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China – Formal arrest of three health rights defenders

On 26 August 2019, the defense lawyers of **Cheng Yuan**, **Liu Dazhi** and **Wuge Jianxiong** were informed by the state security bureau in Changsha, Hunan province, that prosecutors approved the formal arrest of the human rights defenders. The three human rights defenders, who are all members of the public interest advocacy NGO *Changsha Funeng*, have been in incommunicado detention since 22 July 2019 and are accused of “subverting state power” which carries a maximum sentence of life imprisonment.

[Cheng Yuan](#) (程渊) is the co-founder of *Changsha Funeng* and has over ten years of experience advocating for health rights, non-discrimination, and the empowerment of vulnerable groups, including persons living with HIV/AIDS, hepatitis B patients, and persons with disabilities. He led and supported the impact litigation of several hepatitis B and HIV/AIDS discrimination cases, which fellow defenders said contributed positively to the dismantling of systematic discrimination based on health status in China. In 2013, Cheng Yuan and another lawyer led a HIV employment discrimination lawsuit in Jiangxi province, which resulted in an unprecedented, landmark court decision to award compensation to the plaintiff, who was denied a teaching position due his HIV-positive status. Cheng Yuan has also campaigned for an end to China’s One Child family planning policy and reform of the discriminatory household registration system.

[Liu Dazhi](#) (刘大志, also known as Liu Yongze 刘永泽) joined *Changsha Funeng* in 2017 as a full time staff member. He is also a volunteer and co-founder of the Changsha Chunyu Mutual Aid Team, which campaigns for the rights of workers, victims of occupational diseases and their children, and other vulnerable groups in need of legal aid. In recent years, Liu Dazhi has filed formal requests for government information disclosures, as a means to hold local government offices accountable for environmental issues such as transparency of data on tap water quality and improper disposal of biomedical waste.

[Wuge Jianxiong](#) (吴葛健雄) is a human rights defender and a member of *Changsha Funeng*. He is new to the field of public interest law and his role at *Changsha Funeng* mainly involves working with lawyers.

When state security agents broke into Cheng Yuan’s home in Shenzhen, Guangdong Province, and took him away on 22 July 2019, they also put a black hood over and handcuffed his wife, Shi Minglei, and took her for interrogation overnight. Shi Minglei reported that during the interrogation the officers threatened to bring her three-year-old daughter along for interrogation and to further detain two other colleagues of Cheng Yuan’s if she did not answer their questions satisfactorily. The authorities also confiscated her identity documents, bank cards, cell phone, and computer. She was released but has now been placed under residential surveillance at her home in Shenzhen. On 8 August, police in Nanjing summonsed Cheng Hao, Cheng Yuan’s older brother, and interrogated him at a police station about his social media posts publicising his brother’s detention.

Since detaining the three human rights defenders at the Hunan Provincial State Security Bureau detention center, the Changsha authorities have repeatedly denied them access to their lawyers and families.

Front Line Defenders sees this case as part of a pattern of increasing harassment and intimidation of human rights defenders in China. It is particularly concerned by the serious accusation of

“subverting state power” against the Cheng Yuan, Liu Dazhi and Wuge Jianxiong, which allows the authorities broad discretion to deny access to legal counsel and keep them in extended incommunicado detention. Front Line Defenders believes the detention and formal arrest of the three defenders to be directly linked to their peaceful and legitimate work in promoting and defending human rights.

In 2015, UN member states, including China, committed to realising the 2030 Agenda for Sustainable Development, and in particular to achieving the goals of ending the AIDS epidemic by 2030, combating hepatitis, promoting peaceful and inclusive societies, and achieving "zero discrimination" against people living with HIV. As the current chair of the governance board of UNAIDS, China also has the responsibility to contribute to meeting the main goals of the organisation, which include protecting and promoting human rights. The legitimate activities of the three human rights defenders and their organisation contribute positively to achieving these important goals.

Front Line Defenders urges the authorities in China to:

1. Immediately and unconditionally release Cheng Yuan, Liu Dazhi, and Wuge Jianxiong; and, while they are in detention, allow them immediate and unfettered access to lawyers of their choosing and to their families;
2. Ensure that the treatment of the above defenders, while in detention, adheres 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. Immediately lift and end restrictions on the freedom of movement of the above human rights defenders' families and further harassment against them;
4. Cease targeting all human rights defenders in China and guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.