

My Departure from China: Testimony from a Human Rights Defender

Wan Yanhai

On 6 May 2010, Wan Yanhai, one of China's most prominent HIV/AIDS activists, fled China to the United States.¹ For over 20 years Wan has been campaigning for the rights of people with HIV/AIDS and other vulnerable groups that are stigmatised and discriminated against. Operating under constant harassment, intimidation and threat of violence from authorities, Wan and the organisation he directed, the Beijing Aizhixing Institute, worked fearlessly to raise national and international awareness about HIV/AIDS in China and combat the discrimination, inequality and human rights abuse that those associated with HIV/AIDS suffer.²

Since 2007 Wan has cooperated with ERT. He took part in the making of the Declaration of Principles on Equality and is among its original signatories. Here we publish the testimony he provided to ERT about the experience which forced him to flee his home.

In the evening of 30 April 2010, my family and I arrived in Hong Kong. A week later, in the late evening of 6 May, we left Hong Kong for the USA. It was not until we were actually leaving Hong Kong that journalists realised we were leaving for the USA, and were not returning to China. This is when our departure from China became news.

In the weeks before our departure, my wife and I took our four year old daughter from Beijing to Tianjin by train. We then took a flight to Guangzhou on 25 April – a Sunday night. We left Beijing just 3 hours after our daughter left hospital; she was sick and had been in hospital for 3 days. We felt enormously guilty and were anxious about her health – but we had no other option. We didn't know

exactly where we would go. My wife and I had visas for the USA, but our daughter did not. I had a Schengen visa,³ but my wife and my daughter did not. All of these options were contingent on whether or not we would be allowed to leave the country, yet ultimately it seemed that the government was pushing me to leave. I am Wan Yanhai, founder and director of Beijing Aizhixing Institute. Why I left my home country is a long story.

A Climate of Harassment

The Aizhixing Institute (Aizhixing) was founded in 1994 and was originally named the Beijing Aizhi Action Project. It is the largest independent NGO working on HIV/AIDS, health and human rights in China. It works



Photo credits: Wan Yanhai

with a broad range of vulnerable populations including LGBT communities, migrants, ethnic minorities, sex workers, drug users, haemophiliacs, people with HIV/AIDS, and young people. As the largest national NGO it works with about 40 groups around China each year - these groups are mostly run by and for vulnerable communities on both health and human rights issues.

Since 1994 the Institute and I have experienced severe harassment and intimidation from government authorities. As the work of Aizhixing developed, the harassment and intimidation began to manifest through the denial of many of my fundamental freedoms and rights. Throughout the 1990's I was blacklisted by the Communist Party's Propaganda Department. In April 1994, soon after we announced the establishment of Beijing

Aizhi Action Project, the Ministry of Public Security banned the media from reporting our work.

In August and September 2002 I was detained for four weeks by the State Security Department because of my role in investigating and exposing the blood scandal in Henan Province.⁴ I was detained again for three days by the Beijing Municipal Bureau of Public Security's National Security Team in late November 2006 for being involved in a meeting to gain compensation for the people who had been infected with HIV and Hepatitis C through blood transfusions or through using blood products nationwide. After that, I was forced to meet with policemen from the National Security Team every week and on three occasions I was detained, including for two days on 27 December 2007, when another HIV/AIDS activist, Hu Jia, was also officially detained.

The harassment, intimidation and threats peaked during periods in which China was in the international spotlight. A month before both the Olympic Games in 2008 and the 60 year anniversary of the People's Republic of China in 2009, Aizhixing had to shut down operations. We predicted that there would be severe government monitoring and control before these two large events. We were also concerned that there would be increased levels of harassment and violence by the police. Fearing for my own safety, I left Beijing a month before both events.

Despite the suspension of our work during these periods, our organisation experienced greater disruption and intimidation. In September 2008, Aizhixing received a tax investigation notice from the Beijing Haidian District Local Taxation Bureau. We publicised this news, made a public statement and organised a meeting among NGOs to consider

our options for dealing with this targeted harassment. We worked for a month gathering and providing the requested documentation and information to the authorities as part of their ongoing investigation. Half a year later, the Taxation Bureau said that it did not find any financial irregularities in our accounts. Yet, in June 2009, our bank stopped receiving transfers that foreign donors made to us. It took us another month of intensive efforts in order for the bank to reconsider its position and accept foreign grants made to Aizhixing.

In 2009, several other legal aid NGOs and law firms were also investigated by the Taxation Bureau, resulting in some being hit with severe fines. The burden of this financial crackdown was not merely administrative. One poignant reminder of this was that the legal aid group Open Constitution Initiative (Gongmeng) was shut down and its head arrested and detained for four weeks.

The pressure and harassment continued into 2010. From January to April 2010, Aizhixing Institute's operations were arbitrarily scrutinised by ten national or Beijing-based government agencies, including the security department, propaganda department, fire department, community administration office, and the tax department.

Aizhixing spent two months planning and preparing for its 16 year anniversary celebration which was due to take place on 17 January 2010. However, on 14 January 2010 the Beijing Public Security Bureau issued an order for us to cancel the event. The only reasons given for the cancellation were that the event invited guests from foreign embassies and that human rights activists would be attending.

On 3 March 2010, a meeting organised by Aizhixing on the health rights of sex workers was banned by the police. The next day, the Communist Party Central Committee's Propaganda Department issued a classified notice banning media from quoting both the Aizhixing Institute and me. During this period the police were constantly monitoring my activities and a police car was parked outside my apartment for two weeks.

On 18 March 2010, the Haidan Branch of the Beijing Bureau of Industry and Commerce visited Aizhixing's office for the annual inspection of "Beijing Zhaixing Information & Counselling Company Limited" (Aizhixing Institute's legally registered name). Pictures were taken, records were made and one copy of "Frequently Asked Legal Questions for Drug Users" was taken as evidence to prove that we were operating under the name Beijing Aizhixing Institute. We were given a written statement which indicated that the Aizhixing Institute was not legally registered because even though we operate and provide services to the public under the name Beijing Aizhixing Institute, it is not our legally registered name. At this point we were extremely anxious about being shut down because the same thing happened to a Beijing legal aid organisation in July 2009.

Aizhixing's and my own experiences are symptomatic of the broader discrimination, harassment and oppression which civil society NGOs experience generally in China. Yet the spring of 2010 was a particularly difficult time for NGOs generally and for Aizhixing and me in particular. Many organisations encountered undue scrutiny and disruption, and had to carry out their work under dangerous conditions.

A document released by the State Administration of Foreign Exchange effective from 1 March 2010 required all domestic companies which received or sought to receive donations from international non-profit agencies to have project contracts and other relevant project documentation notarised. However, the notary offices did not know how to do this. Consequently many domestic NGOs, including Aizhixing, could not receive overseas financial support or funding and some organisations had to suspend their work.

At the same time the authorities targeted NGOs and human rights defenders who were operating in the education sector. In early 2010, the Ministry of Education ordered colleges to stop "rights organisations," such as Oxfam Hong Kong, from recruiting volunteers on campuses. In late March 2010, Beijing University terminated its relationship with Beijing University Legal Aid and Research Institute for Women.

Similar crackdowns occurred within the media – the NGO Development and Exchange website was shut down in the second half of March.

My Decision to Leave China

When two government departments came to investigate Aizhixing in March, I realised that my time in China was coming to an end. I knew I had to relocate and find a new base from where I could fight back. On 25 March 2010, Beijing Local Taxation Bureau sent inspectors to Aizhixing's offices to deliver a "Taxation Inspection Notice". At the time I, the legal representative, was in Indonesia for an international human rights conference and the Institute's accountant was also out of the office. After some negotiation, the inspectors agreed to come again on 6 April to deliver the document. This was the second

time in a year and a half that Aizhixing was inspected on tax issues.

On 30 March 2010, I was lecturing at a gender studies programme in Guangzhou when my talk was interrupted by the police. Early the next morning, the Guangzhou police called my hotel room and then knocked on my room door. This was the first time in my life that I had been visited by the police whilst staying in a hotel. It was also the first time that I was visited by police while outside Beijing. Police ordered me not to bring Aizhixing activities to Guangzhou and that any of my lectures taking place within the universities must be reported to them first. Later in the afternoon, universities in Guangzhou received notice from the police ordering them not to invite me to speak.

When my family and I made up our minds to leave, I decided not to approach the US embassy from inside China. We initially planned to go to Europe in mid-April as I was invited to participate in a workshop in the Netherlands. However, there were complications with my daughter's visa application and we had to change our plans. Then my wife and I decided that I should leave China for Europe without them. However, this option became impossible due to the volcanic ash that disrupted and cancelled flights across Europe in mid-April.

In the weeks before we left China we experienced harassment and intimidation at the hands of government authorities on numerous occasions. The police visited my apartment and called my mobile phone dozens of times, particularly on 23 April. The fire department and the community administration office also visited my apartment without being called, on spurious fire prevention claims.

On 22 April, as I waited at Tianjin airport for a flight to Guangzhou, I wrote and published, through my network of email groups, a note about the events that were transpiring and what had happened to us. It was while waiting at the airport that I received a phone call from my wife telling me that our daughter had been taken ill. I returned to Beijing immediately. She was hospitalised late in the evening.

When my daughter was discharged from hospital, we left for Guangzhou, arriving on the evening of 25 April. We didn't exactly know where to go. I thought we would go to Hong Kong the next day. But we were tired and we all felt ill in the hot and humid weather. Arriving in Guangzhou made us all feel more relaxed. We had the comfort of friends and I also had the opportunity to communicate with friends outside China for help.

Our plan was to go to Hong Kong and then on to Bangkok. But we were lucky as our friend who hosted us in Guangzhou had been visited by US embassy officials and we had a chance of seeking support for our daughter's visa application. We went to the US consular office on 30 April and our daughter's application was approved, but we had to wait until 6 May to pick up her passport.

In the very early hours of the morning of 6 May, my wife went back to Guangzhou and collected the passport. When she informed me that she passed the China-Hong Kong

boarder security check, I started to make the final arrangements for our tickets to the USA. As I was calling the travel agency, a journalist who was interviewing me at the time realised that we were "escaping". The journalist followed us to the US and brought our "escape" to the attention of the international media.⁵

The Future

Aizhixing Institute is still operating but its future remains uncertain. More government agencies are scrutinising and investigating not only Aizhixing but also companies associated with it. A printing company which produced educational materials for Aizhixing is now under investigation. The harassment of Aizhixing staff also continues. Recently, on 7 July 2010, a colleague was summoned by China's internal security police for organising an AIDS documentary film screening in our office.⁶ More people are thinking of leaving.

As a long-term activist working with vulnerable communities, I would like to share my experience with emerging civil society and human rights activists in China. I hope to continue my work through organising and establishing services and resources outside China to support civil society groups generally but with a focus on supporting human rights defenders and human rights development in China in particular. And of course I will continue to support the Beijing Aizhixing Institute and AIDS NGOs in China.

¹ See Branigan, T., "HIV/Aids activist flees China for US", *Guardian Unlimited*, 10 May 2010, available at: <http://www.guardian.co.uk/world/2010/may/10/aids-activist-flees-china-america>.

² See Yanhai, W., Ran, H., Ran, G., Arnade, L., "Discrimination against People with HIV/AIDS in China", *The Equal Rights Review*, Volume 4, 2009, pp. 15 - 25.

³ A Schengen visa allows holders to enter and travel freely within 25 countries in Europe.

⁴ See Reuters, *Reuters Profiles "AIDS Village" in China's Henan Province*, 15 March 2004, available at: <http://www.thebody.com/content/world/art10302.html>.

⁵ See above, note 1.

⁶ See Amnesty International, *China Must Halt Harassment and Censorship of HIV/Aids Activists*, 9 July 2010, available at: <http://www.amnesty.org/en/news-and-updates/china-must-halt-harassment-and-censorship-hiv-aids-activists-2010-07-09>.