

For immediate release, 12 September 2002



Chinese AIDS Activist Honoured Despite Ongoing Detention

MONTREAL, September 12, 2002 – Human Rights Watch and the Canadian HIV/AIDS Legal Network will honour detained Chinese AIDS activist Dr. Wan Yanhai on September 13 as the first recipient of the two organizations’ “Award for Action on HIV/AIDS and Human Rights.” The two groups strongly reiterated their concern over the detention of Dr. Wan by the Chinese government.

The award recognizes Dr. Wan’s long-term commitment to combating HIV/AIDS in China and his remarkable campaign to bring public attention to a health and human rights crisis in Henan Province, where hundreds of thousands of rural villagers have been infected through faulty blood collection practices in government-backed clinics. Local Chinese governmental officials are alleged to have been complicit in the scandal. Some foreign journalists attempting to investigate blood collection in Henan have been detained.

“Dr. Wan has been active in bringing to light a public health scandal that Beijing would like to sweep under the rug,” said Ralf Jürgens, executive director of the Canadian HIV/AIDS Legal Network. “He has taken extraordinary risks to break down the conspiracy of silence around AIDS in China and protect the rights of those infected.”

Dr. Wan’s wife, Su Zhaosheng, will travel to Montreal on Friday to receive the award on his behalf.

On August 24, 2002, Wan was reported missing by friends and relatives. Police have since indicated to his colleagues that he has been detained for “revealing state secrets,” but his exact whereabouts remain unknown. Earlier in August, Wan had anonymously received a “neibu” (secret) AIDS research report on the blood collection scandal in Henan province prepared by government health officials that he then forwarded to an electronic mailing list.

“The report my husband distributed contained little information that had not already been published,” said Su Zhaosheng, who currently resides in Los Angeles. “His efforts to ensure people in China have access to up-to-date information about HIV/AIDS shows that he is a thoughtful scholar who cares about his country, about human rights, and about HIV prevention in China. We hope to secure his unconditional release, but we are still trying to confirm where he is being held so that his relatives in Beijing can visit him.”

Dr. Wan, thirty-eight, is coordinator of the AIZHI (AIDS) Action Project, a nongovernmental organization he founded in 1994 that provides some of the only basic information on HIV/AIDS available to people in China through a widely used web site (www.aizhi.org). As a government official he founded China's first AIDS hotline in 1992. A year later, he was fired from that post for his openness about sexual minorities and their risk of contracting HIV. With support from a variety of private and international sources, he has continued this work and has become the most visible AIDS activist in the country.

“Dr. Wan has led efforts to uncover the blood collection scandal in Henan and combat widespread social prejudice against rural villagers infected with HIV,” said Joanne Csete, director of the HIV/AIDS Program of Human Rights Watch. “In the face of continued state surveillance, he and his colleagues have visited Henan many times to document the extent of the epidemic, develop recommendations for social action and government assistance, and organize educational programs.”

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Dr. Wan's group has also arranged to bring HIV-infected villagers to urban centres to give talks at public forums, and has hosted photo exhibits and press conferences in Beijing and other cities to reduce discrimination and show the human face of people living with HIV/AIDS. In addition, the group has coordinated efforts to assist hundreds of orphans whose parents have died of AIDS.

"The allegation that Dr. Wan has revealed state secrets by publicizing government health research is ridiculous and counterproductive," said Csete. "Any country concerned about the health of its people would make such basic health information public in a second. China has imprisoned a man who is one of its best allies in the fight against a lethal and growing epidemic."

"The Canadian government has long asserted that its policy of expanding trade with China will lead to constructive engagement on human rights issues," said Jürgens. "This is clearly a situation where such engagement is needed, and we are urging the government to actively pursue with Chinese authorities the matter of Dr. Wan's detention and the appalling human rights abuses he has brought to light."

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The *Awards for Action on HIV/AIDS and Human Rights* are sponsored by the Canadian HIV/AIDS Legal Network, Human Rights Watch, the International Harm Reduction Development Program, the Hilda Mullen Foundation, and Mark Gallop.

Additional information about the *Awards*, Dr. Wan Yanhai, and a backgrounder on the situation, including details about the AIDS epidemic in China and the allegations made by China against Dr Wan, is available online at <http://www.aidslaw.ca/Maincontent/awards.htm>.

About the Canadian HIV/AIDS Legal Network

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) is a national organization engaged in education, legal and ethical analysis, and policy development. Founded in 1992, the Network's promotes responses to HIV/AIDS that respect human rights; facilitate prevention efforts and access to care, treatment and support; minimize the adverse impact of HIV/AIDS on individuals and communities; and address the social and economic factors that increase vulnerability to HIV/AIDS and to human rights abuses. The Network is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations. Its work has received national and international recognition, and the United Nations Joint Programme on HIV/AIDS has included the Network's activities in UNAIDS' collection of "best practices."

About Human Rights Watch

Human Rights Watch (www.hrw.org) is an independent, nongovernmental organization that conducts regular, systematic investigations of human rights abuses in some seventy countries around the world. Its reputation for timely, reliable disclosures has made it an essential source of information for those concerned with human rights. It defends freedom of thought and expression, due process and equal protection of the law, and a vigorous civil society. Human Rights Watch began in 1978, and today includes divisions covering Africa, the Americas, Asia, and the Middle East as well as three thematic divisions on arms, children's rights, and women's rights. The organization maintains offices in New York, Washington, Los Angeles, London, Brussels, Moscow, Tashkent, Hong Kong, and Bangkok.



Detention of Dr. Wan Yanhai, recipient of the International Award for Action on HIV/AIDS and Human Rights

Background to the situation

Dr. Wan Yanhai, a long-time AIDS educator and activist, was reportedly taken into detention by the State Security Bureau of China on August 24, 2002 on the charge that he divulged state secrets. The charge is apparently related to Dr. Wan's posting on the internet of an August 2002 "secret" (*neibu*) government report from Henan Province on the spread of HIV/AIDS in that province through unsanitary practices in the buying and selling of blood. These practices, in which government health age(stet) and other local officials were complicit, were reported in the international press and in some Chinese press long before Dr. Wan's alleged revelation. However, under the terms of the Chinese State Security Law or the State Secrets Law, Dr. Wan could be sentenced to as much as ten years in prison.

Treatment of those "endangering state security"

Actions of the State Security Bureau, which is reportedly detaining Dr. Wan, are officially justified under the terms of the State Security Law of 1997 the scope of which includes dealing "by legal means" with actions "harming the PRC's state security" as "carried out by organizations, groups and individuals outside the territory, or instigated and financed by them but carried out by others; as well as those carried out by organizations and individuals inside the territory in collusion with organizations, groups and individuals outside the territory" in the areas of:

- plotting to subvert the government, dismember the state and overthrow the socialist system;
- taking part in an espionage organization or accepting a mission assigned by an espionage organization or its agents;
- stealing, secretly gathering, buying and illegally providing state secrets for an enemy;

- instigating, luring and bribing state personnel to rise in rebellion; and
- engaging in other sabotage activities against state security.

The State Secrets Law, also adopted in 1997, defines state secrets in a vast and highly expandable way. While including many of the obvious areas—national defense, diplomatic affairs, science and technology and criminal investigations—the State Secrets Law's definition also includes questionable categories such as "major policy decisions on state affairs," "secret matters in national economic and social development," "those secret matters of political parties ...[that] concern the security and interests of the state" and a catch-all clause, "other state secret matters that the state secrecy preservation departments determine should be preserved."

Under the terms of both laws, those who reveal "state secrets" may not only be sentenced to long terms in prison but may legally be deprived of their property. In a number of well documented cases, the concept of state secrets has been abused to prevent disclosure of information potentially embarrassing to the authorities. (See an analysis of China's State Security Law and State Secrets Law and details of treatment of dissidents by Human Rights Watch and Human Rights in China at <http://www.hrw.org/reports/1997/china5/>.) China has signed but not ratified the International Covenant on Civil and Political Rights, and the terms of these two laws fall short of the due process and other civil rights and legal protections guaranteed in that treaty.

AIDS epidemic in Henan: A horror, but old news

Press reports and other evidence demonstrate that the Henan Province Department of Health and other Chinese authorities have been aware since 1995 of a severe AIDS epidemic linked to commerce in blood, but that they did little (if anything) to stop it. David Cowhig, then an official at the United States Embassy in Beijing, noted in recent correspondence that a 1995 report by the provincial Department of Health brought the growing blood-related HIV/AIDS epidemic to the attention of central authorities.

However, the blood business is a profitable one for rural government officials. By the early 1990s, China had a thriving industry in biological products that depended on being able to draw impoverished people, particularly in isolated areas, to donate blood, particularly for the extraction of plasma used in the manufacture of a wide range of pharmaceutical products. Elizabeth Rosenthal of the New York Times, in a series of articles in 2001, documented the role of government health officials in Henan as "enthusiastic middlemen" who established blood collection stations, in some cases gaining personal profit from the commerce. Villagers received about US \$5 for 400 cc's of blood (a little under a pint), a large sum for people from farming areas. Henan is one of the poorest provinces in China, and officials saw the blood commerce as an important influx of resources. Both the health authorities and the Chinese Army reportedly established and managed blood collection stations.

According to press reports, the blood sold by villagers was routinely pooled and treated to separate the plasma from the red blood cells, and the red cells were then injected back into those who had sold blood. Villagers cooperated in this process because they thought replenishment of red cells would help them not to be weakened by blood loss and would allow them to sell blood more frequently. This reinjection, however, ensured that if there were any HIV or hepatitis among the blood sellers, those infections would spread rapidly and efficiently among the paid donors. The number of persons infected through blood sales in Henan is not known, though some experts believe it could be over 1 million. There are reportedly many villages in Henan where over 50 percent of adults are living with HIV/AIDS.

In 1995, when villagers began getting sick and dying of AIDS and hepatitis, the selling of blood was banned, but enforcement of the ban was lax, and the practice continued in a number of villages. As reported by the *New York Times* and other media, villagers noticed that those who sold blood most frequently were among the first to become ill.

In 1996, when she began hearing about patients with AIDS-like symptoms in a Henan hospital, Dr. Gao Yaojie, a retired gynecologist, also made the link between HIV/AIDS in the province and the blood commerce. She used her modest personal savings and retirement pension to help launch HIV/AIDS information campaigns and by the late 1990s was widely interviewed in the international press about the Henan AIDS epidemic. By the late 1990s, high-ranking Chinese officials were expressing open concern about the AIDS epidemic, and Dr. Gao was lauded in the state-owned news media. At the same time, she was harassed by Henan authorities, blocked from speaking to foreign journalists, and accused of being used by “anti-Chinese forces” that wanted to undermine state stability. In July 2001, village officials blocked her from entering a number of AIDS-ridden villages. When she was honored by the Global Health Council with the Jonathan Mann Health and Human Rights Award in May 2001, the Chinese government refused to allow her to receive the award in Washington. The award was received on her behalf by Dr. Wan Yanhai, whose AIDS web site also published Dr. Gao’s personal account of her work to fight the AIDS epidemic in China (available at <http://www.usembassy-china.org.cn/english/sandt/gaoyaojie-aidsprevention.html>).

Accounts of the Henan epidemic published in numerous international reports, including reports published by the U.N. with which China officially cooperates on AIDS education, contain essentially the same information as the “secret” report that is linked to the charges under which Dr. Wan is being detained. Similar information was detailed in a November 2000 article entitled “Revealing the ‘Blood Wound’ of the Spread of HIV/AIDS in Henan Province” that was posted on the World Wide Web (<http://www.usembassy-china.org.cn/english/sandt/henan-hiv.htm>) and written about in both Chinese and international media.

The AIDS epidemic in China is by no means limited to Henan Province, but the Henan case highlights systemic problems in China's approach to the AIDS epidemic. The national government holds high-profile international conferences and has aired educational programs on television. However, it seems both unable and unwilling to compel local governments to join the effort, and it continues to restrict information flows that could educate the public about HIV/AIDS. The Henan report that is the putative cause of Dr. Wan's detention presents the results of HIV prevalence surveys of paid blood donors in five provinces and indications of HIV's spread in other provinces that suggest the Henan experience has been replicated many times over across the country. On September 6, the Chinese government acknowledged at least a million persons living with HIV/AIDS in the country – widely thought to be a gross underestimate. While China gains international assistance on a variety of educational and prevention projects around the country, its efforts are woefully inadequate to contain an epidemic that is thought likely to infect over 10 million people in the next ten years. Local officials minimize the numbers of people infected with AIDS in their regions in order to protect themselves from criticism from above and at the same time, China has not had a nationwide sample survey of HIV prevalence, the basis for HIV/AIDS statistics in most countries. A United Nations report in June 2002 warned of an “explosive” AIDS epidemic in China if urgent measures are not taken to contain it. Still, recent reports published by Chinese researchers estimate that the overwhelming majority of Chinese citizens do not know how HIV is transmitted or that it can be prevented.

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