



Lawyers' Rights Watch Canada



Lawyers for Lawyers

Co-sponsors: International Bar Association, ISHR, 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.