1 March 2011

Dr Margaret Chan
Director General, World Health Organisation
Avenue Appia 20 1211 Geneva 27
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
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!**

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An injury to one is an injury to all!
Keep the promise on human rights!

**Signatories:**
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Action S’Impliquer Dans l’Amour, Comoros
Aer Barer. Yiming, China
AIDS Concern, Hong Kong
AIDS Consortium, South Africa
AIDS Policy Project, USA
Al Xiaoming, Sun Yat-sen University, China
All-Ukrainian Network of People Living with HIV
Alliance of Chinese Transgenders
Dr. Amira Herdoiza, Corporación Kimirina, Ecuador
An Ran, China
Prof. Andrew J. Nathan, Columbia University
Anny Lutete, coordonnatrice national RIGIAC - SIDA/SANNAM
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)
F. Joseph Wilson, the Wilson Resource Center, USA
Felicitia Hikuam, Aids and Rights Alliance of Southern Africa
Fundacion Arcoiris por el respeto a la diversidad sexual, Mexico
Dr. George Ayala, The Global Forum on MSM & HIV (MSMGF), United States
The Global Forum on MSM & HIV (MSMGF)
Global Justice Institute, Metropolitan Community Churches
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
Housing Works, USA
Human Rights Campaign in China
Human Touch, India
Ibrahim Umoru, Good Health Educators Initiative, Nigeria
Indonesia AIDS Coalition
International Treatment Preparedness Coalition
Intersect Worldwide
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James D. Seymour, Columbia University, USA
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Janet Love, National Director of the Legal Resources Centre, South Africa
Prof. Jerome Cohen, NYU School of Law, USA
Jia Ping, China Global Fund Watch Initiative
Joanne Csete, Columbia University, USA
Prof. John Rapp, Beloit College, USA
KANHNHA, Cambodia
Kenya Legal & Ethical Issues Network on HIV & AIDS
The League of People Living with HIV/AIDS, Moldova
Lesbian and Gay Equality Project, South Africa
Li Fengzhi, former official of Department of Intelligence, China Security System, in exile
Li Lin, Xinzheng Sunshine Home
Lin, Wei-sheng, Judicial Reform Foundation, Taiwan
Liu Tai, Hongkong Social activist
Ma Guihong, Hebei Yongqing PLWHA Support Working Group
Ma Tiecheng, Shenyang Love Support Health Consultation Service Center, China
Ma Qi, Jiaxing You Love Health Working Group, China
Dr. Mabel Bianco, Fundación para Estudio e Investigación de la Mujer (FEIM), Argentina
Mark Zhu, John Connor Brown Christian Care Center
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Max Yan Jia, coordinator Chinese Greens, member of Asia-Pacific Green Network
Mazibuko Jara, Democratic Left Front, South Africa
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National Women’s Lobby Group, Malawi
Naya Goreto, Nepal
The Networking HIV/AIDS Community of South Africa
Nong Zhijun, Guiyang Yanqianyuan Health Consultation Center, China
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
Sarawak AIDS Concern Society, Malaysia
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Sex Workers Outreach Project – NYC
Search for a Cure, Malawi
SECTION27, South Africa
SG Rainbow, Singapore
Social Aid
Southern Africa HIV and AIDS Information Dissemination Service
Students for Law and Social Justice, South Africa
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Tianjin Haihe Star Working Group, China
TOP Program, Myanmar
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Wang Xiaoguang, China Network of IDU Service Organization
Wang Yuming, Heilongjiang Rainbow Gay Support Organization, China
Wen Yongkai, China
Women’s Global Network for Reproductive Rights
World AIDS Campaign
Xie Feng, Chongqing Blue Sky Gaymen Care Working Group
Xue Wei Qiu
Yangtze River Delta Gay Men Network, China
Youth AIDS Filipinas Alliance, Philippines
Youth LEAD/ 7 Sisters, Asia Pacific
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