

China's Zero-COVID Policy

Retaliation against Lawyers Representing Protestors

Since the beginning of the COVID-19 pandemic, China has pursued a zero-COVID policy, which aimed to eliminate local transmission of the virus in order to protect people's lives, prevent the healthcare system from being overwhelmed and allow time for the development of a vaccine. On 25 November 2022, protests against zero-COVID restrictions began, after a fire the day before in a residential building in Urumqi, Xinjiang, in which 10 people died while observing COVID lockdown rules. The protests took place in more than twenty cities across China, including Beijing and Shanghai. Lawyers offering legal services to anti-lockdown protestors, as well as engaging in other human rights work, were targeted by Chinese authorities, including by using zero-COVID measures.

In December 2022, three years after its introduction, China changed its zero-COVID policy to "optimise its approach to the pandemic" as the virus's ability to cause serious illness had diminished. As a result, many COVID restrictions were lifted, including mandatory centralised quarantine, compulsory testing and lockdowns. Mandatory requirements to check temperatures and scan QR codes to check travel history have been lifted in most areas. Since the lifting of the zero-COVID policy, further details have emerged regarding events that occurred in relation to this policy which impacted lawyers, as well as access to justice for their clients. At least 32 protestors have been targeted by the police since the lifting of the policy and many of those previously temporarily detained have now been formally arrested.

Targeting of Lawyers Offering Legal Services to Anti-Lockdown Protestors

Dozens of lawyers in China have offered their legal services pro bono to those detained during the anti-lockdown protests and to those considering the potential repercussions of taking part in the protests. Many of those detained have experienced physical and psychological abuse and are not allowed access to their lawyer or family members. Lawyers representing detainees have experienced retaliation from the authorities for their work.

For example, a lawyer reported that state security police had begun investigating them after they had assisted detained anti-lockdown protestors. The lawyer alleged that officials from the city's justice bureau had visited their law firm and confiscated files linked to previous cases. Contracts for legal services regarding new cases and clients were checked by these officials, as well as invoices. It is alleged that an effort was made to find errors in their administration, as well as to see whether they had acted in politically sensitive cases. In addition, their use of social media was restricted so that it became impossible for them to use it to communicate with other pro bono lawyers taking on similar cases.

Chinese authorities have also allegedly been questioning lawyers who offered their legal services to anti-lockdown protestors. Many were contacted by state security police or local justice bureau officials. Some lawyers have been warned by local authorities not to take up these cases, and others have reported tampering with their mobile phones. Many have also received anonymous threats over the phone, asking if they were supporting the protestors and warning them "not to be taken advantage of".

Allegations have also surfaced that Beijing police accessed lawyers' phones remotely by circumventing log-in protocols and requesting that telecommunications firms provide

details of two-factor authentication messages. One lawyer reported receiving notifications of two attempted logins on their Telegram messaging app. While the effort failed, those attempting to gain access were able to input a one-time log-in code correctly, allowing for interference with their phone.

More generally, state authorities have also used COVID-19 prevention measures to unduly hinder lawyers in carrying out their profession. For example, using the colour-coded COVID-19 apps. Drawing on telecommunications network data and PCR test results, the colour-coded COVID-19 apps assigned a QR code that switched between green, yellow or red, with only those with green codes being able to travel freely.

Some lawyers have alleged that their movements within China have been restricted by the color-coded COVID-19 app, with their QR code changing colour even while they had tested negative for COVID-19. One lawyer travelled to meet someone to provide legal advice and their trip required downloading a separate local COVID-19 app, which would enable them to book a hotel. The day after their arrival, their local QR code turned yellow, which necessitated that they be centrally quarantined in a hotel. A government official changed their QR code to green allowing them to leave the city and return home, only after they had submitted three negative PCR tests and information on body temperature and had requested for hours to be permitted to travel.

We urge the relevant authorities in China to:

1. Ensure that lawyers offering legal services to anti-lockdown protestors are able to carry out their profession unhindered;
2. Refrain from using Covid-19 prevention measures for undue interference with the ability of lawyers to practise their profession freely;
3. Investigate without undue delay, thoroughly and transparently the allegations of threats, intimidation and harassment of lawyers and bring the perpetrators to justice in proceedings that respect international fair trial guarantees;
4. Ensure access to legal representation of their own choice for those arrested and detained and respect for the principle of lawyer-client confidentiality; and
5. Ensure that all lawyers in China can practise their profession without undue interference, in compliance with international standards on the independence of the legal profession.

Law Society of England and Wales