

*Legal Aid  
in the Crisis of  
Democracy & Human Rights*

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Yu-Jie Chen | 陳玉潔

Assistant Professor, Institutum Iurisprudentiae, Academia Sinica  
Non-Resident Affiliated Scholar, U.S.-Asia Law Institute, NYU  
School of Law



*Crisis of Democracy and Human  
Rights...  
Around the World  
&  
Across Regime Types*

# Crisis of Democracy and Human Rights... Around the World

## *Endogenous pressure*

- ▣ Public health emergency
- ▣ Political polarization or power monopoly

*...Politics*

## *Exogenous pressure*

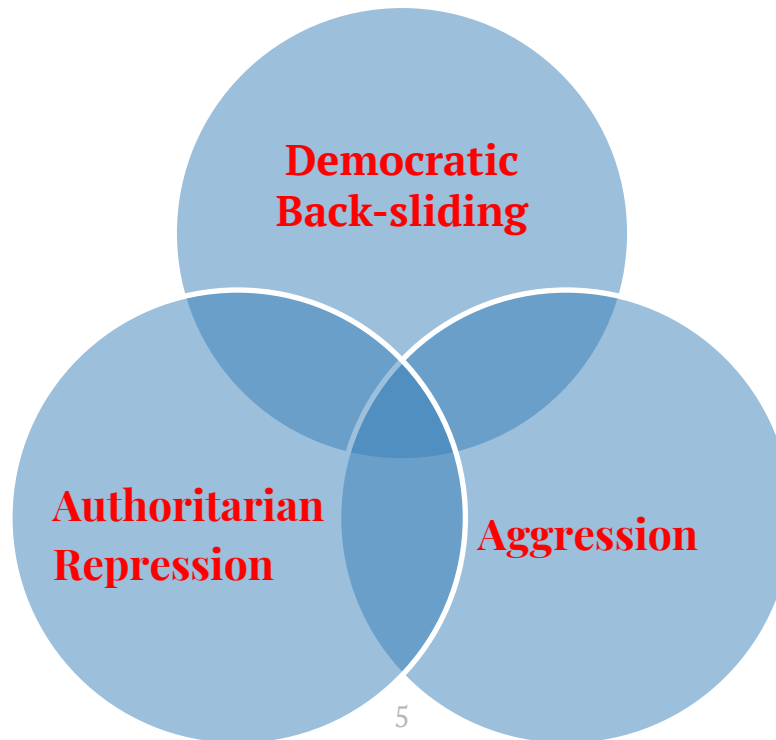
- ▣ Aggression
- ▣ Authoritarian interference

*...Conflicts*

# Endogenous & Exogenous Pressure Across Regime Types

	<i>Endogenous pressure (Politics)</i>	<i>Exogenous pressure (Conflicts)</i>
<i>Democracies &amp; Mixed regimes</i>	<b>Democratic Back- sliding</b>	<b>Aggression</b>  (Ukraine)
<i>Autocracies</i>	<b>Authoritarian Repression</b>  (China & Hong Kong)	

# I. Global Challenges (and how they impact legal aid)



# 1. Democratic Backsliding

## ■ Public Health Emergency

- **Rights curtailed**
- **Access** to legal aid and the legal system limited
- **Inequalities** exacerbated; **vulnerable groups** disproportionately affected
- Overall impact — placing **more demands** on the legal aid system (already stretched and strained by Covid)

## ■ Political Polarization

- Controversies increased involving **election integrity**, and also **speech & misinformation**, etc.
- Needs expanded to assist **vulnerable groups** affected by **disputed policies**, such as refugees

## 2. Authoritarian Repression

### ■ Public Health Emergency

### ■ Power Monopoly

- Legal aid as a public good provided for by the State
- **Legal aid re-engineered:** turned into a state machine to **enhance government control**
  - To channel grievances to maintain social stability
  - To contain “political” or controversial cases
  - To control the legal profession in general and legal aid in particular

# 3. Aggression

## ■ Armed conflicts

### ○ Spiking Demands

- Individuals affected by war, esp. vulnerable groups
- Victims of violence
- Internally displaced persons & refugees
- Defendants involved in aggression, war crimes & cases against national security

### ○ Mounting Challenges

- Rights restrained by martial law and emergency measures
- Delivery of legal aid restricted or devastated by war



## **II. Case Study Highlights**

China,  
Hong Kong  
&  
Ukraine

# China

## Authoritarian Repression

- **The Party** rules everything
  - **The legal profession:** embedded in the state machinery; controlled by the Ministry of Justice & judicial departments/bureaus
  - **Legal aid:** no organizational or budgetary autonomy
- **Legal aid**
  - **Government-sponsored LACs**
  - **Appointed external lawyers & legal workers:** increased funding —> legal aid “commercialized”
  - **Independent civil society providers:** the already few providers further repressed
- **“Sensitive” cases in the Party’s eyes:** containment through the use of legal aid lawyers

# Hong Kong

## Authoritarian Repression

- **2020 National Security Law** changing every aspect of Hong Kong's way of life
- “One Country, Two Systems” hallowed out
- **Rule of law backsliding:**
  - Chilling effects
  - Judicial autonomy undermined
  - Traditionally liberal legal aid transformed
- **“Sensitive” cases:** government-imposed legal aid lawyers undermine defendant's right of choice of counsel

# Ukraine

## Authoritarian Aggression

- **Conflict-related crimes increased**, including war crimes and crimes endangering national security
- **Vulnerable groups expanded**
  - IDPs
  - Victims of war-related violence
- **Martial law**

# **III.**

## **Concluding Thoughts**

# Concluding Thoughts

## *Global Crisis*

- ▣ Democratic back-sliding
- ▣ Authoritarian Repression
- ▣ Aggression

## *Challenges to Legal Aid*

- ▣ Demands for legal aid increased
- ▣ Legal aid capacity strained
- ▣ Independence & autonomy obstructed
- ▣ The broader rule of law environment undermined

## *Response*

- ▣ To be continued...



中央研究院法律學研究所  
Institutum Iurisprudentiae Academia Sinica

*Thanks!*

Questions?

You can find me at  
[yujiechen@gate.sinica.edu.tw](mailto:yujiechen@gate.sinica.edu.tw)