



Catherine Ashton

High Representative of the Union for Foreign Affairs and Security Policy
Vice President of the European Commission

Brussels, 1 July 2011
Our Ref: B1093

Dear Baroness Ashton,

Urgent request for European Union support for human rights lawyers in China

As outlined in our most recent report launched in Hong Kong yesterday, we are deeply concerned about the current situation of human rights lawyers in China. The report - "Against the Law: Crackdown on China's Human Rights Lawyers Deepens"¹ - details how the Chinese Government has unleashed an uncompromising series of measures intended to rein in the legal profession and suppress lawyers who dare to pursue human rights cases.

State efforts to control lawyers have intensified over recent months. Scores of government critics, activists, and 'netizens' have been arrested, amid government fears of a 'Jasmine Revolution' inspired by the Arab Spring. As part of the crackdown, the government is rounding up lawyers associated with 'sensitive' issues such as freedom of religion, freedom of expression and land rights. Human rights lawyers are being targeted as they try to use the law to protect citizens against the state's excesses. They are subject to various silencing tactics – from suspension or revocation of licences and harassment, escalating to enforced disappearance or even torture.

The Chinese state is attempting to wield and manipulate the law to crush those it perceives as a threat. Every year members of the legal profession have to undergo an 'annual assessment', which many believe has no basis under Chinese law. Local authorities assess law firms, while individual lawyers are assessed by supposedly independent lawyers' associations. Lawyers who dare to take up 'sensitive' cases, such as human rights-related ones, are threatened with failure of assessment, which could lead to their licence being revoked. Regulations introduced in 2009-2010 also prohibit lawyers from defending certain clients, commenting on their work to the media, challenging court malpractice, and expand the basis for lawyers to be charged with crimes of "inciting subversion".

When all other methods fail, the Chinese authorities are increasingly turning to means clearly unlawful, both under international standards and even under Chinese law, to silence lawyers. Human rights lawyers are at serious risk of being picked up and vanishing into a legal limbo, with forcible disappearance or arbitrary detention on the increase. Alarming, incidences of torture and other ill-treatment appear to be on the rise.

¹ Full report available here: <http://amnesty.org/en/library/info/ASA17/018/2011/en>

The intimidation, pressure and persecution faced by human rights lawyers has kept their numbers down. Out of more than 204,000 lawyers in China, only a few hundred risk taking on cases that deal with human rights. Some human rights lawyers have been repeatedly persecuted – subject to enforced disappearance, held *incommunicado*, and tortured. Some of them work *pro bono*, or carry on providing legal advice after their licence has been revoked.

All these measures make legal representation extremely difficult to find for those who need it most. Individuals who have suffered violations at the hands of the state - such as torture or illegal detention - are particularly vulnerable to inadequate legal representation. Tibetan and Uighur protestors, victims of forced evictions, those prosecuted for membership of unofficial religious groups including *Falun Gong*, and those with public grievances are also vulnerable to inadequate legal representation. For people facing capital punishment, finding a lawyer who will defend them seriously can be a matter of life and death.

Repression of lawyers has a severe negative impact on Chinese civil society. If lawyers fear taking on 'sensitive cases', especially those involving state misconduct, then the Chinese people cannot rely on the law for redress - and officials have *carte blanche* to act with impunity. This type of repression can ultimately only backfire and undermine public faith in its leaders.

In view of the steadily diminishing space for lawyers to operate, we urge the European Union to do its utmost to raise concerns about the situation of lawyers in China. Only when lawyers are protected will they be able to exercise their full role in protecting human rights – and in creating a vibrant, and ultimately, just nation.

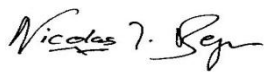
We therefore encourage the EU to call on the Chinese Government to:

- **Release all those detained or forcibly disappeared for exercising, or even protecting fundamental rights**
- **Restore licences to practice to lawyers suspended or disbarred for defending human rights cases**
- **Entrust the governance of lawyers to genuinely independent lawyers' associations, as advocated by international standards and by many in China**

More detailed recommendations are included in the attached report.

We should much appreciate feedback on the steps taken to raise this issue, both in your capacity of High Representative/Vice-President at the highest political level, and by the EU at local level in Beijing.

Yours sincerely,



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Director

Cc:

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