

LETTER TEMPLATE: CHANGSHA THREE

Send to: Chinese delegation to UNAIDS PCB and to the Chinese embassy in your country

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28 August, 2019

People's Republic of China Delegation to the UNAIDS Programme Coordinating Board (PCB)

Mr. Mingzhu Li, Commissioner, Beijing

Ms. Juan Li, Deputy Director, Geneva

Mr. Gang Xia, Deputy Director-General, Beijing

Mr. Yiyun Hu, Deputy Director, Center for STIs and AIDS, Beijing

Ms. Ying Shi, Director, Beijing

Mr. Dahai Qi, Counselor, Geneva

Mr. Xiaochen Yang, Second Secretary, Geneva

Ms. Gunilla Carlsson, Executive Director a.i., UNAIDS

Dear Mr. Li and colleagues,

I'm writing to lend my voice to those who share my urgent concerns about the human rights of three prominent anti-discrimination lawyers and activists who have been charged with state subversion. Cheng Yuan, Liu Yongze and Xiao Wu of Changsha Funeng have done important work to end discrimination against people living with HIV and people with hepatitis, and to advance the right to health and rights of persons with disabilities in China. As chair of the Programme Coordinating Board (PCB), which has set a goal of zero HIV-related discrimination by 2030, China should uphold the legal rights of these three activists.

Cheng Yuan has led over a decade of ground-breaking impact litigation on health rights—first at Tianxiagong, and later as co-founder of Changsha Funeng. Two of his landmark cases, in 2013 and 2016, won damages for teachers who lost their jobs due to their HIV status. Cheng Yuan has also led work on hepatitis B discrimination litigation, advocated forcefully for the rights of persons with disabilities and for an end to China's One Child Policy, and worked to promote freedom of information and rule of law.

On Monday, 22 July, Cheng and two colleagues, Liu Yongze and Xiao Wu (real name Wu Gejianxiong), disappeared.

On August 26, the defense lawyers of all three were notified that the procuratorate (or prosecutor) had approved charges of “suspicion of subverting state power”, but not what the specifics of the case are. **So far, none of the three activists have been able to meet with their lawyers or family.** Police showed Cheng Yuan’s wife a video of him in which he appeared weak, exhausted and seemed to have lost weight.

Cheng Yuan’s wife, Shi Minglei, has nothing to do with his NGO, but she has been placed under residential surveillance under suspicion of subverting state power. Cheng Yuan's brother has also been questioned by police because of his vocal concerns about the case.

As chair of the governance board of UNAIDS, China plays a critical leadership role in the global HIV response. As you know, UN member states committed to the 2030 Agenda for Sustainable Development in 2015, and in doing so committed to ending HIV by 2030, to combating hepatitis, to promoting peaceful and inclusive societies for sustainable development, and to achieving "zero discrimination" against people living with HIV. UNAIDS, the Global Network of People Living with HIV (GNP+), UNDP and UN WOMEN jointly launched the Global Partnership for Action to Eliminate All Forms of HIV-Related Stigma and Discrimination. To achieve this, UNAIDS recommends countries finance and support HIV-related legal services to reduce stigma and discrimination, and the Global Fund has committed to scaling up this work in numerous countries—it is exactly the kind of work in which Changsha Funeng has expertise.

China has ratified the *International Covenant on Economic, Social and Cultural Rights*, which upholds the right to health, as well as the *Convention Against Torture*, and has committed to many other human rights standards. China has signed but not ratified the *International Covenant on Civil and Political Rights*.

As chair of the UNAIDS PCB, China must not only uphold, but set a positive example to the world of promoting UN commitments to end HIV and end discrimination, as well as international human rights law. **We urge China to adhere to its legal procedures and protect the rights of the three to due process and legal counsel, and we urge you to raise concerns about the harassment and intimidation of police towards Cheng Yuan’s family members.**

Sincerely,

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