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**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders**

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (107-9)  
CHN 22/2011

15 November 2011

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/4 and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged ongoing harassment against a teacher and human rights campaigner Mr. **Yao Lifa**, identity card number 422429581120025, resident of Qianjiang City, Hubei Province. Mr. Yao Lifa has campaigned for the promotion of political participation through monitoring local elections to ensure fairness and transparency, for speaking out against corruption in local governance and the electoral processes, and for travelling in the People's Republic of China to encourage people to run for office as independent candidates.

Mr. Yao Lifa has been the subject of previous communications sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 30 June 2008, 7 December 2010 and 3 March 2011, respectively. We acknowledge receipt of the response transmitted by your Excellency's Government to the communication dated 30 June 2008. We regret that we have received no response to the communications sent on 7 December 2010 and 3 March 2011.

According to the information received:

On 20 June 2011, it is reported that four days after allegedly being prohibited from answering his phone, sending text messages, and talking to others in his office, Mr. Yao Lifa was abducted by public officials, including administrative personnel from the State school where he works in Qianjiang City, Hubei Province. The perpetrators of the abduction allegedly included the school's vice-principal and security guards who had been monitoring Mr. Yao Lifa since he was placed under residential surveillance on 20 February 2011.

On 27 June 2011, a member of Mr. Yao Lifa's family made inquiries at the Qianjiang City Letters and Visits Bureau and the Qianjiang Public Security Bureau (PSB). This relative was told to go to the school where Mr. Yao Lifa works and was threatened with "consequences" for causing a disturbance. On 11 July 2011, a family member and an attorney requested to see the bureau chief of the Qianjiang PSB, but were reportedly told that he was out of the office and advised to go to the Yuanlin Police Station to fill out a missing person report. There, they were allegedly told that the situation of Mr. Yao Lifa did not meet the relevant criteria for a missing person report.

Meanwhile, on 4 July 2011, Mr. Yao Lifa had reportedly escaped from the place where he was being detained by jumping out of a window of what reportedly was the Maozui Guesthouse, Mazui Town, Xiantao City, Hubei Province. During his escape, Mr. Yao Lifa severely injured both wrists and damaged his vertebrae. According to the source, he fled to a friend's house in Beijing and did not have his injuries treated.

On 6 August 2011, national security officers from the Qianjiang PSB, Beijing police and personnel from the Qianjiang Liaison Office in Beijing, allegedly arrested Mr. Yao Lifa at the friend's home in Beijing where he had fled following his previous detention. Mr. Yao was reportedly forcibly returned to Qianjiang and then turned over to authorities at the State school where he works in order to be monitored.

From 7 to 30 August 2011, Mr. Yao Lifa was allegedly detained in a room with very unsanitary conditions, inadequate food provision and a surveillance camera. The Qianjiang PSB reportedly admitted to a family member of Mr. Yao Lifa that they had taken him into custody, but claimed that they had done so because the family member had filed a missing person report in July following Mr. Yao Lifa's first abduction.

On 8 August 2011, a family member of Mr. Yao Lifa made inquiries at the Qianjiang PSB and was reportedly told there that they did not know where Mr. Yao Lifa was.

According to the source, on 2 September 2011, early in the morning, Mr. Yao Lifa was rushed to hospital by his captors under a false name to receive treatment

for severe abdominal pain. On 3 September 2011, he was reportedly taken back to the CPC School before being returned home on 4 September 2011. The public authorities of the State school allegedly confiscated all medical evidence from the hospital, as well as all medication provided.

On 5 September 2011, personnel from the State school where Mr. Yao Lifa works and officials from Qianjiang PSB reportedly took Mr. Yao Lifa from his home when he was about to go to hospital for a physical examination, and have since subjected him to 24-hour monitoring. He is now allegedly taken to an unknown location every day at 7:00 a.m. by personnel from the State school and returned home at 10:00 p.m., where he remains under surveillance from individuals stationed outside his house. There has reportedly been no investigation into the various cases of detention of Mr. Yao Lifa.

According to the source, this year and in 2012, China is holding local People's Congress elections and is reportedly concerned about the effects of the advice given by Mr. Yao Lifa to candidates and voters. Mr. Yao Lifa's friends and family have also reportedly been subjected to increased harassment including police investigation, monitoring, restriction of freedom of movement, illegal searches on private property, and having their electricity and water supplies cut off.

Concerns are expressed about the physical and mental integrity of Mr. Yao Lifa, particularly due to the allegations that he has been repeatedly abducted on 20 June, 6 August and 5 September 2011 by public officials of the State school and State security agents. Serious concerns are expressed regarding the allegations that Mr. Yao Lifa's friends and family have also reportedly been subjected to increased harassment. Further concerns have been raised that Mr. Yao Lifa may have been targeted in relation to his legitimate work in the defence of human rights, including the promotion of political participation to ensure fairness and transparency on local elections and for speaking out against corruption.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights, which provides that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime

responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 8, paragraph 1, which stipulates that everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs."

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Yao Lifa are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Yao Lifa in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of this case accurate?
2. Has a complaint been lodged by or on behalf of Mr. Yao Lifa?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried

out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide information concerning the legal grounds for the arrest and detention of Mr. Yao Lifa and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
5. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
6. Please provide information on the measures taken to ensure the safety of Mr. Yao Lifa and his family.
7. Please indicate the measures taken to ensure that human rights defenders can carry out their legitimate work of promotion and protection of human rights and fundamental freedoms in a free and safe environment.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders