



UNAIDS Reference Group on HIV and Human Rights

September 24, 2019

His Excellency Ambassador Chen Xu
Permanent Mission of the People's Republic of China to the United Nations Office at Geneva
11, chemin de Surville
1213 Petit-Lancy, Geneva

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

Attention: 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

Dear Ambassador and colleagues:

Re: Detention of human rights defenders from Changsha Funeng

We write on behalf of the UNAIDS Reference Group on HIV and Human Rights, an independent body established to advise the Joint UN Programme on HIV/AIDS (UNAIDS) on all matters related to HIV and human rights. We wish to express our deep concern regarding the detention of three lawyers and advocates who have long worked to challenge the discrimination that fuels the HIV epidemic in China.

Cheng Yuan, Liu Yongze and Xiao Wu are affiliated with the non-governmental organization Changsha Funeng. Over many years, they have done important work to end discrimination against people living with HIV and people with hepatitis, to protect the rights of persons with disabilities in China and to advance the right to health more broadly.

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 and defending the rights of persons with disabilities.

On Monday, July 22nd, Cheng, Liu and Xiao disappeared. Cheng Yuan's wife, Shi Minglei, has nothing to do with his organization, but was 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.

According to the latest information available to us, to date their lawyers have not been able to meet with any of the three men being detained.

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UN member states have committed to the 2030 Agenda for Sustainable Development, 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, jointly with UNDP, UN Women and the Global Network of People Living with HIV (GNP+), has recently 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.

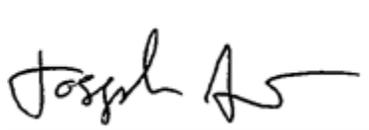
This is exactly the kind of work in which Changsha Funeng has expertise and to which Cheng, Liu and Xiao have made important contributions in improving the welfare of Chinese people living with HIV and other health conditions.

We recall that China has also ratified the *International Covenant on Economic, Social and Cultural Rights*, which upholds the right to health – a central feature of the work of these human rights defenders -- as well as the *Convention Against Torture*, and has committed to other important human rights standards in the administration of justice. We note that China has signed the *International Covenant on Civil and Political Rights*, indicating the intent to comply with and implement that treaty's provisions in good faith, which include protections against arbitrary detention and due process rights of those subject to detention and criminal accusation.

As chair of the governance board of UNAIDS, China plays a critical leadership role in the global HIV response, including by setting a positive global example of promoting UN commitments to end HIV and end discrimination, as well as upholding international human rights law. This must include respecting the work of human rights defenders who have advocated for the rights of people living with HIV.

We therefore urge China to adhere to its legal procedures and protect the rights of Cheng Yuan, Liu Yongze and Xiao Wu to due process and legal counsel.

Respectfully yours,



Joseph Amon and Michaela Clayton
Co-chairs

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

The UNAIDS Reference Group on HIV and Human Rights was established in 2002 to advise the Joint United Nations Programme on HIV/AIDS on all matters relating to HIV and human rights. The Reference Group speaks with an independent voice. Its views do not necessarily reflect the views of the UNAIDS Secretariat or any of the UNAIDS Cosponsors.