

2023 International Forum on Legal Aid
2023國際法律扶助論壇

Legal Aid and the Crisis of Democracy and Human Rights

National Report

法律扶助與民主人權危機國家報告

LI FANGPING, Legal Aid Worker in China

李方平 中國法律扶助從業者

November 13, 2023

Contents

主要內容

- I. Recognizing the “Party as having the absolute leadership on political and legal work” is the basic premise of capturing the pulse and essence of socialist rule of law with Chinese characteristics.

一、認知「黨對政法工作的絕對領導」是把握中國特色社會主義法治脈動和精髓的基本前提。

- II. The existence, abolition and revolution of the lawyer system in the People’s Republic of China.

二、中華人民共和國律師制度的存廢和變革。

- III. In order to learn from the Western legal system and apply it to China’s reform governance and maintaining social stability, and considering the needs of “human rights struggle” against the US and the West, in the 1990s, the then Minister of Justice Xiao Yang proposed the introduction and establishment of the legal aid system in China.

三、為了借鑑西方法律制度用於中國的改革治理、維護社會穩定，同時考慮到與美西方「人權鬥爭」的需要，上世紀九十年代時任司法部長蕭揚提出引進並著手構建中國法律援助制度。

- IV. Out of the need for governance and human rights struggles, the authorities have turned legal aid that should have enshrined the concept of rule of law and human rights into a tool for decoration, stability maintenance, united front work, and suppression.

四、當局出於統治和人權鬥爭的需要，將本應該存進法治和人權的法律援助異化為裝飾、維穩、統戰、鎮壓的工具。

- V. Following the 2008 Beijing Olympics, the Chinese authorities continued to tighten their control over civil society and conducted sweeps and crackdowns. This was especially evident with the 2015 “709 lawyer crackdown”, resulted in the closure or forced cessation of operations for many independent civil society legal organizations. Human rights lawyers who had the capacity to provide non-governmental legal aid also faced systematic suppression, including the suspension of their practice, revocation or cancellation of their legal licenses, detention, and sentencing.

五、「08年奧運」之後，隨著當局對公民社會的持續強化管制、掃蕩和鎮壓，尤其是2015年「709」律師大抓捕，稍有獨立性的民間法機構紛紛被取締或被迫停止運營，能夠提供非官方法律援助的維權律師也遭到包括停止執業、吊銷或註銷執業證、關押、判刑等系統性的壓制。

- **I. Recognizing the “Party as having the absolute leadership on political and legal work” is the basic premise of capturing the pulse and essence of socialist rule of law with Chinese characteristics.**

一、認知「黨對政法工作的絕對領導」是把握中國特色社會主義法治脈動和精髓的基本前提。

Party leads everything.黨是領導一切的！

past
過去



Caption

now
現在



Caption

Party has absolute leadership on political and legal work.
黨對政法工作的絕對領導！

Xi 's Instructions
習的指示

要坚持党对政法工作的绝对领导

要坚持党对政法工作的绝对领导，从党的百年奋斗史中汲取智慧和力量，弘扬伟大建党精神，提升防范化解重大风险的能力，完善执法司法政策措施，全面深化政法改革，巩固深化政法队伍教育整顿成果，切实履行好维护国家安全、社会安定、人民安宁的重大责任，让人民群众切实感受到公平正义就在身边。

——2022年1月，
习近平对政法工作作出重要指示

Caption

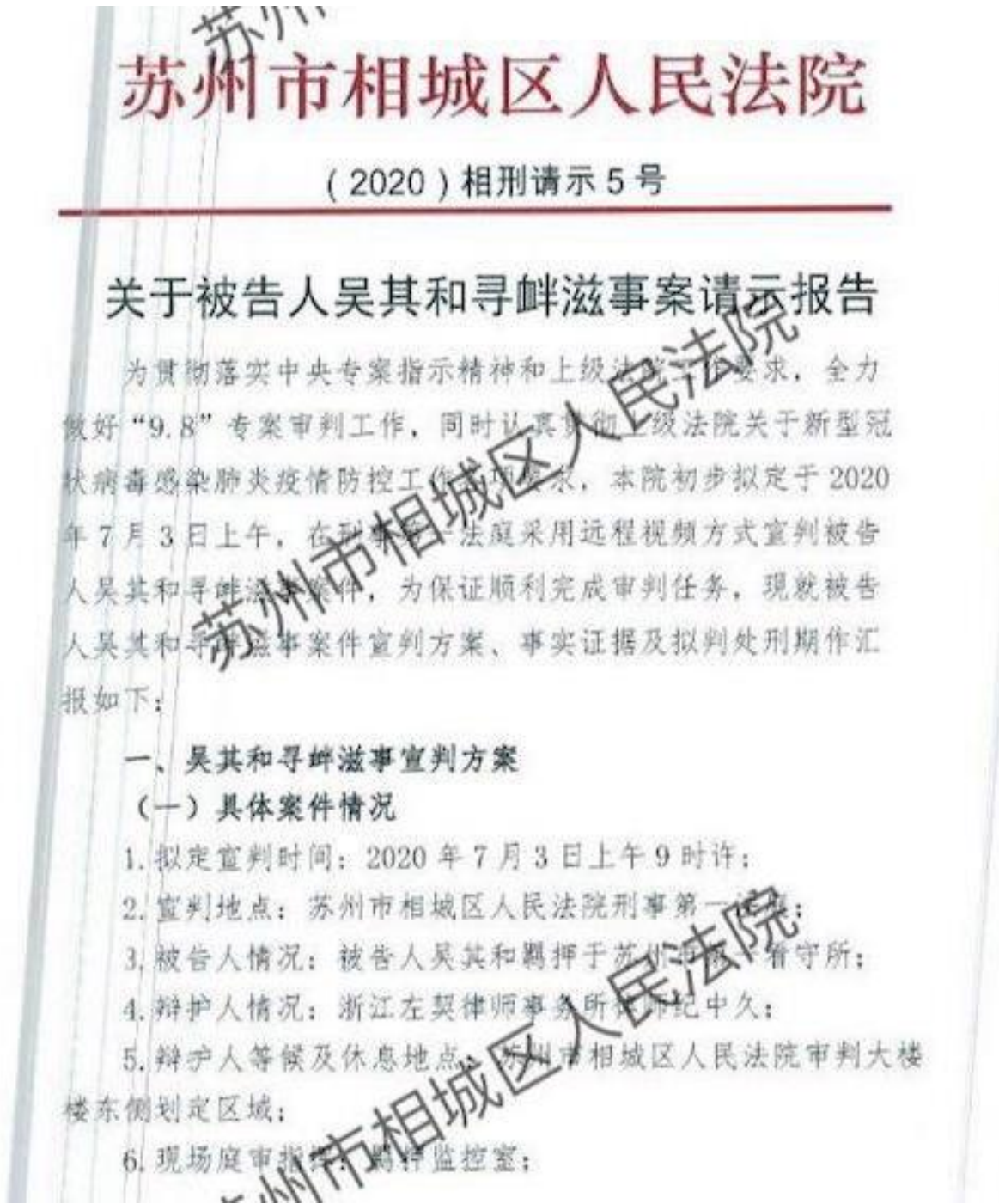
Judges study instructions
法官們學習指示



Caption

CCP adopts two ways to ensure their absolute leadership on political and legal work. One is to appoint political and legal leaders through the“nomenklatura” system and two is to establish an instruction seeking and reporting system organized by the Party within political and legal agencies.

如何貫徹和實施中共對政法工作的絕對領導，一是通過「黨管幹部」選拔任免政法幹部；二是建立政法單位黨組織的請示匯報制度。



A case on how the court to requested instruction and reports
法院的請示匯報的案例

Party has absolute leadership over the work of lawyers.
黨對律師工作的絕對領導！

声音：党的领导是律师制度之魂

2018年01月19日08:04 来源：人民网－人民日报



Caption

Minister of Justice’s voice
司法部長表態



Caption

Party’s media
propaganda
黨媒宣傳造勢



Caption

Lawyers study party’s
instruction
律師學習指示

Coming back to legal aid, in the perspective of the CCP, legal aid has never been a purely professional legal activity. It is something that also requires “the Party’s leadership”. 3 of the newly passed Legal Aid Law of the People’s Republic of China clearly stipulates: “Legal aid work must adhere to the leadership of the Communist Party of China.”

具體到法律援助領域，在中共看來，法律援助從來不是純粹的法律專業活動，同樣需要「黨的領導」，新通過的《中華人民共和國法律援助法》第三條就明確規定：「法律援助工作堅持中國共產黨領導」。

- **II. The existence, abolition and revolution of the lawyer system in the People's Republic of China.**

二、中華人民共和國律師制度的存廢和變革。



1949年11月1日，上海“訟棍”李鴻福、趙幼青、楊振寰被戴高帽，當街示眾。（圖轉自“依時”公眾號）

Caption

Pictures show Shanghai's new regime humiliating people who continue to provide legal services。

圖為上海批鬥羞辱繼續提供法律服務的人員

The Anti-rightist Movement put the legal profession into a situation of “annihilation”. At least 30% of lawyers are characterized as right-wing. It can be seen that from the beginning of the founding of the PRC, neither the old lawyers of the old regime nor the new lawyers of the new regime are welcomed.

57年「反右運動」將律師行業再次置於「團滅」境地，至少有30%的律師被定性為右派。可見，從中華人民共和國成立伊始，不管是舊政權的舊律師，還是新政權的新律師，都是不受待見的。

Anti-Rightist Movement



中共組織的反右遊行

Anti-rightist march organized by the CCP.

During the Cultural Revolution, random violent criticism and military control of public security , procuratorates, courts, and civil rights were all gone.

文革時代，隨意批鬥、軍事管制公檢法，公民權利更加的蕩然無存。

CCP and state leaders Liu Shaoqi and Peng Zhen were violently criticized and detained for long periods of time. Liu was also tortured to death.

中共黨和國家領導人劉少奇、彭真都受到暴力批鬥、長期關押，劉還被虐待致死。



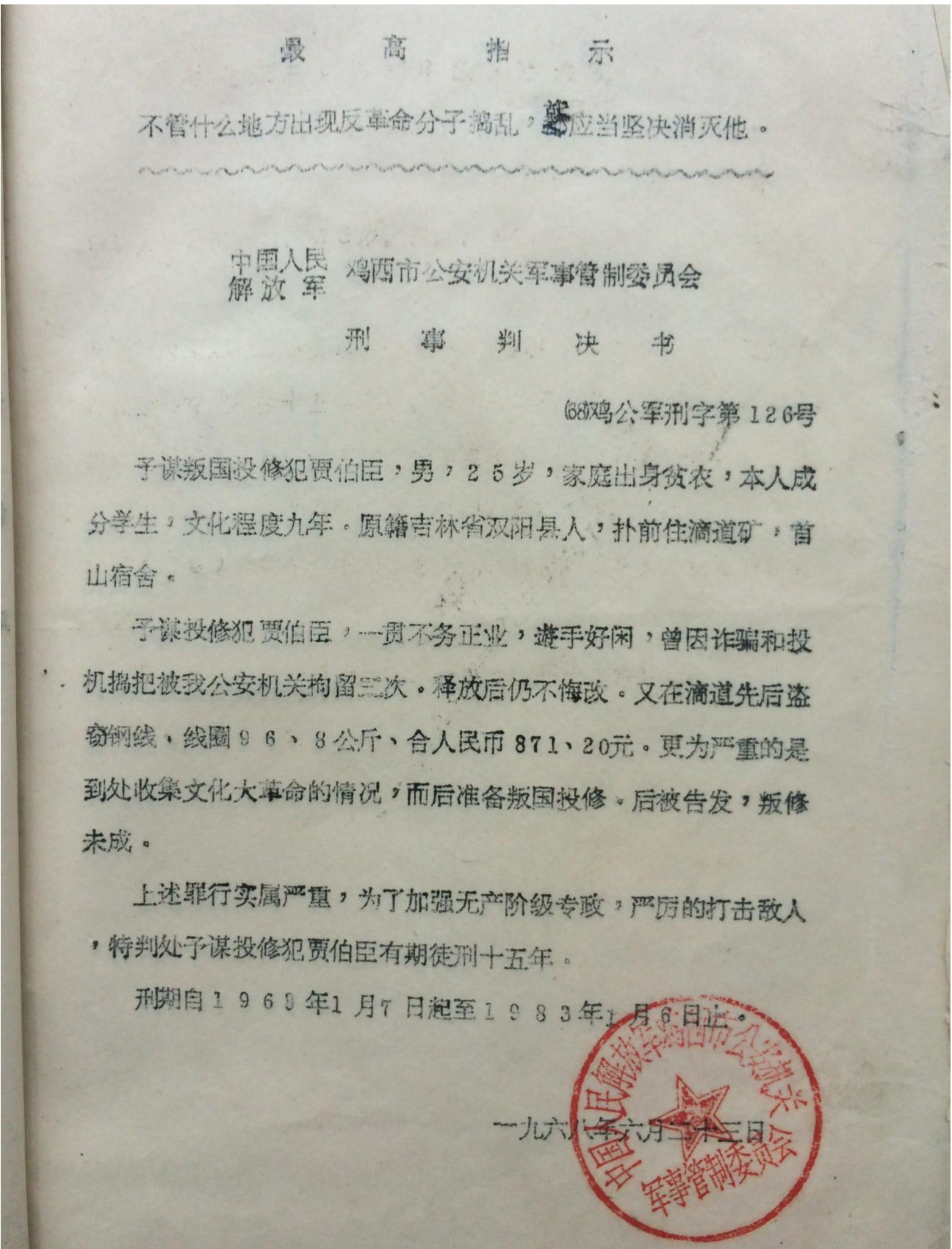
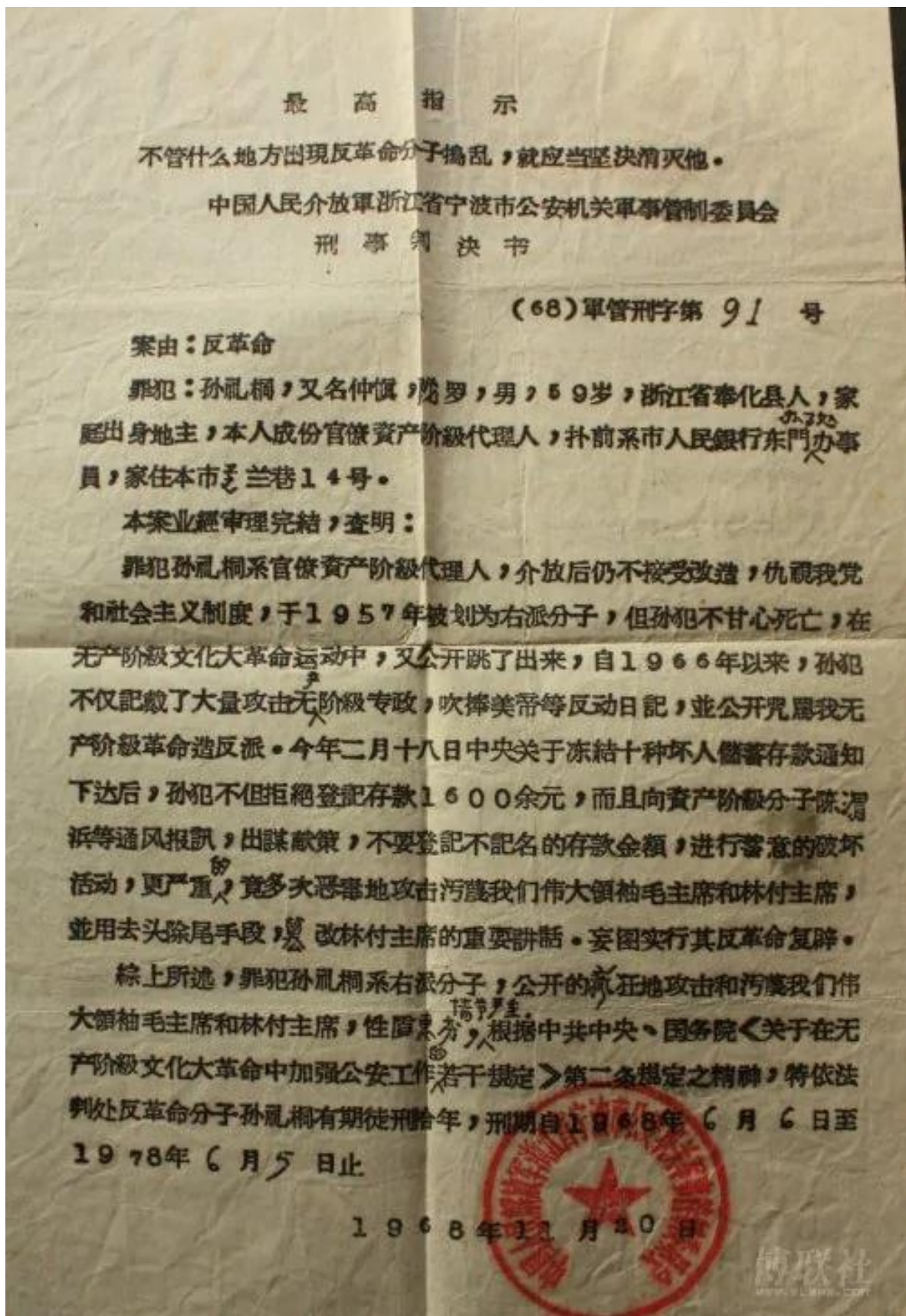
Caption



Caption

Judgments issued by the Military Control Committees of the People's Liberation Army Public Security Bureaus in Ningbo, Zhejiang, and Jixi, Heilongjiang, illustrate the unimaginable situation of the rule of law and human rights at that time.

從浙江寧波、黑龍江雞西兩地解放軍公安機關軍事管制委員會的判決書就可以看出當時難以想像的法治和人權狀況。



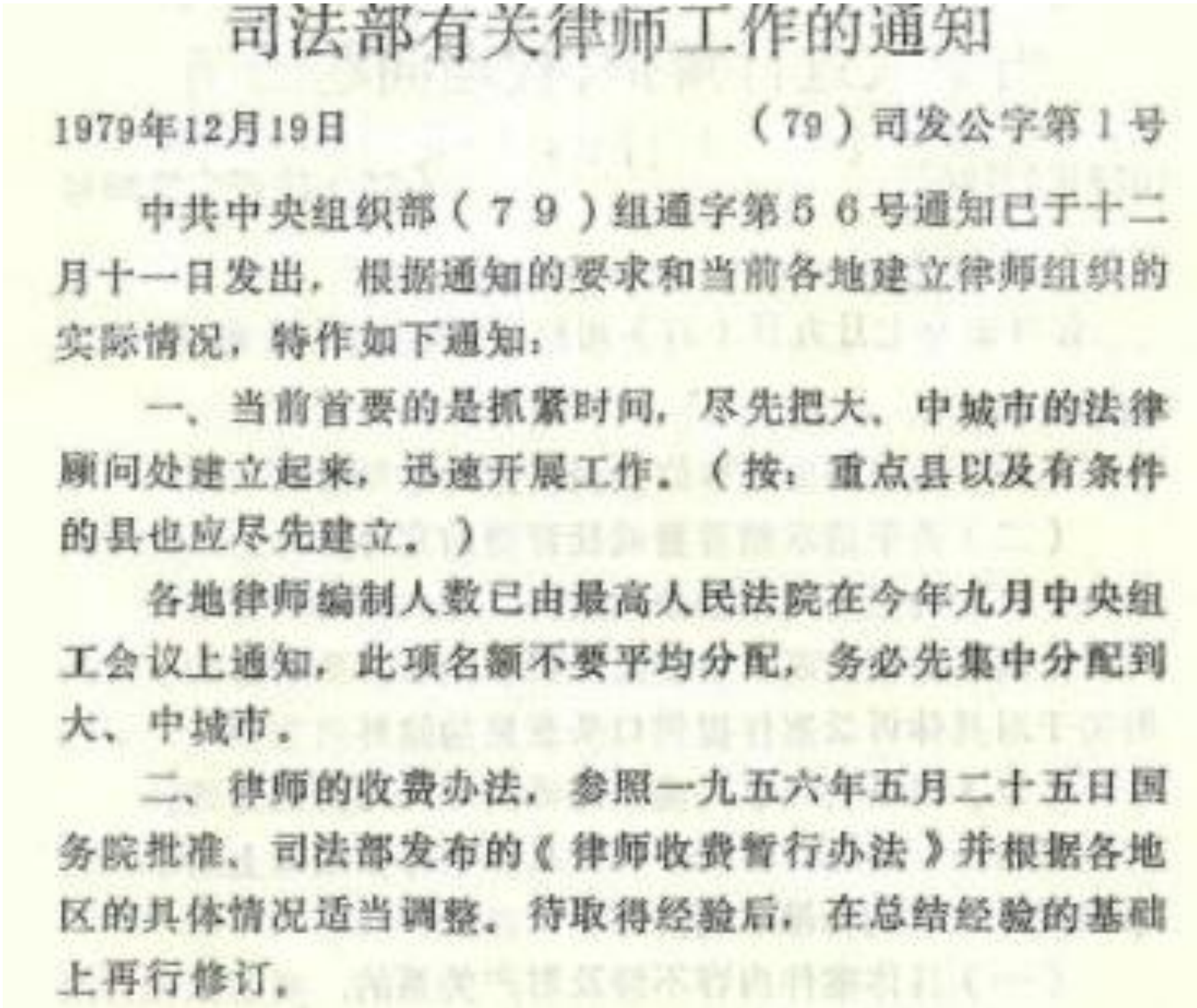
Caption

After the Reform and Opening-up in 1979, China once again restored the lawyer system. That is the consensus reached by the authorities after reflecting on the social disorder in the past thirty years.

1979年「改革開放」後，中國再次恢復律師制度，這是當局對過往三十年社會失序痛定思痛後的共識。

1979年底，司法部通知盡快建立律師組織

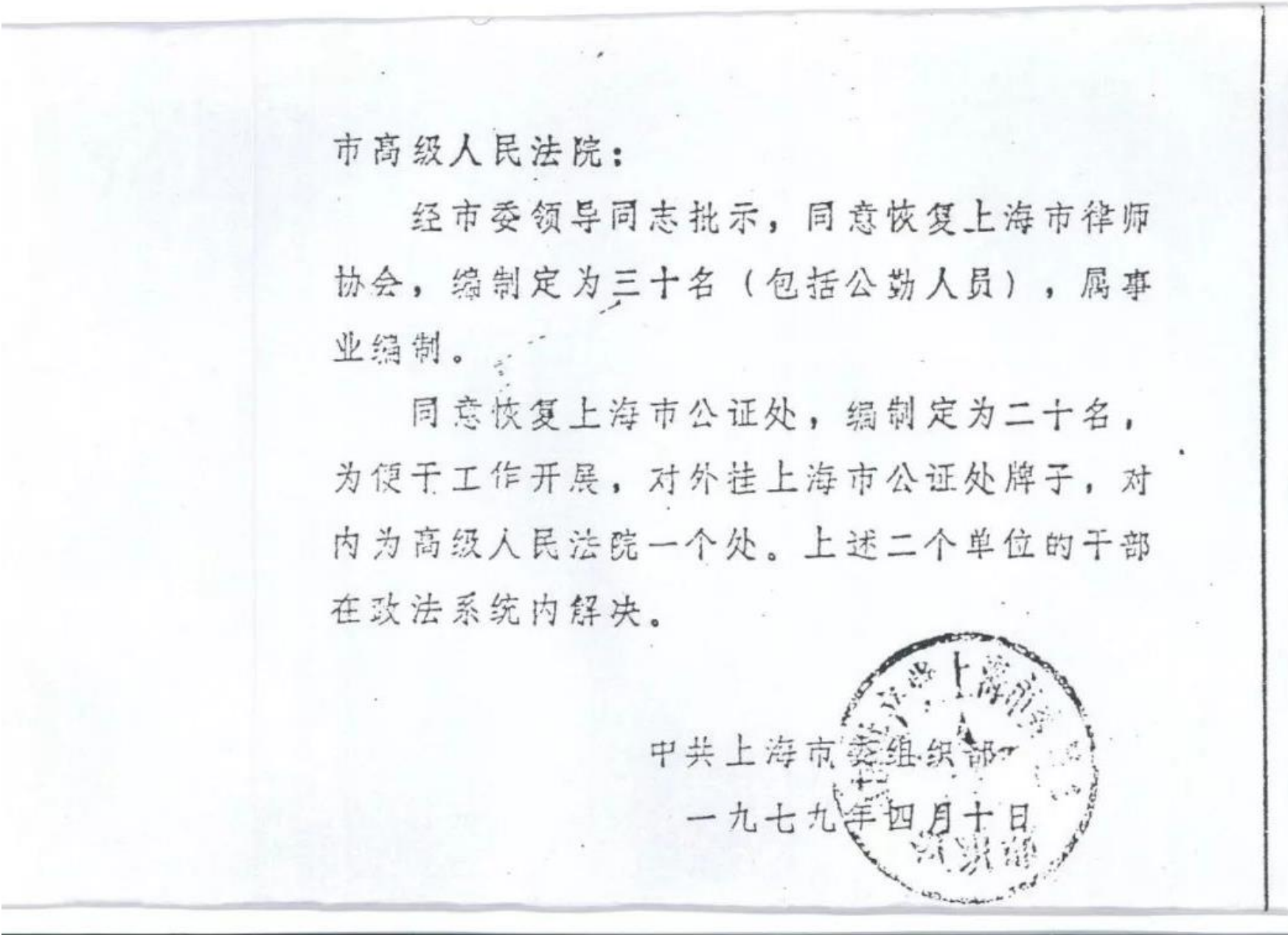
At the end of 1979, the Ministry of Justice notified the establishment of a lawyer organization as soon as possible.



Caption

1979年4月，上海已經率先恢復律師協會

In April 1979, Shanghai took the lead in restoring the Lawyers Association.



Caption

However, in the Hard Crackdown Movement in 1983, the rule of law and lawyer defense suffered the first wave of impact. During the Hard Crackdown period, my uncle worked as a lawyer in a legal counsel office and was suddenly transferred to a second-instance court as a judge to participate in the frontline trial job of the Hard Crackdown Movement. This campaign-style hard crackdown model has continued, greatly restricting lawyers' defense.

1983年的「嚴打」中，法治和律師辯護遭到第一波衝擊。「嚴打」時期我的舅父在法律顧問處做律師，被抽調到中級法院當法官，參加一線「嚴打」。這種運動式「嚴打」模式一直延續下來，律師辯護受到很大的制約。

Hold a mass meeting and make public arrests.
公開逮捕大會



Caption

Prisoners were escorted to be shot and publicly paraded through the streets.
押往槍決的路上公開遊街示眾



Caption

public execution site
公開槍決大會



Caption

The lawyer system has gradually transformed from a state-run system to partnership law firms since 1993, and lawyers and law firms have gained more autonomy.

1993年，律師制度從國辦體制逐漸轉型為合夥制律師事務所，律師和律師事務所獲得了更多的自主權。

Soviet-style state-owned
legal advisory offices
前蘇聯模式的國有法律顧問處



Caption

In early 1994, the first batch of partnership law firms opened.
年初，首批成立的合夥制律師事務所開業。



Caption

In April 1999, China applied to host the 2008 Beijing Olympics. In October 1998, the Chinese government signed the International Covenant on Civil and Political Rights (ICCPR). （加英文）In March 1999, “rul[ing] the country by law” was included in the Constitution.

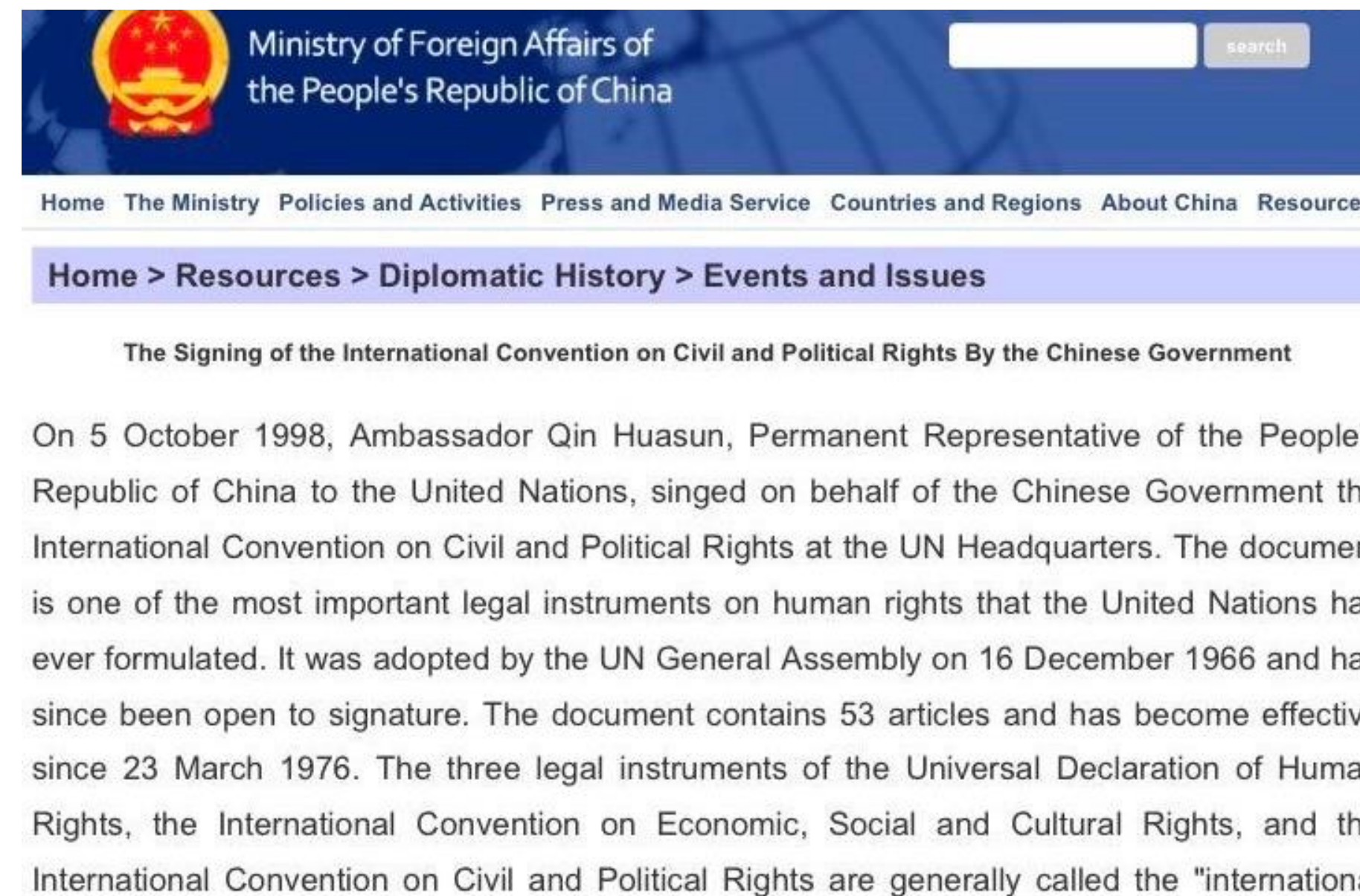
1999年4月，中國申請舉辦奧運會。考慮到國際形象的改善，1998年10月，中國政府簽署《公權利和政治權利國際公約》。1999年3月，「依法治國」載入《憲法》。

In October 1998, the Chinese government signed the International Covenant on Civil and Political Rights (ICCPR).

1998年10月，中國政府簽署《公權利和政治權利國際公約》

In March 1999, “ruling the country by law” was included in the Constitution.

1999年3月，「依法治國」載入《憲法》。



Caption





After entering the 21st century, the Internet began to enter large and medium-sized cities in China, giving citizens unprecedented access to information and communication with each other. Media market-oriented reform has also made great progress.

It was under this context that Chinese lawyers were allowed larger space to practice and their social influence continued to increase. At the same time, human rights lawyers have also grown within the group and begun to be active on the historical stage of practicing the rule of law and defending human rights.

進入21世紀後，互聯網開始進入中國大中城市，公眾有了前所未有獲取資訊和彼此溝通的管道。媒體市場化改革也有了長足的進展。在這種時代背景下，中國律師執業空間得以擴大，社會影響也不斷上升，同時由此內生的維權律師群體也開始活躍於踐行法治、捍衛人權的歷史舞台。

The picture on the left is Hong Kong's "Asia Weekly"
Person of the Year in 2005- Chinese human rights lawyer
左圖是香港《亞洲週刊》2005年風雲人物——中國維權律師

Caption

III. In order to learn from the Western legal system and apply it to China's reform governance and maintaining social stability, and considering the needs of “human rights struggle” against the US and the West, in the 1990s, the then Minister of Justice Xiao Yang proposed the introduction and establishment of the legal aid system in China.

三、為借鑑西方法律制度用於中國改革治理、維護社會穩定，同時考慮到與美西方「人權鬥爭」的需要，一九九零年代時任司法部長蕭揚提出引進並著手構建中國法律援助制度。



Article 27 of the 1979 Criminal Procedure Law stipulates, “the people’s court may appoint a counsel .” This provision of appointing counsels, on some level, can be seen as the legal basis of China’s legal aid, but it has almost never formed institutionalized regulations and operations. Even so, when China’s State Council Information Office first released the “Human Rights Situation in China” white paper in 1991 during the human rights struggle against the US and the West, it specifically mentioned this vague clause on China’s legal aid.

1979年《刑事訴訟法》第二十七條規定了指定辯護的條款，某種意義也可以成為中國法律援助的法律淵源，但幾乎從來沒有形成制度化的規定和操作。即便如此，中國國務院新聞辦公室在1991年與美西方人權鬥爭中第一次發布《中國的人權狀況》白皮書，還特別提到這條中國法律援助的模糊條款。

On April 12, 1994, Xiao Yang raised the issue of establishing and implementing a legal aid system, “Legal aid is available in many countries around the world, including Hong Kong. This is not only a manifestation of humanitarianism, but also the need of human rights struggle.

1994年4月12日，蕭揚對建立實施法律援助制度的問題提出：「法律援助，世界許多國家都有，香港地區也有---，這既是人道主義的體現，也是人權鬥爭的需要。

The Guangzhou Legal Aid Center was approved in February 1995 .

1995年2月获批，11月挂牌的广州法律援助中心



Shanghai Pudong New Area Legal Aid Center was established in August 1995.

1995年8月挂牌成立的浦东新区法律援助中心




Caption

The establishment of the Guangzhou Legal Aid Center was included in the "White Paper on Human Rights in China"
广州市法律援助中心的成立被国务院收入《中国人权状况白皮书》

**1995年，广州市法律援助中心成立，
是全国首家法律援助机构**

1995年11月9日“广州市法律援助中心”正式挂牌成立，是全国首家法律援助机构。它的成立，被国务院收入《中国人权状况白皮书》。

1997年3月21日，“白云区法律援助处”挂牌成立，是全国首家区县级法律援助机构。



广州市司法局
SFJ.GZ.GOV.CN

Caption

In March 1996, the new Criminal Procedure Law was promulgated, and Article 34 of the Law stipulates, “In cases where the public prosecutor appears in court for public prosecution, if the defendant fails to retain a counsel due to financial difficulties or other reasons, the people’s court may appoint a lawyer with legal aid obligations to defend for the defendant. 1996年3月，新《刑事訴訟法》頒布，其第34條規定：「公訴人出庭公訴的案件，被告人因經濟困難或者其他原因沒有委託辯護人的，人民法院可以指定承擔法律援助義務的律師為其提供辯護。這是中國第一次在基本法律中規定了法律援助的概念。

In July 2003, the State Council promulgated the Regulations on Legal Aid.

2003年7月，國務院公佈《法律援助條例》。這件事也進入2003年度中國人權狀況白皮書。

In less than ten years, China’s legal aid system has gone through the entire process of referring to overseas experience, ideation from the high-level management, local pilot programs, and central legislation.

不到十年的時間，中國法律援助制度就走完了境外借鑑、高層構想、地方試點、中央立法的全過程。

The neutrality and autonomy of China's legal aid are still very fragile and very official.

法律援助的中立性、自主性還非常脆弱，官方色彩濃郁。

Lawyer Li from the Zhijiang County Legal Aid Center of Hunan Province wearing a judicial administration uniform.
身著司法行政制服的湖南省芷江縣法律援助中心李律師



Caption

Legal aid lawyers from Gulang County, Gansu Province wearing judicial administration uniforms.
身著司法行政制服的甘肅省古浪縣法律援助律師



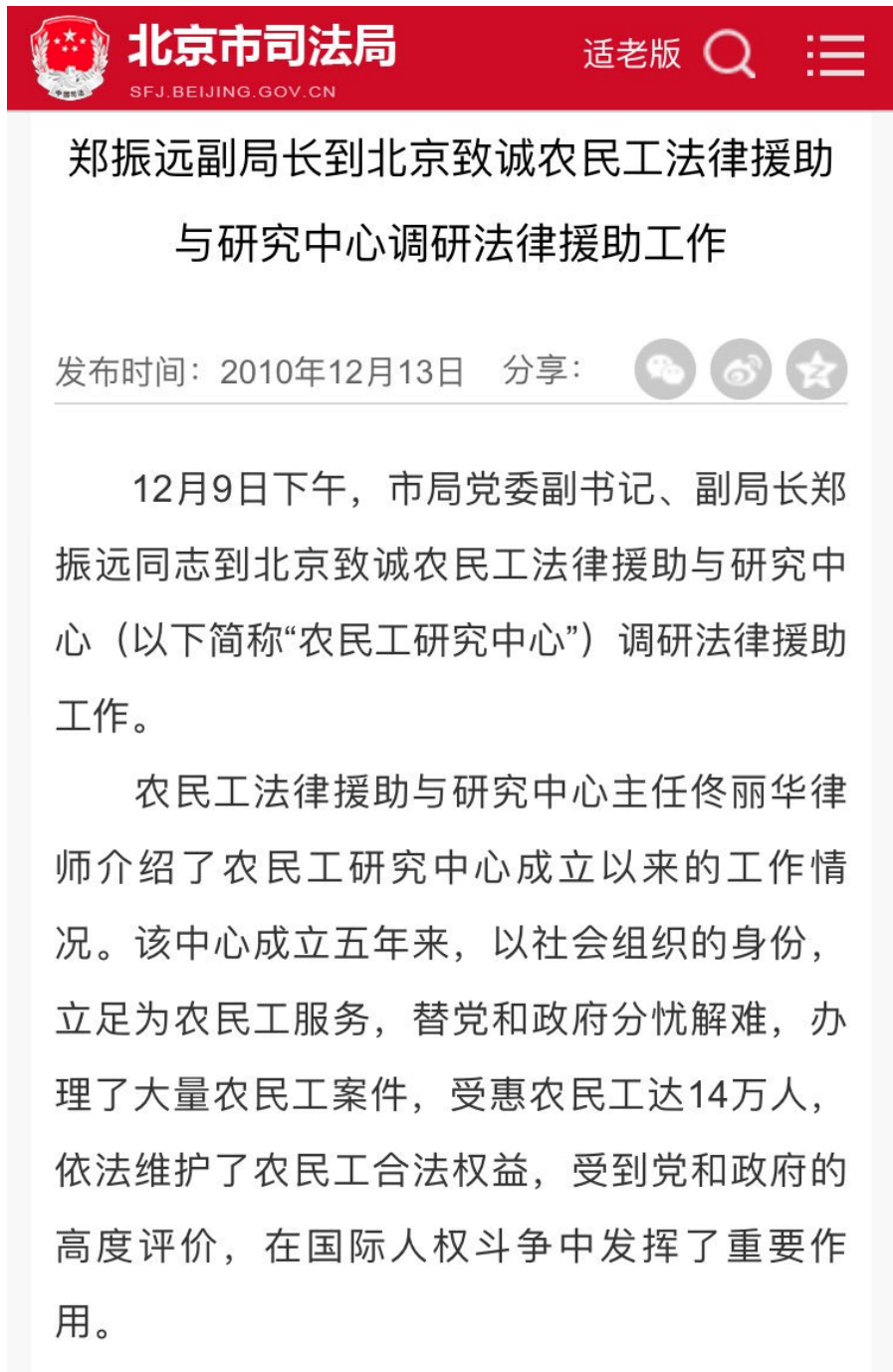
Caption

Out of the “needs of human rights struggles”, the authorities pushed officially recognized lawyers who have made achievements in legal aid to the forefront of international human rights struggles.

當局出於「人權鬥爭的需要」將官方認可、又在法律援助有所建樹的法律援助律師推到了國際人權鬥爭的前沿陣地。

Lawyer Tong Lihua introduced that her legal aid organization “plays an important role in the international struggle for human rights”.

佟麗華律師向北京市司法局領導介紹其法律援助機構“在國際人權鬥爭中發揮重要作用”



Lawyer Tong Lihua has received numerous official honors.

佟麗華律師獲得眾多的官方榮譽，包括在建國六十週年大閱兵時登上“依法治國”彩車接受黨和國家領導人檢閱



Caption

Caption

IV. Out of the need for governance and human rights struggles, the authorities have turned legal aid that should have enshrined the concept of rule of law and human rights into a tool for decoration, stability maintenance, united front work, and suppression.

四、當局出於統治和人權鬥爭的需要，將本應該推進法治和人權的法律援助異化為裝飾、維穩、統戰、鎮壓的工具。

1. Legal aid has become a decorative tool for the rule of law and human rights.

1.法律援助成為法治和人權的裝飾工具

The first documented legal aid case in China occurred in the “Two Case Trial” in 1982.

中國第一起有據可查的法律援助發生在1982年的「兩案審判」，「兩案」是指林彪、江青反革命集團。



After the CCP's Reform and Opening-up in 1979, in order to promote the so-called construction of a socialist legal state, the brutal political struggle within the Party was packaged into a so-called judicial trial. The legal aid of government lawyers actually acted as a decorative tool for the socialist legal system.

中共1979年「改革開放」後為了所謂建設社會主義法制國家的宣傳需要，而將黨內殘酷的政治鬥爭包裝成一場所謂的司法審判，官辦律師的法律援助事實上扮演了社會主義法制的裝飾工具。



Caption



Caption



Caption

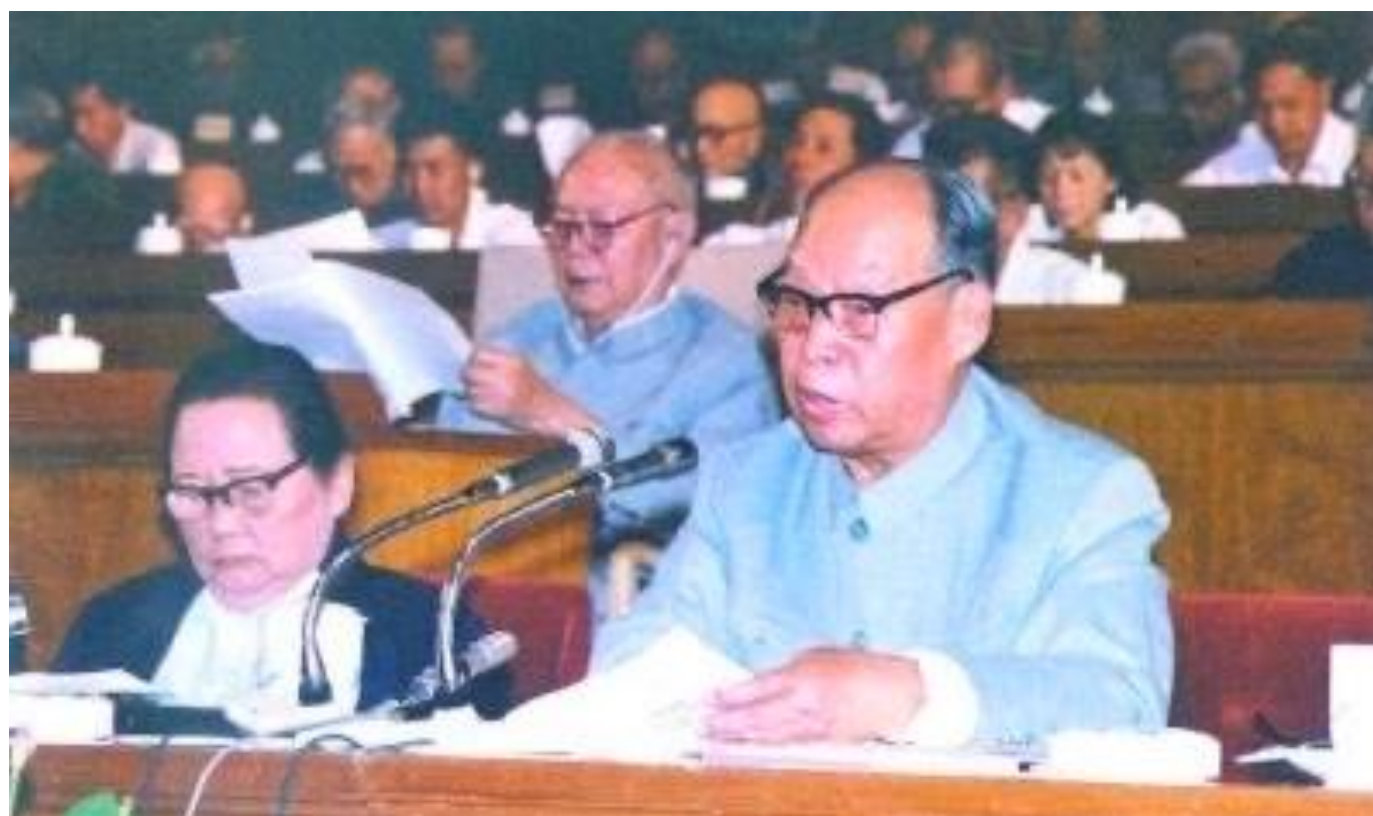
In February 1980, the Central Committee of CCP decided to speed up the trial of the Lin Biao and Jiang Qing's counterrevolutionary group case and establish the “Two Case” Trial Steering Committee, with Peng Zhen as the Chair to provide coherent leadership for the trials .

1980年2月，中共中央決定加快審理林彪、江青兩個反革命集團案件的工作，決定成立「兩案」審判指導委員會，彭真任委員會主任，統一領導審判工作。

Peng Zhen proposed the “parallel operation” method, that is, “parallel operation of state trial and party trial” 彭真提出了「平行作業」法，即「國家審與黨審平行作業」。

On September 29 1982, the Standing Committee of the National People's Congress, passed the “On the Decision of Establishing the Special Procuratorate of the Supreme People's Procuratorate and the Special Court of the Supreme People's Court to Prosecute for the Trial of Main Culprits in Lin Biao and Jiang Qing Counterrevolutionary Group Case” .

1982年9月29日，[全國人民代表大會常務委員會](#)通過《[關於成立最高人民檢察院特別檢察廳和最高人民法院特別法庭檢察、審判林彪、江青反革命集團案主犯的決定](#)》。



Peng Zhen, then Secretary of the Central Political and Legal Affairs Commission of CCP.
時任中央政法委書記的彭真

Caption

在公安预审和检察提审的过程中，十名主犯多数不认罪或不完全认罪。法庭上，肯定会出现一场尖锐的斗争。江青态度极坏，上推毛主席，具体罪行往周总理身上推；张春桥至今拒绝回答问题。估计在法庭上很可能发表反动“声明”或“演说”。毛远新态度越来越坏，一头推给毛主席，一头推给华国锋同志，准备适当时候将他移交辽宁审判。这些罪犯虽然在工作上没有什么本事，但狡猾抵赖诡辩的花招是很多的。法院、检察院依靠证据，以事实为根据，以法律为准绳，已经做了各种准备，力求不出问题。尽管在法庭上可能会出现些小问题，但不至影响最后

Excerpts from the report of the Trial Steering Committee of the Two Cases to the Central Committee of CCP

兩案審判指導委員會給中共中央的報告節選

How does lawyer's defense work in the so-called state trial?所謂的國家審，在律師辯護上是怎麼作業的呢？

The “Two Case Defense” lawyer team, under the direct leadership of the Ministry of Justice, has also formulated the “Principles, Steps for Lawyers’ Interviews with Defendants and Measures for Handling Certain Specific Issues“ and “Principles of Lawyers in Court Activities and Measures for Handling Certain Specific Issues]” .

司法部直接領導下的「兩案辯護」律師小組又制定了《律師會見被告的活動原則、步驟與若干具體問題的處理辦法》（以下簡稱「《律師會見處理辦法》」）、《律師在法庭活動中的原則與若干具體問題的處理辦法》（以下簡稱「《律師法庭活動處理辦法》」

Measures for Handling Lawyers’ Meetings makes the following rules for meetings:

A.Principles of meeting with the defendants: 2. One of the purposes of the meetings is for the defendants to accept to be defended by lawyers. We must pay attention to fighting strategies and strive to learn more about the situation and developments to provide favorable conditions for the trial. However, we should be careful not to let the meeting reach a deadlock because of us, causing the defendants to refuse us to defend for them.

C. Potential issues and handling measures:

5. If the defendant requires the lawyer to plead not guilty, the lawyer should refuse politely.

8. How to handle snarky comments towards lawyers. – If the defendant says, “To put it bluntly, you are all government lawyers.” This should also be answered directly, “Lawyers in our country are all legal workers of the country. This is a characteristic of our socialist lawyer system.

《律師會見處理辦法》對會見做了如下規定：

一、會見被告時的活動原則：2、會見的目的之一是讓被告人接受律師為之辯護，要講究鬥爭策略，力爭多瞭解些情況與動態，為審判工作提供有利條件。但應注意不因我們的原因而使會見形成僵局，引起被告人拒絕為之辯護。

三、可能發生的問題與處理辦法

5、被告要求律師作無罪辯護的處理辦法。應婉言拒絕。

8、對律師冷嘲熱諷的處理辦法。一如被告說：「說穿了，你們是官辦的律師。」這也應正面回答：「我們國家的律師都是國家的法律工作者，這是我們社會主義律師制度的一個特點；

Measures for Lawyers in Handling Court Activities makes the following rules for court defense:

3. How to handle the situation when the defendant makes reactionary speeches and counter-revolutionary statements, making it difficult for the trial to continue: (B) The lawyer should make the following statement, “In view of the fact that the defendant’s performance in court has made the basis to defend for him invalid, I declare , until the defendant’s attitude is correct, I cannot continue defending for him.”

5. How to handle the situation when a defendant accuses the lawyer in court: The lawyer should firmly reject the accusation and declare, “The questions raised by the defendant are absurd (or unfounded). According to Article 28 of the Criminal Procedure Law, my responsibility is to uphold the defendant’s legal rights based on facts and the law. Therefore, the defendant’s accusation is unfounded, and we reject it. We also declare that we will no longer continue to defend for them.



“兩案辯護”的法律援助律師

《律師在法庭活動中的原則與若干具體問題的處理辦法》對法庭辯護做如下規定：

3、被告人發表反動演說、反革命聲明，使審判難以繼續進行時的處理辦法：
（乙）律師應發表如下聲明：「鑒於被告人在法庭上的表現已完全失去了可以為他辯護的基礎，我聲明，在被告人 的態度沒有端正以前，很難繼續為他辯護。」

5、被告人當庭對律師進行指責時的處理辦法：律師應斷然拒絕，聲明：「被告人提出的問題是荒謬的（或說無根據的）。本律師依據《刑 事訴訟法》第二十八條的規定，責任是根據事實和法律，維護被告人的合法權益。因此，被告人的指責是毫無道理的，我們予以拒絕。並聲明不再繼續為他辯護。」



Caption

Lawyer Zhang Sizhi recalled the story of meeting the most important defendant, Jiang Qing, in the “Two Case”. 張思之律師還回憶了會見「兩案」最重要的被告人江青的故事。

The first criminal legal aid case went through a process where it was initially reviewed by the Party, then received the so-called national review with the rubber stamp of the Standing Committee of the National People’s Congress. The Supreme Procuratorate and the Supreme Court went through a courtroom procedure with lawyers playing their part, and China proclaimed that it had entered a new era of socialist legal system.

這個刑事法律援助案，就是這樣先由黨審，再由人大常委會蓋個橡皮圖章進行所謂國家審，高檢、高法在走個法庭過場、律師擺擺樣子，中國由此宣稱進入了社會主義法制新時代。

After the reform of the lawyer system， the authorities engaged in exchanging interests with pro-government lawyers to achieve their government-appointed goals.

律師制度改革之後則是當局與親官方律師進行利益交換以實現官派目標。

2. Legal aid increasingly plays an important role in stability maintenance.

2、法律援助日益扮演重要的官方維穩角色



Caption

As the situation of maintaining stability became increasingly severe, the judicial administrative departments and the lawyer associations made arrangements in three main aspects for their roles in maintaining stability.

維穩形勢的日益嚴峻，司法行政部門和律師行業協會在維穩工作中做了三方面的對應安排。

Firstly, exercising control over lawyers handling collective cases related to social stability.

其一、對律師辦理涉及社會穩定的群體性案件進行管控。

“People's Daily” editorial title: stability is of overriding importance

《人民日報》社論：“穩定壓倒一切”

The official website of the Chinese government released the All-China Lawyers Association’s opinions to guide lawyers in handling group cases.

中國政府官網發布全國律協出台意見指導律師辦理群體性案件



Caption

Secondly, establish official permanent or ac-hoc stability maintenance lawyer teams when needed.

其二，根據需要建立官方自己的常態性或專項性維穩律師團隊。



Rural Stability-Maintenance Lawyer Team

農村維穩律師辦公



Caption

Shanghai Huangpu District
Expo Stability Maintenance Volunteer Lawyers Group
上海黃浦律師“世博維穩志願團”

Using lawyers as tools for maintaining stability for the Party has been in practice for years and has raised doubts among the public about the role and identity of lawyers. Who do these lawyers truly represent? Are they serving the Party and the government in maintaining stability, or are they working to protect the rights of the people, or is it a combination of both?
把律師當做維穩工具為黨所用，已經行之有年，也引發社會公眾對律師角色定位的疑惑，這些律師到底代表誰？是為黨和政府維穩還是為民維權，抑或兩者兼之？

Thirdly, the authorities often forcefully designate stability-maintenance lawyers for defendants to squat as defense lawyers in cases they believe could affect social stability and the credibility of the judiciary. This is done to suppress or silence potential objections.

其三、當局認為會影響社會穩定、司法公信力的案件，時常強行指定佔坑式辯護的維穩律師進行消音。

“Squatter-like counsel” refers to a situation in which law enforcement authorities claim that the accused has already accepted legal aid from a designated lawyer, thereby effectively restricting or refusing the person’s right to appoint their own lawyer.

所謂佔坑式辯護，即辦案機關以被追訴人已經接受法律援助律師辯護為由，變相限制和拒絕被追訴人自行委託律師。

These designated stability-maintenance lawyers are highly recognized by lawyers association.

佔坑式辯護的維穩律師得到律師協會高度認可

广东律师40年 | 文宗所：尽职尽责维护社会主义公平正义和当事人的合法权益

2020年12月03日 17:14



Caption

2016年，广东文宗律师事务所律师被指派作为“乌坎”事件维稳律师团律师，同时被指派作为涉案被告人的辩护律师，完成案件初期维稳工作，并在该案整个司法程序中发挥律师的作用。

Caption

3. Legal Aid is systematically used in the Chinese Communist Party’s united front strategy

3.法律援助被建制性的運用到中共的統戰戰線

Sichuan lawyers and notary legal team bring law to temples.
四川律師公證法律團送法進寺廟活動



Caption

The Meishan branch of the Sichuan Tongxin Lawyers Group presented the Constitution and the National Security Law to the temple.
四川同心(跟黨一條心)律師團眉山分團送憲法、國家安全法進寺廟



Caption

Reporting meeting on outstanding deeds of lawyers aiding Tibet in Shaanxi Province
“Listen to the Party, follow the Party, and be good lawyers who satisfy the Party and the people”.
陝西省援藏律師“聽黨話、跟黨走，做黨和人民滿意的好律師”先進事蹟報告會

Hebei Province "Assist Tibetan Lawyers Service Group"
Outstanding Deeds Report Meeting
河北“援藏律師服務團”先進事蹟報告會



- 头条 要闻 人大立法 平安中国 政府法治 法学 律师 社区 环球 图片 综合新闻 法治雄安 公司法务 粤港澳大湾区 法治天府
- 评论 舆情 政法人事 政法聚焦 热点专题 案件 仲裁 军事 交通 影视 普法视频 食品安全 法治·乡村 互联网法治 青少年与法

律师频道 > 律师公益

听党话 跟党走 做党和人民满意的好律师

陕西省举办援藏律师先进事迹报告会

2022-07-04 10:57:50 来源：法治日报--法治网 作者： - 标准 +

法治日报全媒体见习记者 莫亚奇

7月1日，在中国共产党成立101周年之际，由陕西省司法厅主办，陕西省律师行业党委、陕西省律师协会承办的“听党话 跟党走 做党和人民满意的好律师”先进事迹报告会在陕西西安举行。

厅党组书记、厅长杨政国，厅党组成员、副厅长师建平，厅党组成员、副厅长、陕西省律师行业党委书记李艾平，陕西省纪委监委驻陕西省司法厅纪检监察组组长、厅党组成员郑建山，厅党组成员、厅政治（警务）部主任唐锡明，全国律协副会长、陕西省律师行业党委副书记、陕西省律协会会长

Caption



Caption

4. Legal Aid Becoming a Tool for Official Repression

4、法律援助淪為配合官方鎮壓的工具

T

In significant and sensitive cases involving dissent and human rights issues, authorities frequently appoint government-designated lawyers for defense.

The role played by these lawyers often involves persuading the defendants to plead guilty and isolating them from their families and support networks.

在異議、維權等重大敏感案件，經常性的指定官方律師辯護。律師扮演的角色也都是勸當事人認罪，隔絕當事人與家屬之間的聯繫。

the case of the 12 Hong Kong residents who were arrested for illegally crossing the border

十二港人偷越邊境案



Hong Kong

Hong Kong 12 who fled by boat for Taiwan held in 'criminal detention' by China

Caption

The “709 Crackdown” case, where government-appointed lawyers were heavily utilized

將強行指定官派律師發揮到極致的案件是「709」鎮壓案

Week of TV Trials in China Signals New Phase in Attack on Rights

 Share full article







Caption

官派法律援助律師楊玉芙



Caption

真泽律师事务所主任及官方法律援助律师们

行业发展

积极参与律师行业工作



龙雄彪
湖南省律师协会 常务理事
湖南省律师协会
青年工作与人才培养委员会 主任
刑事业务专业委员会 副主任
全国青年律师领军人才培养对象
中国星史律师事务所Y斗星公司
湖南星史律师事务所 副主任



杨杰林
长沙市律师协会 理事
长沙市青年律师领军人才培养对象
湖南省律师协会
法律援助委员会 副主任
继续教育培训委员会 副主任
长沙市律师协会
刑事专业委员会 副主任
青年律师与人才培养委员会 副主任



曾 杰
湖南省律师协会
新闻联络委员会 委员
长沙市律师协会
刑事专业委员会 委员

知乎 @真泽刑律

Caption

V. Following the 2008 Beijing Olympics, the Chinese authorities continued to tighten their control over civil society and conducted sweeps and crackdowns. This was especially evident with the 2015 “709 lawyer crackdown”, resulted in the closure or forced cessation of operations for many independent civil society legal organizations. Human rights lawyers who had the capacity to provide non-governmental legal aid also faced systematic suppression, including the suspension of their practice, revocation or cancellation of their legal licenses, detention, and sentencing.

五、「08年奧運」之後，隨著當局對公民社會的持續強化管制、掃蕩和鎮壓，尤其是2015年「709」律師大抓捕，稍有獨立性的民間法機構紛紛被取締或被迫停止運營，能夠提供非官方法律援助的維權律師也遭到包括停止執業、吊銷或註銷執業證、關押、判刑等系統性的壓制。



Caption



Caption



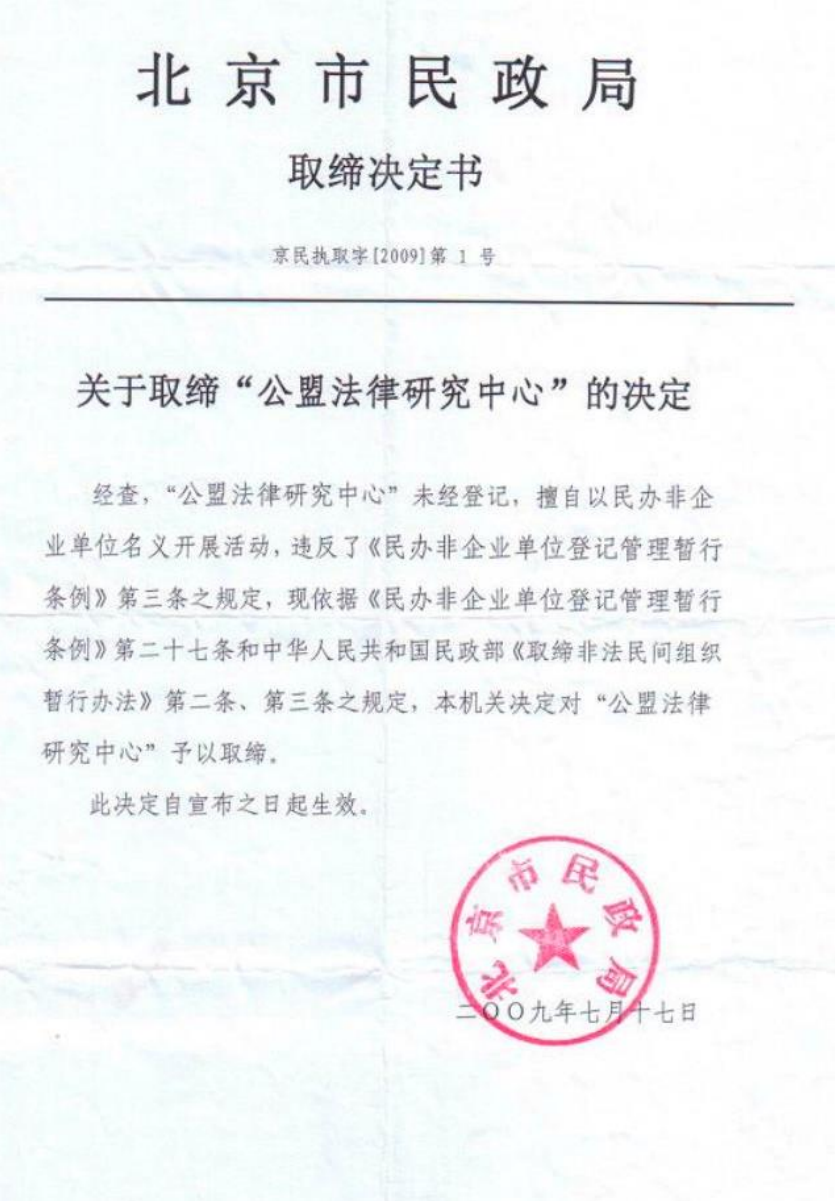
Caption



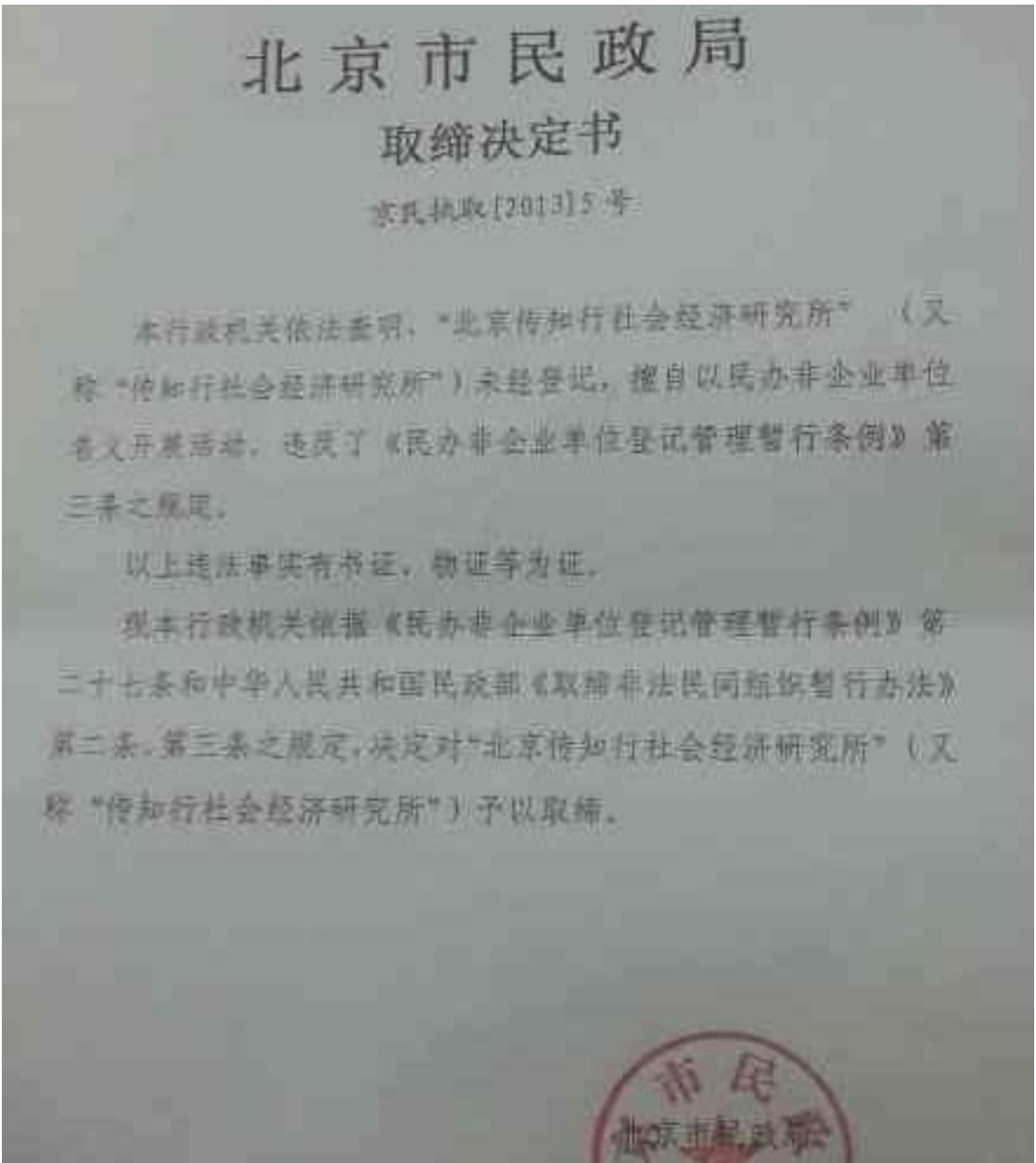
Caption

However, as civil society continued to develop, Chinese authorities began to impose regulations and conduct large-scale crackdowns and forced closure on non-governmental organizations after the Beijing Olympics.

但是隨著公民社會的孕育和發展，當局也於北京奧運會後開始對非政府組織進行管制和大規模掃蕩、取締、關閉。



Caption



Caption



Caption



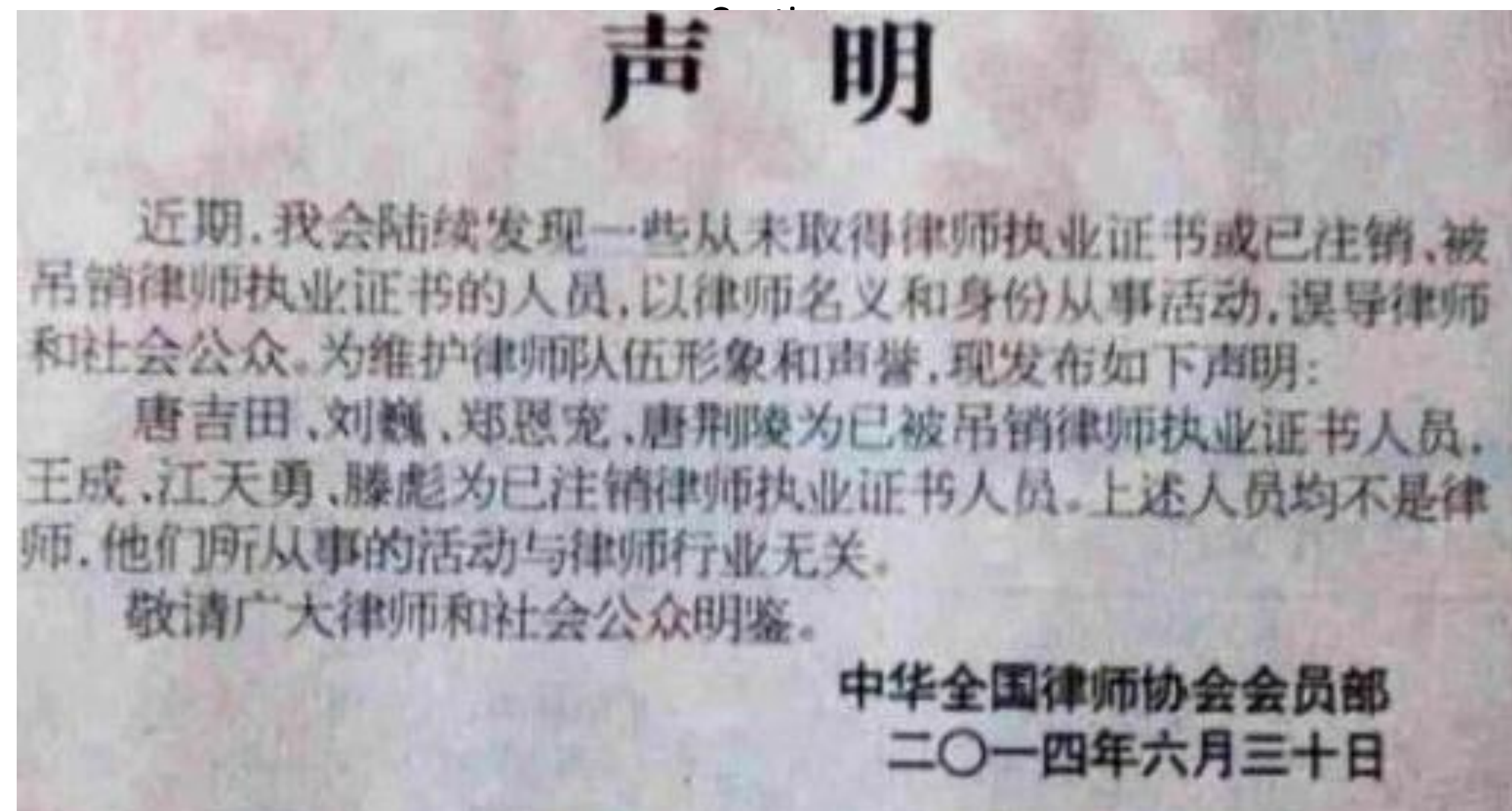
Caption



Caption

Human rights lawyers providing legal assistance to vulnerable groups have also faced systematic suppression.

在給弱勢群體提供法律幫助和援助的人權律師也相應的遭到系統性的壓制。



Caption



BY HUIZHONG WUASSOCIATED PRESS

Published 4:19 AM GMT-5, February 2, 2021

Caption

As outlined through these four aspects, it is evident that the alienation of legal aid in China has been a persistent issue. Over the last decade in particular, the authorities have increasingly promoted the notion of “political and legal organizations must act as the party's blade,” causing a resurgence and even a rising popularity of the “blade theory” that had briefly been set aside. Official legal aid centers and lawyers associations under the direct jurisdiction of judicial administrative authorities and lawyers closely aligned with the government have consistently played a “soft blade” role under the guise of the so-called “legal aid”.



党的十八届六中全会强调要坚持全面从严治党、依规治党，加强党内监督。人民法院作为国家的审判机关，是党领导下的人民法院，担负着维护社会公平正义、服务社会发展大局的重要使命，是维护国家政治安全、政权安全、制度安全、意识形态安全的“刀把子”。坚持党对人民法院的绝对领导，是人民法院工作健康发展的根本保障。只有在党的领导下依法独立行使审判权，积极接受和主动争取党对人民法院工作的领导和支持，才能真正实现司法公正，维护司法权威，才能为建设高品质宜居示范区和国际一流的和谐宜居之都做出贡献。作为一名党员法官，特别是党员干部，必须要不断坚定理想信念，切实增强党性原则，必须要严守党的纪律和政治规矩，一切行动听党指挥，必须要做到“心中有党、心中有民、心中有责、心中有戒”，切实当好党和人民牢牢掌握的“刀把子”。

Caption

通過以上五個方面的粗線條勾勒可見，中國法律援助的異化是自始至終的。尤其近十幾年當局開始推展「政法機關要做黨的刀把子」主題教育以來，過去甚囂塵上後又短暫塵封的「刀把子」理論死灰復燃，而且越燒越旺。各級司法行政機關直接主管下的官方法律援助中心、官方律師協會，以及親官方律師緊跟「刀把子」起舞，常態化的以所謂「法律援助」扮演了「軟刀子」的角色。

Four Positions of the Court as the Party’s blade
法院作為黨的刀把子四個定位



Caption

the Court must act as the party's blade educational activities
法院系統“要做黨的刀把子主題教育活動”

Thank you!

謝謝！