

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**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 Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.**

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) Health (2002-7) G/SO 214 (107-9) G/SO 214 (53-24)  
CHN 2/2014

4 March 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 16/4, 24/5, 24/6, 16/5, and 16/23.

In this connection, we would like to bring to your Excellency's Government's attention new information we have received concerning **the deteriorating health of Ms. Cao Shunli while in detention.**

Ms. Cao Shunli is a high-profile human rights defender who works on increasing citizen input to the People's Republic of China's Universal Periodic Review (UPR) preparations.

It has been alleged that, as a result of her efforts to encourage greater civil society participation in the UPR process, Ms. Cao Shunli has been harassed, interrogated and detained on numerous occasions.

Ms. Cao Shunli was previously the subject of an urgent appeal sent to your Excellency's Government on 17 July 2013, the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Chair-Rapporteur of the Working Group on Enforced or

Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in relation to the alleged disappearance of a group of individuals following their participation in a peaceful protest. We thank your Excellency's Government for the reply received on 23 September 2013.

Ms. Cao Shunli was again the subject of an urgent appeal on 1 October 2013 sent by the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders concerning her alleged disappearance as she attempted to attend a training seminar in Geneva. We thank your Excellency's Government for the reply received on 7 January 2014.

Ms. Cao Shunli was again the subject of an urgent appeal on 14 November 2013 sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment defenders, concerning her poor state of health while in detention. We thank your Excellency's Government for the reply received on 24 January 2014.

According to the new information received:

We note in the reply of your Excellency's Government on 24 January 2014 that Ms. Cao had been charged of the crime of provocation and that her case had been referred to the People's Prosecutor, Chao Yang District, Beijing Municipality "for further review and prosecution".

We also take note of the assurance from your Excellency's Government in the same reply that Ms. Cao had "access to medical care as provided by the detention centre" and that according to a medical assessment by a doctor "no serious liver disease was diagnosed". However, according to the information we have received, Ms. Cao suffers from a liver disorder. Furthermore, Ms. Cao's health has progressively deteriorated since she was detained at the Chaoyang District Detention Centre on 14 September 2013. Our information also confirms that Ms. Cao was refused medical treatment and that her medication for her liver condition was taken away from her.

On 18 November 2013, Ms. Cao had a medical exam conducted at the request of her lawyer. This exam confirmed that she had tuberculosis in both of her lungs, liver effusion and uterine myomas and cysts. Following this medical exam, her lawyer applied for medical parole several times. However, this request was allegedly denied orally by the detention centre.

On 19 February 2014, Ms. Cao Shunli was admitted to the Qinghe 999 Emergency Medical Centre in Beijing. The following day, Ms. Cao was transferred to the 309 Military Hospital for specialized treatment. According to the information we have received, Ms. Cao's condition is extremely critical and that it is feared that she will die within the next days. She is currently on life support and her organs are reportedly failing.

On 21 February 2014, according to the information we have received, at least three of Ms. Cao's friends who attempted to visit her at the hospital were detained on the suspicion of "gathering a crowd to disturb the order of official business". These persons are allegedly currently still in detention.

We are dismayed at allegations received indicating that Ms. Cao Shunli's detention and subsequent deteriorating health may be related to her legitimate and peaceful work on the People's Republic of China's UPR, including advocacy about civil society participation in the process. Grave concern is expressed at the fact that the high-profile nature of this case may deter human rights defenders from carrying out their peaceful and legitimate work, both in the exercise of their right to peaceful assembly and in their endeavours to co-operate with the UN's work on human rights. Further grave concern is expressed at the allegations of the denial of critical medical treatment to Ms. Cao, which has had a deleterious effect on her health condition.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Ms. Cao Shunli, her friends is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights.

We would like to refer your Excellency's Government to article 19 of the Universal Declaration of Human Rights which provides that "[e]veryone 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."

Similarly, we would also to refer to article 20 of the Universal Declaration of Human Rights, which provides that "[e]veryone has the right to freedom of peaceful assembly and association."

We would like to further refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In this connection, we would like to also 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 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 also wish to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which, inter alia, “condemns all acts of intimidation on reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (OP 2) and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...)” (OP 3).

With respect to the allegations of the denial of medical treatment to Ms. Cao, we would like to recall that this right is reflected, inter alia, in article 12 of the International Covenant on Economic, Social and Cultural Rights (ratified on 27 March 2001), which provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This includes an obligation on the part of all State parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination.

We wish to refer your Excellency's Government to General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, which provides that States are under the obligation to respect the right to health by, inter alia, refraining from interfering directly or indirectly with the enjoyment of the right to health, from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum seekers and illegal migrants, to preventative, curative and palliative health services, and from enforcing discriminatory practices as a State policy (para.34).

We would also like to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, "(s)ick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. Furthermore, rule 25(1) provides that, "(t)he medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed" (approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977).

We also refer your Excellency's Government to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173, which states that: "A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge" (Principle 24).

Furthermore, we would also wish to refer to the Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, according to which "Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation" (Principle 9).

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 Ms. Cao Shunli in compliance with the above international instruments.

Moreover, since 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 cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Please urgently provide information about the state of health of Ms. Cao Shunli, as well as details of her access to independent medical professionals, independent legal representation and family members.

2. Please provide information on steps taken by your Excellency's Government to ensure Ms. Cao Shunli's enjoyment of her right to the highest attainable standard of health, including access to medical treatment.

3. Please provide further details of the criminal charge against Ms. Cao and indicate whether or not her case has been adjudicated by a judicial authority. If so, please provide information on the processes and outcomes of the adjudication, as well as the procedural guarantees afforded to Ms. Cao.

4. Please provide the names of Ms. Cao's friends who have been reportedly taken into custody after they visited Ms. Cao at the hospital. Please provide information concerning the legal grounds for their detention and interrogation, and also indicate how these measures are compatible with international norms and standards.

5. Please explain what measures have been taken to ensure that all human rights defenders in the People's Republic of China, in particular those working on the UPR process in co-operation with the United Nations and its mechanisms, can carry out their peaceful and legitimate activities without fear of reprisals or any undue restrictions.

We undertake to ensure that your Excellency's Government's response will be available in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Cao Shunli 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.

Given the seriousness and urgency of the allegations, we would like to inform your Excellency's Government that we might consider issuing a press release on the issues contained herein.

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

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

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

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of  
association

Anand Grover  
Special Rapporteur on the right of everyone to the enjoyment of the highest  
attainable standard of physical and mental health

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment