

Statement at 44th session of the UN Human Rights Council

Item 3: Interactive Dialogue with the Special Rapporteur on freedom of opinion and expression

Thank you, Madame President.

ISHR delivers this statement on behalf of a group of NGOs dedicated to safeguarding lawyers and upholding free media.

Mr Special Rapporteur, thank you for your clear and unequivocal work to insist that freedom of expression rights are critical to ‘empowering individuals and communities, human development and democratic self-governance’ – and, more recently, to meeting the challenges of the COVID-19 pandemic.

One of the elements of your report focuses on threats to journalism, including ‘disabling independent journalists’ and failing to release journalists subject to arbitrary and unlawful detention and, in times of pandemic, serious health risks. Both of these are deeply relevant to the work of human rights advocates and citizen journalists in China, such as Chen Qiushi and Huang Qi. You also specifically cite the Chinese government’s moves to silence and expel foreign journalists, such as reporters from *The New York Times*.

Your report makes clear the need for continuous assessment of restrictions on free expression against benchmarks of legality, necessity and proportionality. This *would be* a role for Chinese lawyers, but they, too, have been silenced.

This [Last] week marked five years since the beginning of the so-called ‘709 crackdown’, a sweeping dragnet targeting more than 300 lawyers and legal activists. Although most have been released – including Wang Quanzhang, who rejoined his family in April 2020 after being held some four years incommunicado – the repression continues. Lawyer Yu Wensheng was tried ‘inciting subversion of state power’ in a secret trial in 2019, and was convicted and sentenced to four years’ imprisonment - news his wife received last month, nearly a year later.

Rather than law enforcement stings, the Chinese authorities have evolved to use more subtle tactics to undermine the legal profession. These include sanctioning online and private speech by lawyers with disbarment and revocation of their licenses; harassment of family members and colleagues for publicly calling for justice; and restricting access to critical information held by law enforcement, to family and legal counsel. ISHR and its partners have previously submitted information to the mandate on these critical issues, including the amended Administrative Regulations on Lawyers and Law Firms.

Chinese authorities also stigmatize lawyers in media – that is, state-run media – outlets, calling them ‘opponents of China’, ‘radical activists’ and ‘black sheep’, and airing coerced confessions in which detained lawyers discredit this important human rights work.

Mr Special Rapporteur, in light of limits to open and independent media in China, and targeting of lawyers who may seek to defend those criminalized for their speech, **what steps would you recommend the international community, and specifically this Council, take to obtain credible, actionable information on the human rights situation in China, including Uyghur and Tibetan regions and Hong Kong?**