

9 December 2019

STATEMENT

BHRC statement ahead of the Global Lawyers Forum in Guangzhou, China on International Human Rights Day

On this anniversary of International Human Rights Day, the Bar Human Rights Committee of England and Wales (“BHRC”) calls upon the Chinese Government to uphold the rule of law and respect the fundamental rights of people across China, including but not limited to the freedom of opinion and expression, freedom of association and assembly, freedom of religion or belief and the right to a fair trial, which includes the requirement for an independent judiciary, as well as the right to equality and equal protection before the law.

BHRC also calls upon lawyers gathering for the Global Lawyers Forum in China to advocate for the strengthening and development of the rule of law, and effective implementation of the rights protected by the International Covenant on Civil and Political Rights (“ICCPR”), which was signed by China on 5 October 1998.

BHRC continues to be disturbed by the increasing disregard for fundamental human rights in and across China, which is exacerbated by weakness in the justice system and rule of law.

We remain concerned that the right to a fair trial is undermined in China for those who face serious charges against the State in consequence of expressing their views. Lawyers who have acted in these cases - in furtherance of the right to an effective defence - have been repeatedly silenced, through disbarment from practice or through arrest, detention and charge associated with the same alleged crimes. Some of these lawyers have been awaiting trial for many years in incommunicado detention. Others have been tried by secret process for which the outcome is unknown and through which they did not have the choice of counsel. We have received first-hand reports of torture and other ill-treatment in detention, forced confessions and harassment and surveillance of family members of those accused. For those lawyers who have been released, many remain under constant surveillance.

Lawyers across the world, including those gathering for the Global Lawyers Forum, will wish to stand in solidarity with their colleagues and recognise the importance of the UN Basic Principles on the Role of Lawyers, which require governments to ensure that lawyers are able to perform their professional functions without improper interference.

It is through the courts and decisions of the judiciary that the rule of law successfully operates. Human rights cannot be duly protected without operation of the rule of law. We recently have expressed our concern to the Chief Executive of the Hong Kong Special Administrative Region at the brutal treatment and indiscriminate arrest of peaceful protesters in Hong Kong. We were further concerned by the nature of the criticism by the Central People's Government at the decision of the Hong Kong High Court striking down anti-mask provisions. Judicial independence is a cornerstone of the rule of law and it is critical that judicial decisions can be made free from political interference.

Finally, those present at the Global Lawyers Forum must not ignore the severe crackdown on fundamental rights taking place by way of a terrorism prevention policy operating in Xinjiang. This explicitly targets Turkic Muslim ethnic, linguistic and religious minorities as well as Kazakh nationals. Credible sources estimate that over 1 million largely Muslim minority groups, in particular Uighur and Kazakh people, are detained in internment and indoctrination or re-education camps and prisons, alongside a high-tech surveillance strategy that in practice prevents Muslim worship and identity across the region. The stymying of religious expression and identity through mass coercive and arbitrary detention, as well as forced conversion, is a wholly disproportionate and unnecessary response to any threat of extremism and terrorism and constitutes a violation of many fundamental rights of these minority groups.

BHRC calls upon the Chinese Government to permit unfettered access to independent observers, including from the UN into Xinjiang. In recent days, the Chinese government continues to deny that people are being detained involuntarily. BHRC expresses its hope that delegates at the conference also insist that independent observers, including from the UN, be given unfettered access into Xinjiang.

BHRC calls upon the Chinese authorities to commit to upholding the rule of law and the effective protection of human rights across China, and by way of seeking and promoting accountability for violations through its justice system, in which the independence and impartiality of lawyers and judges alike is upheld.

ENDS.

NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Josie Fathers, Project Coordinator on coordination@barhumanrights.org.uk or +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.
4. BHRC statements of concern relating to China can be found on our website [here](#).