

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE:
UA CHN 5/2017

28 April 2017

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; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extreme poverty and human rights; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 25/2, 25/18, 26/3 and 32/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged harassment by security agents as well as permanent surveillance of Ms. **Wang Qiaoling**, the wife of the detained human rights lawyer Li Heping, and of Ms. **Li Wenzu**, the wife of another detained human rights lawyer, Wang Quanzhang, following their expressions of support for their husbands and their campaigns in different media to voice their situation.

Ms. Qiaoling and Ms. Wenzu were the subject of a communication sent on 26 October 2016 (CHN 9/2016), expressing concern over acts of intimidation and harassment against them following their contact with the Special Rapporteur on extreme poverty and human rights during his visit to China in August 2016. While we appreciate the reply of your Excellency's Government dated 9 December 2016, we regret that it did not respond to the questions raised in the communication and flatly denied that Ms. Wang's or Ms. Li's freedom of movement has ever been restricted or that they have been subjected to unlawful surveillance or harassment, without providing any evidence.

Ms. Qiaoling and Ms. Wenzu are married to two human rights lawyers, Mr. Li Heping and Mr. Wang Quanzhang, respectively. Both men were arrested on 10 July 2015 during the so-called "709" crackdown on human rights lawyers, which was the subject of a joint urgent appeal dated 15 July 2015 (CHN 6/2015), and was more recently addressed in a letter of allegation dated 22 March 2017 (CHN 3/2017).

According to the information received:

Ever since their husbands' arrest in July 2015, Ms. Qiaoling and Ms. Wenzu have taken a leading role in organizing the families of other detained lawyers and peacefully campaigning against their detention and prosecution. Likewise, they have lodged various legal proceedings in that regard, provided a testimony in 2016 before the United States Congress via video, and given a number of interviews in international media with the purpose of voicing the situation of their husbands.

From 1 to 15 March 2015, during the Chinese People's Political Consultative Conference National Committee and the National People's Congress plenary sessions, Ms. Wenzu was followed everywhere by over 10 people.

On 25 March 2017, the head of the Public Security Sub-team at Shijingshan district, where Ms. Wenzu lives, came to her door step and formally told her that she would again be put under strict surveillance. He warned that she would be followed wherever she went, and they started that same day.

On 27 March 2017, Ms. Wenzu took her son to the hospital for medical consultation and was accompanied by Ms. Qiaoling. They were followed by at least five security officers. That afternoon, Ms. Wenzu, together with her little son, went to stay in Ms. Qiaoling's apartment. In the evening, police in the neighborhood came to the apartment and demanded to check Ms. Qiaoling's ID card. Ms. Wenzu decided to stay from that day on in Wang Qiaoling's place.

On 31 March 2017, Ms. Qiaoling and Ms. Wenzu found video cameras being set up in the building where Ms. Qiaoling lives.

On 6 April 2017, Ms. Qiaoling and Ms. Wenzu were followed by three agents when leaving the apartment. Reportedly, they were constantly taking photos of the two ladies with their mobile phones. Later that day, more recording devices were found in Ms. Qiaoling's building, including at the door step and in the basement.

On 8 April 2017, Ms. Qiaoling and Ms. Wenzu were followed by agents as they left home to meet some friends.

On 9 April 2017, Ms. Wenzu was followed by security agents as she took a walk with her parents in the Shijingshan District. Later that day, she was similarly followed by agents as she took her son to the dentist.

On 10 April 2017, police officers of the Daxing District, where Ms. Qiaoling lives, showed up at her place and demanded to inspect the ID cards both of

Ms. Qiaoling and Ms. Wenzu. According to reports received, an officer added that “we need to check the ID card, especially for a pretty lady like this”, referring to Ms. Wenzu. Ms. Qiaoling and Ms. Wenzu refused the request for ID check and for entering the house.

In recent days, a large number of relatives, friends and lawyers have allegedly been warned by different authorities not to get in touch with Ms. Qiaoling and Ms. Wenzu. Some have been told by agents that “it is for sure that we will get Wang Qiaoling and Li Wenzu” and that “they have stepped across the red line.”

We express concern regarding the harassment and surveillance of Ms. Qiaoling and Ms. Wenzu, which appear to have the purpose of intimidating them into ending their legitimate campaign to denounce the detention and prosecution of their human rights lawyer’s husbands. Furthermore, we express our serious concern at the possibility that Ms. Qiaoling and Ms. Wenzu are themselves detained, or subjected to even more serious intimidations and reprisals.

While we do not wish to prejudice the accuracy of these allegations, we would like to draw the attention of your Excellency’s Government to the relevant international norms and standards that are applicable to the issues brought forth by this situation.

In particular, we would like to refer your Excellency’s Government to articles 12 and 19 of the Universal Declaration of Human Rights, largely regarded as reflecting customary international law, which provide for the rights to privacy and freedom of opinion and expression, respectively.

We would like to further 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, also known as the UN Declaration on Human Rights Defenders, which determines that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms (article 1), that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms (article 2), and that everyone has the right to participate in peaceful activities against violations of human rights and fundamental freedoms, as well as to be protected therein (article 12, (1) and (3)).

Similarly, we wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3) including on discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political

activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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 the above-mentioned persons in compliance with international instruments.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on the allegations of close surveillance and harassment currently being conducted against Ms. Qiaoling and Ms. Wenzu, as well as on the authorities responsible for these acts and their motives. In particular, please provide information regarding the measures adopted by your Excellency's Government to ensure that these acts cease.
3. Please provide detailed information on the measures adopted by your Excellency's Government to ensure the rights of freedom of opinion and expression of Ms. Qiaoling and Ms. Wenzu, as well as to guarantee that they can continue their legitimate campaign in favour of the immediate release of their husbands, human-rights-lawyers Li Heping and Wang Quanzhang.
4. Please provide information on the measures adopted by your Excellency's Government to ensure that the rights of other human rights defenders involved in the activism against the "709" crackdown on human rights lawyers are fully respected.

While awaiting a reply, we urge your Excellency's Government to take all necessary measures to ensure that the rights and freedoms of Ms. Qiaoling and Ms. Wenzu are fully respected, and that accountability by the responsible person(s) for these actions is ensured. Further, we request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders

Philip Alston
Special Rapporteur on extreme poverty and human rights

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences