

[HRC41 | Lawyers are key to rule of law, China says. So #FreeThem now.](#)

25.06.2019



In a statement delivered to the Human Rights Council on its opening day, ISHR joined Lawyers for Lawyers, the International Bar Association's Human Rights Institute, and Lawyer's Rights Watch Canada in calling on the UN experts on independence of judges and lawyers, and the Council and its members, to press for accountability.

'The Chinese delegation recognised the need for balance in regulation between lawyers' and judges' rights, on the one hand, and their professional responsibilities, on the other hand', says Sarah M Brooks, Asia Advocate at ISHR. 'But it is hard to take this claim seriously, as Chinese authorities continue to adopt abusive laws and measures, using them as a "sledgehammer" to restrict fundamental freedoms'.

This includes in particular **lawyer Jiang Tianyong**, who - since his nominal release from prison on 28 February 2019 - has been subject to invasive surveillance, restrictions on his freedom of movement, and refusal of independent medical exams. Worse, he is unnecessarily and inhumanely kept from joining his family in the U.S.

The statement draws on research conducted by [Chinese Human Rights Defenders](#) and other partners into two 'administrative measures' that have had far-reaching consequences for lawyers on the ground.

The *Measures on the Administration of Law Firms* and *Administrative Measures for the Practice of Law by Lawyers of Law Firms* call on lawyers, law firms and regional bar associations **not only** to take measures to ensure that lawyers' freedom of speech, both online and off, in professional and personal capacities, is not critical of the government. **Furthermore**, language added to one of the measures in 2018 specifically states that

'Law firms shall adhere to guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, adhere to and strengthen the comprehensive leadership of the Party over the work of lawyers, persist in preserving the authority and uniform leadership of the Party with Comrade Xi Jinping as its core, make support for the Party's leadership and support for socialist rule of law basic requirements for the profession, and increase the conscientiousness and resoluteness with which lawyers as a group walk the path of socialist rule of law with Chinese characteristics'. (*Measures on Law Firms*, Art. 3)

As a result of making comments that were deemed critical of the Chinese Communist Party, from January 2017 to January 2019, groups have [documented cases of at least 26 lawyers and three law firms](#) that have been punished for their opinion or expression, or by association with lawyers. This includes well-known rights lawyers such as **Yu Wensheng, Wang Yu, Xie Yanyi** and, just last week, **Liu Xiaoyuan**.

The High Commissioner for Human Rights, notes Asia Programme Officer Raphael Viana David, has sought to draw attention to this issue. 'Her [message following the Universal Periodic Review of China](#) was unequivocal: while there may have been some progress, she is looking for steps like building an independent judiciary, guaranteeing fair trials and access to legal counsel, and making sure no one is imprisoned for their work to defend human rights, including by using the law'.

'The recent trend of disbarment and revocation of lawyers' licenses to practice seriously weakens respect and protection for human rights in the country,' Brooks concludes. 'It cuts off at the knees any efforts to claim that 'rule of law' in the country is anything more than authoritarian abuse.'

Watch the statement here:

[Full statement attached here](#), and below.

Lawyers for Lawyers

Co-sponsors: International Bar Association, International Service for Human Rights and Lawyer's Rights Watch Canada

Joint statement under Item 3: Interactive Dialogue with Special Rapporteur on Independence of Judges and Lawyers and the Independent Expert on SOGI

24 June 2019

Mr. Vice President,

We thank the Special Rapporteur for his report. We wish to highlight that many of the trends of restriction he notes also apply to lawyers. For example, across China, repression of human rights lawyers and legal activists continues. They are disappeared, detained, and denied basic rule of law guarantees.

Lawyer Jiang Tianyong is one example. Although he served his sentence for 'inciting subversion of the State', he now lives under constant police surveillance and with a serious medical condition.

What was his so-called 'crime'? Representing fellow lawyers in court, investigating black jails, speaking out for victims of human rights violations and meeting with UN officials.

Mr Special Rapporteur, we are concerned about Chinese government actions to imprison and disbar lawyers who do not adhere to official ideology. The Chinese delegation raised earlier the need to uphold the Constitution - we couldn't agree more. But problematic regulations passed in 2016 allow authorities to, *inter alia*, shut down law firms if they refuse to dismiss lawyers who express critical views, or who advocate for clients or causes unpopular with the Communist Party of China.

China's claims to 'faithfully uphold the rule of law' are true only in relation to national laws created to authorize such government action. Chairman Xi has stressed the Communist Party's control over the legal system, and has used the law to repress and punish those mandated to uphold and protect rights.

Yu Wensheng, Sui Muqing, Zhou Shifeng, Xie Yanyi, Li Heping, Wang Yu, Liu Zhengqing and Liu Xiaoyuan are only 8 out of at least 27 documented cases of human rights lawyers whose licenses have been invalidated or revoked since 2016, simply for fulfilling their professional duties.

In her UPR follow-up letter to the government, the High Commissioner identified key areas for

improvement, including 'guaranteeing an independent judiciary, fair trials, and access to legal counsel, releasing all human rights defenders, including lawyers'.

We call on you, Mr Special Rapporteur, and on this Council, to insist that China immediately stop all forms of harassment and persecution of human rights lawyers, including through administrative means, and unconditionally release those arbitrarily deprived of their liberty.

Thank you.

For more information, please contact Sarah M Brooks (at s.brooks@ishr.ch or Twitter [@sarahmcneer](https://twitter.com/sarahmcneer)); or Raphael Viana David (at r.vianadavid@ishr.ch or on Twitter at [@vdraphael](https://twitter.com/vdraphael)).

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