



PRESS RELEASE

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Statement by UIA-IROL on the Global Lawyers Forum in China

UIA-IROL is committed without reservation to human rights, defense of the defense, independence of the legal profession and of the judiciary, and protection of the Rule of Law. It abides by the definition of the Rule of the Law recognized under internationally accepted norms and standards, consistent with the definition put forward by the United Nations. UIA-IROL believes the Rule of Law so defined is immutable and has universal application, and it is dedicated to safeguarding the Rule of Law throughout the world.

At the same time, UIA-IROL is committed to maintaining open dialogue and debate with all who voice positions on these important issues, including those with whom it disagrees. Some of those voices choose to ignore the concept of the Rule of Law altogether or refuse to defend it. Still others seek to redefine the Rule of Law, and in so doing, to distort its meaning in a manner that changes or omits its fundamental characteristics.

UIA-IROL recognizes that engaging with such voices might invite criticism from those who prefer to ignore or boycott countervailing views or who argue that engaging in the debate serves to legitimize unacceptable positions. UIA-IROL, however, is committed to global engagement to the fullest extent possible as an essential tool, working with members of the legal profession everywhere to promote the protection of lawyers and to support the Rule of Law throughout the world.

For that reason, UIA President Jerry Roth chose to accept the invitation to participate in the Global Lawyers Forum hosted in Guangzhou, China, on December 9 and 10, by the All China Lawyers Association (ACLA), which represents the more than 400,000 lawyers who practice in China. President Roth joined hundreds of Chinese lawyers, legal representatives of almost 60 other countries in and outside of Asia, as well as the heads of other major international law associations such as the IBA, LawAsia, the IPBA and the CCBE, for two days of presentations and discussions.

During the Forum, representatives of the Chinese government referred to what they called a Chinese or socialist version of the Rule of Law, which was described as necessary to preserve the nation's prosperity, stability and "social justice" in light of its special characteristics. This definition did not make reference to fundamental aspects of the Rule of Law, including protection of human rights or rights of minorities, independence of the bar and judiciary, and separation of powers.

UIA President Roth was initially invited to address the Forum as a keynote speaker. However, when he submitted the final version of his planned remarks, as required by conference organizers, his keynote speech was cancelled. In that speech, President Roth planned to state the following:

"We are involved in promoting and defending the Rule of Law in the true and full meaning of that phrase as it has been internationally accepted, including by the United Nations. Rule of law means, among other things, accountability of political authorities of a nation to its citizens, separation of powers, and laws that are publicly promulgated, equitably enforced and independently adjudicated, and which are consistent with international human rights norms and standards. In this context, we also promote and defend the essential principles of the legal profession, and the unique role that both individual lawyers and bar associations play as privileged guardians and defenders of citizens' rights and of the Rule of Law. We advocate for the

independence of the bar and of the judiciary, without which there is no Rule of Law. And we play an important role defending lawyers around the world who are unable to discharge their functions freely, independently and without fear of reprisal – what we call in French “défense de la défense” or “defending the defenders”...

I’m happy to be here today because I believe we have a real opportunity to exchange ideas, information and possible joint projects with our fellow Chinese lawyers on topics such as... the social responsibilities lawyers bear including with respect to protecting the Rule of Law in its fullest sense and to protecting fellow lawyers. Needless to say, some of these areas present challenges that require hard thinking and engaged discussion – particularly where we see values we believe are core to the legal profession being threatened around the world.”

At the Forum, President Roth expressed to its organizers his grave disappointment that he was not being permitted to make his planned remarks, especially in light of the definition of the Rule of Law offered by Chinese authorities. Later during the conference, at a Roundtable Meeting of Presidents of Bar Associations and Law Societies held by ACLA, President Roth was given the opportunity to speak. At that time, he reiterated the internationally accepted definition of the Rule of Law as described in the above passage, and he emphasized that he disagreed strongly with the notion that there could be different versions of the Rule of Law, insisting that the definition of the Rule of Law was universal – in short, that there is only one Rule of Law. Certain other representatives of national and international legal associations made similar arguments.

In that regard, UIA-IROL vehemently disagrees with any alteration of the meaning of the Rule of Law and objects to misuse of the phrase by China or any country for individual national purposes.

In its Report “The rule of law and transitional justice in conflict and post-conflict societies” of August 23, 2004, the Secretary-General of the United Nations described what the expression “rule of law” encompasses according to the international understanding:

“For the United Nations (UN) system, the rule of law is a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.”

In civilized society, separation of powers, universal and equal applicability of the law, and independence of the legal and judicial professions are inherent in the Rule of Law. Use of the same phrase to describe the very different concept of “rule by law,” i.e., which focuses instead on demanding obedience to laws regardless of their content or substantive or procedural fairness, and on the primacy of law enforcement regardless of how implemented, turns the definition on its head.

UIA-IROL has pointed out repeatedly that lawyers in China are frequently persecuted simply for exercising their profession. UIA-IROL is well aware of numerous Chinese lawyers who have been threatened; “disappeared”; detained; physically and/or psychologically tortured; denied access to justice, including access to a lawyer of their choosing; denied the right to a fair trial; and/or stripped of their licenses to practice law; merely because they were engaged in the practice of law. UIA-IROL has issued and joined a number of declarations expressing its grave concern over such serious and unacceptable violations committed against its colleagues in China. The most recent include:

- **July 2019**, UIA call on the release Chinese government to drop charges against lawyers & activists still held in custody

- <https://twitter.com/UnionIntAvocats/status/1148527018310537216>
- **February 2019**, Joint letter on the detention of Wang Quanzhang
<https://lawyersforlawyers.org/en/joint-letter-release-wang-quanzhang>
- **December 2018**, Joint petition letter for the release of Wang Guanzhang
<https://www.odage.ch/medias/commissions/documents/Droits%20de%20l%27Homme/Press%20Release%20Wang%20Q.%20EN.pdf>
- **April 2018**, UIA Appeal of support for Wang Quanzhang
<https://www.uianet.org/en/actions/uia-concern-chinese-lawyer-wang-quanzhang>
- **March 2017**, Joint statement of the legal profession on the cases of the 709 crackdown
<https://www.hrchina.org/en/press-work/joint-statements/call-china-ensure-right-fair-trial>
- **January 2017**, Press release on the Annual day of endangered lawyer
<https://www.uianet.org/en/news/7th-annual-day-endangered-lawyer-why-you-should-show-your-support-human-rights-lawyers-china>
- **October 2016**, Letter to ACLA expressing concern on intimidation and attacks against lawyers
- **September 2016**, Press release after Wang Yu stated that she refused the Ludovic Trarieux international human rights prize under the pressure from the authorities
<https://www.uianet.org/en/news/press-release-jury-ludovic-trarieux-prize-ms-wang-yu-statements-regarding-2016-international>
- **June 2016**, Press release on the occasion of the Ludovic Trarieux Human Rights Prize 2016 Awarded to Chinese Lawyer Wang Yu
<https://www.uianet.org/en/news/ludovic-trarieux-human-rights-prize-2016-awarded-chinese-lawyer-wang-yu>
- **January 2016**, Joint open letter from the legal profession and lawyers to express concern about the score of lawyers intimidated and detained in China
<https://www.uianet.org/en/actions/concerns-about-situation-lawyers-chinast>
- **January 2016**, Joint statement regarding the 709 Crackdown:
<https://www.uianet.org/en/actions/concerns-about-situation-lawyers-china>
https://www.chinaaid.org/2016/01/china-human-rights-lawyers-concern_26.html

Consistent with UIA's commitment to full engagement and open dialogue, President Roth attended the Global Lawyers Forum with the intent to engage with China's lawyers and their representative ACLA, a collective member of UIA, and to emphasize UIA's commitment to the Rule of Law as internationally defined -- inviting those who might disagree to engage in debate, to broaden their views and, where necessary, to reconsider their positions in light of the experiences of their colleagues around the world. It is through such open and frank communication that the entire world may come to respect the Rule of Law in its true and full sense. UIA looks forward to continuing that important dialogue with the hundreds of thousands of lawyers who practice in China and with their bar association representatives. For without an independent bar willing to engage on the issue, there can be no true Rule of Law.

More about the UIA-IROL

The mission of the Institute for the Rule of Law (UIA-IROL) is to promote the Rule of Law and address essential human rights issues.

Access to justice, the independence of the judiciary, and the freedom and independence of the legal profession are all essential elements of the Rule of Law and therefore all issues of concern for the UIA-IROL.

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