

7 July 2021

LAWASIA STATEMENT OF CONCERN REGARDING THE PEOPLE'S REPUBLIC OF CHINA'S SANCTIONS AGAINST LAWYERS

1. LAWASIA expresses its concerns about the sanctions announced by the People's Republic of China (PRC) against barrister members of the legal profession and their immediate family members. LAWASIA notes that other Bar Associations have commented on these actions.¹
2. LAWASIA is a regional association of lawyers, judges, jurists and legal organisations, which advocates for the interests and concerns of the legal profession in Asia and the Pacific. LAWASIA's objectives and activities include promoting the rule of law and respect for human rights and providing a voice for the legal community in Asia and the Pacific region.
3. LAWASIA understands that on 26 March 2021, the PRC imposed sanctions on nine individuals and four organisations, including the Essex Court Chambers.² This was in response to a legal opinion produced by four Essex Court barristers (Alison Macdonald QC, Jackie McArthur, Naomi Hart and Lorraine Aboagye) for The Global Legal Action Network, as lay clients. The opinion addressed legal issues arising from alleged human rights violations by PRC authorities against the Uyghur population in the Xinjiang region of the PRC.³ Sanctions were imposed on Helena Kennedy QC and Sir Geoffrey Nice QC; as well as on the Essex Court Chambers as a whole.
4. LAWASIA understands that the implications of the sanctions are that the lawyers and their immediate family members are prohibited from entering mainland China, Hong Kong and Macau, that their property in China will be frozen, and Chinese citizens and institutions will be prohibited from doing business with them. LAWASIA also understands that the sanctions have had serious professional implications, including: barristers from Essex Court Chambers' affiliate in Singapore,

¹ United Kingdom Bar Council <[Bar Council response to sanctions by Chinese government](#)> 26 March 2021; Bar Human Rights Committee of England and Wales <[CHINA: BHRC Chair makes press comments on sanctions against UK lawyers - Bar Human Rights Committee](#)> 26 March 2021; International Bar Association <[China: IBA salutes advocates standing up for the rule of law | International Bar Association \(ibanet.org\)](#)> 29 March 2021; Bar Council of England and Wales, Bar of Ireland, Bar Council of Northern Ireland and Faculty of Advocates of Scotland <[Statement of the Four Bars on PRC Government sanctions against barristers \(barcouncil.org.uk\)](#)> 27 April 2021. Comments have been provided to media by leaders of Bar associations <[Law Society of England and Wales](#)>.

² Foreign Ministry Spokesperson Announces Sanctions on Relevant UK Individuals and Entities <https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1864366.shtml> 26 March 2021.

³ International Criminal Responsibility for Crimes Against Humanity and Genocide Against the Uyghur Population in the Xinjiang-Uyghur Autonomous Region <https://14ee1ae3-14ee-4012-91cf-a6a3b7dc3d8b.usfiles.com/ugd/14ee1a_3f31c56ca64a461592ffc2690c9bb737.pdf>; For the Global Legal Action Network <<https://www.glanlaw.org/single-post/legal-opinion-concludes-that-treatment-of-uyghurs-amounts-to-crimes-against-humanity-and-genocide>>.

Essex Court Duxton, being forced to leave and establish a new practice;⁴ barristers leaving Essex Court Chambers to move to other Chambers;⁵ and uncertainty for barristers working in Hong Kong) and Macau .⁶

5. LAWASIA notes that Principle 18 of the *United Nations Basic Principles on the Role of Lawyers* states that "lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".⁷ LAWASIA also notes that Principle 16 of the *Basic Principles* requires states to refrain from "improper interference" in the professional functions of lawyers.⁸ Principle 16 also states that lawyers "shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics".
6. LAWASIA is concerned that these measures, imposed on lawyers for providing a legal opinion, contravene these two provisions. Additionally, sanctioning the barristers' chambers as a whole indiscriminately targets all legal professionals within those chambers. The chambers comprise other barristers practising from the same premises, as independent legal practitioners, and sanctioning them goes against the fundamental basis of the rule of law which requires access to competent and independent legal advice. LAWASIA considers that sanctions targeting lawyers for complying with their professional obligations are a threat to the regional legal community.
7. LAWASIA calls on the PRC to withdraw these sanctions, in furtherance of its commitment to upholding the rule of law and Principle 16 and 18 of the United Nations Basic Principles on the Role of Lawyers.

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⁴ *Essex Court Chambers' Singapore Affiliate Breaks Away as China Sanctions Pressure Mounts*, 30 March 2021, <<https://www.law.com/international-edition/2021/03/30/essex-court-chambers-singapore-affiliate-breaks-away-as-china-sanctions-pressure-mounts/?slreturn=20210425041815>>.

⁵ *Top Asia law QC leaves sanctions-hit Essex Court Chambers* <<https://www.globallegalpost.com/big-stories/top-asia-law-qc-leaves-sanctions-hit-essex-court-chambers-13067865/>> 29 March 2021.

⁶ *China's corporate loyalty drive ensnares int'l lawyers inc. top Hong Kong judge* <<https://hongkongfp.com/2021/03/27/chinas-corporate-loyalty-drive-ensnares-intl-lawyers-inc-top-hong-kong-judge/>> 27 March 2021.

⁷ United Nations, *Basic Principles on the Role of Lawyers*, 7 September 1990, <<https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>>, Principle 18.

⁸ United Nations, *Basic Principles on the Role of Lawyers*, 7 September 1990, <<https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>>, Principle 16.