

China



Protect Mao Hengfeng!

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DEFENDING HER RIGHTS, DEFENDING WOMEN'S RIGHTS –

Mao Hengfeng, (? ? ?), who had been assigned without trial to 18 months “Re-education Through Labour” (RTL) after repeatedly protesting about various abuses of her rights, was released on 12 September 2005. Since her release she has continued with her protests and has suffered further abuses along with her husband, Wu Xuewei, who was reportedly beaten by the police and may face criminal charges. Both are at risk of further human rights violations, including arbitrary detention and torture or ill-treatment.

Since her release, Mao Hengfeng has described in detail abuses she faced or witnessed during RTL that amount to torture and ill-treatment. For example, she claims that, on 9 August 2004, she was kneed repeatedly in the groin causing a period of incontinence. During two periods, from 9 to 16 August 2004 and 9 to 11 November 2004, she says she was forced to lie on her back on a metal ‘bed’ with both wrists and ankles bound tightly to the four corners with leather straps. As a result, her back became ulcerated. Throughout she was prevented from going to the toilet and forced to drink an unknown substance that made her feel dizzy.

On the day of her release, RTL officials reportedly threatened Mao with ‘serious consequences’ if she continued her protests. When she refused to stop protesting, the officials reportedly forced 12 other inmates to bind her hands, arms and legs. She was then bundled into a van and driven out of the RTL facility.

Following her release, Mao Hengfeng immediately resumed her activism together with her husband Wu Xuewei. At around 9am on 13 September 2005, Mao and Wu were both reportedly beaten by police when they gathered with over a hundred other petitioners at Putuo District Court in Shanghai to support Xu Zhengqing, a petitioner who was facing trial in connection with his attempts to attend a memorial service in Beijing in January

2005 for Zhao Ziyang, the ousted former General Secretary of the Chinese Communist Party (CCP). One policeman reportedly grabbed Wu Xuewei in a headlock while several others kicked and punched him all over his body. The couple were then detained by the police and taken to a nearby sports centre together with dozens of other petitioners. Mao Hengfeng managed to escape and tried to continue her protest on behalf of Xu Zhengqing. However, she was detained again and sent back to her residential district. There the local police and government officials reportedly threatened her with imprisonment if she continued her protests and presented her with a formal police summons for investigation on suspicion of ‘disturbing the normal lives of others’.

Mao Hengfeng outside Shanghai petition office with her three daughters. © www.secretchina.com

Wu Xuewei was released together with the other petitioners later the same day. However, he was detained again at midnight on 15 September 2005. The police reportedly presented him with a document stating that he was under suspicion of criminal offences relating to ‘illegal assembly’ for his earlier protest on 8 September 2005 calling for Mao Hengfeng’s release from RTL. He was granted six month’s release on bail to await trial. Mao Hengfeng and her family were reportedly held under a form of ‘house arrest’ from 23 to 27 September 2005 after she stated that she would go to a UN representative office in Beijing to protest about these abuses. Seven police officers reportedly stood guard in front of her flat preventing her from leaving, even to go shopping.

On 29 September 2005, Mao Hengfeng was again placed under house arrest an official informed her would continue until the end of the fifth plenary session of the 16th Central Committee of the CCP on 11 October. The following day, three Police Officers and seven District Official Guards were stationed in front of her house. She was warned she would be detained or face violent treatment if she tried to break out.

BACKGROUND

Shanghai police assigned Mao Hengfeng to RTL in April 2004 following her detention in Beijing in March 2004 whilst petitioning state authorities during the annual meeting of the National People's Congress (NPC). Her petitioning was considered to have "disturbed social order". Her welfare allowances were discontinued when she was assigned to RTL, leaving her family in severe financial difficulties.

Mao Hengfeng, a mother of twins, was reportedly dismissed from her job in 1988 because she became pregnant for a second time with a third child, in contravention of China's family planning regulations. Mao Hengfeng refused to have an abortion, and was subsequently detained in a psychiatric hospital, where she was forcibly injected with various drugs. She nevertheless continued the pregnancy, giving birth to a pre-term daughter on 28 February 1989. She was then notified on 20 March 1989 that she had been dismissed from her job for missing 16 days of work. This was the period when she was giving birth and recuperating, as well as recovering from her ordeal in the psychiatric institute.

Mao Hengfeng appealed against her dismissal under China's Labour Law, and was reinstated to her job by the Shanghai Municipal Labour Arbitration Committee. However, the soap factory where she worked disputed the ruling, and appealed to Shanghai Yangpu District Court. Mao was seven months pregnant with her fourth child at the time of the appeal hearing, when the judge reportedly told her that if she terminated this third pregnancy, he would rule in her favour.

Concerned for the welfare of her existing family, Mao terminated her pregnancy against her wishes, but still the court ruled against her apparently because she had taken 16 days of "unauthorized leave" from work, and also for her original violation of family planning policies.

From 1990 to 2004 Mao Hengfeng had repeatedly petitioned the authorities for redress for her dismissal from work, her forced abortion and denial other basic rights including the right to freedom of expression. She had also made several attempts to initiate legal proceedings against the authorities in relation to these abuses, but courts repeatedly failed to respond or refused to file the cases.

During her years of petitioning the authorities, Mao Hengfeng was detained on numerous occasions by police – including in psychiatric facilities – usually prior to major public events in order to prevent her from petitioning. During her recent term in RTL, many people in Shanghai have openly demonstrated in support of her. The police have also reportedly detained people who have either attempted to petition or to instigate appeal procedures on Mao's behalf. In the run-up to the March 2005 NPC meeting, a five-man surveillance team was reportedly ordered to monitor Mao Hengfeng's husband Wu Xuwei, and to block his door at night with a bench. Chen Xiaoming, who has assisted Mao Hengfeng to petition the

authorities, was detained and interrogated for several hours on 25 February 2005 when he was on his way to an appointment at the US Consulate in Shanghai to discuss Mao Hengfeng's case. Mao Hengfeng's daughters were also reportedly detained and interrogated by police, even though they were under 16 years old at the time.

As well as actively petitioning authorities to seek redress for herself, Mao Hengfeng has also acted to safeguard the rights of others. For instance, she is known to have actively supported other people seeking redress over alleged forced evictions in Shanghai and Shanxi province, and is reportedly regarded by the Shanghai authorities as one of the cities most persistent and experienced petitioners. She is actively campaigning on behalf of other individuals arbitrarily detained in RTL or psychiatric facilities including women held for alleged violation of family planning policies.

Mao Hengfeng is determined to use all the avenues available to her in China to call for an end to arbitrary detention and for legal reforms that ensure redress and protect ordinary people against the abuse of power.

Amnesty International considers that Mao Hengfeng is a human rights defender. The organization is also deeply concerned by reports that she was repeatedly subjected to torture or ill-treatment whilst a prisoner of conscience in Shanghai.

DEFENDING WOMEN DEFENDING RIGHTS

Women are at the forefront of the global movement of Human Rights Defenders (HRDs) who are active across the world for the promotion, protection and defence of human rights.

Women as HRDs include activists, victims and survivors of human rights abuses, professionals, and women working on behalf of their family members, partners and activist colleagues. They have founded the human rights movement in many parts of the world.

Women HRDs assert the rights of, among others, women and girls, indigenous peoples, ethnic and religious minorities, trade unionists and lesbian, gay bisexual and transgender people. They have documented and exposed violations of civil and political rights and economic, social and cultural rights and often highlighted the gender-specific manifestations, causes and consequences of such violations. They are protesting against widespread impunity for all forms of violence against women and promoting women's right to live free of gender-based violence. They are supporting countless victims of human rights violations and their relatives in demanding justice; in particular, they have led projects dedicated to supporting victims of gender discrimination, sexual abuse and other forms of violence against women.

Women human rights defenders face marginalization, prejudice, violence and threats to their human rights, safety, and well-being on multiple levels: as human rights

defenders, as women and as individuals who challenge societal gender stereotypes and the status of women and raising controversy such as sexuality, sexual orientation and reproductive rights. The perpetrators punishing them for their belief in human rights may be the state, but may also be political groups, the community and/or their partner or relatives without the state giving effective protection.

Governments and social movements often do not prioritize the rights that women HRDs fight for and this impacts on the credibility and legitimacy of their struggle, increasing their isolation and the risk of public and community repudiation, stigmatisation, discrimination, arbitrary arrest and detention. WHRDs have been deliberately killed, abducted, and made to disappear as a consequence of their work. They face gender-specific repercussions, such as sexual harassment, rape and assault to their integrity as human beings.

INTERNATIONAL HUMAN RIGHTS STANDARDS

The **UN Declaration on Human Rights Defenders**, adopted by consensus of the UN General Assembly in 1998, affirms the right to defend human rights and urges states to protect human rights work and those who carry it out. To bolster implementation of the Declaration, the office of the Special Representative to the UN Secretary General on human rights defenders was created in April 2000.

The Special Representative, Hina Jilani has highlighted the issue of women human rights defenders. Her 2002 report to the UN Commission on Human Rights stated that "while women defenders work as indefatigably as their male counterparts in upholding human rights and the rights of victims of human rights violations, there exist some characteristics that are specific to them as women involved in the defence of human rights" and that "they face risks that are specific to their gender and additional to those faced by men".

Article 12 of UN Declaration on Human Rights Defenders provides that:

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively

under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

TAKE ACTION

Please write to the Chinese authorities:

- Expressing concern that Mao Hengfeng and her husband Wu Xuewei have repeatedly been denied their rights to petition the authorities in line with Chinese constitutional guarantees;
- Urging the authorities to conduct a full, independent and impartial investigation into allegations that Mao Hengfeng was subjected to torture or ill-treatment in the RTL facility, with a view to bringing those responsible to justice;
- Calling for a full, independent and impartial investigation into reports that Mao Hengfeng and Wu Xuewei were beaten by police when they tried to protest together with other petitioners in front of the Putuo District Court, Shanghai in September 2005.
- Urging the authorities to ensure that Mao Hengfeng and Wu Xuewei can carry out their legitimate human rights activities without being subjected to arbitrary detention, torture or ill-treatment, or other human rights violations.

Please send your appeals to the following:

Please do not use only email for you communications

Director of the Shanghai Bureau of Justice

MIAO Xiaobao Juzhang
Shanghaishi Sifaju
225 Wuxinglu
Shanghaishi 200030
People's Republic of China
Email: contact_us@eastday.com / webmaster@justice.gov.cn / jjjianjiancha@eastday.com
Fax: +86 21 64743029

Director of the Shanghai Bureau of Public Security

WU Zhiming Juzhang
Shanghaishi Gong'anju
185 Fuzhoulu, Huangpuqu
Shanghaishi 200002
People's Republic of China
Email: gaj02@shanghai.gov.cn or shgajxfb@sh.china110.com
Salutation: Dear Director



Mayor of the Shanghai Municipal People's Government

HAN Zheng Shizhang

Shanghaishi Renmin Zhengfu

30 Fuzhoulu

Shanghaishi 200002

People's Republic of China

Email: webmaster@shanghai.gov.cn

Director of Bureau of Re-education-Through-Labour of the
Ministry of Justice of the People's Republic of China

LI Rulin Juzhang

Bureau of Re-education-Through-Labour Administration

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10 Chaoyangmen Nandajie

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