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# amnesty international

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## People's Republic of China

### Human rights defenders at risk

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Summary

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Amnesty International has published numerous reports on the detention of prisoners of conscience in China, but this is Amnesty International's first report on China which focuses specifically on human rights defenders. A "human rights defender" is someone who individually, or with others, peacefully promotes or protects human rights by actively defending the rights of others.

In recent years, human rights defenders have become a focus of attention in the international arena, particularly within the United Nations (UN), due to greater recognition that human rights defenders all over the world need special protection because of the risks they face in conducting their activities. The UN Declaration on Human Rights Defenders was adopted in 1998 and the post of UN Special Representative on Human Rights Defenders was established two years later.

In China, the number of individual activists working to raise awareness of human rights concerns or abuses has increased over recent years. Thousands of people, including individual petitioners and their legal representatives, have peacefully acted to raise public awareness of human rights violations in China and called for an end to such abuses and redress. They cover a broad range of economic, social, cultural, civil and political rights. Many have used the domestic media, the Internet and the legal system in an attempt to obtain redress for alleged abuses, such as forcible evictions for development projects or the military crackdown on pro-democracy protesters in 1989.

However, those who become openly involved in human rights advocacy in China may face serious human rights violations, including in some cases torture, arbitrary detention and imprisonment. The arbitrary application of vaguely defined laws combined with frequent political interference in the rule of law means that no one knows with certainty whether or when action may be taken against them.

A key factor which facilitates the detention or imprisonment of human rights defenders in China is the Criminal Law itself, which continues to be used as a political tool to suppress dissent. Amnesty International remains deeply concerned that sweeping categories of "crimes" in the Criminal Law, which are broadly defined and contravene international standards, continue to be used to detain and imprison individuals solely for engaging in legitimate and peaceful human rights activities.

Activists are at high risk of further abuses in detention. Torture and ill-treatment remain widespread and endemic within China's criminal justice system, particularly at the pre-trial stage when beatings or other forms of torture are often used by the police in an attempt to extract a "confession" from detained suspects. Human rights defenders and others with strongly held beliefs or opinions who refuse to "confess" to their "crimes" are at particular risk of torture or ill-treatment.

Ongoing political interference in the rule of law also prevents Chinese activists from being able to rely on the legal and judicial system to safeguard their rights. Trials of human rights defenders may be little more than a formality, with cases decided in advance by adjudication committees comprised of Chinese Communist Party officials as well as judges.

Even if not detained, human rights defenders in China have often faced other abuses, including threats, harassment and intimidation, in an apparent attempt to prevent them from carrying out their peaceful and legitimate human rights activities.

This report highlights recent cases of arbitrary detention and harassment of human rights defenders in attempt to illustrate the risks posed to those working on various human rights issues in China: the right to health, the right to housing, workers' rights, the right to freedom of religion, minority rights, and the right to redress. It ends with six appeals for individuals who have been subjected to detention, imprisonment or other abuses in connection with their legitimate and peaceful human rights activities:

- Li Dan, an activist working to defend the right to health of those suffering with HIV/AIDS in China;
- Yao Fuxin and Xiao Yunliang, both imprisoned for peacefully defending workers' rights;
- Zhang Shengqi, Liu Fenggang and Xu Yonghai, members of the unofficial Protestant church, imprisoned after reporting on human rights violations against fellow Christians in China;
- The Tiananmen Mothers, a group of relatives who campaign for justice for those who were killed in the 1989 Tiananmen Square crackdown;
- Abdulghani Memetemin, a journalist and teacher, imprisoned for reporting on human rights violations against the ethnic Uighur community in the Xinjiang Uighur Autonomous Region, north-west China;
- Zheng Enchong, a lawyer who represented families who had been forcibly evicted from their homes in Shanghai. He has been imprisoned in connection with documents that he faxed to a human rights NGO in New York.

<b>KEYWORDS:</b>
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This report summarizes a 42-page document (15,209 words), *People's Republic of China: Human rights defenders at risk* (AI Index: ASA 17/045/2004) issued by Amnesty International in December 2004. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:

[http://www.amnesty.org/email/email\\_updates.html](http://www.amnesty.org/email/email_updates.html)

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