

18 Rule of Law

WHAT ARE THE MAIN ISSUES

China's phenomenal economic development and correspondingly rapid social changes have dramatically increased pressures on the courts to cope with problems that other government agencies have failed to resolve. Aggrieved Chinese citizens, who are reluctant to run the risks of public protests or undergo the protracted process involved in the informal petitioning, have increasingly turned to the courts to channel popular demands for justice. Nevertheless, their efforts have been restrained because China's rule of law has yet to undergo much needed reforms.

POSSIBLE SOLUTIONS

SDG Goal 16 focuses on strengthening the rule of law, facilitating all persons' access to justice, creating stronger, inclusive and effective institutions to deliver public services for the realization of justice. SDG 16 is both an end in itself, and a crucial part of delivering sustainable development in all countries.

HOW CAN UNDP HELP

Promote marginalized persons' access to justice on an equal basis with others while enforcing non-discriminatory laws and policies.

- China's legal system must strive to establish a complete set of laws for all organizations, social groups and citizens to follow in their economic, political and social activities. More importantly, these laws must be equally accessible.
- UNDP China has led two research projects to investigate access to justice issues for two marginalized groups that often face discrimination: **rural women** (in the context of land rights) and **persons with disabilities**. Both reports invoked a multidisciplinary investigative approach, drawing upon different sources of expertise of the key stakeholders in the field. The research findings have and will continue to critically inform policy-making on enhancing the access to justice for these communities.

Increase public access to legal information while promoting innovative and participatory approaches to law-making.

- Public participation is the necessary precondition for good governance and a strong rule of law: it is an integral part of the country's ability to restrain public power and ensure that government policy aligns with the public's interests.
- UNDP China has **promoted the standardization of various mechanisms**— public consultation mechanisms, feedback mechanisms with public comments, mechanisms to solicit opinions on legislative items— to increase the public's access to legal information. The rationale is that, the public, when equipped with greater legal information at their disposal, play an increasingly important role in policy-making, decision-making and law-making in the relevant areas.

Improve judicial transparency, accountability and competence.

- The SPC has built the world's largest judicial database, containing both internal and public information of more than 91 million cases from 3519 courts in China. The volume, depth, and authenticity of the SPC data has made it a source of tremendous potential to unpack the complexity of China's judicial system at the macro-level and to address challenges faced by the judiciary.
- As a pioneer in exploring ICT for development in China, UNDP China is currently devising ways to assist the SPC in **leveraging the power of ICTs** to make better use of this data— in a move to improve overall judicial transparency, accountability and effectiveness.

18 法治

主要问题

中国显著的经济发展和迅速的社会变革大大增加了法院解决其他政府机构未能解决的问题的压力。民众由于公共抗议的风险或非正式请愿漫长的程序，越来越多地转向法院寻求正义，因此中国目前的法治急需改革。

可行措施

第十六个可持续发展目标侧重于加强法治、保障所有人诉诸司法的权利，建立更强大、包容和有效的机构以便提供更好的司法服务、实现正义。第十六个可持续发展目标本身既是目的，也是在所有国家实现可持续发展的关键部分。

UNDP如何帮助

在执行非歧视性法律和政策的同时，在与其他人平等的基础上保障边缘人群能够获取法律知识、获得司法保障。

- 中国的法制体系必须不断完善，为所有组织、社会团体和公民制定一套完整的法律，以贯彻其经济、政治和社会活动。更重要的是，所有人都必须能够平等地获取法律知识、获得司法保障。
- 联合国开发计划署驻华代表处领导了两个研究项目，调查经常面临歧视的两个边缘化群体所遇到的司法问题：**农村妇女**（在土地权利方面）和**残疾人**。这两份报告都采用了多学科调查方法、参考了同领域各种各样的专家文献。研究结果已经并将继续呈报给政策制定者，以供有关边缘群体获取法律知识、获得司法保障的政策制定者参考。

增强公众获得法律信息的机会，同时促进创新和参与式的立法。

- 公共参与是良好治理和强有力的法治的必要先决条件：它是国家限制公共权力并确保政府政策与公众利益相一致的重要组成部分。
- 联合国开发计划署驻华代表处**促进了标准化机制的建立**：公众协商机制、公众意见的反馈机制，征求立法项目意见的机制，以增加公众获取法律信息的机会。如果公众在决策时掌握了更多的法律信息，他们将会在政策和立法方面发挥更加重要的作用。

提高司法透明度和公信力，提升法制能力建设。

- 最高人民法院建立了世界上最大的司法数据库，其中包含来自中国3519个法院的9100多万个案件的公开和非公开的信息。最高人民法院数据的数量、深度和真实性使其成为在宏观层面分析中国司法系统，并解决司法机构所面临的挑战的巨大潜力和源泉。
- 作为在中国探索**利用信息技术促进发展**的先行者，联合国开发计划署驻华代表处目前正在设法协助最高人民法院利用信息技术更好地利用这些数据，以提高司法的透明度、公信力和有效性。