

Public Interest and Development Law Institute & The Rights Practice

Report on EU-China NGO Twinning program

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The Public Interest and Development Law Institute Wuhan and The Rights Practice' cooperation on public interest law and legal is already well established. However, the several week long work-and-study stages gave members of their staff the opportunity for personal encounter, a better understanding of each other's working environment as well as the opportunity for joint work on common projects.

Both partners wished to explore NPO management in the area of criminal justice. They wanted to understand operations and practical functioning of the others' NPO as well as concrete operations of the criminal justice system in the others' area. They also aimed to use the exchange as a valuable networking opportunity and enable the participants to train in legal and cultural matters

Ding Peng, PIDLI

Between the 29th September and 2nd November 2013, I was working with The Rights Practice office in London as part of the EU-China NGO-Twinning-Program.

I came with the **objectives** to learn more about NGO management, governance, fundraising and human resources, to observe and better understand the British legal system particularly in regard to legal aid, government legal publications and the influence of the ECHR on domestic law and to network with European organizations working on rule of law.

During my stay I not only worked at The Rights Practice office and got to know their daily work and working environment, but also had the chance for numerous on-site court observations, discussions with layers, judges, solicitors and paralegals and attended several conferences on the topic of human rights.

Getting to know NGO management, methods and networking in Europe

In the TRP office I helped with research on pre-trial detention in China. Also, we jointly drafted a new 3-years' project proposal on legal aid and discussed the work plan for a coming new project on duty lawyers in China.

I learned from TRP' s networking with lawyers, academics, law societies, and CSOs, their inter-time zone coordination within the staff and management of part time human resources and internship. On the other hand I was able to introduce Basecamp to TRP as a useful online tool for projects management and also shared the experience of my study tour

on legal aid and human rights to Indonesia in 2012 to help TRP draft another similar plan. I was also interested in the role and strength of European CSOs in in the legal field.

One interesting observation: As registered charity with independent resources, UK CSOs have many opportunities to monitor the police power, or give witness to the committee of the parliament on draft of laws and regulations.

In general, I found that sharing of perspectives across different groups proved influential and could be used in similar China programs. This was most evident in a program involving juvenile offenders, police officers, magistrate judges and lawyers in role plays. In this process juvenile ex-offenders learn about the perspective of victims, but also the police gained a better understanding of the significance of improving their disclosure to the lawyers as they for the first time observe the lawyer's consultation performed by real lawyers and actors as suspects.

I was also impressed by the way organizations and persons could be reached and networked through the information on their websites and other forum, while we still rely mostly on the introduction of persons who have good relationship with both sides to facilitate the meeting and cooperation in China.

Publicity strategies among pro bono centers, police monitoring organizations, victim support organizations seemed also quite effective, such as online campaigns through the sites of the network, posters in schools, pubs and other places people use to gather.

Regarding working methods of CSOs/networks I found the Criminal Justice Alliance was a good example of how members of the network benefited from a quarterly half day meeting. The meeting consists of a short keynote speech, updates of new activities, reports, problems, and getting familiar with new faces. The challenge to replicate it in China would be the distance for participants working on the same topic to travel from other cities to meet, so maybe video conferences would prove more promising for the network meetings in China.

Court case observations, exchange with legal practitioners and researchers

During my stay I also had the chance to observe several court cases and discuss with lawyers, judges and solicitors. Moreover I attended major conferences on the topic of human rights.

This provided me with important insights into the UK judicial and legal aid system, which will again help me and my organization to carry out future projects on legal aid and human rights in China. As lawyer trained in Chinese system it was very interesting and inspiring to observe practice in UK courts - for example the procedures of plea guilty/probation in magistrate courts, but also the police custody record system which is almost detailed to minutes, kept in computers and disclosed to the defense. I also observed that in magistrate and crown courts interpreters frequently help defendants who do not speak English, which is essential of the oral principles and for the participation of defendants into the procedure and effective defense.

Another interesting observation was the concept of community sentence and that its influence can only be effective when there is a comprehensive support system. Suspended

sentence is not just about the release of the suspects, but about further tracing, community training and support.

To assure the quality of legal aid, there is a detailed checklist and advanced peer review system in the UK, of which the forms could be easily replicated to China. However, one important condition for this system to function is the independence of lawyers and the autonomy of the Bar Association and Law Society.

During two major conferences on human rights and several talks with lawyers I learned about HR issues in UK and the EU, including the impact of media reporting and the essential role of the framework of public international law and general comments.

Extending networks and diversifying cooperation opportunities

Apart from our continued partnership with TRP I was also able to discuss opportunities of EU-China cooperation with other organizations. For example, the human rights law program at Essex University will be introduced to China law students, which would encourage more future lawyers, join the career of public interest law. The BPP Pro Bono Center has similar legal clinics as the PIDLI involved courses in Law School, Wuhan University, and some China and Chinese-speaking students are interested in a possible internship provided by China domestic CSOs, which could help to enhance the international visibility. Those CSOs and PIDLI will share this information with domestic partners. Also, I found out that A4ID had established a worldwide lawyers' team to provide pro bono consultations for local NGOs which would also benefit the international comparative legal study carried out by PIDLI.

I am really lucky to have the interesting and impressive journey in London and Berlin. Thanks for your support. It is definitely a good start for our further collaboration and reunion. Let us keep each other informed about what is new. We are from diverse background but may obtain mutual understanding and inspiration for the growth of the civil society.

Tim Millar, The Rights Practice / London

In November 2013 I was staying with the PIDLI team in Wuhan for several weeks.

During my stay I wanted to learn more about China's pre-trial detention system plan and pre-trial detention centers (看守所). Our work is looking to provide duty lawyers who would be present in them. Also, we wanted to prepare for the next three years of cooperation between TRP and PIDLI and meet new NGOs and CSOs working on public interest/human rights issues with a view to forming new partnerships. Last but not least I hoped to improve my legal Chinese.

First-hand experience in the work of Chinese public interest organisations

Overall my exchange met all the original goals we set for it. The most useful aspect was the fact that I was able to sit and discuss the substantive legal issues around pre-trial detention (and related legal issues) on an almost daily basis for one month. Not only has this improved my Chinese, increased my knowledge of the legal and political issues involved in legal reform in China, but also deepened and strengthened my working relationship with PIDLI – one of our key partners in China. Being in Wuhan for an extended period of time also gave me the opportunity to meet many other groups and NGOs working in related fields, which helped me to better understand the issues upon which they work. This will enable me and my organization to more effectively carry out projects in China.

Some of these meetings were as a result of the routine work of PIDLI but I also had the good fortune to attend a 'job fair' where some 19 NGOs working on public interest law and related areas presented themselves and their work ostensibly in order to recruit law students but in reality to present their work to a large audience. Moreover, reading and speaking Chinese are increasingly important in my work as I work more directly with our Chinese partners. Improving my Chinese thus makes me a more effective actor on behalf of my organization.

Better understanding of laws, systems and impacts

I also attended detailed workshops on the law and operation of China's pre-trial legal system which improved my understanding of the operations of the pre-trial detention system in China and will hopefully drive forwards the work of The Rights Practice in understanding legal impacts. This will also improve our understanding and ability to explain to donors and diplomats the importance of reform of China's pre-trial detention system.

The exchange was mainly focused on building my understanding of the current legal and political situation regarding pre-trial detention in China. It was therefore something of a one-month training for me in the substantive legal issues surrounding pre-trial detention. The reason for all the training is that over the next three years we will conduct a series of pilot initiatives in five locations across two provinces to try and show ways in which the pre-trial

detention process can better protect the rights of detainees and conform more closely with China's new Criminal Procedure Law.

Moreover, the exchange has provided me with a wealth of information that I will be disseminating to numerous target groups over the next three years.

Enhancing cooperation, strengthening NGO partnership

My exchanged also helped strengthen the relationship between TRP and PIDLI. We began planning the next three years of our cooperation and also discussed detailed plans for a new project to further cement our partnership. Over the next three years we will conduct a series of pilot initiatives in five locations across two provinces to try and show ways in which the pre-trial detention process can better protect the rights of detainees and conform more closely with China's new Criminal Procedure Law.

I obtained useful materials on the legal situation in China as well as a better understanding of the direction that reforms may follow in the coming few years.

PIDLI and TRP discussed the work plan for our new project on duty lawyers in China; we now have an overview of the timeline of this project and have done further mapping of the major questions, issues, and problems the project may face. We also jointly prepared for the official project inception that will take place in January 2014.

PIDLI and TRP also drafted a new 3-year project proposal on legal aid. This will be further refined in the future.

Networking across civil society topics

In addition to the achievements mentioned above the meetings and workshops in Kunming (*Workshop for EU-China NGO Exchange participants*) was an excellent platform to explore issues that sit outside my normal work. This was particularly useful to see the links between related fields – such as environmental protection and systems of public consultation (or rather the lack of such systems). This may lead to future and previously unforeseen cooperation(s).

More detailed information is given in the long reports of the twinner. Anyone interested can contact the Stiftung Asienhaus staff/China program to receive more information.