



中华人民共和国常驻联合国日内瓦办事处和瑞士其他国际组织代表团
THE PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA
TO THE UNITED NATIONS OFFICE AT GENEVA AND OTHER
INTERNATIONAL ORGANIZATIONS IN SWITZERLAND

11 Chemin de Surville, 1213 Petit-Lancy

Tel: +41(0)22 879 56 78 Fax: +41(0)22 793 70 14

Email: chinamission_gva@mfa.gov.cn Website: www.china-un.ch

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The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's communication [AL/CHN/21/2025], has the honor to transmit herewith the reply of the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 22 December 2025



Office of the High Commissioner for Human Rights
GENEVA

Receipt is hereby acknowledged of communication No. AL CHN 21/2025 from special procedure mandate holders of the United Nations Human Rights Council, to which the Government of China submits the following reply:

1. After holding a public hearing in accordance with the law, the People's Court of Gande County in Qinghai Province issued a ruling on 6 December 2019 finding Mr. A-Nya Sengdra (阿亚桑扎) guilty of picking quarrels and provoking trouble, for which he was sentenced to 5 years' imprisonment, and of gathering people to disturb public order, for which he was sentenced to 2 years' and 6 months' imprisonment. The Court decided that the prison term would run for 7 years (from 5 September 2018 to 4 September 2025). After the verdict, Mr. Sengdra filed an appeal. After hearing the case in accordance with the law, the Intermediate People's Court of Golog Tibetan Autonomous Prefecture issued a judgment at second instance on 17 June 2020 rejecting the appeal and upholding the original judgment. On 16 July 2020, Mr. Sengdra was referred for enforcement and began serving his sentence in Menyuan Prison, Qinghai Province. While he was serving his sentence, it was discovered that he had committed an offence that had been overlooked in the proceedings. On 1 November 2021, the People's Procuratorate of Maqin County in Qinghai Province charged Mr. Sengdra with theft and filed proceedings with the Maqin County People's Court. After hearing the case in accordance with the law, the Maqin County People's Court issued a judgment on 17 November 2021 finding Mr. Sengdra guilty of theft, for which he was sentenced to 9 months' imprisonment and a fine of 3,000 yuan, in addition to the previous sentence. The decision set the total length of imprisonment at 7 years and 6 months (from 5 September 2018 to 7 February 2026), with a fine of 3,000 yuan. Mr. Sengdra did not file an appeal against the decision.

2. During the investigation of the case, Mr. Sengdra's legitimate rights and interests were fully protected. During the trials at first and second instance, his relatives appointed defence counsel on his behalf. The People's Court tried the case in strict accordance with the law, fully protected all the legitimate procedural rights of Mr. Sengdra and his defence counsel, provided him with an interpreter and arranged for his relatives to attend the proceedings. Mr. Sengdra is currently serving his sentence in Menyuan Prison. He is in good health and his right to medical care is fully guaranteed. His relatives and lawyer have visited him multiple times, and he is not being "held in solitary confinement". He was charged with ordinary criminal offences and was punished in accordance with the law; this has nothing to do with environmental protection matters.

3. Prisons in China attach great importance to the protection of human rights and ensure prisoners' rights to communication and visits in accordance with the law. Under the relevant laws and regulations, prisoners can meet with relatives and guardians and can communicate with others while serving their sentences. The rights of prisoners to life and health are protected in accordance with the law; prisoners receive regular physical examinations, prompt treatment of illnesses and proper medical care.

4. China is a State governed by the rule of law; no place or person is beyond the law. China upholds the principle that all are equal before the law. This means that all organizations and individuals must exercise their powers or rights and perform their duties or obligations in accordance with the Constitution and laws, with no privileges that go beyond those provisions. It also means that all State entities must treat all persons equally in legislative, law enforcement and judicial processes; no preferential or discriminatory treatment is allowed.

There is no agreed definition of the term “human rights defenders” at the intergovernmental level. All people should enjoy the same human rights and fundamental freedoms. “Human rights defenders” should not be regarded as a special group endowed with special rights or placed above the law.

In China, every citizen’s exercise of lawful rights is equally protected under the law. Article 33 (3) of the Constitution of the People’s Republic of China provides that: “The State shall respect and protect human rights.” Article 35 provides that: “Citizens of the People’s Republic of China shall enjoy freedom of speech, the press, assembly, association, procession and demonstration.” At the same time, freedom of speech and assembly and other rights are not unlimited in any country. Article 51 of the Constitution provides that: “Citizens of the People’s Republic of China, in exercising their freedoms and rights, may not infringe upon the interests of the State, of society or of the collective, or upon the lawful freedoms and rights of other citizens.” Some laws in China establish legal liability for speech that harms the interests of the country or of other persons.

The country’s legal provisions apply equally to any person who commits an offence. No one is allowed privileges that transcend the law. Some individuals claiming to be so-called “human rights defenders” have been detained, arrested and even prosecuted and put on trial, not because of their status but because they committed violations of Chinese law and transgressed the bounds of the law. Such individuals’ illegal and criminal acts have been dealt with in accordance with the law. This fully reflects the rule of law principle that all are equal before the law, in accordance with the letter and the spirit of relevant United Nations treaties.

联合国人权理事会特别机制 AL/CHN/21/2025 号来文收悉，中国政府答复如下：

一、青海省甘德县人民法院经依法公开开庭审理，于 2019 年 12 月 6 日作出裁决，认定阿亚桑扎犯寻衅滋事罪，判处有期徒刑 5 年；犯聚众扰乱社会秩序罪，判处有期徒刑 2 年 6 个月，决定执行有期徒刑 7 年（刑期自 2018 年 9 月 5 日至 2025 年 9 月 4 日）。宣判后，阿亚桑扎提出上诉。果洛藏族自治州中级人民法院经依法审理，于 2020 年 6 月 17 日作出二审裁定，驳回上诉，维持原判。2020 年 7 月 16 日，阿亚桑扎被交付执行，在青海省门源监狱服刑。服刑期间，阿亚桑扎被发现漏罪。青海省玛沁县人民检察院于 2021 年 11 月 1 日指控阿亚桑扎犯盗窃罪，向玛沁县人民法院提起公诉。玛沁县人民法院经依法审理，于 2021 年 11 月 17 日作出判决，认定阿亚桑扎犯盗窃罪，判处有期徒刑 9 个月，并处罚金人民币 3000 元，与前罪并罚，决定执行有期徒刑 7 年 6 个月，并处罚金人民币 3000 元（刑期自 2018 年 9 月 5 日至 2026 年 2 月 7 日）。宣判后，阿亚桑扎未提出上诉。

二、案件侦办过程中，阿亚桑扎合法权益得到充分保障。一审、二审期间，阿亚桑扎的亲属为其委托了辩护律师。人民法院严格依法审理案件，充分保障了阿亚桑扎及其辩护人依法享有的各项诉讼权利，为阿亚桑扎提供了翻译，安排其亲属旁听了庭审。目前，阿亚桑扎在门源监狱服刑。阿亚桑扎身体状况良好，就医权益得到充分保障，其家属及律师多次探视，不存在所谓“被单独监禁”的情况。阿亚桑扎系普通刑事犯罪，被依法打击处理，与环保事项无关。

三、中方监狱高度重视人权保障，依法保护罪犯通信会见权利，按照相关法律规定，罪犯在监狱服刑期间可以会见亲属、监护人，可以与他人通信；依法保障罪犯生命健康权，对罪犯定期进行体检，生病及时进行救治，给予充分医疗保

障。

四、中国是法治国家，没有法外之地、法外之人。中国坚持法律面前人人平等，这既要求任何组织和个人都必须依照宪法法律行使权力或权利、履行职责或义务，都不得有超越宪法法律的特权；又要求所有国家机关在立法、执法、司法过程中都必须平等对待所有人，不允许进行偏袒或歧视性的差别对待。

“人权卫士”在国际上缺乏明确统一、经政府间谈判形成的定义。所有人都应享受同等人权和基本自由，不应将“人权卫士”视为特殊群体，给予其特殊权利或凌驾于法律之上。

在中国，每一位公民行使合法权利都会得到依法平等保护。《中华人民共和国宪法》第三十三条第三款规定：“国家尊重和保障人权”，第三十五条规定：“中华人民共和国公民有言论、出版、集会、结社、游行、示威的自由”。同时，任何国家的言论、集会自由等都不是无限制的。《中华人民共和国宪法》第五十一条还规定：“中华人民共和国公民在行使自由和权利的时候，不得损害国家的、社会的、集体的利益和其他公民的合法的自由和权利”。中国的一些法律对损害国家和他人利益的言论的行为，规定了相应的法律责任。

中国法律规定，对任何人违法犯罪，在适用法律上一律平等，不允许任何人有超越法律的特权。一些打着所谓“人权卫士”旗号的人，之所以被拘留、逮捕甚至起诉、审判，并不是因为其身份，而是因为其实施了违反中国法律的行为，触碰了法律的底线。对这些人的违法犯罪行为依法处理，充分体现了法律面前人人平等的法治原则，符合联合国有关公约的规定和精神。