

## ACCESS TO JUSTICE

### *Findings*

- To the extent that citizens rely on courts to protect their rights against state encroachment, political influence on the court system undermines their ability to access justice. The Chinese Communist Party goes beyond mere influence and expressly requires absolute loyalty and obedience from the courts.
- This past year, the Party maintained control by sending a political inspection team on a two-month-long tour to the Supreme People's Court (SPC) and reiterated the theme of subservience expressed in the last political inspection in 2016.
- An SPC judge highlighted the judiciary's role as being part of the political-legal system, stressing that courts must be unequivocally political. Given its role, the judiciary must operate under the leadership of the Political-Legal Committee (a Party organization having authority over both the public security and judicial systems) and take part in political initiatives like the "root cause management" scheme designed to seek out and resolve disputes before they become litigated matters. Acting as the Party's agent undermines the judiciary's capacity to adjudicate cases impartially.
- Authorities suppressed speech describing the universal conception of the rule of law and persecuted lawyers by detaining them and revoking their law licenses for their advocacy of democracy and constitutional reform, or for their representation of defendants in politically sensitive cases.
- The government increased state-sponsored legal aid programs and simultaneously squeezed out civil society participation, including by shutting down legal aid centers operated by non-governmental organizations, restricting their funding, and detaining lawyers and revoking their law licenses.

### *Recommendations*

Members of the U.S. Congress and Administration officials are encouraged to:

- Highlight and discuss with Chinese officials the report in which the UN Working Group on Arbitrary Detention found human rights lawyers **Li Yuhao** and **Yu Wensheng** to have been arbitrarily detained. Call attention to the arbitrary detention of other rights lawyers such as **Lu Tingge**, **Chen Jiahong** and **Qin Yongpei**, **Jiang Tianyong**, as well as **Wang Quanzhang**, who continues to be under surveillance and subject to restrictions on personal liberty after being released from prison. Urge the Chinese government to unconditionally exonerate the above-named lawyers and other similarly situated lawyers.
- Highlight and discuss with Chinese officials cases of human rights lawyers such as **Lu Siwei**, **Li Jinxing**, **Sui Muqing**, **Liu Zhengqing**, **Xie Yanyi**, and **Chen Keyun**, whose law licenses were revoked or whose ability to practice law was otherwise restricted because of their legal representation and advo-

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cacy in cases that Chinese authorities deem politically sensitive.

- Urge the Chinese government to protect the fundamental civil and professional rights of China's lawyers, to investigate all allegations of abuse against them, and to ensure that those responsible are brought to justice. Urge the Chinese government to end all forms of harassment or persecution against family members of human rights lawyers and advocates, including surveillance and restrictions on their freedom of movement.

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The International Covenant on Civil and Political Rights (ICCPR), which China signed and expressed its intention to ratify,<sup>1</sup> provides that all persons are equal before the courts; it also obligates a State Party to ensure that people have enforceable legal remedies for any violation of the rights and freedoms recognized in the convention, even if the violation has been committed by an official.<sup>2</sup> While China's Constitution recognizes certain universal human rights,<sup>3</sup> citizens do not have any legal channel by which to assert or protect them.<sup>4</sup> Moreover, examples of political interference with the judiciary, control over the legal profession, and persecution of human rights lawyers that the Commission observed during the 2020 reporting year are inconsistent with the relevant ICCPR provisions.<sup>5</sup>

### *Judiciary as a Political Instrument*

The Chinese Communist Party continued to reinforce ideological control over the judiciary and use it to achieve political goals. In September 2019, the Supreme People's Court (SPC) President Zhou Qiang spoke at a conference to mark the beginning of a two-month-long political inspection conducted by the No. 4 Central Inspection Tour Team, which is tasked with ensuring court officials' compliance with political directives.<sup>6</sup> Zhou urged attendees to protect the country's political security and stressed the importance of political alignment with the Party Central Committee, with General Secretary Xi Jinping at its core.<sup>7</sup> In January 2020, the inspection team gave the SPC its feedback, listing as the first recommendation that courts should actualize the Party's absolute control over the judiciary.<sup>8</sup> This recommendation continued the theme of absolute loyalty and obedience to the Party expressed in the last political inspection in 2016.<sup>9</sup>

Likewise, SPC Judge Liu Guixiang<sup>10</sup> clarified at a national conference that "as a political-legal institution, people's courts are first and foremost political entities; [as such,] they must prioritize political building and must be unequivocally political."<sup>11</sup> Another part of his speech showed that the Party's political-legal committees continued to have authority over courts and public security bureaus to coordinate efforts between them.<sup>12</sup>

### "ROOT CAUSE MANAGEMENT" SYSTEM

A recent political initiative designed to reduce litigation may further undermine the judiciary's authority. In a July 2019 opinion, the Supreme People's Court laid out a plan to establish a nationwide multi-faceted system by the end of 2020 with the goal of resolving disputes before they become litigated matters.<sup>13</sup> Called the "root cause management" (*susong yuantou zhili*) system, the plan requires courts to take a series of steps to reduce litigation, including integrating themselves into the grassroots-level dispute resolution network, collaborating with Party committees and local governments to create "litigation free" communities, and using big data to prevent or preemptively resolve "potential disputes."<sup>14</sup> Implementation of the "root cause management" system would be part of a broader "peace building" scheme,<sup>15</sup> in which social order main-

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tenance functions are assigned to political-legal committees.<sup>16</sup> With pre-litigation dispute resolution prioritized, the judiciary will be relegated to an auxiliary role in the overall Party-led initiative.<sup>17</sup>

### *Pressure on the Legal Profession*

The Chinese Communist Party continued to exert control over domestic law firms through “guidance tours.” In November 2019, the National Chinese Communist Party Committee on the Legal Profession conducted a series of guidance tours on Party committees in law firms across China<sup>18</sup> as part of a political indoctrination campaign launched in May 2019.<sup>19</sup> The Ministry of Justice established the National Chinese Communist Party Committee on the Legal Profession in October 2017 to promote Party ideology and to implement Party building within the legal profession.<sup>20</sup> According to the Party secretary at one Chinese law firm, non-Party members should conform to the standards set by Party members.<sup>21</sup>

The Party’s expectation for lawyers to conform to its political views may extend to international lawyers, as illustrated by censorship at the “Global Lawyers Forum” organized under the auspices of the Ministry of Justice and held in December 2019 in Guangzhou municipality, Guangdong province.<sup>22</sup> A two-day event joined by over 800 lawyers and government officials from 57 countries, the forum aimed to showcase China’s development and promoted the formation of the Belt and Road International Lawyers Association.<sup>23</sup>

Before the event, the Guangzhou Lawyers Association issued a directive prohibiting lawyers from expressing viewpoints inconsistent with those of the Party.<sup>24</sup> At the event, the president of the International Association of Lawyers (UIA) was scheduled to be a keynote speaker, but conference organizers canceled his speech after he submitted his planned remarks describing the concept of the rule of law in a manner inconsistent with the Chinese government’s formulation, which, according to the UIA, emphasized the nation’s prosperity and stability but disregarded “protection of human rights or rights of minorities, independence of the bar and judiciary, and separation of powers.”<sup>25</sup> In addition, domestic security officials in Beijing municipality placed Xu Yan, who tweeted about the forum, under home confinement during the event.<sup>26</sup> Xu Yan is the wife of lawyer Yu Wensheng, whom authorities detained, reportedly in connection with his legal reform advocacy and for providing legal representation in politically sensitive cases.<sup>27</sup>

### *Persecution of Human Rights Lawyers and Advocates*

This past year, Chinese authorities continued to persecute human rights lawyers and advocates by arbitrarily detaining them or by undermining their ability to render legal help. These individuals include the following:

- **Zhou Shifeng, Hu Shigen, and Wu Gan** continued to serve their sentences ranging from seven to eight years on state security charges.<sup>28</sup> Chinese authorities detained them in mid-2015 as part of a coordinated nationwide crackdown on human rights lawyers and advocates (“709 Crackdown”) for defending people facing politically motivated prosecution.<sup>29</sup>

- As of January 2020, 71-year-old **Li Yuhan** remained in pre-trial detention for over two years, as she continued to refuse to plead guilty.<sup>30</sup> Prison officials tortured her by denying her medication and adequate food, and subjected her to degrading treatment by other inmates.<sup>31</sup> Before her detention, Li represented Wang Yu, a lawyer detained in the 709 Crackdown, and spoke to members of the UN Committee against Torture in November 2015 about the plight of human rights lawyers in China.<sup>32</sup>
- As of March 2020, **Yu Wensheng** continued to await sentencing after a court tried him for “inciting subversion” in a closed proceeding in May 2019.<sup>33</sup> Authorities denied him family visits and access to counsel.<sup>34</sup> Yu’s detention may be connected to his legal representation of Falun Gong practitioners and to his filing of a complaint alleging the illegality of the 709 Crackdown.<sup>35</sup>
- After completing a sentence of 4 years and 6 months for “subversion,” rights lawyer **Wang Quanzhang** returned home in April 2020; however, he continued to be subjected to the supplemental punishment of deprivation of political rights for five years, including the rights of speech, publication, and gathering.<sup>36</sup> In May, authorities from Shandong province told him that he already had broken the law by giving media interviews and advised him not to attend a private gathering, the invitation to which had never been publicized.<sup>37</sup>
- In December 2019, **Chen Jiahong** met with his lawyer for the first time in seven months since authorities took him into custody in April, reportedly for his speech calling for increased accountability of Party officials.<sup>38</sup> Chen’s colleague **Qin Yongpei** advocated for his release, which possibly led to Qin’s own detention in October 2019.<sup>39</sup> In February 2020, police interrogated Qin’s two daughters about his political speech.<sup>40</sup> Authorities held both Chen and Qin on state security grounds and deprived them of family and counsel visits.<sup>41</sup> In October 2019, authorities suspended **Lu Siwei**’s law license for three months for representing Chen, citing a procedural irregularity.<sup>42</sup>
- In July 2019, the Shandong Justice Department revoked **Li Jinxing**’s law license based on five social media posts about rule of law issues.<sup>43</sup> Li previously represented wrongfully convicted individuals and rights advocates in criminal proceedings.<sup>44</sup>
- In December 2019, police summoned **Lu Tingge** on suspicion of “picking quarrels and provoking trouble,” and the local lawyers association started an investigation of him for “inappropriate speech.”<sup>45</sup> Previously, Lu repeatedly demanded that authorities investigate a 2017 incident in which he was assaulted by court police when he was representing a criminal defendant in a religion-based prosecution; he also filed a complaint in 2019 alleging illegal conduct by the local justice bureau.<sup>46</sup>

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### *Citizen Petitioning*

The petitioning system (*xinfang*), also known as the “letters and visits system,” is a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person.<sup>47</sup> While the financial cost to use the petitioning system is low,<sup>48</sup> the system can be inefficient due to staff shortages and the large number of petitions.<sup>49</sup> Additionally, a structural conflict of interest exists, whereby local governments have police power over petitioners who bring claims against them and have used such power to prevent petitioners from asserting their rights.<sup>50</sup>

This past year, central authorities continued their efforts to improve the petitioning system’s efficiency, such as by implementing an online platform within the National People’s Congress’s petitioning system,<sup>51</sup> clarifying matters that can be presented by a petition,<sup>52</sup> and sending supervision teams to ensure that local governments resolve matters affecting a large number of people.<sup>53</sup> Despite these changes, the Commission continued to observe examples of petitioners being subjected to different kinds of control and mistreatment by local authorities, such as criminal prosecution and commitment to psychiatric hospitals.<sup>54</sup> “Stability maintenance” efforts intensified during commemorative events such as National Day on October 1, 2019, when authorities systematically detained petitioners in Beijing municipality and prevented them from traveling there to air their grievances.<sup>55</sup>

### *Legal Aid*

The legal aid system remained a state-controlled institution. State Council regulations require that justice bureaus of local governments appoint legal aid organizations and administer legal aid programs through them.<sup>56</sup> Legal aid organizations may assign eligible applicants to in-house lawyers or make referrals to law firms, grassroots legal services, or other social organizations.<sup>57</sup> Lawyers are legally obligated to provide legal aid services and may be disciplined or fined for refusing to do so.<sup>58</sup> As the state-sponsored legal aid program continued to receive increased funding, however, authorities continued to limit space for non-governmental actors by restricting or shutting down their operations or by criminal prosecution.<sup>59</sup>

This past year, authorities continued to encourage pro bono legal services<sup>60</sup> and further standardized legal aid work. In November 2019, the Ministry of Justice issued the Specifications for Civil and Administrative Legal Aid Service, which covers consultation, litigation, and non-litigation work (such as mediation and arbitration) and provides for a review mechanism to ensure the quality of the legal aid provider’s performance.<sup>61</sup> According to an opinion issued by the Chinese Communist Party Central Committee in July 2019, legal aid is part of a broader system of public legal services that aims to “steadfastly uphold the Party’s leadership” and to “comprehensively strengthen Party building.”<sup>62</sup>

*Judicial Decisions on Social Issues*

Following a 2018 Supreme People's Court decision adding two causes of action for "equal employment rights" and "sexual harassment damages,"<sup>63</sup> a growing body of documents shows that citizens are using the court system to litigate cases involving contemporary social issues.<sup>64</sup> In one example, the courts ruled in favor of sexual harassment victims, ordering the offenders to apologize.<sup>65</sup> In another case, where the employer terminated the employee for her pregnancy, the court awarded damages and directed the employer to apologize.<sup>66</sup>

The outcomes in some recent cases, however, may be inconsistent with the goal of protecting citizens' rights and freedoms. In one case, the judge denied a woman's divorce petition despite severe domestic abuse by her husband, illustrating a broader trend of judges valuing "social harmony" over women's safety.<sup>67</sup> In another case, the court terminated the parents' custodial rights because they taught their child to refrain from saluting the flag and from learning socialism and Communism, in accordance with their religious beliefs as Jehovah's Witnesses.<sup>68</sup>

### Notes to Section III—Access to Justice

<sup>1</sup>United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 8, 2019; State Council Information Office, “Guojia renquan xingdong jihua (2016–2020 nian)” [National human rights action plan of China (2016–2020)], September 29, 2016, sec. 5.

<sup>2</sup>International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 2(3), 14.

<sup>3</sup>PRC Constitution, passed and effective December 4, 1982 (amended March 11, 2018), arts. 33–48.

<sup>4</sup>Luoyang Municipal Intermediate People’s Court, Henan province, Xingzheng Caidingshu [Administrative Order], (2018) Yu 03 Xing Zhong No. 368, November 28, 2018, reprinted in *China Judgements Online*, January 14, 2019; Thomas E. Kellogg, “Arguing Chinese Constitutionalism: The 2013 Constitutional Debate and the ‘Urgency’ of Political Reform,” *University of Pennsylvania Asian Law Review*, vol. 11, 349 (2015–2016).

<sup>5</sup>International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 2(3), 14.

<sup>6</sup>“Zhongyang Disi Xunshi Zu xunshi Zuigao Renmin Fayuan Dangzu gongzuo dongyuanhui zhaokai” [Mobilization meeting convened for work related to the inspection of Supreme People’s Court Party Group by No. 4 Central Inspection Tour Team], Central Commission for Discipline Inspection and State Supervision Commission, September 10, 2019; Susan Finder, “Central Inspection Group Inspecting the Supreme People’s Court (Again),” *Supreme People’s Court Monitor* (blog), September 11, 2019.

<sup>7</sup>“Zhongyang Disi Xunshi Zu xunshi Zuigao Renmin Fayuan Dangzu gongzuo dongyuanhui zhaokai” [Mobilization meeting convened for work related to the inspection of Supreme People’s Court Party Group by No. 4 Central Inspection Tour Team], Central Commission for Discipline Inspection and State Supervision Commission, September 10, 2019.

<sup>8</sup>“Zhongyang Disi Xunshi Zu xiang Zuigao Renmin Fayuan Dangzu fankui xunshi qingkuang” [No. 4 Central Inspection Tour Team gives feedback to Supreme People’s Court Party Group on inspection], Central Commission for Discipline Inspection and National Supervision Commission, January 10, 2020.

<sup>9</sup>“Zhongyang Di'er Xunshi Zu xiang Zuigao Renmin Fayuan Dangzu fankui zhuanxiang xunshi qingkuang” [No. 2 Central Inspection Tour Team gives feedback to Supreme People’s Court on Special Inspection Situation], Central Commission for Discipline Inspection and National Supervision Commission, February 21, 2017.

<sup>10</sup>Supreme People’s Court, “Liu Guixiang Tongzhi jianli” [Brief profile of Comrade Liu Guixiang], accessed March 10, 2020.

<sup>11</sup>“Liu Guixiang zai Quanguo Fayuan Min Shang Shi Shenpan Gongzuo Huiyi shang de jianghua” [Liu Guixiang’s speech at the Conference of Nationwide Courts on Civil and Commercial Trial Work], *The Paper*, July 19, 2019. See also Sili, “Qichi xianming jiang zhengzhi” [Be unequivocally political], *Qiushi*, October 7, 2019.

<sup>12</sup>“Liu Guixiang zai Quanguo Fayuan Min Shang Shi Shenpan Gongzuo Huiyi shang de jianghua” [Liu Guixiang’s speech at the Conference of Nationwide Courts on Civil and Commercial Trial Work], *The Paper*, July 19, 2019.

<sup>13</sup>Supreme People’s Court, *Zuigao Renmin Fayuan Guanyu Jianshe Yizhanshi Duoyuan Jiefen Jizhi Yizhanshi Susong Fuwu Zhongxin De Yijian* [Opinion on Building a One-Stop Multi-Faceted Dispute Settlement System and a One-Stop Litigation Service Center], issued July 31, 2019, art. 7.

<sup>14</sup>Supreme People’s Court, *Zuigao Renmin Fayuan Guanyu Jianshe Yizhanshi Duoyuan Jiefen Jizhi Yizhanshi Susong Fuwu Zhongxin De Yijian* [Opinion on Building a One-Stop Multi-Faceted Dispute Settlement System and a One-Stop Litigation Service Center], issued July 31, 2019; “Zuigao Renmin Fayuan zhaokai dangwai renshi zuotanhui tingqu yijian jianyi, ge minzhu dangpai zhongyang quanguo gongshang lian wu dangpai renshi fayan zhai deng” [Supreme People’s Court convenes forum to listen to suggestions by non-Party members; excerpts of speech by different democratic groups, All-China Federation of Industry and Commerce, and people without political affiliation], *People’s Court Daily*, May 12, 2020.

<sup>15</sup>Supreme People’s Court, *Zuigao Renmin Fayuan Guanyu Jianshe Yizhanshi Duoyuan Jiefen Jizhi Yizhanshi Susong Fuwu Zhongxin De Yijian* [Opinion on Building a One-Stop Multi-Faceted Dispute Settlement System and a One-Stop Litigation Service Center], issued July 31, 2019, art. 6.

<sup>16</sup>Chinese Communist Party Central Committee, *Zhongguo Gongchandang Zhengfa Gongzuo Tiaoli* [Regulations on the Work of the Chinese Communist Party Political-Legal Committee], effective January 13, 2019; Shi Yajun and Zhang Li, “Fazhi zhujie ping’an Zhongguo” [Rule of law makes a peaceful China], *Red Flag Manuscript*, reprinted in *Qiushi*, October 24, 2019.

<sup>17</sup>Xue Yongyi, “Suyuan zhili de sanwei jiedu” [Three-dimensional interpretation of litigation root management], *Supreme People’s Court Newspaper*, August 13, 2019; Zhong Mingliang, “Fayuan zai suyuan zhili zhong de juece dingwei ji wanshan” [Identifying and improving courts’ role in litigation root cause management], *People’s Court Newspaper*, January 9, 2020; Suo Sujin and Yu Jianhua, “‘Fengqiao jingyan’ de tansuo yu chuangxin” [Exploring and innovating ‘fengqiao experience’], *Legal Weekly*, December 17, 2019.

<sup>18</sup>See, e.g., Heilongjiang Meng Fanxu Law Firm, “Quanguo Lushi Hangye Dangwei ‘buwang chu xin, laoji shiming’ zhuti jiaoyu xunhui zhidao zu ji sheng sifa ting lingdao lilin wo suo” [Leaders from the guidance tour team for the ‘remain true to our original aspiration and mission’ themed education of the National CCP Committee on the Legal Profession and leaders from the provincial Justice Department come to our firm], November 12, 2019; “Quanguo Lushi Hangye Dangwei Xunhui Zhidao Zu fu Hunan kaizhan zhuti jiaoyu zhidao gongzuo” [National CCP Committee on the Legal Profession Guidance Tour Team went to Hunan to conduct guidance work on themed education and guidance work], *Legal Daily*, November 14, 2019; “Quanguo



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Lushi Hangye Dangwei Xunhui Zhidao Zu zai Wuhan zhidao zhuti jiaoyu gongzuo” [National CCP Committee on the Legal Profession Guidance Tour Team gives guidance on themed education work in Wuhan], *Justice Bureau of Wuhan*, November 15, 2019.

<sup>19</sup> Xi Jinping, “Zai ‘buwang chu xin, laoji shiming’ zhuti jiaoyu gongzuo huiyi shang de jianghua” [Speech given at the “remain true to our original aspiration and mission” themed education work conference], May 31, 2019, reprinted in *Qiushi*, June 30, 2019.

<sup>20</sup> “Quanguo Lushi Hangye Dangwei chengli” [National Chinese Communist Party Committee on the Legal Profession is established], Ministry of Justice, October 31, 2017.

<sup>21</sup> Wang Yanhui, “Wo de lushi meng—‘dangjian ru zhangcheng’ xinggeju xia de xin shiming” [My lawyer’s dream—“Party building written into Party Constitution”; new mission under the new environment], *Legal Daily*, October 19, 2018.

<sup>22</sup> Liu Ziyang and Zhang Chen, “Xieshou gongjian fazhi wenming xin shidai” [Building a civilized new era under the rule of law together], *Legal Daily*, December 15, 2019.

<sup>23</sup> *Ibid.*

<sup>24</sup> Huang Letao and Gao Feng, “Guangzhou Shijie Lushi Dahui jin Zhongguo weiquan lushi canjia [Guangzhou Global Lawyers Forum bars Chinese rights lawyers from attending], *Radio France Internationale*, December 6, 2019.

<sup>25</sup> International Association of Lawyers (UIA), Statement by UIA-IROL on the Global Lawyers Forum in China, December 17, 2019.

<sup>26</sup> Lawyer Yu Wensheng’s Wife Xu Yan (@xuyan709), “12 yue 9 ri, Shijie Lushi Dahui zhakai de di yi tian” [December 9, first day of Global Lawyer Forum . . .], Twitter, December 9, 2019, 3:51 p.m.

<sup>27</sup> Chinese Human Rights Defenders, “Yu Wensheng,” accessed July 17, 2020; Safeguard Defenders, “Mimi kaiting yi zhounian, Yu Wensheng lushi reng wu xialuo” [One year after secret trial, lawyer Yu Wensheng’s whereabouts still unknown], May 9, 2020.

<sup>28</sup> China Human Rights Lawyers Concern Group, “‘709 da zhuabu’ jinzhan tongbao” [“709 Crackdown” progress report], July 24, 2019; Chinese Human Rights Defenders, “Wu Gan,” accessed July 17, 2020; Chinese Human Rights Defenders, “Hu Shigen,” accessed July 17, 2020; Chinese Human Rights Defenders, “Zhou Shifeng,” accessed July 17, 2020.

<sup>29</sup> Chinese Human Rights Defenders, “Wu Gan,” accessed July 17, 2020; Chinese Human Rights Defenders, “Hu Shigen,” accessed July 17, 2020; Chinese Human Rights Defenders, “Zhou Shifeng,” accessed July 17, 2020.

<sup>30</sup> ChinaAid, “Li Yuhan lushi yi an reng bu shen bu pan, qi lushi shenqing zhijie shifang” [Still no trial and no sentencing in lawyer Li Yuhan’s case, her lawyer apply for direct release], January 9, 2020.

<sup>31</sup> Rights Defense Network, “Li Yuhan lushi an jinzhan tongbao: 2019 nian 4 yue 9 ri jiang kaiting shenli” [Lawyer Li Yuhan’s case progress report: trial scheduled for April 9, 2019], March 23, 2019.

<sup>32</sup> Chinese Human Rights Defenders, “Li Yuhan,” accessed July 17, 2020.

<sup>33</sup> “Yu Wensheng ‘shan dian an’ sifa yandang qi qi shangshu jingguan yaoqiu lushi tanfang quan” [Yu Wensheng “inciting subversion case” delayed, his wife writes to official in Beijing asking for lawyer meeting right], *Voice of America*, March 16, 2020.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> William Yang, “Kuiwei wu nian yijia tuanyuan Wang Quanzhang: pan mibu duonianlai de kuiqian” [Family reunites after five years, Wang Quanzhang: hope to make up for what I owe them], *Deutsche Welle*, April 28, 2020.

<sup>37</sup> Li Wenzu (Wang Quanzhang’s Wife) (@709liwenzu), “Thinking of May 13, domestic security officials from Jinan . . .,” Twitter, May 16, 2020, 9:34 a.m.

<sup>38</sup> Rights Defense Network, “Guangxi renquan lushi Chen Jiahong Shandong dianfu guojia zhengquan an zuixin tongbao: Yulin shi jianchayuan yu 2020 nian 1 yue 9 hao shenqing yanqi shenli, fayuan yi tongyi yanqi” [Latest circular on inciting subversion of state power case of Guangxi human rights lawyer Chen Jiahong: Yulin municipality procuratorate on January 9, 2020, applies to postpone trial, court already agrees to postpone], January 15, 2020; “Chen Jiahong ‘Shan dian an’ mianlin qisu” [Chen Jiahong’s “incitement case” is prosecuted], *Radio Free Asia*, October 18, 2020.

<sup>39</sup> “Qin Yongpei yi yin quefa zui zheng wufa ru zui gongan tu youdao jiashu zhizheng” [Because there is no evidence to charge Qin Yongpei with a crime, police seek to elicit evidence from family members], *Radio Free Asia*, February 28, 2020.

<sup>40</sup> *Ibid.*

<sup>41</sup> Rights Defense Network, “Guangxi renquan lushi Chen Jiahong Shandong dianfu guojia zhengquan an zuixin tongbao: Yulin shi jianchayuan yu 2020 nian 1 yue 9 hao shenqing yanqi shenli, fayuan yi tongyi yanqi” [Latest circular on inciting subversion of state power case of Guangxi human rights lawyer Chen Jiahong: Yulin municipality procuratorate on January 9, 2020, applies to postpone trial, court already agrees to postpone], January 15, 2020; “Chen Jiahong ‘Shan dian an’ mianlin qisu” [Chen Jiahong’s “incitement case” is prosecuted], *Radio Free Asia*, October 18, 2020; “Qin Yongpei yi yin quefa zui zheng wufa ru zui gongan tu youdao jiashu zhizheng” [Because there is no evidence to charge Qin Yongpei with a crime, police seek to elicit evidence from family members], *Radio Free Asia*, February 28, 2020.

<sup>42</sup> Rights Defense Network, “Lu Siwei lushi: jiu Chengdu Luxie yi wo weigui jie’an wei you li’an diaocha, bu gei wo nian jian da san yue youyu, xian ni dui wo jinxing xunjie de jilu chufen de qingkuang tongbao” [Lawyer Lu Siwei: status report on Chengdu Lawyer Association’s investigation on my having taken cases in violation of the rules, refusal to pass my annual examination for over three months, and current proposal to reprimand and discipline me], October 15, 2019.

<sup>43</sup> Wen Shan, “‘Shenyuan lushi’ huo bei diaoxiao zhizhao” [“Justice-seeking lawyer” may have license revoked], *Deutsche Welle*, July 20, 2019; Rights Defense Network, “Shandong zhuming renquan lushi Li Jinxing (Wu Lei) jiedao Shandong Sifating diaoxiao lushi zhiye zheng gaozhi

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shu” [Well-known Shandong human rights lawyer Li Jinxing (Wu Lei) receives notice revoking his law license from Shandong Justice Department], July 23, 2019.

<sup>44</sup>Wen Shan, “‘Shenyuan lushi’ huo bei diaoxiao zhizhao” [“Justice-seeking lawyer” may have license revoked], *Deutsche Welle*, July 20, 2019; Rights Defense Network, “Shandong zhuming renquan lushi Li Jinxing (Wu Lei) jiedao Shandong Sifating diaoxiao lushi zhiye zheng gaozhi shu” [Well-known Shandong human rights lawyer Li Jinxing (Wu Lei) receives notice revoking his law license from Shandong Justice Department], July 23, 2019.

<sup>45</sup>China Citizens Movement, “Lu Tingge lushi bei yi shexian xunxin zishi zui chuanhuan bing bei luxie li’an diaocha” [Lawyer Lu Tingge summoned on suspicion of picking quarrels and provoking trouble and investigated by lawyer association], December 15, 2019.

<sup>46</sup>*Ibid.*

<sup>47</sup>State Council, *Xinfang Tiaoli* [Regulations on Letters and Visits], issued January 5, 2005, effective May 1, 2005; Benjamin L. Liebman, “A Populist Threat to China’s Courts?” in *Chinese Justice: Civil Dispute Resolution in Contemporary China*, eds. Margaret Y.K. Woo and Mary E. Gallagher (Cambridge: Cambridge University Press, 2011), 269–313; Liang Shibin, “Jianjue da ying huajie xinfang ji’an gong jian zhan” [Resolutely fight to win the battle on clearing backlog of petitioning cases], *Legal Daily*, April 27, 2016. Such grievances reportedly include cases concerning demolition or expropriation of property, social security, agriculture, land and resources, and environmental protection.

<sup>48</sup>Lu Dewen, “‘Jie ju’ nu jiaoshi juebi xin shijian: yi tiao guiyi de shangfang zhi lu” [“Solution” female teacher’s last letter incident: a strange road of petitioning], *People’s Daily*, August 6, 2019.

<sup>49</sup>See, e.g., Civil Rights & Livelihood Watch, “Beijing Guojia Xinfangju bei shuwan shangfang minzhong baowei” [Beijing’s State Bureau of Letters and Visits surrounded by tens of thousands of petitioners], February 26, 2018; “29 shengshi yu wan ming minban jiaoshi zai xian quanguo jiti shangfang chao” [Over ten thousand minban teachers from 29 provinces and municipalities caused another national wave of group petitioning], *Radio Free Asia*, October 19, 2016; “Shaanxi liangqian min shi sheng xinfangju shangfang yaoqiu shifang weiquan daibiao” [Two thousand petitioners from Shaanxi petition at provincial letters and visits bureau, ask for release of rights defense representative], *Radio Free Asia*, April 13, 2017; Yi Lili, “Zengqiang xinfang gangwei guazhi zhidu xiaoguo de youxiao tujing tantao” [Exploring efficient ways to improve results of temporary position assignments in the petition system], *Administration Reform*, reprinted in *Views.ce.cn*, December 25, 2018.

<sup>50</sup>Lu Dewen, “‘Jie ju’ nu jiaoshi juebi xin shijian: yi tiao guiyi de shangfang zhi lu” [“Solution” female teacher’s last letter incident: a strange road of petitioning], *People’s Daily*, August 6, 2019.

<sup>51</sup>Luo Sha, “Quanguo Renda jiang kaitong wangshang xinfang pingtai” [National People’s Congress will open online petitioning platform], *Xinhua*, January 2, 2020.

<sup>52</sup>National Public Complaints and Proposals Administration, “Yifa fenlei chuli xinfang suqiu zhuanli” [Special topic on categorizing petition cases in accordance with law], December 11, 2019. See also National Public Complaints and Proposals Administration, “Jianchi fazhi siwei he fazhi fangshi, shenru tuijin su fang fenlei he yifa fenlei chuli xinfang suqiu gongzuo” [Maintaining rule of law thinking and method, deeply promote separate treatment of litigation and petitioning in accordance with law], December 10, 2019.

<sup>53</sup>Bai Yang, “Guojia Xinfang Ju gongbu yipi dianxing xinfang shixiang du cha qingkuang jujiao maodun huajie gongjian” [National Public Complaints and Proposals Administration publishes a batch of model situations of petition supervision, focusing on battle of resolving disputes], *Xinhua*, November 20, 2019.

<sup>54</sup>See, e.g., Rights Defense Network, “Anhui sheng shisan jie renda di san ci huiyi zhaokai, bufen fangmin bei weiren renyuan baoli zuzhi jin renda huiyi xinfang jiedai dian jiedai” [Third meeting of Anhui province 13th people’s congress convenes, stability maintenance personnel violently stopped some petitioners from entering petitioner reception area of people’s congress], January 16, 2020; Rights Defense Network, “Duodi liandong zhua fangmin yijia 10 yu kou, Li Sanhu, Hu Daliao fufu bei zhengfa wei shuji weixie zuolao 5 nian” [Authorities from several locations detained a petitioning family of over 10 people in a coordinated move, couple Li Sanhu and Hu Daliao threatened by political-legal committee secretary with 5 years’ imprisonment], August 3, 2019; Civil Rights & Livelihood Watch, “Li Yufeng bei kong ‘xunxin zishi’ song jian” [Li Yufeng accused of “picking quarrels and provoking trouble,” case transferred to procuratorate], October 28, 2019; Rights Defense Network, “Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangju feifa jujin jingshen bingyuan” [After being kidnapped and missing for over two months, we finally have news of He Guanjiao. It was another case of Fuzhou authorities illegally placing her in a psychiatric institution], March 25, 2020.

<sup>55</sup>“Shiyi’ caomu jiebing jingcheng da guimo zhuabu fangmin” [Amid “October First” anxiety, large-scale detention of petitioners in the capital], *Radio Free Asia*, September 10, 2019; Xiao Shan, “Beijing yuebing, buyao 3 zhong ren” [Military parade in Beijing, 3 types of people rejected], *Radio France Internationale*, September 24, 2019.

<sup>56</sup>State Council, *Falu Yuanzhu Tiaoli* [Legal Aid Regulations], issued July 16, 2003, effective September 1, 2003, arts. 4, 5.

<sup>57</sup>State Council, *Banli Falu Yuanzhu Anjian Chengxu Guiding* [Regulations on the Procedure of Handling Legal Aid Cases], issued February 21, 2012, effective July 1, 2012, arts. 8, 13, 20.

<sup>58</sup>*Zhonghua Renmin Gongheguo Lushi Fa* [PRC Lawyers Law], passed 15 May 96, amended September 1, 2017, art. 47(5); Xiao Xianfu, “Wo guo falu yuanzhu zhidu yu sikao” [Thoughts on China’s legal aid system], Institute of Law, Institute of International Law, Chinese Academy of Social Sciences, accessed June 7, 2019. See also State Council, *Falu Yuanzhu Tiaoli* [Legal Aid Regulations], issued July 16, 2003, effective September 1, 2003, arts. 4, 5.

<sup>59</sup>Elizabeth M. Lynch, “How Many Times Can the World Turn Its Head . . . The Case for Wang Quanzhang,” *China Law & Policy* (blog), August 30, 2017; Mercator Institute for China

Studies, “Beijing Views Foreign NGOs as Potential Threat to National Security,” April 28, 2016; Didi Kirsten Tatlow, “China Is Said to Force Closing of Women’s Legal Aid Center,” *Sinosphere* (blog), *New York Times*, February 1, 2016; Aaron Halegua, “Legal Preemption in China: How Government Legal Aid Squeezed Out Barefoot Lawyers and Labor Non-Governmental Organizations,” China Economy Seminar, Harvard University, Cambridge, MA (October 25, 2017), 7–8; Human Rights Watch, “Zhongguo: shifang zhuming falu changdao zhe” [China: Release well-known legal advocate], February 19, 2020.

<sup>60</sup>Shao Ke, “Sifabu fabu 2019 niandu falu yuanzhu weihu nongmingong quanyi shida dianxing anli” [Ministry of Justice issues 10 model cases of legal aid protecting migrant workers’ rights and interests for 2019], *The Paper*, January 2, 2020; Shao Ke, “Sifabu changdao lushi meinian zhishao gongyi falu fuwu 50 xiaoshi huo ban 2 jian fayuan an” [Ministry of Justice encourages lawyers to provide at least 50 hours of pro bono legal service or take on 2 legal aid cases each year], *The Paper*, October 23, 2019; Ministry of Justice, *Guanyu Cujin Lushi Canyu Gongyi Falu Fuwu de Yijian* [Opinion on Encouraging Lawyers to Participate in Public Interest Legal Service], issued October 23, 2019.

<sup>61</sup>Ministry of Justice, “Sifabu guanyu fabu shishi ‘Quanguo Minshi Xingzheng Falu Yuanzhu Fuwu Guifan’ deng 3 xiang hangye biao zhun de gonggao” [Ministry of Justice announcement on 3 industry standards for the release and implementation of the “Standards for Civil Administrative Legal Aid Service”], reprinted in Guangzhou Municipal Justice Bureau, December 20, 2019, arts. 1, 5, 8, 9; Ministry of Justice, “Quanguo Minshi Xingzheng Falu Yuanzhu Fuwu Guifan” [Specification for Civil Administrative Legal Aid Service], issued and effective November 15, 2019; State Council, *Falu Yuanzhu Tiaoli* [Legal Aid Regulations], issued July 16, 2003, effective September 1, 2003, art. 6.

<sup>62</sup>Chinese Communist Party Central Committee General Office and State Council General Office, *Guanyu Jiakuai Tuijin Gonggong Falu Fuwu Tixi Jianshe de Yijian* [Opinion on Accelerating Promotion of Building a Public Interest Legal Service System], issued July 10, 2019.

<sup>63</sup>Supreme People’s Court, *Guanyu Zengjia Minshi Anjian Anyou de Tongzhi* [Notice on addition of causes of action in civil cases], issued December 12, 2018, effective January 1, 2019.

<sup>64</sup>Zhang Jingwen, “Falu zhan zai ‘ta’ zhebian” [The law is on “her” side], *Beijing Youth Daily*, July 21, 2019; Lily Kuo, “‘It Is Not Hopeless’: China’s #MeToo Movement Finally Sees Legal Victories,” *Guardian*, November 3, 2019; “Trans Woman Puts Chinese Law to the Test in Landmark Case,” *Agence France-Presse*, reprinted in *CNA*, December 10, 2019; Yang Chaoqing, “Chachu zhigong huaiyun jiu chao ren qiye qi neng ruci shuai baofu” [Company terminates employee immediately after finding out pregnancy; it cannot dump the baggage like this], *Beijing Youth Daily*, November 18, 2019.

<sup>65</sup>Zhang Jingwen, “Falu zhan zai ‘ta’ zhebian” [The law is on “her” side], *Beijing Youth Daily*, July 21, 2019; Lily Kuo, “‘It Is Not Hopeless’: China’s #MeToo Movement Finally Sees Legal Victories,” *Guardian*, November 3, 2019.

<sup>66</sup>Yang Chaoqing, “Chachu zhigong huaiyun jiu chao ren qiye qi neng ruci shuai baofu” [Company terminates employee immediately after finding out pregnancy; it cannot dump the baggage like this], *Beijing Youth Daily*, November 18, 2019.

<sup>67</sup>“No Escape—In China, Courts Deny Women Divorces in the Name of ‘Social Harmony,’” *Economist*, October 10, 2019.

<sup>68</sup>Licheng District People’s Court, Jinan municipality, Shandong province, *Minshi Panjueshu* [Civil Judgment], (2018) Lu 0112 Min Te No. 138, December 18, 2018, reprinted in *China Judgements Online*, September 3, 2019.