

# WEIQUAN ONLINE

AN HRIC BACKGROUNDER<sup>1</sup>

This excerpt from a forthcoming HRIC White Paper on the Internet in China examines how China's rights defense movement is adopting increasingly sophisticated communications technology to educate people on their basic rights and to rally support for the domestic rights defense movement and its activists.

Since 1994, the Internet in China has grown in coverage, sophistication and accessibility. With more than 111 million users,<sup>2</sup> China is now second only to the U.S. in numbers of people connected,<sup>3</sup> and it is estimated that 300 million users will be online in China by 2008.<sup>4</sup> Chinese Internet users are blogging, chatting, creating Web sites and in some cases using the Internet as an advocacy tool for a variety of issues, including exposing corruption, pushing for a clean environment and protesting land grabs. Despite powerful official censorship and social control efforts, creative use of virtual space is being undertaken in China on a daily basis by a wide range of individuals and groups.

Rights defense groups such as the Tiananmen Mothers, who speak out on behalf of victims of the June 4th crackdown, have been active for a long time in China, but the term "rights defense" (*weiquan*) has come into wide circulation only in the past couple of years. The official reaction to this trend has ranged from expressions of concern for the rural poor and calls for a harmonious society based on the principles of *weiquan*, to increasingly severe crackdowns on *weiquan* activists. The official response has been accompanied by an alarming rise in mafia-like violence, with beatings, threats, intimidation and kidnappings directed against activists such as Fu Xiancai, Chen Guangcheng and others, often with the apparent complicity of officials.<sup>5</sup> These efforts to silence and intimidate the growing number of rights defenders undermine progress towards a truly "harmonious society," which must be founded on respect for rule of law and human rights.

In light of the enormous difficulties and challenges facing rights activists, the Internet plays an essential role in both facilitating and shaping *weiquan* activities. This HRIC backgrounder

explores the development and use of the term *weiquan* in a variety of different contexts online, to develop a more comprehensive picture of the growing rights defense phenomenon.

## What is *weiquan*?

*Weiquan* can be translated as "rights defense," or the activity of lawfully defending one's legal rights. However, HRIC's preliminary survey of online usage reveals that there is no one definition of what this entails. The term can be used in any of the following ways:

### a verb

"to defend one's right" *weihu quanli*

### a professional title

"rights defense activist" *weiquan doushi*

"rights defense lawyer" *weiquan lüshi*

"rights defense professional services" *weiquan fuwu*

"rights defense investigator" *dajia weiquan*

### a noun

"rights of a minor" *weichengnian weiquan*

"labor and employment rights" *laodong weiquan*

"consumer rights" *xiaofei weiquan*

In general, the popular understanding of *weiquan*, which also reflects official usage, refers to individuals who actively engage in defending their legal rights or the rights of others.

## The scope of *weiquan* activities in China

HRIC surveyed more than 70 Chinese-language Web sites with the term *weiquan* in either title or content, including those hosted from within China and overseas. The search was done through a proxy link that allowed us to verify whether or not the sites could be accessed from the mainland, revealing the limitations on access to domestic activism sites and *weiquan* information from overseas due to strong Internet censorship by the Chinese authorities.

Our results reveal the breadth of areas covered by *weiquan*, including civil and political rights, and economic, social and cultural rights. *Weiquan* activists address urban property rights, rural land ownership rights, employment and consumer rights

along with freedoms of religion, expression and association; the term is also invoked to defend the rights of social groups such as minorities, religious practitioners or women.

The approaches and tactics employed by defenders of these rights in China occur in a variety of contexts and fora, making use of both official and unofficial channels.

Official channels include:

- civil dispute mediation by local judicial services (*jiceng sifa tiaojie*)
- reporting to the People’s Congress (*renda changweihui tousu*)
- initiating civil lawsuits (*renmin fayuan daquansi*)
- reporting to the local procuratorate (*xiang jianchayuan fanying wenti*)
- reporting to the local consumer’s association (*xiaofeizhe xiehui weiquan*)
- petitioning the government (*shang fang*)

In addition to official channels, *weiquan* activists also resort to group demonstrations, protests and advocacy through various media.

### Wei quan online

Internet activism supplements other approaches and maximizes their effectiveness as part of this complex network of rights defense work. The nature of *weiquan* information available online varies according to the differing approaches and the degree of official recognition granted to the body responsible for posting it.

A large number of self-designated *weiquan* Web sites are official or quasi-official ones, containing legal resources and information related to rights defense prepared by government bodies. The growing awareness of the rights defense phenomenon has also given rise to a cluster of related services. Along with law firms, private investigators have recently begun to offer professional rights defense services specializing in consumer disputes over dishonest business practices.

Certain Web sites and blogs that provide a forum for individuals to discuss their rights-related experiences give further evidence of rights defense issues outside the official context. Other groups, including international non-governmental organizations (INGOs), domestic civil society organizations (CSOs) and academics, also track activists’ cases and share news and resources.

**Table 1** illustrates the types of groups posting rights defense information online, and the nature of the content they supply.

### Legal aid (*falu yuanzhu*) and rights defense

Some organizations who are arguably involved in rights defense do not appear in the survey above because they do not identify themselves as *weiquan* groups. Legal aid offices, which provide free legal services to those who are unable to afford legal representation, are a prime example. The legal aid system in China consists of both official and voluntary legal aid programs. The China Legal Aid Foundation, a national organization established in 1997 under the Legal Aid Center of the Ministry of Justice, is responsible for a national fund for legal aid, while the volunteer system consists of legal professionals, journalists and social activists who assist in local legal aid offices. Less than half of China’s 8,899 full-time legal aid personnel are qualified lawyers.<sup>6</sup>

Local government officials determine whether the economic situation of the applicant qualifies them for legal aid, allowing them significant control over case selection. The government also limited the scope of legal aid services in Article 10 of the *Regulation on Legal Aid* enacted in 2003, allowing legal aid offices to assist only in certain civil and criminal cases.<sup>7</sup> Some of these civil cases involve rights defense issues such as land grabs, labor contracts and the consequences of state-owned enterprise reform.

Due to budgetary and staffing restraints, the existing legal aid infrastructure is unable to cope with the demand for representation. The Ministry of Justice estimates that less than a quarter of the 700,000 cases needing legal aid every year actually receive it, forcing many litigants to drop their complaints or go to private-practice lawyers.<sup>8</sup>

### Online approaches and tactics

Web sites provide an opportunity to advertise professional rights defense services; law firms occasionally announce their acceptance of pro bono rights defense cases online as a means of boosting their public image. Some of the higher-profile individual activists also maintain their own Web sites to draw attention to their cases.

For the activists, this poses an obvious security risk. Although webmasters are not required to disclose their identity online, the Chinese government can trace webmasters through their IP addresses. Web sites maintained by well-known activists such as Li Xinde, Huang Qi and Yang Yinbo are closely monitored and shut down whenever the authorities determine they have crossed an invisible line of permissible

WHAT	WHO						
	Government Organs	International NGOs	Domestic CSOs	Academics	Individuals	Law Firms	Private Investigators
Laws and Regulations	X					X	
Resources		X	X	X	X	X	
Case studies/reports		X	X	X			
Personal experience					X		
Professional services						X	X

## Online Rights Defense Cases: Risks and Impact

### Traced through IP address: Shi Tao

April 20 2004	<b>Shi Tao</b> uses his personal Yahoo! e-mail account to send notes involving discussion of a Chinese Communist Party (CCP) Central Propaganda Bureau document to the New York-based Web site "Democracy Forum." With information supplied by Yahoo HK Ltd., Changsha City National Security Bureau locates the IP address of the email account at 11:32 p.m. <sup>10</sup>
November 24 2004	Shi detained by police
April 27 2005	Shi's trial for "illegally providing state secrets overseas" results in 10-year prison sentence
June 2 2005	Appeal denied <sup>11</sup>

### BBS rights defense: the Guangdong shooting

December 6 2005	Guangdong police fire on rural protesters
December 10 2005	<b>Wang Yi, Ding Zilin, Liu Xiaobo</b> and other activists bring worldwide attention to the shooting by posting an open letter demanding an official inquiry on the rights defense Web site "Gongmin Weiquan Wang" <www.gmwq.org> <sup>12</sup>
December 2005	Open letter circulated online and reposted on various digital bulletin boards in China and abroad, including systems run by Peking University and Guangdong University of Technology

### Blogging in defense of rights: "Shandong Kneeling Vice-mayor Li Xin"

April 2004	Corruption of Li Xin, vice-mayor of Jining, Shandong, investigated and disclosed by freelance journalist and rights defender <b>Li Xinde</b> on his Web site "Zhongguo Yulun Jianduwang"
April–July 2004	Article and pictures of the vice-mayor kneeling for forgiveness widely circulated and reposted on blog sites run by Sohu, Sina and blogcn.com
July 10 2004	Number of Internet users viewing the article reaches one million <sup>13</sup>
February 17 2006	Still actively blogging, Li Xinde tells Reuters that if one site is closed, he posts on another one; "sparrow tactics" help him challenge censors <sup>14</sup>

### Non-compliance with self-censorship: Yannan BBS

July–September 2005	Beijing-based digital bulletin board <b>Yannan</b> provides coverage and debate on the efforts of Taishi villagers to recall the elected village committee head, Chen Jinsheng, whom they accuse of corruption <sup>15</sup>
September 21 2005	All posts relating to Taishi village removed
September 30 2005	Web site closed by the Chinese government for "cleanup and rectification"

activity. For this reason, lawyers dedicated to rights defense cases rarely host their own Web sites, and are referenced only peripherally in connection with cases in online sources.

For netizens interested keeping a lower individual profile, interactive fora such as blogs, chatrooms and instant messaging services facilitate a real-time flow of information. Discussion of scandals and arrangements for events organized around sensitive political issues typically appear in these spaces. While these fora are still subject to monitoring, in combination they represent expanding efforts to exploit new technology and overcome increasingly restrictive surveillance and censorship.

### Official appropriation of *weiquan* terminology and concepts

One example of the fluid nature of the *weiquan* term is the way the government in China has appropriated the concept to allow its usage in carefully controlled contexts. A search for the keyword "weiquan" on www.gov.cn produces 44,677 results in the title or content of official Chinese government documents.<sup>9</sup>

Official press releases expound the following principles on rights defense:

#### "active rights defense" (*zhudong weiquan*)

Encourages those whose rights are compromised to take active role in defending them

#### "legal rights defense" (*yifa weiquan*)

Activities in defense of rights are supported if they occur within the legal framework

#### "scientific rights defense" (*kexue weiquan*)

Use of objective, scientific principles to direct rights defense

#### "general rights defense knowledge" (*weiquan changshi*)

Understanding enables citizens to take preventive measures against rights infringement

“a comprehensive and long-lasting system for rights defense activities” (*jianli jianquan weiquan changxiao jizhi*)

A long-term system the government proposes to devise for monitoring of rights defense

As these rhetorical examples show, Chinese authorities appear to approve *weiquan* as a necessary means of resolving conflicts that arise between different social groups. However, recent court sentences pronounced against activist lawyers, journalists and other rights defenders also suggest that official acceptance of the term and its implications is already waning.

### The future of *weiquan* in China?

Detentions and harsh judgments against *weiquan* activists are signs that any tolerance the government may have shown in the past is now shifting back to the overriding Party imperative: to maintain social stability and control, especially in the lead up to the 17th National Congress of the Communist Party in 2007 and the 2008 Beijing Olympics. However, the commitment of grassroots *weiquan* activists to addressing serious social problems and working for social justice, even at great personal risk, remains undiminished. In the face of censorship and surveillance, detentions, draconian prison sentences and the rise in thug violence and intimidation, they continue to speak out.

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Unfortunately, the change from “advocates for justice” to targeted “enemies” in the official perception of *weiquan* activists will only undermine the government’s own efforts to achieve its stated goals of social harmony and equality. The crackdown on increasing numbers of *weiquan* activists will also damage China’s progress towards a rule of law in the eyes of its own people and the international community. If past and present experience is any indication, increased control of the internet and *weiquan* activists cannot succeed in silencing and intimidating China’s courageous citizens. On the contrary, it will only motivate them to find new methods and tools to defend their rights and work for a more democratic, open and fair society.

### NOTES

1. Survey research for this backgrounder and preliminary drafting was completed by Mily Ming-tzu Kao.
2. The first annual survey report of the China Internet Network Informa-

tion Center (CNNIC) in 1997 recorded 620,000 users, and in its most recent report recorded 111 million users, 64 million of whom have access to broadband connections. CNNIC, “Statistical Report of the Development of Chinese Internet,” October 13, 1997,

[www.cnnic.net.cn/download/manual/en-reports/1.pdf](http://www.cnnic.net.cn/download/manual/en-reports/1.pdf); “17th Statistical Survey Report on Internet Development in China,” December 31, 2005, <http://www.cnnic.net.cn/download/2006/17threport-en.pdf>.

3. Internet World Stats, “Top 20 Countries with the Highest Number of Internet Users,” March 31, 2006, <http://www.internetworldstats.com/top20.htm>.
4. Steven Cherry, “The Net Effect”, *IEEE Spectrum*, June 1, 2005, <http://www.spectrum.ieee.org/WEBONLY/publicfeature/jun05/0605cnet.html>.
5. Activist Fu Xiancai was attacked by an unidentified assailant shortly after being officially questioned over his recent interview in the German media. See HRIC press release “Three Gorges activist faces paralysis after brutal assault” June 12, 2006, <http://www.hrichina.org/public/contents/29227>. On the recent conviction of blind activist lawyer Chen Guangcheng and the harassment of his legal team, see HRIC Trends Bulletin “August 2006: Setback for the rule of law - Lawyers under attack in China” August 28, 2006, <http://www.hrichina.org/public/contents/30425>.
6. Ministry of Justice, the People’s Republic of China, “Survey on Chinese Legal Aid,” <http://www.legalinfo.gov.cn/english/LegalAid/LegalAid1.htm>.
7. Civil cases are limited to claims for state compensation in accordance with the law; social security payments or minimum living guarantee payments; pensions for the disabled or bereaved or welfare payments; payments for the support of parents, child support, or alimony; labor remuneration; matters in which they are advocating civil rights and interests that arise as a result of actions taken in the interest of justice. Congressional-Executive Commission on China, “Regulations on Legal Aid,” September 9, 2003, <http://www.cecc.gov/pages/selectLaws/ResidencySocWelfare/regsLegalAid.php?PHPSESSID=c96b73c631fc36c90c4ac9d7dcb3073>.
8. Ministry of Justice, the People’s Republic of China, “Survey on Chinese Legal Aid,” <http://www.legalinfo.gov.cn/english/LegalAid/LegalAid1.htm>.
9. Search conducted June 22, 2006.
10. Wei Wei, VOA.com, “Yahu bei zhizhu Zhongguo zhengfu sousuo Shi Tao zuizheng,” (Yahoo named for helping Chinese government collect evidence against Shi Tao) September 6, 2005, <http://www.voanews.com/chinese/archive/2005-09/2005-09-06-voa62.cfm>.
11. HRIC “Case Highlight: Shi Tao and Yahoo,” <http://www.hrichina.org/public/highlight/index.html>.
12. “Guanyu Guangdong Shanweishi Dongzhou xian de shengming,” (Statement on the Dongzhou, Guangdong shootings) [http://www.gmwq.org/web/news\\_view.asp?newsid=220](http://www.gmwq.org/web/news_view.asp?newsid=220).
13. “Bandao ‘Xiagui fushizhang’ de Jianghuai yinghan Li Xinde,” (Jianghuai hero Li Xinde brings down ‘Kneeling Mayor’) December 16, 2004, [http://www.yuluncn.com/html/redian/2006-4/23/08\\_16\\_56\\_574.html](http://www.yuluncn.com/html/redian/2006-4/23/08_16_56_574.html).
14. Reuters, “Sparrow Tactics Challenge Chinese Censors,” February 17, 2006, [http://news.com.com/Sparrow+tactics+challenge+Chinese+censors/2100-1028\\_3-6040804.html](http://news.com.com/Sparrow+tactics+challenge+Chinese+censors/2100-1028_3-6040804.html).
15. Committee to Protect Journalists, “In China, A Popular Web Forum is Shattered,” October 3, 2005, <http://www.cpj.org/news/2005/China03oct05na.html>.