



# TAKING ACTION



# CHARTER '08

## A HUMAN RIGHTS VISION FOR THE FUTURE

### Introduction



**Xu Youyu (L), Mo Shaoping and Cui Weiping (R) accepting the Homo Homini Award in Prague**

reported on activities related to it. In March 2009, the Czech NGO People in Need presented the Homo Homini Award to one of the drafters of *Charter '08*, dissident writer **Liu Xiaobo** (刘晓波), and to all those who had signed it. This award is given annually to “people who have made an important contribution to promoting human rights, democracy and non-violent resolution of political conflicts.”

*Charter '08* (零八宪章) is a visionary document calling for an end to one-party rule in China and replacement of the current political system with one based on human rights and democracy. Launched on December 9, 2008, to mark the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, it was intended both as a manifesto and as a call to action; its drafters drew their inspiration from Czechoslovakia's *Charter 77*. At the time of its release, *Charter '08* had been signed by 303 citizens, including dissidents, government officials and rural leaders.

By its first anniversary on December 9, 2009, the document had been signed by over 10,000 people, the vast majority citizens of mainland China. Despite efforts by officials to prevent its distribution through stringent internet censorship and confiscation of printed copies, knowledge of the *Charter* and its principles have spread to all corners of China, primarily through internet bulletin boards, blogs and discussion forums. A new website, [www.2008xianzhang.info](http://www.2008xianzhang.info), provides various information on the *Charter*, and hosts online discussion and debate.

Hundreds of Chinese living overseas have signed the *Charter*, and major media outlets

From the start, the authorities responded to the *Charter* with repression. Liu Xiaobo was not able to accept his award in person, as he was under “residential surveillance” at an undisclosed location. In December 2009, he was sentenced to 11 years in prison for “inciting subversion of state power” after a Beijing court found his work in “drafting *Charter* ‘08 together with others” was “a major crime.” More than 100 signatories have been harassed and threatened by police, some on multiple occasions. Police have confiscated computers and other personal property from signatories, and frozen the assets of some activists they deem to be associated with the *Charter*.

Yet the number of signatories to the *Charter* continues to grow, a sign of hope despite an uncertain future. As former Czech President Vaclav Havel remarked when presenting the Homo Homini Award,

*One may never reckon with success, one may never reckon with the situation changing tomorrow, the day after tomorrow, or in ten years. Perhaps it will not. If that is what you are reckoning with, you will not get very far. However, in our experience, not reckoning with that did pay in the end; we found that it was possible to change the situation after all, and those who were mocked as being Don Quixotes, whose efforts were never going to come to anything, may in the end, and to general astonishment, get their way. I think that is important. In a peculiar way, there is both despair and hope in this. On the one hand we do not know how things will end, and on the other, we know they may in fact end well.*

Below we present the full text of the *Charter* as translated from the Chinese by Perry Link. This translation was first published in the *New York Review of Books*.



**Two of the drafters of *Charter* '08, Liu Xiaobo (left) and Zhang Zuhua (right)**

## CHARTER '08

### I. Foreword

A hundred years have passed since the writing of China's first constitution. The year 2008 also marks the sixtieth anniversary of the promulgation of the Universal Declaration of Human Rights, the thirtieth anniversary of the appearance of Democracy Wall in Beijing, and the tenth of China's signing of the International Covenant on Civil and Political Rights. We are approaching the twentieth anniversary of the 1989 Tiananmen massacre of pro-democracy student protesters. The Chinese people, who have endured human rights disasters and uncountable struggles across these same years, now include many who see clearly that freedom, equality and human rights are universal values of humankind and that democracy and constitutional government are the fundamental framework for protecting these values.

By departing from these values, the Chinese government's approach to "modernization" has proven disastrous. It has stripped people of their rights, destroyed their dignity, and corrupted normal human intercourse. So we ask: Where is China headed in the twenty-first century? Will it continue with "modernization" under authoritarian rule, or will it embrace universal human values, join the mainstream of civilized nations, and build a democratic system? There can be no avoiding these questions.

The shock of the Western impact upon China in the nineteenth century laid bare a decadent authoritarian system and marked the beginning of what is often called "the greatest changes in thousands of years" for China. A "self-strengthening movement" followed, but this aimed simply at appropriating the technology to build gunboats and other Western material objects. China's humiliating naval defeat at the hands of Japan in 1895 only confirmed the obsolescence of China's system of government. The first attempts at modern political change came with the ill-fated summer of reforms in 1898, but these were cruelly crushed by ultraconservatives at China's imperial court. With the revolution of 1911, which inaugurated Asia's first republic, the authoritarian imperial system that had lasted for centuries was finally supposed to have been laid to rest. But social conflict inside our country and external pressures were to prevent it; China fell into a patchwork of warlord fiefdoms and the new republic became a fleeting dream.

The failure of both "self-strengthening" and political renovation caused many of our forebears to reflect deeply on whether a "cultural illness" was afflicting our country. This mood gave rise, during the May Fourth Movement of the late 1910s, to the championing of "science and democracy." Yet that effort, too, foundered as warlord chaos persisted and the Japanese invasion [beginning in Manchuria in 1931] brought national crisis.

Victory over Japan in 1945 offered one more chance for China to move toward modern government, but the Communist defeat of the Nationalists in the civil war thrust the nation into the abyss of totalitarianism. The "new China" that emerged in 1949 proclaimed that "the people are sovereign" but in fact set up a system in which "the Party is all-powerful." The Communist Party of China seized control of all organs of the state and all political, economic and social resources, and, using these, has produced a long trail of human rights disasters, including, among many others, the Anti-Rightist Campaign (1957), the Great Leap Forward (1958-1960), the Cultural

Revolution (1966–1969), the June Fourth (Tiananmen) Massacre (1989), and the current repression of all unauthorized religions and the suppression of the *weiquan* rights movement [a movement that aims to defend citizens' rights promulgated in the Chinese Constitution and to fight for human rights recognized by international conventions that the Chinese government has signed]. During all this, the Chinese people have paid a gargantuan price. Tens of millions have lost their lives, and several generations have seen their freedom, their happiness and their human dignity cruelly trampled.

During the last two decades of the twentieth century the government policy of “Reform and Opening” gave the Chinese people relief from the pervasive poverty and totalitarianism of the Mao Zedong era and brought substantial increases in the wealth and living standards of many Chinese as well as a partial restoration of economic freedom and economic rights. Civil society began to grow, and popular calls for more rights and more political freedom have grown apace. As the ruling elite itself moved toward private ownership and the market economy, it began to shift from an outright rejection of “rights” to a partial acknowledgment of them.

In 1997 and 1998 the Chinese government signed two important international human rights conventions; in 2004 it amended its constitution to include the phrase “respect and protect human rights”; and this year, 2008, it has promised to promote a “National Human Rights Action Plan.” Unfortunately most of this political progress has extended no further than the paper on which it is written. The political reality, which is plain for anyone to see, is that China has many laws but no rule of law; it has a constitution but no constitutional government. The ruling elite continues to cling to its authoritarian power and fights off any move toward political change.

The stultifying results are endemic official corruption, an undermining of the rule of law, weak human rights, decay in public ethics, crony capitalism, growing inequality between the wealthy and the poor, pillage of the natural environment as well as of the human and historical environments and the exacerbation of a long list of social conflicts, especially, in recent times, a sharpening animosity between officials and ordinary people.

As these conflicts and crises grow ever more intense, and as the ruling elite continues with impunity to crush and to strip away the rights of citizens to freedom, to property, and to the pursuit of happiness, we see the powerless in our society—the vulnerable groups, the people who have been suppressed and monitored, who have suffered cruelty and even torture, and who have had no adequate avenues for their protests, no courts to hear their pleas—becoming more militant and raising the possibility of a violent conflict of disastrous proportions. The decline of the current system has reached the point where change is no longer optional.

## II. Our Fundamental Principles

This is a historic moment for China, and our future hangs in the balance. In reviewing the political modernization process of the past hundred years or more, we reiterate and endorse basic universal values as follows:

**Freedom** Freedom is at the core of universal human values. Freedom of speech, freedom of the press, freedom of assembly, freedom of association, freedom in where to live and the freedoms to strike, to demonstrate, and to protest, among others, are the forms that freedom takes. Without freedom, China will always remain far from civilized ideals.

**Human rights** Human rights are not bestowed by a state. Every person is born with inherent rights to dignity and freedom. The government exists for the protection of the human rights of its citizens. The exercise of state power must be authorized by the people. The succession of political disasters in China's recent history is a direct consequence of the ruling regime's disregard for human rights.

**Equality** The integrity, dignity and freedom of every person—regardless of social station, occupation, sex, economic condition, ethnicity, skin color, religion, or political belief—are the same as those of any other. Principles of equality before the law and equality of social, economic, cultural, civil and political rights must be upheld.

**Republicanism** Republicanism, which holds that power should be balanced among different branches of government and competing interests should be served, resembles the traditional Chinese political ideal of “fairness in all under heaven.” It allows different interest groups and social assemblies, and people with a variety of cultures and beliefs, to exercise democratic self-government and to deliberate in order to reach peaceful resolution of public questions on a basis of equal access to government and free and fair competition.

**Democracy** The most fundamental principles of democracy are that the people are sovereign and the people select their government. Democracy has these characteristics: (1) Political power begins with the people and the legitimacy of a regime derives from the people. (2) Political power is exercised through choices that the people make. (3) The holders of major official posts in government at all levels are determined through periodic competitive elections. (4) While honoring the will of the majority, the fundamental dignity, freedom, and human rights of minorities are protected. In short, democracy is a modern means for achieving government truly “of the people, by the people, and for the people.”

**Constitutional rule** Constitutional rule is rule through a legal system and legal regulations to implement principles that are spelled out in a constitution. It means protecting the freedom and the rights of citizens, limiting and defining the scope of legitimate government power, and providing the administrative apparatus necessary to serve these ends.

### III. What We Advocate

Authoritarianism is in general decline throughout the world; in China, too, the era of emperors and overlords is on the way out. The time is arriving everywhere for citizens to be masters of states. For China the path that leads out of our current predicament is to divest ourselves of the authoritarian notion of reliance on an “enlightened overlord” or an “honest official” and to turn instead toward a system of liberties, democracy and the rule of law, and toward fostering the consciousness of modern citizens who see rights as fundamental and participation as a duty. Accordingly, and in a spirit of this duty as responsible and constructive citizens, we offer the following recommendations on national governance, citizens' rights and social development:

- 1. A New Constitution.** We should recast our present constitution, rescinding its provisions that contradict the principle that sovereignty resides with the people and turning it into a document that genuinely guarantees human rights, authorizes the exercise of public power and serves as the legal underpinning of China's democratization. The constitution must be the highest law in the land, beyond violation by any individual, group, or political party.
- 2. Separation of Powers.** We should construct a modern government in which the separation of legislative, judicial and executive power is guaranteed. We need an Administrative Law that defines the scope of government responsibility and prevents abuse of administrative power. Government should be responsible to taxpayers. Division of power between provincial governments and the central government should adhere to the principle that central powers are only those specifically granted by the constitution and all other powers belong to the local governments.
- 3. Legislative Democracy.** Members of legislative bodies at all levels should be chosen by direct election, and legislative democracy should observe just and impartial principles.
- 4. An Independent Judiciary.** The rule of law must be above the interests of any particular political party and judges must be independent. We need to establish a constitutional supreme court and institute procedures for constitutional review. As soon as possible, we should abolish all of the Committees on Political and Legal Affairs that now allow Communist Party officials at every level to decide politically-sensitive cases in advance and out of court. We should strictly forbid the use of public offices for private purposes.
- 5. Public Control of Public Servants.** The military should be made answerable to the national government, not to a political party, and should be made more professional. Military personnel should swear allegiance to the constitution and remain non-partisan. Political party organizations shall be prohibited in the military. All public officials including police should serve as non-partisans, and the current practice of favoring one political party in the hiring of public servants must end.
- 6. Guarantee of Human Rights.** There shall be strict guarantees of human rights and respect for human dignity. There should be a Human Rights Committee, responsible to the highest legislative body, that will prevent the government from abusing public power in violation of human rights. A democratic and constitutional China especially must guarantee the personal freedom of citizens. No one shall suffer illegal arrest, detention, arraignment, interrogation, or punishment. The system of "Re-education through Labor" must be abolished.
- 7. Election of Public Officials.** There shall be a comprehensive system of democratic elections based on "one person, one vote." The direct election of administrative heads at the levels of county, city, province and nation should be systematically implemented. The rights to hold periodic free elections and to participate in them as a citizen are inalienable.

- 8. Rural–Urban Equality.** The two-tier household registry system must be abolished. This system favors urban residents and harms rural residents. We should establish instead a system that gives every citizen the same constitutional rights and the same freedom to choose where to live.
- 9. Freedom to Form Groups.** The right of citizens to form groups must be guaranteed. The current system for registering nongovernment groups, which requires a group to be “approved,” should be replaced by a system in which a group simply registers itself. The formation of political parties should be governed by the constitution and the laws, which means that we must abolish the special privilege of one party to monopolize power and must guarantee principles of free and fair competition among political parties.
- 10. Freedom to Assemble.** The constitution provides that peaceful assembly, demonstration, protest, and freedom of expression are fundamental rights of a citizen. The ruling party and the government must not be permitted to subject these to illegal interference or unconstitutional obstruction.
- 11. Freedom of Expression.** We should make freedom of speech, freedom of the press and academic freedom universal, thereby guaranteeing that citizens can be informed and can exercise their right of political supervision. These freedoms should be upheld by a Press Law that abolishes political restrictions on the press. The provision in the current Criminal Law that refers to “the crime of incitement to subvert state power” must be abolished. We should end the practice of viewing words as crimes.
- 12. Freedom of Religion.** We must guarantee freedom of religion and belief and institute a separation of religion and state. There must be no governmental interference in peaceful religious activities. We should abolish any laws, regulations, or local rules that limit or suppress the religious freedom of citizens. We should abolish the current system that requires religious groups (and their places of worship) to get official approval in advance and substitute for it a system in which registry is optional and, for those who choose to register, automatic.
- 13. Civic Education.** In our schools we should abolish political curriculums and examinations that are designed to indoctrinate students in state ideology and to instill support for the rule of one party. We should replace them with civic education that advances universal values and citizens’ rights, fosters civic consciousness and promotes civic virtues that serve society.
- 14. Protection of Private Property.** We should establish and protect the right to private property and promote an economic system of free and fair markets. We should do away with government monopolies in commerce and industry and guarantee the freedom to start new enterprises. We should establish a Committee on State-Owned Property, reporting to the national legislature, that will monitor the transfer of state-owned enterprises to private ownership in a fair, competitive, and orderly manner. We should institute a land reform that promotes

private ownership of land, guarantees the right to buy and sell land and allows the true value of private property to be adequately reflected in the market.

- 15. Financial and Tax Reform.** We should establish a democratically regulated and accountable system of public finance that ensures the protection of taxpayer rights and that operates through legal procedures. We need a system by which public revenues that belong to a certain level of government—central, provincial, county, or local—are controlled at that level. We need major tax reform that will abolish any unfair taxes, simplify the tax system, and spread the tax burden fairly. Government officials should not be able to raise taxes, or institute new ones, without public deliberation and the approval of a democratic assembly. We should reform the ownership system in order to encourage competition among a wider variety of market participants.
- 16. Social Security.** We should establish a fair and adequate social security system that covers all citizens and ensures basic access to education, health care, retirement security and employment.
- 17. Protection of the Environment.** We need to protect the natural environment and to promote development in a way that is sustainable and responsible to our descendants and to the rest of humanity. This means insisting that the state and its officials at all levels not only do what they must do to achieve these goals, but also accept the supervision and participation of non-governmental organizations.
- 18. A Federated Republic.** A democratic China should seek to act as a responsible major power contributing toward peace and development in the Asia Pacific region by approaching others in a spirit of equality and fairness. In Hong Kong and Macao, we should support the freedoms that already exist. With respect to Taiwan, we should declare our commitment to the principles of freedom and democracy and then, negotiating as equals, and ready to compromise, seek a formula for peaceful unification. We should approach disputes in the national-minority areas of China with an open mind, seeking ways to find a workable framework within which all ethnic and religious groups can flourish. We should aim ultimately at a federation of democratic communities of China.
- 19. Truth in Reconciliation.** We should restore the reputations of all people, including their family members, who suffered political stigma in the political campaigns of the past or who have been labeled as criminals because of their thought, speech, or faith. The state should pay reparations to these people. All political prisoners and prisoners of conscience must be released. There should be a Truth Investigation Commission charged with finding the facts about past injustices and atrocities, determining responsibility for them, upholding justice, and, on these bases, seeking social reconciliation.

China, as a major nation of the world, as one of five permanent members of the UN Security Council, and as a member of the UN Human Rights Council, should be contributing to peace for humankind and progress toward

human rights. Unfortunately, we stand today as the only country among the major nations that remains mired in authoritarian politics. Our political system continues to produce human rights disasters and social crises, thereby not only constricting China's own development but also limiting the progress of all of human civilization. This must change, truly it must. The democratization of Chinese politics can be put off no longer.

Accordingly, we dare to put civic spirit into practice by announcing *Charter '08*. We hope that our fellow citizens who feel a similar sense of crisis, responsibility, and mission, whether they are inside the government or not, and regardless of their social status, will set aside small differences to embrace the broad goals of this citizens' movement. Together we can work for major changes in Chinese society and for the rapid establishment of a free, democratic, and constitutional country. We can bring to reality the goals and ideals that our people have incessantly been seeking for more than a hundred years, and can bring a brilliant new chapter to Chinese civilization.



# CHINESE HUMAN RIGHTS DEFENDERS

## A YEAR IN ACTION: OVERVIEW OF OUR WORK

2008 - 2009

CHRD is a China-based, non-political, non-governmental network of local and international activists promoting human rights and empowering grassroots activism. CHRD's objectives are to monitor human rights developments, assist victims of human rights abuses and support human rights activists in China. Our approach is non-violent and based on rule of law. We undertake research, provide information, organize training, operate a small grants program and offer legal assistance where it is needed.

These functions often combine in one activity. For example, CHRD played an instrumental role in the dissemination of *Charter '08*, the online petition calling for protections for human rights and progress towards democratization. After the release of the Charter on December 9, 2008, CHRD monitored and reported on the official retaliation against its signatories. We collected information from across the country about those being harassed and detained, ensured the media and other international agencies were aware of this and campaigned for the release of detained individuals. CHRD was one of the most comprehensive and timely sources of information regarding the persecution of *Charter '08* signatories and the first to report the detention of well-known intellectual **Liu Xiaobo** (刘晓波).

CHRD has set up a special section on its website for the *Charter '08* campaign, in both Chinese and English.<sup>1</sup> We also provided humanitarian assistance to some victims of the crackdown, assisted in developing an official *Charter '08* website and helped publish a Chinese-language book on the movement, including relevant documents and essays. CHRD worked together with other international groups and agencies to show solidarity with the *Charter '08* signatories.

This Yearbook presents CHRD's English-language research reports, representing a small proportion of the research work conducted this year. Other main aspects of CHRD's activities are outlined below.

### **Assisting Activists and Victims of Rights Abuses**

It is very difficult for human rights activists and NGOs in China to find support for the work they do. Due to strict government control on freedom of association, most non-profits and NGOs, particularly those that undertake work critical of the government, are unable to formally register and therefore are denied access to funding. These small groups and domestic activists are well-positioned to document local abuses, are willing to take risks and are often among the most effective in monitoring government policies and actions. They provide services at the grassroots level and are willing to demand accountability for rights abuses. CHRD thus focuses its grant-making efforts on supporting them.

Our modest financial support for carefully planned, potentially effective initiatives carried out by local rights activists and groups operating within the shifting boundaries of state tolerance and law continued to make

concrete contributions to the rights defense movement in China over the past year. In addition to providing financial assistance, we also worked with grantees to improve project design, research methods and implementation strategies. We also advocated on their behalf and conducted evaluations of their work. Some of the projects funded by CHRD in the past year include:

- A “watchdog” group dedicated to monitoring government taxation policy and taxpayers’ rights;
- A regular series of public forums promoting rights education and advocacy, including lectures, discussions and trainings to facilitate the exchange of ideas;
- The making of a documentary film about the efforts of parents of children who died in the collapse of school buildings during the Sichuan earthquake in May 2008 to hold those responsible for substandard construction accountable;
- A continuing program to educate voters at local and village level and to monitor elections to village self-governing bodies and local People’s Congresses; and
- A group of lawyers’ investigation into the use of violence in implementing family planning policies.

We also provided humanitarian aid to victims of rights abuses, and to human rights activists and their families suffering economic hardship as a result of their work defending human rights.

### **Helping Victims Seek Justice**

CHRD provides legal aid to help victims of human rights violations use the legal system to seek justice. Through challenges to rights abuses in the courts, we also hope to strengthen the legal system by improving the awareness of judges and lawyers about human rights issues. We focus our legal aid on activists and their families, to support and protect those who have been detained or imprisoned for defending human rights.

CHRD provides legal support to victims of rights abuses in two ways: by providing direct funding to Chinese lawyers acting as legal counsel for those facing various legal charges; and by working with CHRD’s team of legal advisors to provide legal advice. In 2009, CHRD provided grants to cover travel expenses of lawyers, allowing them to take on ten cases involving detained human rights activists and victims of rights abuses.

While we advocate using the Chinese legal system to seek redress for human rights abuses, we recognize that the judiciary lacks independence and is subordinate to political authorities. When domestic avenues are blocked or ineffective, CHRD can provide information about international human rights law and assists victims in using the international system to exert pressure on the government.

Documentation on the international human rights system that would be otherwise unavailable to activists in China was translated by CHRD and made available online in Chinese, or we guided activists to such documents online. For example, we translated and publicized documents on the review of the Chinese government’s report on its implementation of the Convention against Torture by the UN Committee that monitors the treaty; on the UN Human Rights Council’s Universal Periodic Review of China’s human rights record; and on the government’s “voluntary pledge” to protect human rights when it ran for election to the Human Rights Council on May 8, 2009.<sup>2</sup> We also compiled user-friendly guides for civil society to aid and encourage participation in these

processes.<sup>3</sup>

CHRD helped prepare and submit communiqués on individual cases to the UN human rights treaty bodies and Special Procedures. We are in frequent contact with the UN Human Rights Secretariat, the Office of the High Commissioner for Human Rights (OHCHR), the EU and concerned governments, as well as international human rights groups. We assist these bodies in monitoring the overall rights situation in China as well as updating them on individual cases of rights abuse; we serve as a bridge between these bodies and civil society in China. In



**Zheng Dajing peers out from a barred window at a Beijing black jail, in December 2009**

coordination with international human rights groups, we have submitted urgent appeals and individual complaints to the Office of the High Commissioner on behalf of activists and dissidents **Xie Changfa, Ji Sizun, Wang Guilan, Zheng Dajing, Chen Daojun, Gao Zhisheng** and others.<sup>4</sup>

### **Training Human Rights Defenders**

In 2008 and 2009, CHRD conducted training programs on international human rights instruments and mechanisms. During these workshops, Chinese human rights defenders attended tailor-made courses on effective ways of using UN human rights mechanisms and on how to gather information and conduct investigations in the field. Outside of formal meetings, participants had the opportunity to give informal briefings to members of the international human rights community. Participants also returned home with human rights documents and educational material written in Chinese and largely unavailable in China. We also used these opportunities to develop our “human rights toolkit” to help activists better address common areas of rights abuses, such as arbitrary detention and torture, and to train participants on internet security.

In 2009, CHRD held a training workshop focusing on field investigations and documentation of human rights abuses. Participants shared their research experiences, discussed reporting strategies with representatives of international NGOs and debated ways to work effectively when under police surveillance, as well as how to manage media and internet censorship.

In the summer of 2009, a team of human rights activists who had previously attended training workshops organized by CHRD conducted training exercises for local activists in different parts of China. This team acted as trainers, contributing practical information (both printed materials and their own knowledge and experience) to local rights defenders. These sessions also served to strengthen inter-regional cooperation and build trust and

mutual support among activists who otherwise have few opportunities for personal interaction, as they are often deprived of the freedom of movement and the right to peacefully assemble and associate.

Based on the discussions and exchanges in the workshops, trainers and trainees collaborated in the drafting of a set of practical guidelines on conducting investigations into human rights abuses. The guide has since been distributed to activists in our network and will be used in future training activities. In general, local activists who work with CHRD also receive basic training on internet security, financial accountability and other aspects of NGO management.

One of the main purposes of bringing activists together at CHRD's international and local training workshops and public forums is to foster mutual support and to build a sustainable activist community. Because of security problems and constant police pressure, rights defenders in different parts of the country are often isolated from each other, making it nearly impossible for them to meet face-to-face with other activists. While the workshops may provide only a brief opportunity for these critical interactions, the connections made have a lasting impact. For example, a virtual network online has been created to follow up with ideas for collaboration, as well as helping each other with internet security issues.

Human rights lawyers working on some of the most pressing issues in China today have benefitted from CHRD's training sessions. Lawyers who have worked with CHRD have been involved in cases dealing with food safety issues, helping parents seek legal redress in the toxic milk scandal, assisting parents of school children who died in substandard buildings during the Sichuan earthquake and pushing for democratic election within the officially-controlled Beijing Lawyers Association. Several lawyers have told us that CHRD's training workshops opened their eyes to different approaches they could use in their work, such as how to use international human rights law to defend clients in court.

### **Information and Advocacy**

Along with the research reports included in this yearbook, CHRD produces legislative proposals, open letters, petitions, news briefings, statements or calls for urgent action and communiqués, in Chinese and English. We help grassroots activists with new research initiatives, provide funding for research, and assist in the compilation, analysis and editing of information. Our publications have become a trusted source of human rights information inside and outside of China, and are valued for accuracy and reliability.

To raise awareness among activists and ordinary citizens of developments in the field of international human rights, CHRD produced and distributed a monthly educational periodical in Chinese, *Citizen*, and created a regular column on our Chinese website, "Hotline Consultation," to help address the wide range of issues rights defenders encounter in their work. To mark the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, in 2008 and 2009 activists affiliated with CHRD distributed information publicizing the Declaration to encourage greater awareness of human rights issues among the general population. Additionally, CHRD called on members of civil society to observe the anniversary and for the NPC to ratify the ICCPR.<sup>5</sup>

The Chinese government is concerned about its international image. To influence public opinion and generate pressure on the international stage, CHRD has continued to provide information about China's human rights

situation to the international media, international monitoring organizations and governmental and intergovernmental agencies. CHRDR regularly shares information with UN human rights agencies and international human rights NGOs. We frequently assist foreign correspondents by providing leads to stories, giving and arranging interviews and dealing with their inquiries. Stories reported by CHRDR have been covered by media such as the *New York Times*, the *International Herald Tribune*, the *Washington Post*, the Associated Press and others.

Examples of the types of statements and press releases issued in English during the past year include:

- “Activist Formally Arrested for Applying to Protest during the Olympics” (November 11, 2008)
- “Abuses Against Petitioners Contradict Message of ‘Openness’ at Annual Session of China’s Legislature” (March 18, 2009)
- “Chinese Government Must Allow Reporting and Investigation of Urumqi Violence” (July 6, 2009)
- “Chengdu Police and Court Flout Law in ‘Truly Disgraceful’ Trial of Tan Zuoren” (August 13, 2009)
- “As Obama Arrives in China, Police ‘Tuck Away’ Activists for Fear of Contact” (November 16, 2009)
- “In Letters Smuggled out of Prison, Journalist Qi Chonghuai Details Abuses” (December 10, 2009)

Through the dissemination of information about rights abuses, we help Chinese citizens and the international community to put pressure on the government to address these situations. CHRDR also maintains an online database of incarcerated human rights defenders, activists and dissidents, “Individual Cases” (in Chinese).<sup>6</sup> The database is important for monitoring the treatment and health situation of those detained and helps to keep up pressure for their release after attention diminishes following their initial detention or sentence. Positive outcomes of our advocacy, though still rare, include the release of prisoners or the dropping of charges, reduced prison sentences or detention periods in RTL camps, improved prison conditions, or compensation for personal or financial damage suffered.

For example, in March 2009, CHRDR reported on the case of Heilongjiang petitioner **Chen Qingxia** (陈庆霞), who was left paralyzed after being beaten by officials and subjected to nearly two years of arbitrary detention. As a result of public pressure generated by the story, she was released from the black jail where she was being held and provided with medical treatment at Harbin University Hospital. Later in 2009, CHRDR assisted family



**Chen Qingxia receiving treatment in a Harbin hospital in March 2009**



**Liu Shuoxiang convalescing following his release from a Hebei RTL camp in January 2010**

members in fighting for the release of 70-year old petitioner **Liu Shuoxiang** (刘硕祥), detained in a Hebei RTL camp despite his advanced age and poor health. On January 11, 2010, Liu was released on bail to receive medical treatment.

CHRD continues to urge the Chinese government to improve its human rights record and reform its legislative and judicial systems to better protect citizens' rights. One example of this is our campaign to abolish "black jails," illegal detention facilities operating with the knowledge and consent of government officials outside of the judicial system. CHRD was at the forefront of exposing the existence of black jails, when it released a report in September 2007, "Black Jails in the Host City of the 'Open Olympics,'" documenting the use of such facilities to detain individuals, primarily petitioners, in Beijing. We have continued to report on abuses in black jails over the past two years, and our stories have been picked up by both domestic and foreign media, leading to foreign governments, international NGOs and UN human rights bodies speaking out against this form of arbitrary detention.

The pressure is beginning to show tangible results: in November 2009, *Outlook Weekly*, a Xinhua News Agency magazine, ran a story detailing the use of black jails in the capital, a signal that higher-level officials were taking the problem seriously. Two months later, in January 2010, Xinhua reported that government officials had ordered the closure of "thousands" of local government liaison offices—the forces responsible for the creation and operation of black jails—in Beijing.

CHRD continues to promote solutions to many of the rights abuses we have identified and exposed. Below are some examples of documents we prepared in the past year proposing changes to laws, regulations and policies to better promote human rights:

- July 1, 2008: CHRD sent an open letter to the NPCSC calling for an end to the RTL detention system.<sup>7</sup> The open letter cites CHRD's research report on RTL as a basis for its demands.
- December 9, 2008: on the eve of International Human Rights Day, the 60<sup>th</sup> anniversary of the Universal

Declaration of Human Rights and the 10<sup>th</sup> anniversary of China's signing of the ICCPR, CHRD issued a statement calling on the government to ratify the ICCPR.<sup>8</sup>

- April 2009: in response to the SCIO's release of China's first National Human Rights Action Plan, CHRD issued two statements, in Chinese and English, critiquing the plan and suggesting revisions to better ensure the protection of citizens' rights.<sup>9</sup>
- August 1, 2009: CHRD sent the State Council and the NPCSC a proposal for reforms to the State Secrets Law, a revised draft of which was being reviewed at the time.<sup>10</sup>
- December 16, 2009: CHRD issued a statement calling for the abolition of the Urban Housing Demolition and Relocation Management Regulations, the main administrative regulation governing forced evictions.<sup>11</sup>

CHRD also actively contributes to international monitoring efforts undertaken by the United Nations. In November 2008, the UN Committee against Torture (CAT) reviewed the Chinese government's implementation of the Convention against Torture. After the government submitted its state report to CAT for the purpose of the review, CHRD, in cooperation with Chinese lawyers and legal experts, prepared an NGO report on China's implementation of its treaty obligations to eradicate torture (see report in this Yearbook). When China's human rights record was scrutinized for the first time by the Human Rights Council during the February 2009 Universal Periodic Review, CHRD collected feedback from activists in our network and submitted a report to the UPR Working Group, drawing its attention to five areas of grave human rights violations.<sup>12</sup> CHRD later translated this submission into Chinese and disseminated it within China to raise awareness and promote civil society participation in the UPR process. A press release was also issued presenting our analysis and suggestions for follow-up at the conclusion of the review.<sup>13</sup>

A comprehensive collection of our work is available on our bilingual website (<http://www.crd-net.org>), updated daily in Chinese and English. The Chinese website, maintained by activists in China, houses information collected and produced by CHRD as well as information from other reliable sources; and provides a portal with a concentration of relevant information to Chinese readers, who reach the site by circumventing the Great Firewall through the use of a proxy server. The English site, maintained by our international staff, keeps the international community informed of developments in the field of human rights in China.

### **Facilitating Global Solidarity**

Throughout the year CHRD's international staff continued to identify and attract international support, attending events and conferences, as well as nominating human rights activists from China for awards. CHRD also assisted international human rights NGOs and governmental and international agencies wishing to offer their support to human rights defenders by providing information, verifying reports of alleged abuses, as well as sharing contacts and strategies with them. In April 2009, CHRD assisted the EU human rights body in its preparation for the EU-China Human Rights Dialogue in Prague by providing a list of imprisoned human rights defenders. We also coordinated with Prague-based NGOs to submit a list of prisoners so EU delegates might raise the cases during the dialogue.

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- <sup>1</sup> For Chinese, see <http://crd-net.org/Article/lingbaxianzhang/Index.html>. For English, see: <http://crd-net.org/Article/Class9/Class98/Index.html>.
- <sup>2</sup> CHRDR, "Chinese Government, Having Failed to Honor its Previous Commitments, Has Disqualified Itself for UN Human Rights Council," May 9, 2009, [http://crd-net.org/Article/Class9/Class15/200905/20090509001359\\_15320.html](http://crd-net.org/Article/Class9/Class15/200905/20090509001359_15320.html), and in Chinese, "中国政府再次承诺保护人权, 民间应密切监督兑现," May 9, 2009, [http://www.crd-net.org/Article/Class8/200905/20090531131337\\_15651.html](http://www.crd-net.org/Article/Class8/200905/20090531131337_15651.html)
- <sup>3</sup> Some of this work can be viewed on our website under 国际人权 ("International Human Rights" <http://crd-net.org/Article/Class8/Index.html>), 热线咨询 ("Consultation Hotline" <http://crd-net.org/Article/Class6/Index.html>) and 维权手册 ("Handbooks on Defending Rights," <http://crd-net.org/Article/Class17/Index.html>).
- <sup>4</sup> Some sample communiqués are available here: Submission to the UN Working Group on Arbitrary Detention on Yang Chunlin, [http://www.crd-net.org/Article/Class9/Class48/Class23/200903/20090323222226\\_14442.html](http://www.crd-net.org/Article/Class9/Class48/Class23/200903/20090323222226_14442.html); Submission to the UN Working Group on Arbitrary Detention on Liu Jie, [http://www.crd-net.org/Article/Class9/Class48/Class51/200903/20090323214639\\_14441.html](http://www.crd-net.org/Article/Class9/Class48/Class51/200903/20090323214639_14441.html); 维权网向联合国特别人权程序申诉对刘晓波的任意羁押, [http://crd-net.org/Article/Class3/200907/20090706112603\\_16180.html](http://crd-net.org/Article/Class3/200907/20090706112603_16180.html)
- <sup>5</sup> CHRDR, "关于开展《世界人权宣言》60周年民间纪念活动的倡议书," November 15, 2008, [http://crd-net.org/Article/Class4/200811/20081115082320\\_11771.html](http://crd-net.org/Article/Class4/200811/20081115082320_11771.html) and CHRDR, "呼吁全国人大常委会抓紧批准《公民权利和政治权利国际公约》," December 9, 2008, [http://crd-net.org/Article/Class4/200812/20081209030825\\_12257.html](http://crd-net.org/Article/Class4/200812/20081209030825_12257.html)
- <sup>6</sup> Prisoners Database: <http://crd-net.org/Article/ShowClass.asp?ClassID=28>.
- <sup>7</sup> CHRDR, "An Open Letter to the NPCSC: Without Abolition of RTL, It Will be Difficult to Establish the Rule of Law" (维权网致全国人大常委会公开信: 劳教不废, 法治难立), July 2, 2009, [http://crd-net.org/Article/Class1/200807/20080702234552\\_9241.html](http://crd-net.org/Article/Class1/200807/20080702234552_9241.html)
- <sup>8</sup> CHRDR, "呼吁全国人大常委会抓紧批准《公民权利和政治权利国际公约》," December 9, 2009, [http://crd-net.org/Article/Class4/200812/20081209030825\\_12257.html](http://crd-net.org/Article/Class4/200812/20081209030825_12257.html)
- <sup>9</sup> CHRDR, "关于国新办发表《国家人权行动计划》的声明," April 14, 2009, [http://crd-net.org/Article/Class4/200904/20090415014043\\_14934.html](http://crd-net.org/Article/Class4/200904/20090415014043_14934.html), and CHRDR, "China's 'Human Rights Action Plan:' Long Awaited, Short in Substance," April 20, 2009, [http://www.crd-net.org/Article/Class9/Class15/200904/20090421033141\\_15049.html](http://www.crd-net.org/Article/Class9/Class15/200904/20090421033141_15049.html)
- <sup>10</sup> CHRDR, "关于《中华人民共和国保守国家秘密法(修订草案)》的意见和建议," August 1, 2009, [http://crd-net.org/Article/Class4/200908/20090801004921\\_16572.html](http://crd-net.org/Article/Class4/200908/20090801004921_16572.html)
- <sup>11</sup> CHRDR, "“维权网”呼吁废止《城市房屋拆迁管理条例》," December 12, 2009, [http://crd-net.org/Article/Class4/200912/20091216111010\\_18902.html](http://crd-net.org/Article/Class4/200912/20091216111010_18902.html)
- <sup>12</sup> CHRDR, "Submission to the Universal Periodic Review Working Group of the United Nations Human Rights Council," January 5, 2009, [http://crd-net.org/Article/Class9/Class10/200901/20090105233906\\_12874.html](http://crd-net.org/Article/Class9/Class10/200901/20090105233906_12874.html)
- <sup>13</sup> CHRDR, "UN Human Rights Council Universal Periodic Review of China: Summary, Analysis, and Suggestions for Follow-up," February 13, 2009, [http://www.crd-net.org/Article/Class9/Class10/200902/20090213000705\\_13642.html](http://www.crd-net.org/Article/Class9/Class10/200902/20090213000705_13642.html)

