

Chinese Human Rights Defenders (CHRD)

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One World, One Dream: Universal Human Rights

Press release

Chinese Human Rights Defenders

January 8, 2008: *Seven-month countdown to Beijing Olympics!*

Chinese Human Rights Defender releases report -

"Inciting Subversion of State Power":

A Legal Tool for Prosecuting Free Speech

"To keep its Olympics promises, China must reform its Criminal Law."

CHRD

As the 2008 Olympics approaches – opening in Beijing seven months from today, a number of prominent critics of the Chinese government are being charged or prosecuted under Article 105(2) of China's Criminal Code. The latest is Hu Jia, a Beijing-based human rights activist, detained on suspicion of "*inciting subversion of state power*" on December 27, 2007. Hu has openly challenged the Chinese government for its failure to honor its promise to promote human rights when it bid to host the Olympic Games.

The use of Article 105(2), which stipulates the crime of "*inciting subversion of state power*," to prosecute free speech has been a regular feature of the government's approach to dissent for some time, as the report released today by CHRD makes clear. The report documents 41 cases in which Article 105(2) has been used to persecute individuals for exercising basic human rights, in particular the right to freedom of expression. Under this provision, people have been detained, imprisoned or sent to Re-education through Labor (RTL) camps solely for exercising free speech. CHRD calls on the National People's Congress Standing Committee (NPCSC) to interpret Article 105(2) so that the law clearly and strictly defines key terms and articulates the necessary restrictions on its use, in order that it cannot be used to violate human rights.

"The NPCSC must act expeditiously to interpret Article 105(2) to clarify and precisely define the meaning of the terms 'incitement,' 'subversion' and 'state power,' as well as the specific conditions under which a peaceful act of expression may constitute 'incitement to subvert state power,'" said Renee Xia, international coordinator of CHRD. "Such conditions must explicitly exclude any non-violent activity in the exercise of the right to freedom of expression."

CHRD believes that a thorough revision of the articles of the Criminal Law is long overdue and should be put on the NPCSC's agenda at the earliest possible date, ideally prior to the Beijing Summer Olympics. Linking human rights to the Olympics has become one of the most sensitive political acts. Anyone criticizing human rights abuses or urging that the Chinese government live up to its pledge to the International Olympics Committee to improve human rights risks persecution under Chinese law, as the case of Hu Jia demonstrates.

This report is one of the CHRD "*Olympics & Human Rights Special Series*" reports. In this series, CHRD will issue in-depth studies as part of its campaign to push for human rights improvement, raising international attention to rights abuses related to official preparations for the 2008 Summer Olympics. Some of these rights violations were enumerated in the seven proposals for improvement in the open letter, "*One World, One Dream' and Universal Human Rights*," issued by prominent Chinese citizens in August 2007. [\[1\]](#) The current report is linked to one of those proposed changes – lifting restrictions on press freedom and allowing both foreign and Chinese journalists to conduct interviews and report without prior approval from authorities.

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See attachment for full text of the report:

"Inciting Subversion of State Power": A Legal Tool for Prosecuting Free Speech

Web version: ["Inciting Subversion of State Power": A Legal Tool for Prosecuting Free Speech](#)

Chinese Human Rights Defenders (CHRD) is a non-political, non-government network of grassroots and international activists promoting human rights protection and empowering grassroots activism in China . CHRD's objective is to build NGO capacities, monitor rights development, and assist victims of abuse. CHRD advocates non-violent and rule of law approaches. CHRD conducts investigation and research, provides information, organizes training, supports a program of small grants, and offers legal assistance.