

EU Parliament Committee on Foreign Affairs, Subcommittee on Human Rights

Hearing: “Exchange of views on Human Rights in China following the last round of EU China Human Rights Dialogue”

2010 July 15

Statement respectfully submitted by Li Subin, Chinese attorney

Title: The Current Status of Attorneys’ Practice in China and the Changes in the Environment for Human Rights and Rule of Law in China

Greetings, Members of Parliament and ladies and gentlemen: thank you for opportunity to join you at this Hearing.

Last month’s dialogue between the EU and China was a good opportunity for many discussions. Related to that discussion, today I will present on the current status of attorney’s practice in China and the changes in the environment for human rights and rule of law in China. For this, it is helpful to analyze with you an important speech published early last month by my fellow attorney Teng Biao, which he had delivered in the Transition Institute in Beijing. These are Mr. Teng’s comments:

I have a rough conclusion for the history of China in the past 30 years. The general trend is that it has become more liberal and more free. Though there have been fluctuations sometimes and even some retrogression in individual cases, yet the general trend is progress. However, such a progress was not bestowed by the government nor was it because some political party took the initiative to integrate with international standards and embrace the values of mainstream civilization. It didn’t happen that way. Such progress should be credited to the activists who have paid a huge price during all these years. We can roughly say that the higher price he or she pays, the more that one contributed to the social progress. If your action does not carry with it any sensitivity and the authorities do not bother to deal with you and your action has not caused any pains, then your contribution to the society is definitely not as great as those people whose action is sensitive to the authorities who bother to deal with you. Social progress is mainly credited to the pioneers, the brave people, citizens who fight for rights on a continuous basis – not to those who hitchhike for a free ride.

I think Teng Biao's description of the past 30 years of Chinese history certainly includes the history of changes in the status of attorneys' practice in China and the environment for human rights and the rule of law in China. I enjoy very much these words of Teng Biao: "I have a rough conclusion for the history of China in the past 30 years. The general trend is that it has become more liberal and more free. Though there have been fluctuations sometimes and even some retrogression in individual cases, yet the general trend is progress." I think President Hu Jintao and Premier Wen Jiabao will love to read these words with great emotion.

However, it's hard for me to agree with him on his words that immediately follow. Perhaps these words would suddenly make Hu and Wen unhappy and depressed. Teng then said this:

However, such a progress was not bestowed by the government nor was it because some political party took the initiative to integrate with international standards and embrace the values of mainstream civilization. It didn't happen that way. Such progress should be credited to the activists who have paid a huge price during all these years. We can roughly say the higher price he or she pays, the more that one contributed to the social progress. If your action does not carry with it any sensitivity and the authorities do not bother to deal with you and your action has not caused any pains, your contribution to the society is definitely not as great as those people whose action is sensitive to the authorities who bother to deal with you. Social progress is mainly credited to the pioneers, the brave people, citizens who fight for rights on a continuous basis – not to those who hitchhike for a free ride.

There are three reasons why I don't agree with these words from Teng Biao. First, though Hu and Wen are in important positions, both of them are still Chinese citizens according to the concept of modern rule of law. The citizens who are mentioned in Teng's text, "Social progress is mainly credited to the pioneers, the brave people, citizens who fight for rights on a continuous basis – not to those who hitchhike for a free ride" should not only include "common people who are citizens" and meanwhile reject the "citizens who are Party members or government officials." Second, I think Hu and Wen are not only still citizens, but they should be citizens who are pioneers, the brave people, the citizens who fight for rights on a continuous basis and who promote social progress. They are not those citizens "who hitchhike for a free ride," because they are the important people who build the legal system. The concept of today's "rule of the country according to law" and "democratic rule of law" is very popular among the Chinese people, for which Hu and Wen should receive credit.

Thank you very much.