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China: Seven months incommunicado detention of woman human rights defender Chen Jianfang

As of 20 October 2019, woman human rights defender **Chen Jianfang** (陈建芳) has been detained incommunicado for seven months. On 20 March 2019, Shanghai Public Security Bureau officers arbitrarily arrested the human rights defender from her home in Shanghai. The legal basis for the arrest was unknown until 2 July 2019, when Shanghai authorities informed her lawyer Zhang Lei that she had been formally arrested in the month of June on the charge of “inciting subversion of state power”. In early October 2019, Zhang Lei was informed that the Shanghai No.1 Procuratorate (Prosecutor General’s office) had indicted her on 3 September 2019 on the more serious charge of “subverting state power”, which carries a potential life sentence.

Formerly a farmer, [Chen Jianfang](#) began her human rights work after local authorities and developers seized her and her family’s land without adequate compensation. In the last decade, she has been working at grassroots level to defend land and housing rights, promote the rights of vulnerable social groups and expose root causes of systemic rights abuses. She pushes for civil society participation in international human rights mechanisms as well as advocating for its involvement in the monitoring of the government’s implementation of its human rights obligations. As a result of her human rights work, she has faced reprisals at the hands of police and other state agents, including previous episodes of arbitrary detention, surveillance, and a travel ban.

In October 2019, the Shanghai authorities informed Zhang Lei, Chen Jianfang’s lawyer, that she had been indicted on 3 September 2019, under Article 105 of the Chinese Criminal Law. The article states that whoever instigates the subversion of State power or threatens its existing socialist system could face imprisonment for three years to life. The case has now been transferred to the Shanghai No.1 Intermediate Court, pending trial. Chen Jianfang is now reportedly being held at the Shanghai Detention Centre. Neither her family nor her lawyer has been given access to her since her detention.

Shortly before her detention on 20 March 2019, Chen Jianfang posted an online tribute to commemorate the fifth anniversary of the death of her colleague, Cao Shunli. Cao Shunli was a prominent human rights defender who, along with Chen Jianfang, campaigned for the participation of civil society in the drafting of China’s national report for the UN Human Rights Council’s Universal Periodic Review in 2013. Cao Shunli was detained while on her way to Geneva for a human rights training, and died from organ failure after six months in detention on 14 March 2014. The online post denounced the government’s failure to set up an impartial and independent investigation into Cao Shunli’s death. Chen Jianfang’s case has been taken up by UN Special Procedures in a recent communication to the Chinese government as well as by the UN Secretary-General in his recent report on reprisals against human rights defenders who cooperate with UN human rights mechanisms.

Front Line Defenders is deeply concerned about the prolonged incommunicado detention of Chen Jianfang and her indictment on a “national security” offence, which allows the authorities broad discretion to deny her access to legal counsel. It believes that her detention is solely motivated by her peaceful and legitimate work in the defence of human rights.

Front Line Defenders urges the authorities in China to:

1. Immediately and unconditionally release Chen Jianfang;
2. Ensure that, pending her release, Chen Jianfang is not subjected to any form of torture or other ill-treatment, in strict adherence to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
3. Ensure she has immediate, regular and unrestricted access to a lawyer of her choice, and is able to communicate with family members, without undue interference;
4. Guarantee in all circumstances that all human rights defenders in China are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions;
5. Initiate a comprehensive legal reform process, in genuine consultation with independent civil society, to review existing laws, regulations, policies and practices that have been used to unduly restrict or penalise the peaceful work of human rights defenders, with a view to align them with China's obligations under international human rights law and standards.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw your attention to Article 6 "*Everyone has the right, individually and in association with others: (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters*"; Article 9 (5): "*The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.*"

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson

Executive Director