

Materials about China's Legal Aid in Criminal Matters

China's legal aid system is an essential part of the socialist judicial system with Chinese characteristics. Legal aid means the system established by the state to gratuitously provide legal advice, representation, criminal defense and other legal services to citizens in economic hardship and other parties that meet statutory requirements. Legal aid in criminal matters is an important system to ensure criminal suspects and defendants to exercise their right to defense in accordance with the law and to ensure due process in criminal proceedings, playing a vital role in the criminal justice system. Chinese government attaches great importance to the criminal legal aid, continuously strengthens legal aid system and mechanism, improves the quality of legal aid services, preserves the procedural rights of criminal suspects and defendants in accordance with the law. Statistics show that in 2023, legal aid institutions nationwide in China handled 800,000 criminal legal aid cases, duty lawyers provided legal assistance in 1.22 million cases, and 2.07 million people received criminal legal aid.

First, the criminal legal aid system has been continuously improved. China has been exploring the establishment of legal aid system since 1994. In 2003, the State Council promulgated the *Regulations of the People's Republic of China on Legal Aid*, stipulating that criminal suspects and victims with financial difficulties may apply for legal aid at the stage of investigation or review for prosecution. On January 1, 2022, the *Legal Aid Law of the People's Republic of China* came into effect, systematically and comprehensively regulating the service targets, forms of service and handling procedures of legal aid at all stages of criminal proceedings. To further improve the standardization of criminal legal aid, the Ministry of Justice of China has successively enacted *Stipulations on Procedures for Handling Legal Aid Cases*, and *National Service Standards for Criminal Legal Aid*, formulated and promulgated in joint efforts with relevant departments the *Measures for the Implementation of the Legal Aid Law*, *Provisions on Legal Aid in Criminal Proceedings*, *Work Methods of Legal Aid Duty Lawyers* and *Provisions on Providing Legal Aid to Defendants in Death Penalty Review Cases in Accordance with Law (Provisional)*, to establish a sound mechanism for notifying and assigning case handling agencies, clear channels for applying for criminal legal aid, and strengthen the connection between the work of judicial-administrative organs, legal aid institutions and case-handling organs. So far, China has basically formed a criminal legal aid system constituted by laws, regulations and normative documents such as the Legal Aid Law and Regulations on Legal Aid.

Second, the scope of criminal legal aid continues to expand. Currently, where a criminal suspect or defendant does not entrust a defender for economic hardship, he or she and any of his or her close relatives may apply to a legal aid. Where a criminal suspect or defendant is any of the seven types of individuals with visual, hearing or speech disabilities and without entrusting a defender, a legal aid institution should appoint a lawyer as defender when notified by public security authority, the people's procuratorate or the people's court in accordance with the law. Since 2017, pilot efforts have been carried out on full coverage of criminal defense, and in criminal cases that are tried through ordinary procedures, where the defendant has not retained a defender, the legal aid institution may appoint a lawyer to provide them with legal aid and duty lawyer legal assistance, and China has basically achieved full coverage of lawyers' defense during the trial phase. Beginning in 2022, pilot efforts to cover all defense counsel during the review for prosecution phase has been carried out, requiring each province to select 2-3 cities to carry out pilot projects, and in cases where the criminal suspect has not retained a defender in four types of cases with complex circumstances, such as fixed-term imprisonment of more than three years, or refusal to plead guilt by himself or a co-suspect, the

people's procuratorate is to explore notifying the legal aid institution to appoint a lawyer to provide a defense.

Third, criminal legal aid services have been easier to access. In order to facilitate the public's timely access to criminal legal aid services, each region's legal aid institutions are to publicize the conditions for legal aid application, a catalog of application materials, and model texts in reception venues and government websites. The services make good use of modern communication platforms such as Weibo, WeChat, and mobile phone clients to carry out a variety of forms of publicity, and continuously expand the rate of awareness of legal aid. Legal aid application materials are simplified so that applicants no longer need to provide proof of financial hardship. Legal aid institutions are to verify applicants' financial hardship through information sharing with other relevant departments, so as to reduce the applicant's burden to the greatest extent. The service network is improved, and there are more than 3,000 legal aid institutions nationwide, relying on township (street) judicial offices and organizations such as trade unions, Communist Youth League, and Women's Federation, more than 70,000 legal aid workstations have been established, and relying on village (neighbourhood) committees more than 330,000 legal aid contact points have been established. Eligible individuals can get legal aid at their doorstep.

Fourth, the quality of criminal legal aid services has been improved in an orderly manner. Judicial administrative departments at or above the county level throughout the country have set up legal aid institutions in accordance with the law, with specialized staff, about half of whom have legal professional qualifications or lawyer qualifications, thus ensuring the professionalism of the handling of criminal legal aid cases. To better protect the legitimate rights and interests of minors, the Ministry of Justice of China initiated a campaign in 2024, to focus on the needs of juvenile criminal legal aid, provide guidance in setting up special hotlines for juvenile legal aid, set up specialized institutions for juvenile legal aid, establish professional teams for juvenile legal aid, appoint lawyers familiar with the physical and psychological characteristics of minors to undertake legal aid cases of infringement of the rights and interests of left-behind children, and provide concrete and high-quality legal services to minor victims of sexual assault, guardian abuse, student injury accidents, and so forth. Each region's judicial-administrative organs and legal aid institutions are to strengthen quality oversight during and after each legal aid case, conducting online assessments of criminal cases in progress, observing court hearings, carrying out collective discussions on major and difficult cases, and using methods such as spot checks on case files, soliciting the opinions of judicial organs, and follow-up visits to aid recipients, to learn about the handling of cases, and guide and urge lawyers to actively perform their duties. The cross-departmental big data case-handling platforms are being established, and most localities have achieved the docking of information systems of people's courts, people's procuratorates, public security organs, and legal aid institutions, using information technology to accelerate the circulation of legal documents, and ensuring orderly and efficient work connection. At present, the vast majority of legal aid institutions' acceptance, review, assignment, and other processes of legal aid cases can be handled uniformly on the case-handling platform, and real-time inquiries into the handling of criminal legal aid cases can be carried out, supervising lawyers' handling of cases throughout the entire process, and truly protecting the lawful rights and interests of aid recipients.