

Text 9

Abstract of “An Analysis of Legal Protection for Vulnerable Groups: From the angle of China’s legal aid system”

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Source: *Journal of Socialist Theory Guide*, 2009 (9)

Abstract:

Vulnerable groups need national and social help. As an important means of judicial relief, the legal aid system has characteristics of legitimacy, stability, and effectiveness, playing an important role in the protection of vulnerable groups. Therefore, establishing a healthy legal system will become an important means of protection of vulnerable groups.

The legal aid system was originated in the United Kingdom. In China, the protection of vulnerable groups has only recently had a legal basis when the Legal Aid Regulations was adopted. With China’s social transformation and economic development, the establishment and improvement of a legal aid system has become an important social mission.

I. The Range of Vulnerable Groups

1. Laid-off workers

Most of the laid-off workers have comparatively low education level and being laid off means losing source of income for them. Therefore, their living conditions are threatened.

2. Rural off-farm workers in cities

Although they can manage to find work, their work is generally physically demanding with lack of protection of their rights and they can only enjoy little social security.

3. Rural workers engaged in agricultural labour

China’s national policies have long been tilted towards urban development, which results in the state of lagging behind in rural areas. Farmers began to fall into vulnerable groups.

II. Challenge of Providing Legal Aid System for Vulnerable Groups

1. Vulnerable groups are at a disadvantage. This can be seen from the following: (1) old age, weak body, and a low level of education; (2) low social status, and lack of protection of legitimate rights and interests; and (3) vulnerable groups lack an ability to protect themselves and also lack a sense of democratic participation.

2. Legal protection for vulnerable groups is not understood correctly. Legal aid system is established by the government according to the law. The legal aid system should not be considered as charity work. In essence, the legal aid system is an integral part of the justice system. The government and citizens have an

obligation to establish a legal aid system. At present there is a misconception that legal aid belongs to public welfare and should be taken care of by the community. The idea that the government should carry out legal aid only if there is enough funding is completely wrong.

3. Other relevant protections of vulnerable groups need to be improved.

III. Legal Analyses of the Legal Protection for Vulnerable Groups

1. The Constitution clearly stipulates that “all citizens are equal before the law”.

2. There are relevant regulations regarding legal protection of vulnerable groups in sector laws, relevant international treaties, the “Law of The People’s Republic of China on Lawyers”, the “Criminal Procedure Law of the People's Republic of China” and the “Law of The People’s Republic of China on Protection of the Rights and Interests of the Elderly”.

3. Local laws and government regulations

4. We should establish a financial resource system of legal aid based on government funding and supported by multi-channel financial aid.

5. We can draw on foreign countries’ experience, increase the level of humane care, and improve the social security system. Western legal aid systems have a long history of development. Western countries have accumulated rich experience and formed a complete system. We should actively draw on their experience and seek international cooperation in addition to internal reforms.