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catalysts for social justice

1 March 2011

Dr Margaret Chan
Director General, World Health Organisation
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Switzerland

ATTENTION:

Mr Hu Jintao, President of the People's Republic of China
Mr Wen Jiabao, Premier of the People's Republic of China
Mr Joseph Deiss, President of the UN General Assembly and convenor of the UN General Assembly High Level Meeting on HIV/AIDS
Mr Michel Sidibe, Chief Executive Officer, UNAIDS
Mr Michel Kazatchkine, Chief Executive Officer, GFATM
Dr Margaret Chan, Director General, World Health Organisation

IMMEDIATELY RELEASE CHINESE AIDS AND HUMAN RIGHTS ACTIVIST TIAN XI

We the undersigned international AIDS and human rights organizations are deeply concerned by the sentencing of young Chinese HIV/AIDS activist Tian Xi to one year in prison in China. Tian Xi is a courageous advocate for the thousands of people infected with HIV through China's blood disaster, who now demand government accountability. We call for Tian Xi's immediate release and for a national compensation plan for the thousands of victims of the blood disaster.

Tian Xi, age 24 years, contracted HIV and hepatitis as a child from a tainted blood transfusion. He has been imprisoned since August 2010. On February 11th 2011 Tian Xi

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was convicted of “Intentional damage to property” because he destroyed $600 worth of office equipment in a confrontation with a hospital doctor who refused to assist him in his pursuit of compensation. For years, Tian Xi has protested the lack of compensation and official redress for the millions of Chinese citizens infected with HIV in the 1990s from contaminated blood transfusions. Those tainted transfusions were the product of an illegal blood selling industry fuelled by official corruption and indifference.

Tian Xi had been repeatedly harassed by the police and subjected to house arrest, and has become frustrated and angry over the continued lack of official accountability. He has tried repeatedly to raise his grievances through official channels, including at the inaugural meeting of the Beijing Red Ribbon Forum on Human Rights in July 2010. Weeks later he argued with a hospital director and allegedly damaged hospital office equipment. Several weeks after that, 20 police officers wearing hazmat protective overalls came to his house and arrested him.

Tian Xi has been imprisoned since August 2010 and under the sentence handed down from the People’s Court of Xincai County in Henan he will be imprisoned until August 2011.

China’s opposition to fundamental human rights

Tian Xi’s arrest and conviction are a clear signal from the Chinese government that advocating for basic human rights -- rights that are enshrined in China’s own constitution and in international law -- will have dangerous consequences. For Tian Xi, who must take life-saving medications for AIDS, the consequences of this sentence could be deadly, and Chinese activists have already expressed concerns about whether he is getting adequate treatment for HIV and hepatitis while in prison. Amnesty International has said that Tian Xi is at risk of torture.

China has received over one billion dollars from the Global Fund to Fight AIDS, TB and Malaria (GFATM) since 2002. The GFATM states in its ‘Framework Document’ that its founding principles are “the participation of communities and people, particularly those infected and directly affected by the three diseases” and the “aim to eliminate

stigmatization of and discrimination against those infected and affected by HIV/AIDS, especially for women and children and vulnerable groups." Retaliation and persecution of AIDS advocates violates these principles and hampers the government's AIDS response.

However, despite progress in some areas, vulnerable groups, including poor rural farmers who became infected from the blood selling, sex workers, drug users, men who have sex with men, still face police intimidation, harassment and widespread discrimination. The Chinese government is obligated by its own laws, international law, and also by its acceptance of Global Fund money, to respect the rights to life and health, to provide medical services free of discrimination and to allow for civil society and activists to advocate for on behalf of vulnerable groups.

In addition, China has been signatory to UN Declarations on AIDS, including the 2001 'Declaration of Commitment' which recognises that:

> "the full realization of human rights and fundamental freedoms for all is an essential element in a global response to the HIV/AIDS pandemic, including in the areas of prevention, care, support and treatment, and that it reduces vulnerability to HIV/AIDS and prevents stigma and related discrimination against people living with or at risk of HIV/AIDS"

The Declaration also commits states to working with civil society.

We believe that Tian Xi's only "crime" is standing up for his rights. Indeed, 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."

We believe that the Chinese government must follow its own constitutional obligations and adhere to international standards. As a recipient of the Global Fund and a signatory to the UNGASS Declaration, China must release Tian Xi and provide compensation to him and the thousands of victims of the blood disaster.

We therefore call on the UN, UNAIDS, the Global Fund, the WHO and civil society organizations globally to condemn Tian Xi's sentence and demand his **immediate** release. If Tian Xi is still in prison at the time the High Level Meeting on AIDS takes place in New York on June 8-10 we will make sure that his imprisonment – as well as the harassment of AIDS activists by governments of other countries – is a major issue facing the meeting.

We would appreciate it if you would please acknowledge and reply to this memorandum at the following address:

Free Tian Xi!

Care of Kate Paterson

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An injury to one is an injury to all!

Keep the promise on human rights!

Signatories:

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AIDS Consortium, South Africa

AIDS Policy Project, USA

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All-Ukrainian Network of People Living with HIV

Alliance of Chinese Transgenders

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Asia Catalyst

Asia Pacific Network of People Living with HIV

Associação de Reintegração dos Jovens/Crianças na Vida Social, Angola

Prof. Barrett L. McCormick, Marquette University, USA

Belarusian PLWH Community

Canadian HIV/AIDS Legal Network

Canadian Treatment Action Council

Centre for Economic Governance and AIDS in Africa

Centre for Human Rights, University of Pretoria, South Africa

Center for Human Rights and Rehabilitation, Malawi

Children Education Society, Tanzania

China Alliance of People Living with HIV/AIDS

China HIV/AIDS CBO Network

Congress of South African Trade Unions (representing two million workers in South Africa)

Courtenay Sprague, University of Witwatersrand

Dandelion Online Network for Women Living with HIV

Dongjen Center for Human Rights Education and Action, China

East Europe and Central Asia Union of People Living with HIV

Ebony Johnson, International Community of Women Living with HIV/AIDS (ICW-Global)

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Fundacion Arcoiris por el respeto a la diversidad sexual, Mexico

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The Global Forum on MSM & HIV (MSMGF)

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Global Network of People Living with HIV

Health Equity Initiatives, Kuala Lumpur

Health GAP (Global Access Project), New York, USA

Hebei Langfang Brothers Love Working Group

Henan Sanhe Working Group, China

He Wenxin, Tianjin Binhai Working Group, China

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Human Touch, India

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Indonesia AIDS Coalition

International Treatment Preparedness Coalition

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The League of People Living with HIV/AIDS, Moldova

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National Women's Lobby Group, Malawi

Naya Goreto, Nepal

The Networking HIV/AIDS Community of South Africa

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Ntchisi Integrated Development Organisation, Malawi

Out-Right Namibia

Positive Malaysian Treatment Access & Advocacy Group

Queer as Folk

Rathi Ramanathan, Asia Pacific Network of Sex Workers (APNSW), Thailand

Rhon Reynolds, European AIDS Treatment Group, The Netherlands

Rural Health Advocacy Project, South Africa

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School of Public Health and Family Medicine at the University of Cape Town

Sex Workers Outreach Project – NYC

Search for a Cure, Malawi

SECTION27, South Africa

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Social Aid

Southern Africa HIV and AIDS Information Dissemination Service

Students for Law and Social Justice, South Africa

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Women’s Global Network for Reproductive Rights

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