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Call for the immediate release of AIDS and human rights activist, Tian Xi, and other Chinese human rights defenders

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Today, SECTION27, the Treatment Action Campaign (TAC), the Gay and Lesbian Equality Project and COSATU hosted a joint rally outside the Chinese Embassy in Pretoria to demand the immediate release of Tian Xi and other human rights defenders wrongly imprisoned in China. Tian Xi, an AIDS and human rights activist who has been imprisoned since 6 August 2010, was infected with HIV as a child during a surgical operation ? a common event in China at the time ? and has been actively campaigning for the rights of people so infected to receive compensation from the Chinese government.

Representatives from TAC and SECTION27 handed over a joint statement to an official at the embassy.

Additionally, SECTION27, TAC and COSATU also handed over a memorandum to UNAIDS to encourage them to pressure the Chinese government to release Tian Xi.

Both statements are repeated below:

Premier Wen Jiabao
c/o His Excellency Zhong Jianhua
Ambassador of the People?s Republic of China to South Africa
Embassy of the People?s Republic of China
972 Pretorius Street, Arcadia
Pretoria

Call for the immediate release of AIDS and human rights activist, Tian Xi, and other Chinese human rights defenders

Dear Premier Wen Jiabao

We are civil society organisations fighting for social justice and South Africa?s largest trade union federation. We represent millions of people in South Africa. But we are also organisations that promote the rights of the poor to access treatment for HIV infection, promote constitutional democracy, the rule of law, and social and economic justice, and believe in solidarity between people both in South Africa and internationally.

Today is World AIDS day 2010. This is a day of international solidarity with people living with HIV and of

remembrance for those who have died of AIDS. We regret that we have had to gather outside your country?s embassy in South Africa as part of a global campaign to call for the immediate release of Mr Tian Xi and other AIDS activists from prison, and for adequate compensation for ten thousands of poor and rural people in your country who were infected with HIV as a result of a contaminated blood supply in the 1990s.

Mr Xi was a child when he received contaminated blood in an operation. He is not alone: in the 1990s, tens of thousands of people in China?s central plains were infected with HIV and other pathogens through state-sponsored blood sales and hospital blood transfusions that were contaminated. No-one has been held to account. While thousands of families have petitioned for compensation, only a few have received small settlements and many have been refused. China?s courts currently refuse to accept lawsuits on these cases.

Mr Tian Xi has been detained in Henan province without a formal sentence since August 6, 2010. We believe he is in prison solely because of his ongoing campaign to petition your government to compensate him and tens of thousands of others infected with HIV in the 1990s through the contaminated national blood supply.

We believe that China should be showing leadership and compassion on these issues. China is a net recipient of money from the Global Fund on AIDS, TB and Malaria (GFATM), as well as a signatory to the United Nations General Assembly Special Session on HIV/AIDS (UNGASS) 2001 Declaration of Commitment. Respect for human rights is a principle accepted by both the GFATM and the United Nations.

But, in addition, Article 35 of the Chinese Constitution states that ?[c]itizens of the People?s Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.? Further, the Chinese government?s national human rights plan 2009-2010 reiterates this, stating as follows:

In the period 2009-2010, China will continue to strengthen work to improve democracy and the rule of law, improving systems for democracy, diversifying the forms of democracy and expanding the channels of democracy, strengthening the protection of civil rights in the execution of administrative laws and in judicial practices, and raising the level of ensuring people?s civil and political rights.

We are therefore concerned that the Chinese government is failing to meet its own constitutional obligations and stated commitments in relation to civil liberty and human rights. We therefore appeal to the Chinese government to adopt an attitude of respect for human rights, and in particular to comply with your own Constitution and national human rights action plan. We were pleased to hear of the establishment of the Beijing Red Ribbon Forum on Human Rights (RRF) as a formal platform for government and civil society to work on issues of HIV/AIDS and human rights. Indeed we believe Mr Xi attended the first meeting of the RRF in July 2010, only a month before his detention.

We restate our call for the immediate release of Tian Xi, as well as other human rights activists including Hu Jia, Liu Xiabo and many others who are in prison and whose only crime is to defend and promote human rights.

Yours sincerely

Nonkosi Khumalo	**Jonathan Berger**	**Patrick Craven**
TAC	**SECTION27**	**COSATU**

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1 December 2010

Mr Michel Sidibe
Executive Director, Joint United Nations Programme on HIV/AIDS (UNAIDS)

Dr Margaret Chan
Executive Director, World Health Organisation (WHO)

Dear Mr Sidibe and Dr Chan

IMPRISONMENT AND HARASSMENT OF HIV/AIDS ACTIVISTS IN CHINA

We are writing to you jointly to request that you urgently seek a meeting with the government of the People?s Republic of China and that you work to secure the unconditional release from prison of HIV/AIDS activist Tian Xi.

Tian Xi lives with HIV and has been in prison since 6 August 2010. His ?crime? appears to be to speak out for himself and others who were infected with HIV through contaminated blood transfusions. Although he has been ?tried?, the case has now been suspended and there is no clarity as to when or whether he will be released or sentenced. We attach, for your information, a letter we are delivering to the Chinese government today.

Tian Xi?s detention is known to HIV/AIDS and other human rights activists throughout China. It is causing fear and uncertainty, and hindering their work on HIV prevention and treatment. For example, one activist wrote to us stating as follows:

[I]n fighting against rights abuses, activists in China find it is difficult to use the legal channel for justice, and themselves also face persecution. Though China is trying to build a respectful judiciary system, but legal provisions have been used to charge rights activists who stand up and protect their rights. For example, criminal detention is up to 30 days, then activist will be detained for 30 days without a proper reason. Tian Xi?s case is very simple, but because of national and international attention, the judge decided that the case is complicated and delay the time for the trial, so as to extend the ?reasonable detention? of Tian Xi. What Tian Xi experienced today is likely to be happened on any other rights activists in China.

From previous correspondence with Mr Sidibe, we are aware of UNAIDS?s unsuccessful ?behind-the-scenes? efforts to secure his release and to monitor his imprisonment. While we welcome action, we do not believe that the steps you have taken thus far are sufficient. To most of the world, it appears as if UNAIDS and the WHO speak the language of human rights but do little when such rights are actually violated.

In her very important statement for World AIDS Day 2010 on behalf of the WHO, Dr Chan states as follows:

Today, I call on all sectors to protect human rights, including the right to health, and to combat discrimination. Working with people living with HIV is critical for an effective HIV response and Member States need to be mindful of the commitments made in the 2006 Political Declaration on HIV/AIDS to promote better legal and social environments for people to access HIV testing, prevention and treatment.

Today we appeal to you to act on this statement. We call on you to ?

- Call publicly for the release of Tian Xi;
- Explain to the Chinese government the need to work meaningfully with civil society as partners; and
- Call for adequate compensation and a final settlement for all the people in China who were infected with HIV as a result of the blood scandal in the 1990s.

We look forward to hearing from you.

Yours sincerely

Nonkosi Khumalo	**Jonathan Berger**	**Patrick Craven**
TAC	**SECTION27**	**COSATU**

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