

Beijing Aizhixing Institute-Individual UPR Submission-China-October 2013

Report on Security Monitoring and Controlling of People with HIV/AIDS in China

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Summary: This report summaries Chinese government security monitoring and controlling of people with HIV/AIDS nationally together with former prisoners, drug addicts, mental ill patients, religious cult members, etc. People with HIV/AIDS are defined as “dangerous persons with HIV/AIDS” by the security agencies nationally. The report includes: 1. national development of committees on social management & comprehensive control which include special groups of Special Populations. 2. Local examples: Henan Province, Beijing & Chongqing, 3. Human rights implications: social discrimination, disclosure of privacy, restricting personal freedom and potential harming of personal safety.

1. National Development

On Feb 19th and 20th, 2011, Hu Jintao, head of Chinese Communist Party Central Committee, and Zhou Yongkang, head of CCP Central Legal Committee, called on strengthening and innovating social management including all population management and services, and special population management and services. On September 16th, 2011, CCP Central Committee and State Council of China set up its Central Committee on Social Management & Comprehensive Control which includes Special Group of Special Populations led by Ministry of Justice and participated by Ministry of Public Security, Ministry of Health, Ministry of Civil Affairs, etc.

After that, China created committees on social management & comprehensive control which include special groups of Special Populations nationally from central to local township level or sub-district office level.

According to Wu Aiyong, Minister of Justice of China and head of Central Special Group of Special Populations, there are 4 subgroups in Central Special Group of Special Populations including subgroups working on supervision education and aid work of persons under community corrections, placement assistance and education of persons released from prisons or reeducation through labor camp, forced isolation treatment and drug rehabilitation work of drug addicts, and prevention and control work of persons with criminal tendency mental ill patients and dangerous persons with HIV/AIDS.

On 22nd July 2011, the official newspaper of central political and legal committee of CCP <Legal Daily> released an article under “Strengthening and Innovating Social Management” column and named “building local capacity of innovating social management of special population with HIV/AIDS and mental illness”. The article said that people with HIV may transmit the virus to others while severe mental ill patients may harm the public. So the article then described people with HIV infection and severe mental illness as “time bomb” of public security.

2. Local examples

1) Henan Province

On 25th February, 2011, Nanyang city of Hennan Province held a conference on “ Nanyang city Political Keeping Stability and Petition Work”. In the conference, Nanyang city party sectary Chang Kang gave a speech which emphasized ”strengthening the service and control towards special population including former prisoners, persons in community corrections center, people living with HIV/AIDS, people have mental health and etc, and effectively implementing the relevant policies and measures, ensuring employment and placement, education, medical treatment, helping rescue work of special populations.

2) Beijing

On January 18th, 2012, Beijing CCP and Municipal Government set up Capital Committee on Social Management and Comprehensive Control and its office. On April 18th, 2012, the Capital Committee of Social Management and Comprehensive Control set up its Special Group of Special Populations, and launched a 6-month campaign “warming your heart” on management and services of special population before CCP 18th National Congress.

The Special Group manages 5 special populations including persons in community corrections, persons released from prisons or reeducation through labor camp, drug addicts, mental ill patients with criminal tendencies, and dangerous persons with HIV/AIDS. Beijing health department leads the prevention and control work of mental ill patients with criminal tendencies and dangerous persons with HIV/AIDS.

In the documents of department of justice, department of health, township or sub-district office of Beijing, people with HIV/AIDS were called “dangerous persons with HIV/AIDS” which definitely stigmatized people with HIV/AIDS. Since 700,000 community security personnel were mobilized in Beijing before CCP 18th Congress, the negative impact on people with HIV/AIDS was huge.

In Beijing Haidian District, the justice department together with health department investigated 664 “dangerous persons with HIV/AIDS” one by one, created electronic personal file, closely

monitored each of them in a real time dynamic mechanism, and reported their situation in a daily base when approaching CCP 18th Congress held in November 2012.

3) Chongqing

On July 5th, 2012, Chongqing Committee on Social Management and Comprehensive Control set up its Special Group of Special Population which manages 8 special populations, including prisoners, persons under reeducation through labor, persons under community corrections, persons released from prisons or reeducation through labor camp, risk population of HIV infection, and drug addicts, etc., in a real-time dynamic mechanism.

- 4) Beijing Aizhixing Institute documented similar management and control situation in whole China. Whenever requested for further evidence, Aizhixing will provide.

3. Human Rights Implications

1) Stigmatization and social discrimination

Targeting on people with HIV/AIDS or people at risk of HIV infection in social management and control together with criminals, drug addicts, mental ill patients, religious cult members, and especially calling people with HIV/AIDS as dangerous persons with HIV/AIDS, severely stigmatized people with HIV/AIDS and developed serious social discrimination and panic against people with HIV/AIDS in whole China.

2) Disclosure of privacy of people with HIV/AIDS which is against law in China

Involving department of justice, department of public security, township government and sub-district office, etc. in the management and control of people with HIV/AIDS, investigating each person with HIV/AIDS and creating electronic file for each person with HIV/AIDS, closely monitoring each of them definitely disclosed privacy information of people with HIV/AIDS widely and dangerously.

3) Personal freedom may be restricted and safety may be harmed

Whenever there would be large events in Beijing, for example national sessions of people's congress, CCP national congress, 60-year anniversary of China, people with HIV/AIDS in some severely hit provinces where many people were infected through blood transfusion or selling blood, and are seeking for compensation and better medical treatment and care, government would restrict freedom of people with HIV/AIDS and prohibit them from coming to Beijing.

When they arrive in Beijing, they might not be allowed to stay in any hotel. Some of them were beaten.

Nationally, when people with HIV/AIDS were described as dangerous persons with HIV/AIDS and under hostile monitoring, personal safety could be badly harmed.

4. Recommendations to Chinese Government and CCP

Based on above information, we recommend that Chinese government and ruling Chinese Community Party to review and study the function and impact of central and local committees on social management and comprehensive control, especially the special groups of special populations, on public health and human rights relating to HIV/AIDS. A multi-discipline expert team should be created to review and study the impact on health and rights. Civil society groups should join the review team. Reform should be made based on the research and recommendations of expert team.

Chinese government in central and local levels should publish all policies and documents relating to the committees on social management and comprehensive control and its special groups of special populations including managing and controlling people with HIV/AIDS. Personal information should not be disclosed.

Chinese government and relevant agencies should investigate and evaluate whether such management and control policy comply with its law on infections and regulations on HIV/AIDS, and adjust the management and control policy based on Chinese laws and regulations.

Chinese government probably should apologize and compensate for disclosing privacy of people with HIV/AIDS and discriminating against people with HIV/AIDS.