



Apr 14th, 11:00 AM - 12:00 PM

Using Legal Instruments in Human Rights Advocacy: The Guangchen Chen Case

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Duffee, Jeremy; Xu, Xinlin; Geehan, Cathy; and Munro, Faculty Advisor, William, "Using Legal Instruments in Human Rights Advocacy: The Guangchen Chen Case" (2012). *John Wesley Powell Student Research Conference*. 3.
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Oral Presentation O8.3

**USING LEGAL INSTRUMENTS IN HUMAN RIGHTS ADVOCACY:
THE GUANGCHEN CHEN CASE**

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Through Scholars at Risk (SAR), a group of students and faculty advisors became involved in an advocacy project on behalf of Chinese human rights activist and lawyer, Guangcheng Chen. The Chinese government began investigating Chen after he released a report in 2005 that detailed forced abortion and sterilization procedures in his hometown province in compliance with the One Child Policy. As a result of his work, he spent time in prison and is currently being held under house arrest. The conditions of his detention and the political nature of his arrest violate the rights of citizenship and the right of freedom of association and freedom of expression laid out in the Chinese legal code. Chen's arrest and subsequent treatment also violate the rights enumerated in various international legal instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Though these documents are not legally binding upon the Chinese state, they do create an international moral pressure that China conform to norms concerning human rights. The presentation will outline the difficulties of internationally prosecuting the violators of such rights in systems that emphasize sovereignty and national security over human rights. Advocating for the norm of human rights in a system based on the norm of sovereignty involves a complex navigation of both legal documents and political exigencies. The legal advocacy portion of the SAR project is intended to culminate in a presentation to the Human Rights Committee of the Chicago Bar Association.