meeting urged political and legal affairs committee leaders to complete basic reform efforts before the 19th National Congress of the Chinese Communist Party scheduled to take place in the latter part of 2017. In April, the SPC clarified the supervisory roles of provincial-level court presidents and chief judges, and generally prohibited them from giving oral or written instructions on cases that they did not hear. Some lower courts have issued rules to implement the reform or held meetings for that purpose. Nevertheless, an SPC official responsible for judicial reform reported that certain problems regarding accountability persisted in some localities, which included court presidents and chief judges taking part in adjudicating cases not assigned to them and not being able to effectively supervise associate judges.

CASE FILING

Despite official reports showing improvement in the case filing system, some courts reportedly continued to deny individuals access to the court system. Based on the Fourth Plenum Decision, the SPC issued a set of provisions in April 2015 that requires courts to accept all cases meeting certain procedural requirements instead of first subjecting them to substantive review. Rights advocate Feng Zhenghu, however, observed that some courts in Shanghai municipality continued to conduct substantive review. He documented 187 cases between May 2015 and December 2016 in which seven courts in Shanghai reportedly failed to open a case or issue a decision that explained their refusal to do so in cases seeking judicial review of issues including administrative detention and land expropriation agreements. In addition, when Feng ran for the local people’s congress in November 2016 as an independent candidate, police from Shanghai administratively detained five of his campaign assistants, who then tried to file a lawsuit to rescind the administrative decisions after their release. The Yangpu District People’s Court in Shanghai reportedly twice rejected their filings without issuing any official documentation explaining the decision. Rights defenders in other localities likewise experienced difficulties in filing their cases.
TRIAL-CENTERED LITIGATION SYSTEM

Chinese authorities took steps to implement a goal set forth in the October 2014 Fourth Plenum Decision to shift toward a trial-centered litigation system that includes improving the practice of having witnesses and experts testify at trial. The Supreme People's Court (SPC), Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice issued a joint opinion in October 2016 that detailed key components to improving in-court testimony and argument, but the opinion subjects a witness' appearance to the court's determination that the testimony has great significance to the case. One SPC official said that courts, procuratorates, and public security bureaus in some localities developed evidentiary criteria for certain common crimes to standardize investigation and to prevent illegally obtained evidence from entering the trial phase. In June 2017, the SPC selected courts in 17 locations to pilot the implementation of three procedures of the trial-centered litigation system, namely, pretrial conference, exclusion of illegally obtained evidence, and judicial investigation procedure for courts of first instance. (For more information on developments in China's criminal procedure system, see Section II—Criminal Justice—Ongoing Challenges in the Implementation of the Criminal Procedure Law.)

JUDICIAL TRANSPARENCY

The Chinese judiciary reported progress and addressed challenges in improving judicial transparency. In November 2016, SPC President Zhou Qiang reported improvements, including the publishing of court proceedings online and making case information available to litigation parties through court websites and text messaging. Zhou also acknowledged several challenges, including selective disclosure of case judgments by some courts, the lack of a robust system for third-party evaluation of courts' disclosure efforts, and the need for further delineation of judicial disclosure standards. In October 2016, new SPC provisions went into effect that further specify disclosure standards which require judges to publish case identification information even when case content is being withheld and to state the reason supporting nondisclosure except when doing so may endanger state security. A March 2017 report shows, however, that only five courts published this information on their websites. Amnesty International observed that documents related to death penalty sentences published on the judiciary's centralized database between 2011 and 2016 represented a small fraction of executions in China, concluding that "authorities appear to be engaged in an elaborate policy of systematic evasion . . ." (For more information on the judiciary's publication of death penalty-related documents, see Section II—Criminal Justice.)

Legal Aid

The Chinese government promulgated rules in an attempt to improve the legal aid system, which continued to face problems such as a shortage of legal aid workers, the lack of technical knowledge in non-lawyer staff, and insufficient reimbursement for legal-aid-related expenses. In February 2017, the Ministries of Justice (MOJ)
Access to Justice

and Finance jointly issued an opinion directing their provincial-level bureaus to play an active role in administering the legal aid system and to specifically allocate funds toward implementing measures, including supporting the recruitment and training of new lawyers for legal aid work, obtaining legal aid services from law firms through government procurement, and ensuring prompt payment that is commensurate with the legal services rendered. The Supreme People’s Procuratorate, SPC, and MOJ issued an opinion in April specifying that legal aid services cover criminal case petitions (xingshi shensu), a process that can be used to correct wrongful convictions. A U.S.-based expert noted that access to legal aid by migrant workers had improved in the years since a 2006 State Council regulatory change; many of these workers, however, continued to have difficulty obtaining aid because of variance in local rules.

Citizen Petitioning

The petitioning system (xinfang), also known as the “letters and visits system,” has been a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person. The petitioning system reportedly has been ineffective in addressing citizens’ grievances due to factors such as the large number of petitions, the limited authority of local xinfang offices, shortcomings in the accountability system, and corruption. In October 2016, the State Council General Office and the Party Central Committee General Office issued measures directing government and Party agencies to conduct a performance review at least once a year and providing sanctions for conduct such as ineffective handling of negative public opinion or mistreatment of petitioners that results in serious consequences.

The Commission continued to observe reports of violence against petitioners. In November 2016, the public security bureau in Yuechi county, Guang’an municipality, Sichuan province, issued a notice stating that it started an investigation and detained nine individuals suspected of being responsible for the death of petitioner Yang Tianzhi, whom individuals acting under a reported agreement with Yuechi officials forcibly returned to Sichuan to prevent him from petitioning in Beijing municipality. Although the Commission observed additional reports of violence against petitioners this past year, the reports did not include information about officials being held accountable.

During this reporting year, petitioners continued to face reprisals. Authorities detained petitioners, alleging criminal or administrative offenses including “disrupting order in a public place,” “picking quarrels and provoking trouble,” and “obstructing official business.” In addition, in the period leading up to and during the annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference in March 2017, authorities reportedly rounded up petitioners, including Hong Kong residents, in Beijing municipality and other locations.

Authorities reportedly targeted groups and individuals that supported petitioners. Between November and December 2016, authorities in Hubei and Sichuan provinces reportedly detained Liu Feiyue and Huang Qi, and arrested them on charges related to
“endangering state security.” Liu and Huang each operated websites that monitor a range of human rights issues, including those that involve petitioners. A volunteer who worked for Huang’s website suggested that Huang’s detention was related to his investigative reports on Yang Tianzhi’s death. In March 2017, the Fengtai District People’s Court in Beijing tried Chang Hongyan, who organized protests every weekend against the violent treatment of petitioners, on the charge of “obstructing official business.”

Harassment of Human Rights Lawyers and Advocates

As the UN Special Rapporteur on extreme poverty and human rights observed, “the crackdown on human rights lawyers . . . made it very difficult for lawyers to be other than governmental facilitators.” This past year, the Chinese government continued to detain and, in some cases, prosecute rights lawyers and advocates targeted during a coordinated, nationwide crackdown that began in and around July 2015 (July 2015 crackdown).

• On April 28, 2017, the Tianjin No. 2 Intermediate People’s Court sentenced rights lawyer Li Heping to three years in prison, suspended for four years, with four years’ deprivation of political rights for “subversion of state power.”

• On May 8, 2017, the Changsha Intermediate People’s Court in Hunan province tried rights lawyer Xie Yang, who plead guilty to “inciting subversion of state power” and “disrupting court order,” and retracted his prior claim of having been tortured. The court released Xie on bail without issuing a judgment. In a statement released by Xie’s lawyer in January, Xie denied any wrongdoing and said a plea of guilt would be a result of torture or an exchange for release. Shortly after Xie’s release on May 10, authorities reportedly took him away to an unknown location for “recovery.” Xie returned home in August, but authorities reportedly had installed multiple surveillance cameras and a fingerprint-operated metal gate outside of his home, which Xie asked to be removed.

• In February 2017, Tianjin authorities indicted rights lawyer Wang Quanzhang on “subversion of state power.” In July 2017, Wang’s wife said that she had not received any news about her husband, and authorities reportedly prevented him from meeting with legal counsel retained by the family.

• Disbarred rights lawyer Jiang Tianyong reportedly disappeared in November 2016 after meeting the wife and lawyers of Xie Yang in Changsha. On December 23, Jiang’s family received notice that Changsha authorities had placed Jiang under “residential surveillance at a designated location” on December 1 on suspicion of “inciting subversion of state power.” On May 31, 2017, Changsha police arrested Jiang on the same charge, and held him at the Changsha No. 1 PSB Detention Center.

• Tianjin authorities released rights lawyers Li Chunfu and Xie Yanyi on bail in January 2017 after having detained them for nearly a year and a half for “subversion of state power” and “inciting subversion of state power.”
Access to Justice

- On August 14, 2017, the Tianjin No. 2 Intermediate Court tried rights advocate Wu Gan in a closed hearing for “subversion of state power.” Procuratorial and judicial authorities reportedly had remanded Wu’s case for supplemental investigation a total of four times over the course of his lengthy pretrial detention that began in May 2015.

Authorities reportedly used arbitrary means to prevent lawyers from obtaining licenses to practice law. For example, the Fengrui Law Firm, which previously cultivated and attracted human rights lawyers, ceased operations when authorities reportedly targeted it following the July 2015 crackdown. In March 2017, a partner of the firm said that associates were unable to participate in the annual licensing examination. The partner added that authorities confiscated and had not returned the firm’s accounting records and that the Beijing municipality justice bureau suspended the licensing examination partly on the ground that the firm had not conducted an annual audit.

Moreover, authorities reportedly harassed family members of those connected to the July 2015 crackdown by imposing home confinement, enforcing surveillance, interfering with their domestic and international travel, pressuring landlords to evict them from their residence, or ordering school officials to deny admission to their children.

Regulations on Licensing of Lawyers and Law Firms

Amendments to two sets of regulations governing the licensing of lawyers and law firms took effect this past year, highlighting the government and Party’s policy to further control and restrict the legal profession in ways that may violate the UN Basic Principles on the Role of Lawyers. The amendments to the Measures on Managing Lawyers’ Practice of Law and Measures on Managing Law Firms added language mandating lawyers to support the Party’s leadership and prohibiting them from taking certain actions such as denying the government’s “cult” designations, provoking dissatisfaction with the Party or the government, signing joint petitions or issuing open letters to undermine the judicial system, and organizing sit-in protests and other forms of demonstration outside judicial or other government agencies.

The Measures on Managing Law Firms requires firms to establish internal Party groups that will participate in their policymaking and management. The amendments prompted opposition from some in the legal community, including a petition signed by 168 lawyers who claimed that the regulations violated China’s Constitution, domestic laws, and international standards. The Commission did not, however, observe any reports of public opposition to the amendments from the All China Lawyers Association, the quasi-governmental agency that purportedly protects the “rights and interests” of Chinese lawyers.
Notes to Section III—Access to Justice

1. See, e.g., “Hearing Held on First Case in Guangzhou Involving Employment Discrimination Against HIV-Infected Person, Plaintiff Asks for Renewal of Contract” [Guangzhou shoushou aizi guanzhan jiuyi qishi an kaiting yanggao yaoqiu xu qian shenjing], Kews, 21 December 16; Li Yutong, “Female Employees Win or Settle Over 80 Percent of Labor Disputes Involving Maternal Allowance” [She shengyu jintie laodong zhengyi an nu yuqian congzi shi yongsuo tiaojie chao baozhang], China Daily, 23 February 17.

2. “Xi Jinping: Adhere to Combining the Principles of Law-Based and Virtue-Based Governance” [Xi jinping: jianchi yifa zhiyuan yi jidui zhengfa de fangfa], People’s Daily, 4 March 17.

3. “Supreme People’s Court Work Report” [Zuigao renmin fayuan gongxinli rang renmin qunzhong zai mei yi ge sifa anjian zhong dou ganshou lianheguo jueyi], Radio Free Asia, 3 February 17.


5. See, e.g., Radio Free Asia, “Supreme People’s Court Work Report” [Zuigao renmin fayuan gongxinli rang renmin qunzhong zai mei yi ge sifa anjian zhong dou ganshou lianheguo jueyi], Radio Free Asia, 3 February 17.

6. “Zhou Qiang: Provide Robust Legal Protection To Facilitate and Advance The Four Comprehensives” [Zhou qiang wei xietiao tuijin si ge quanmian tigong youli sifa gongxinli rang renmin qunzhong zai mei yi ge sifa anjian zhong dou ganshou lianheguo jueyi], Supreme People’s Court Daily, 16 January 17; Zhongtian: “Supreme People’s Court Work Report” [Zuigao renmin jianchayuan gongmu baogao], 12 March 17, 6.

Access to Justice

preme Court’s Zhou Qiang To ‘Go Away’” [Zhongguo zhihuijie lianshu yaoqiu zuigao zuo zhong “zou ren”], Voice of America, 19 January 17; Jerome A. Cohen, “China’s Chief Justice’s Extraordinary Statement: The Most Enormous Ideological Setback for a Professional Judiciary,’’ Jerry’s Blog, 17 January 17. According to New York University School of Law professor Jerome Cohen, Zhou Qiang’s speech “is much more threatening to the judicial cadres than the usual recitation about the importance of following the Party line . . . . This statement is the most enormous ideological setback for decades of halting, uneven progress toward the creation of a professional, impartial judiciary.”

10 Zou Shifeng Sentenced in First Instance Trial, Guilty of Subversion of State Power, Sentenced to Seven Years” [Zhou shifeng an yishen dangting xuanpan dianfu guoji zhengquan zuiming chengli panchu youqi tuan xing qi nian], Xinhua, 4 August 16. On August 4, the Tianjin No. 2 Intermediate People’s Court tried and sentenced Zhou Shifeng to seven years’ imprisonment. For more information on Zhou, see the Commission’s Political Prisoner Database record 2015-003272. Other individuals connected to the case whom authorities also sentenced in August 2016 are Hu Shigen, Guo Hongguo, and Zhou Yanmin. For more information on the Commission’s Political Prisoner Database records 2004-02053 on Hu Shigen, 2015-00331 on Guo Hongguo, and 2016-00115 on Zhou Yanmin. 11 Supreme People’s Court Work Report” [Zuiga renmin fayuan fayuan gongzuo baogao], 12 March 17, 2, 16, 24.


14 Guo Shihui, “Denning Glory and Dream, Judicial Reform Sets Sail Again” [Daishang guangrong yu mengxiang, si gao zai qi hang], China Court Net, 29 December 16; Shan Yuxiao, “One Month Since SPC Newly Added Circuit Tribunals, Third Circuit Already Began To Hear Cases in Which Citizen Sues Official” [Zuigaofa xin xian zhu zui fayuan fang yu tianxue bu tong de shiqing], Cicaixin, 27 January 17.


16 Central Commission for Discipline Inspection, “Central Second Inspection Group Gives Feedback to Supreme People’s Court on Itemized Inspection” [Zhongyang di er xuanzi zu xiang zhongguo renmin fayuan dangzhu fang xian xunzhi pingpan de qianxing], 21 February 17. The article reports that the inspection group conducted individual conversations, received petitions from the public, and reviewed relevant documents. The article, however, did not provide further details on what the group inspected or the method it used to conduct the inspection.

17 Chinese Communist Party Central Committee, Regulations on Chinese Communist Party Inspection Work [Zhongguo gongchandang xunzhi gongzuo tiaoli], effective 3 August 15, arts. 14, 15. Courts were not within the inspection group’s jurisdiction prior to the August 2015 amendment. Chinese Communist Party Central Committee, Regulations on Chinese Communist Party Inspection Work (Trial) [Zhongguo gongchandang xunzhi gongzuo tiaoli (shixing)], issued 13 July 09, art. 10.

18 Supreme People’s Court Chinese Communist Party Group, “Bulletin From the Supreme People’s Court Party Group Concerning Status of Inspection and Rectification” [Zhonggong zuigao renmin yu gongchandang zuigao renmin zuigao yu gongdui gongzuo de tongbao], Central Commission for Discipline Inspection and Ministry of Supervision, 27 April 17.

19 Li Wanxiang, “Full Jurisdictional Coverage Achieved” [Shixian guanxia fanwei quan fugai], Economic Daily, 29 December 16; Supreme People’s Court, “Primary Reform Measures Used by Circuit Tribunals” [Guanyu xunzhi fangfei caiqiu de zhengquan gaige cuo bang], 28 January 15; Yu Ziru, “SPC Fourth Circuit Tribunal Opens Today, Chief Judge Jing Hanchao: Will Cultivate This ‘Experimental Field’ Well” [Zuigaofa di si xuanzhi fangfei caiqiu tianxue tingzhang jing hanchao: zhang hao zuo kui ‘shixian tian’], Xinhua, 28 December 16; Qiu Yanjun, “Supreme People’s Court’s Zhou Qiang To ‘Go Away’” [Zhongguo zuigao renmin fayuan zhiguo ruogan zhongdu wenti de jueding], 28 October 14, items 3.1, 3.2; Supreme People’s Court, Certain Opinions on Improving Judicial Accountability of the Peo

22 Na Deya, “Meng Jianzhu: The Key to Judicial Accountability Reform Is To Truly Carry Out Central Committee Policy” [Mengjianzhu: sifa zerenzhi shuizhong xiao zu bokou zuixing hao zhongyong zhense], Southern Meteorological Daily, 13 January 17.

23 Na Deya, “Ensure Immediate Effectiveness of Policies and Measures on Judicial Reform” [Mengjianzhu: quebao sifa gaihe zhengce cuoshi luodi jianxiang], Supreme People's Court Net, 30 March 17.


25 Supreme People's Court, Opinion on Implementing Judicial Accountability System and Improving Adjudication Supervision Administrative Mechanism (Trial) [Zuigao renmin fuyuan guanyu wanshan renmin fuyuan sifa zerenzhi de ruogan yijian], issued 21 September 15, arts. 2, 4–6; Supreme People's Court, Certain Opinions on Improving Judicial Accountability of the People's Courts [Zuigao renmin fuyuan guanyu wanshan renmin fuyuan sifa zerenzhi de ruogan yijian], issued 21 September 15. See also “Q&A on Hot Topics of Judicial Reform” [Sifa gaihe rendian wenda], People's Court Daily, reprinted in China Court Net, 10 April 17; Supreme People's Court, Opinion on Implementing Judicial Accountability (Trial) [Zuigao renmin fuyuan sifa zerenzhi shiashi yijian (shixing)], issued 31 July 17, effective 1 August 17, reprinted in EmpireLawyers (fakedigou), WeChat post, 13 August 17, art. 12; Susan Finder, “Supreme People's Court Ramps Up Its Judicial Accountability System,” Supreme People's Court Monitor (blog), 13 August 17. Susan Finder noted that the official text of the trial implementing opinion had not been issued as of August 13, 2017, but that several WeChat accounts had posted the document.

26 See, e.g., Yan Jiayong and Gao Qun, “At Judicial Accountability System Reform Leading Session, Group Conference Held at Provincial Court, Bai Xuanmin Places Emphasis on Working Hard To Implement and Push Reform Development Continuously and Extensively” [Bai xuanmin zai sheng fuyuan sifa zerenzhi gaihe lingdiao xiaozu huiyi shang quanzheng puxia shenzi zhou xuanmin, baidun tuidong gaihe xiang zonghefeng fuzhuan], reprinted in Shandong Provincial High People's Court, 27 April 17; Peng Qi, “District-Wide Judicial Reform Report Conference Convenes” [Quan qu sifa tiizi gaihe huibao hui zhaokai], Tibet Daily, 3 June 17; Zong He, “Meeting of Provincial Party Committee Standing Committee Emphasizes Seriously Learning and Implementing Important Instructional Directive Issued by GeneralSecretary Xi Jinping To Ensure Various Judicial Reforms In Our Province Are Immediately Effective” [Shengweixin quanmin jianzhu: xian yi jinping zongshuji zhongyun zhengce cuoshi luodi jianxiao], Southern Metropolitan Daily, 13 January 17; Li Yuhe, “Ensure Immediate Effectiveness of Policies and Measures on Judicial Reform” [Quanzheng gaihe zuigao renmin fuyuan sifa zerenzhi de ruogan yijian], issued 21 September 15, arts. 6, 21–24.

27 See, e.g., You Chunliang and Wang Dongxing, “Shenzhen Intermediate Court Comprehensively Implements Judicial Accountability System” [Shenzhen zhongguan quanzheng gaihe sifa accountability], Legal Daily, reprinted in Xinhua, 1 October 16; Li Yakun et al., “Shenzhen Intermediate Court Takes the Lead in Implementing Reform on Judicial Accountability System” [Shenzhen zhongguan shuixinlu xianlu sifa riwei gaihe zhengce], Southern Metropolitan Daily, 19 September 16; “Shenzhen Court Comprehensively Implements Judicial Accountability System, How To Achieve Accountability in Case Adjudication Problems?” [Shenzhen fuyuan quanzheng gaihe sifa accountability pan’an wenda yijian zuixing huo zhuize?], Bendibao, 19 September 16.

28 See, e.g., Yan Jiayong and Gao Qun, “At Judicial Accountability System Reform Leading Session, Group Conference Held at Provincial Court, Bai Xuanmin Places Emphasis on Working Hard To Implement and Push Reform Development Continuously and Extensively” [Bai xuanmin zai sheng fuyuan sifa zerenzhi gaihe lingdiao xiaozu huiyi shang quanzheng puxia shenzi zhou xuanmin, baidun tuidong gaihe xiang zonghefeng fuzhuan], reprinted in Shandong Provincial High People's Court, 27 April 17; Peng Qi, “District-Wide Judicial Reform Report Conference Convenes” [Quan qu sifa tiizi gaihe huibao hui zhaokai], Tibet Daily, 3 June 17; Zong He, “Meeting of Provincial Party Committee Standing Committee Emphasizes Seriously Learning and Implementing Important Instructional Directive Issued by GeneralSecretary Xi Jinping To Ensure Various Judicial Reforms In Our Province Are Immediately Effective” [Shengweixin quanmin jianzhu: xian yi jinping zongshuji zhongyun zhengce cuoshi luodi jianxiao], Southern Metropolitan Daily, 13 January 17; Li Yuhe, “Ensure Immediate Effectiveness of Policies and Measures on Judicial Reform” [Quanzheng gaihe zuigao renmin fuyuan sifa zerenzhi de ruogan yijian], issued 21 September 15, arts. 6, 21–24.

29 “Supreme People's Court Work Report” [Zuigao renmin fuyuan gongzuo baogao], 12 March 17. SPC President Zhou Qiang reported that courts below the SPC accepted 18 percent more new cases in 2016 than 2015, and that the national rate of on-site case filing reached 95 percent. Sun Quan and Gou Lianjing, “Three Highlights Emerge in Wuxi Liangxi Court's ‘Anti-Domestic Violence' Work” [Wuxi liangxi fuyuan ‘fan jiabao’ ganzhu sanliqiang shenzi], China News Service, 24 November 16. A court in Wuxi municipality, Jiangsu province, reported that it had established a system to expedite case filing in domestic violence cases.

30 Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhungong zhongyang guanyu quanzheng gaihe zuixing xiao zu bokou zuixing huo zhuize], 28 October 14, item 4.2. Supreme People's Court, Provisions on Certain Issues Related to Case-Filing Registration [Zuigao renmin fuyuan tuixing dengji gaihe gaihe zuixing yijian], issued 1 April 15, effective 1 May 15, arts. 2, 4–6; Supreme People's Court, “Supreme People's Court's Opinion on People’s Courts Implementation of the Case-Filing Registration System Reform” [Guanyu renmin fuyuan tuixing dengji gaihe zuixing jizhi gaihe yijian], issued 15 April 15, effective 1 May 15, items 2.1–2.5; Supreme People’s Court, Judicial Reform of Chinese Courts [Zhungong fuyuan de sifa gaihe], February 2016, 30.
Access to Justice


35 Supreme People's Court, Provisions on Certain Issues Related to Case-Filing Registration [Zuigaoyuan guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], issued 13 April 15, effective 1 May 15, art. 9. The SPC opinion requires courts to issue an order or decision explaining the basis of the court's refusal to open a case.


37 Beijing Independent Candidate Complained at People's Congress but No One Helped Him, Five People Attacking Campaign in Shanghai Administratively Detained for 'Subverting Elections' [Beijing duli houxuanren renda touwu wuren jiedai shanghai 5 ren zhiyuan bei yi "pohuansu zai zai" xingu], People's Court Work Report, 12 March 17, 13.


40 "Yu Ziru, “Chen Zhiyuan: Continue To Promote Trial-Centered Criminal Procedure System Reform, Work Hard To Raise ‘Three Rates’" [Chen zhiyuan: jijian tujin yi shenqian wei zhongxin de xingshi susong zhidu gaige yijian, 10 October 16, item 12. The implementing opinion issued by the Supreme People's Court in February 2017 retains similar language. Supreme People's Court, Opinion on Implementing Comprehensively Promoting Trial-Centered Criminal Procedure Reform [Guanyu quanmian tujin yi shenqian wei zhongxin de xingshi susong zhidu gaige yijian], issued 17 February 17, art. 14.

41 "Yu Ziru, “Chen Zhiyuan: Continue To Promote Trial-Centered Criminal Procedure System Reform, Work Hard To Raise ‘Three Rates’" [Chen zhiyuan: jijian tujin yi shenqian wei zhongxin de xingshi susong zhidu gaige yijian, 10 October 16, item 12. The implementing opinion issued by the Supreme People's Court in February 2017 retains similar language. Supreme People's Court, Opinion on Implementing Comprehensively Promoting Trial-Centered Criminal Procedure Reform [Guanyu quanmian tujin yi shenqian wei zhongxin de xingshi susong zhidu gaige yijian], issued 17 February 17, art. 14.

42 "Yu Ziru, “Chen Zhiyuan: Continue To Promote Trial-Centered Criminal Procedure System Reform, Work Hard To Raise ‘Three Rates’" [Chen zhiyuan: jijian tujin yi shenqian wei zhongxin de xingshi susong zhidu gaige yijian, 10 October 16, item 12. The implementing opinion issued by the Supreme People's Court in February 2017 retains similar language. Supreme People's Court, Opinion on Implementing Comprehensively Promoting Trial-Centered Criminal Procedure Reform [Guanyu quanmian tujin yi shenqian wei zhongxin de xingshi susong zhidu gaige yijian], issued 17 February 17, art. 14.

43 Supreme People's Court, Provisions on Certain Issues Related to Case-Filing Registration [Zuigaoyuan guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], issued 13 April 15, effective 1 May 15, art. 9. The SPC opinion requires courts to issue an order or decision explaining the basis of the court's refusal to open a case.


45 Zhou Qiang, "Supreme People's Court Report on the Status of Deepening Judicial Disclosure and Promoting Access to Justice" [Zuigao yuanyuan fayuan guanyu shenqian wei zhongxin de xingshi susong zhidu gaige yijian, 10 October 16, item 12. The implementing opinion issued by the Supreme People's Court in February 2017 retains similar language. Supreme People's Court, Opinion on Implementing Comprehensively Promoting Trial-Centered Criminal Procedure Reform [Guanyu quanmian tujin yi shenqian wei zhongxin de xingshi susong zhidu gaige yijian], issued 17 February 17, art. 14.


48 Supreme People's Court, Provisions on Publishing Case Judgments Online by People's Courts [Guanyu renmin fayuan zai hulianwang gongbu caipan wenshu de guiding], issued 25 July 16, effective 1 October 16, art. 6.
Access to Justice

52 Ministry of Justice and Ministry of Finance, Opinion on Lawyers Carrying Out Legal Aid Work [Guanyu lushi kaizhan falu yuanzhu gongzuo de yijian], issued 17 February 17, item 5. See also, Wang Qian, “Vice Minister of Justice Zhao Dacheng Offers Details for ‘Opinion on Lawyers Carrying Out Legal Aid Work’” [Sifabu fubuzhang zhao dacheng xiangjia “guanyu lushi kaizhan falu yuanzhu gongzuo de yijian”], Xinhua, 9 March 17.

53 Supreme People’s Court, Supreme People’s Procuratorate, and Ministry of Justice, Opinion on Gradually Implementing Legal Representation System in Criminal Case Petitions [Guanyu zhubu shixing lushi dalii shensu zhida de yijian], issued 1 April 17, arts. 1, 4, 5.

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Access to Justice

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