



PEOPLE'S REPUBLIC OF CHINA
MISSION TO THE UNITED NATIONS

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(translation)

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At the 69th Session of the UN General Assembly

On Agenda Item 82

The Rule of Law at the National and International Levels

New York, 9–10 October 2014

Mr. Chairman,

The Chinese delegation welcomes the opportunity to discuss the topic: “Sharing States’ national practices in strengthening the rule of law through access to justice” under the item “The rule of law at the national and international levels”.

Mr. Chairman,

China has always been a firm defender and active builder of the rule of law at the international level, and has long endeavoured to provide public products for its progressive development. This year marks the 60th anniversary of the proclamation of the "Five Principles of Peaceful Co-existence", for which the three co-initiators, namely China, Myanmar and India, have organized a series of commemorative activities. The participants of such activities fully acknowledged the historical contribution of the Five Principles and their significance in our times, and emphasized that the Five Principles reflect the essential requirement of international law and represent the common interest of countries and the international community, that they embody the purposes and principles of the UN Charter and are widely supported and observed by the international community as the basic norms governing international relations and fundamental principles of international law, and as such, have contributed greatly to the promotion of peace, stability and development in Asia and the world as a whole. Today, in an increasingly multi-polar world with deepening economic globalization, countries have become ever more inter-dependent sharing weal and woe. The Five Principles, together with the fundamental principles of the UN Charter, bolstered by their universal applicability and strong vitality, will continue to develop and progress with the times.

At the Conference Marking the 60th Anniversary of the Five Principles of Peaceful Coexistence, the Chinese President Xi Jinping emphasized that countries should jointly promote the rule of law in international relations, and use uniformly applicable rules to clarify right and wrong and pursue peace and development. All countries should exercise their rights in accordance with the law, and oppose attempts to distort international law and to undermine, in the name of the “rule of law”, other countries’ legitimate rights and interests as well as peace and stability.

The Foreign Ministry of China and the Chinese Society of International Law (CSIL) jointly hosted an International Law Colloquium Commemorating the 60th Anniversary of the Five Principles with the participation of representatives from about a dozen countries, including China, Myanmar, and India, and USG for legal affairs of the UN, judges from the ICJ, the Secretary General of the Asian-African Legal Consultative Organization, and representatives from academic institutions in the field of international law, such as the Asian Society of International Law, African Institute of International Law, American Society of International Law, and European Society of International Law. At the colloquium, in-depth discussions were carried out on the historical contributions of the Five Principles to international law and international relations, relevant national practices, as well as the significance of the Five Principles both in history and in our current times as basic principles of international law. The participants fully recognized the significance of the Five Principles in guiding our effort to advance international peace, security and development, and build a community of common destiny for mankind. It was proposed that international relations should be governed and guided by the concepts of sovereignty, peace, win-win progress and justice enshrined in the Five Principles. At the colloquium, the Chinese government stressed that China would, as always, practice the Five Principles and continue to act as a "firm defender" of state sovereignty, a "staunch upholder" of international peace and security, an "energetic promoter" of economic and social cooperation and development, and an "active builder" of international order and the rule of law.

Mr. Chairman,

The government of China attaches great importance to the significant role of the rule of law in improving national governance and safeguarding people's rights. China has always maintained that there is no "one size fits all" model and standard of the rule of law. Countries have the right to choose their own paths towards the rule of law that fit their national conditions, and to learn from each other on voluntary basis, for which others have not right to interfere. The Chinese government takes note of the efforts by the UN in promoting the rule of law and hopes that the relevant work should be more open and transparent, and fully take into consideration the opinions of member states, especially developing countries.

Mr. Chairman,

At present, the Chinese government is pressing forward with the comprehensive development of the rule of law in accordance with its strategy of "governing by law" with a view to "building a socialist country with the rule of law". In this process, China has made active efforts to establish and improve its system of access to justice, which are concentrated in the following four areas:

First, we have established and improved our litigation assistance system. The Supreme People's Court of China promulgated the Fee Scheme for Civil Litigation in 1984, in which the waiving, postponement and reduction of litigation fee were first stipulated. The Provisions for Assistance to Litigants in Real Financial Distress promulgated by the Supreme People's Court of China in 2000 listed 14 situations in which litigants may apply for the reduction, waiving, or postponement of litigation fees. In 2006, the State Council of China promulgated the Methods of Litigation Fee Payment, which contain detailed stipulations for the reduction, waiving, or postponement of litigation fees. These provisions provide important safeguard for citizens' equal right to litigation. Statistics show that from 2008 to 2012, courts at various levels in China have waived or reduced 769 million RMB yuan worth of litigation fee for litigants in real financial distress.

Secondly, we have vigorously enhanced the system of assistance for victims of criminal offenses. In 2004, China launched on a pilot basis a national system of assistance for victims of criminal offenses in which the State was to provide appropriate relief to the victims who otherwise could not get compensation for the damages suffered. In 2009, eight Ministries and Commissions under the State Council jointly authored the "Opinions on Providing Relief to Victims of Criminal Offenses", which requests local governments to define standards and scope of relief based on their social and economic development to better protect the legitimate rights and interests of victims of criminal offenses. According to statistics, from 2009 to 2011, judicial organs of various levels in China provided relief funds to 25,996 victims of criminal offenses in the total amount of more than 350 million RMB yuan.

Thirdly, we are exploring to establish a system of relief in judgment enforcement. Currently, local courts of various levels in China are engaged in this task. In cases where both parties of a litigation are in economic distress and the failed party is incapable of implementing the judgment, the court will follow established procedures to provide appropriate relief to the winning party to alleviate his difficulties in daily life. This system of relief has played a positive role in protecting the basic rights of the parties involved and ameliorating social friction.

Fourthly, we have worked to comprehensively coordinate the system of judicial relief and that of legal aid. In addition to the aforementioned measures of ensuring access to justice, the Criminal Procedural Law, the Civil Procedural Law and the Regulations on Legal Aid of China also provide for free legal service to litigants in financial difficulty. As a result of nearly two decades of development, a structure of legal aid has basically taken shape with the government as the organizer, lawyers, grassroots legal service personnel and legal aid professionals as providers and volunteers as supplements. In 2005, the Chinese judiciary issued the Rules on Legal Aid in Civil Litigations and the Rules on Legal Aid in Criminal Litigations with the specific purpose of coordinating judicial relief with legal assistance so as to provide more adequate protection for the rights of litigants.

Mr. Chairman,

Access to justice is an important element in building the rule of law at the national level. It is also an important dimension in China's endeavour to improve its socialist rule of law. The Chinese government is ready to join other countries to continue to improve the rule of law at the national level and to promote the synchronized development of the rule of law both at the national and international levels, so as to build a harmonious world with lasting peace and common prosperity.

Thank you, Mr. Chairman.