

Mandates of the Special Rapporteur on the situation of human rights defenders; 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 and the Special Rapporteur on the independence of judges and lawyers

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(Please use this reference in your reply)

7 January 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; 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 and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 52/4, 60/8, 52/9, 59/4 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **arrest and detention pending trial of human rights defenders and pro-democracy activists Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan who were arrested on 8 September 2021, along with other pro-democracy activists, and charged under the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("National Security Law")**. Since then, they have reportedly been subjected to conditions of detention contrary to international law and standards, including solitary detention in retaliation for their activities. Their requests for bail have been systematically denied, and the date of their trial has been repeatedly postponed.

Concerns about the National Security Law in the Government of the Hong Kong Special Administrative Region (HKSAR), the interference with the legal profession and its misuse against human rights defenders and pro-democracy activists, have been raised in several previous communications sent by Special Procedures to your Excellency's Government, including our communications dated 19 June 2020 (CHN 13/2020), 1 September 2021 (CHN 17/2020), 6 April 2023 (CHN 2/2023) and 6 September 2025 (CHN 20/2025).

The arrest and detention of Chow Hang-Tung have been addressed in an Urgent Appeal dated 24 September 2021 (CHN 10/2021), and on 1 May 2023, the Working Group on Arbitrary Detention found her deprivation of liberty to be arbitrary (A/HRC/WGAD/2023/30).

Ms. **Chow Hang-Tung** and Mr. **Lee Cheuk-Yan** are human rights defenders and democracy activists in Hong Kong. They were both members of the Hong Kong Alliance in Support of Patriotic Democratic Movement of China (the Hong Kong Alliance), a pro-democracy civil society organisation founded in 1989 after the events, protests and crackdown in and around Tiananmen Square. Until its dissolution in 2021, the mission of the Hong Kong Alliance encompassed advocating for democratic reforms in China, demanding accountability for the repression of the 1989 pro-

democracy movement and remembrance of its victims, advocating for the release of political dissidents in mainland China, and organising an annual candlelight vigil in memory of the Tiananmen victims.

Chow Hang-Tung is a lawyer and served as the vice-chairperson Hong Kong Alliance from 2016 until her arrest in September 2021. As an activist and barrister, she has advocated for labour rights, supported human rights defenders in mainland China and defended Hong Kong activists targeted under the National Security Law. In addition to the current detention, she was reportedly jailed for a total of 22 months for joining a peaceful candlelight vigil commemorating the Tiananmen crackdown in 2020 and publishing a social media post encouraging people to commemorate the Tiananmen crackdown in 2021.

Lee Cheuk-Yan is a legislator, labour and pro-democracy activist who served as the chairperson of the Hong Kong Alliance for two terms, until his arrest in September 2021. He also served as the General Secretary of the Hong Kong Confederation of Trade Unions for more than 30 years, representing at its peak 190'000 members from 95 affiliated unions. In addition to the current detention, Lee reportedly served a total of 20 months in prison for peacefully participating in protests in 2019 and for taking part in a vigil commemorating the Tiananmen crackdown in 2020.

According to the information received:

On 8 September 2021, Ms. Chow and Mr. Lee were arrested in their offices by the National Security Unit of the Hong Kong Police. Ms. Chow livestreamed the police entry into the offices. Several other standing committee members of the Alliance were also arrested.

On 9 September 2021, the Hong Kong justice secretary charged the Hong Kong Alliance, Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan with “inciting subversion of state power” under articles 22 and 23 of the National Security Law.

On 10 September 2021, Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan appeared for a bail hearing in the West Kowloon Magistrates’ Court. They pleaded not guilty of acts “inciting subversion of state power”. They were denied bail.

On 25 September 2021, the Hong Kong Alliance was disbanded after a vote of its member during a special general meeting.

On 6 December 2022, the High Court denied Mr. Lee Cheuk-Yan’s application for bail review, ruling that there were insufficient grounds to believe that he would not continue to engage in acts endangering national security if granted bail.

On 21 December 2023, the High Court denied Ms. Chow Hang-Tung’s application for bail review, ruling that there were insufficient grounds to believe that she would not continue to endanger national security if granted bail. Prior

to this decision, the Magistrate's Court has repeatedly rejected Ms. Hang Tung's bail applications for over ten times.

On 28 August 2024, after nearly 3 years of detention pending trial, the High Court scheduled the trial to commence in May 2025. The starting date of the trial was then postponed to November 2025, and subsequently to 22 January 2026.

On 3 November 2025, the High Court rejected Ms. Chow Hang-Tung's application to terminate the prosecution. Ms. Chow, representing herself, argued that the indictment failed to specify what "unlawful means" she allegedly employed, rendering the charge impermissibly vague. The prosecution argued that "unlawful means" referred to any acts aimed at ending the Chinese Communist Party's leadership, which would contravene China's constitution, ruling that whether the defendants committed the alleged acts would be determined at trial. Written reasons are to be provided on 21 January 2026, one day before her trial is scheduled to begin.

According to the information received, during her detention, Ms. Chow Hang-Tung has not been provided with regular access to a computer or library to prepare for her defence. She has also been prohibited by the Correctional Services Department to receive certain books, including one about the Tiananmen crackdown, on the grounds that they could "provoke anti-authority sentiment".

Ms. Chow has filed a judicial review lawsuit against the Correctional Services Department, challenging the policy requiring women to wear long trousers during summers, while men are allowed to wear shorts.

Ms. Chow has been reportedly repeatedly subjected to solitary confinement. In a letter posted on her social media, she disclosed that in 2023 alone, she spent a total of 82 days in solitary confinement. The periods of solitary confinement reportedly followed her actions or public expressions of opinion, such as issuing a statement for the acceptance for CCBE Human Rights Award in 2023, writing a letter reflecting on her nomination for 2025 Nobel Peace Prize or engaging in a hunger-strike to commemorate the Tiananmen crackdown.

Reports suggest that, as of June 2025, approximately 189 individuals have been charged under national security-related provisions in Hong Kong. Of the cases concluded, sources estimate that about 85% of them were involved in conduct amounting to legitimate expression that should not have been criminalized under international human rights law. Moreover, the average length of pretrial detention in national security cases is reportedly 11 months.

While we do not wish to prejudge the accuracy of these allegations, we express our utmost concern at the arrest, prosecution, ongoing pre-trial detention and conditions of detention of Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan. It appears that they are being targeted because of the expression of their political opinions, legitimate human rights work and pro-democracy activities, in blatant violation of their human rights, including their rights to freedom of peaceful assembly and freedom of expression as enshrined in articles 19 and 20(1) of the Universal Declaration of Human Rights and

articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR). Moreover, the arrest, charge and detention of Ms. Chow and Mr. Lee appear to be inconsistent with 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, (UN Declaration on Human Rights Defenders), in particular with articles 1, 2 and 12.

We hereby reiterate our utmost concerns regarding the National Security Law, and its impact on the freedom of expression, peaceful assembly and association of the population of Hong Kong, with special attention to human rights defenders and pro-democracy activists. As addressed in our communications of 19 June 2020 (CHN 13/2020), 1 September 2021 (CHN 17/2020), 6 April 2023 (CHN 2/2023) and 6 September 2025 (CHN 20/2025), we are seriously concerned that the Law's provisions are not fully in line with international human rights law, in particular with the obligations arising from the International Covenant on Civil and Political Rights. We also express concern that a lack of a precise definition for what types of conduct qualify as seriously endangering national security may result in the undue limiting or infringement of fundamental freedoms.

We express further concerns about the reported high number of individuals charged under national security related provisions in Hong Kong, in relation to conduct amounting to legitimate expression. This trend raises serious concerns regarding compliance with articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which protect freedom of expression and association, as well as the principle of legality under article 15 of the ICCPR.

In the present case, we are deeply concerned that Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan are being charged of "inciting subversion of state power" under articles 22 and 23 of the National Security Law, without any clear definition or evidence of such acts.

We refer to your letter dated 22 December 2021 in response to our urgent appeal of 24 September 2021 (CHN 10/2021) concerning the arrest and detention of Ms. Chow Hang-Tung. In your reply, you emphasized that freedoms of expression and of association are not absolute, and that judges should proceed to a four-step proportionality test when applying the Hong Kong National Security Law in order to assess whether a restriction to those freedoms is proportionate to the goal of the law and public interest at stake, namely national security. You refer to the 2016 Final Appeal case of *Hysan Development Co Ltd and Town Planning Board*, in which it was held that a restriction must (a) pursue a legitimate aim; (b) be rationally connected to that legitimate aim; (c) be no more than is necessary to accomplish that legitimate aim; and (d) that a reasonable balance has to be struck between the societal benefits of the encroachment and the inroads made into the constitutionally guaranteed rights of the individual, asking in particular whether pursuit of the societal interest results in an unacceptably harsh burden.

In this respect, we are particularly concerned that there is no reasonable balance between the societal benefits sought in the present case and the infringement of the rights of Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan. The allegation that Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan have been detained pending trial for over

50 months is particularly alarming. This duration far exceeds any reasonable proportionality threshold, especially taking into account that the average length of pretrial detention in national security cases is reportedly 11 months. Such prolonged pretrial detention raises serious concerns regarding the right to a fair trial and equality before the law. This duration appears to violate the requirement to be brought promptly before a judge and stand trial within a reasonable time, as required under article 9(3) ICCPR and rule 6 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

Furthermore, we raise our concerns regarding the conditions of detention of Ms. Chow Hang-Tung. The allegation that she was denied access to a computer to prepare her own defence raises concerns about her right to adequate time and facilities for the preparation of her defence, as enshrined in article 14(3)(b) ICCPR.

The allegation that she was denied access to certain books also raises concerns about her right to freedom of opinion and expression, which includes the right to seek and receive information of all kind, as enshrined in article 19(2) ICCPR. Importantly, the allegation that she was regularly kept in solitary confinement, in apparent retaliation for her actions or public expressions raises our utmost concerns regarding her freedom of opinion and expression, as protected under article 19 of the UDHR and ICCPR. Such repeated periods of solitary confinement may amount to torture, cruel, inhuman or degrading treatment, in violation of the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the Convention Against Torture as well as the Nelson Mandela Rules.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please clarify what are the specific legal grounds for the arrest, detention and prosecution of Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan, and explain whether and how their detention is compatible with international human rights law, including the requirements of legality, necessity and proportionality for any restriction to the right to freedom of expression, as detailed above and in the attached Annex.
3. Please explain how Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan's activities may amount to "inciting subversion of state power", clarifying also which are the "unlawful means" alleged, under articles 22 and 23 of the National Security Law, and how such charges may comply with their human rights, including their freedom of opinion and expression and their rights as human rights defenders, as protected under the United

Nations Declaration on Human Rights Defenders among other instruments of international law.

4. Please clarify what measures have been taken to guarantee Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan's prompt and effective access to justice, in accordance with applicable international human rights standards,. In particular, please explain whether Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan have been brought promptly before a judge and stand trial within a reasonable time, as required under article 9(3) ICCPR and Rule 6 of the Nelson Mandela Rules. Please also specify the facilities provided to allow them to prepare for trial.
5. Please explain how the conditions of detention of Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan comply with international law and standards on detention, in particular the ICCPR and the Nelson Mandela Rules, including the alleged lack of access to computers in order to prepare their defense, the refusal of access to certain books, and the repeated period of solitary detention following the public expression of Ms. Chow Hang-Tung's opinions in line with international standards.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We urge your Excellency's Government to ensure a prompt review of the cases of Ms. Chow Hang-Tung and Mr. Lee Cheuk-Yan by criminal authorities or a fair and impartial court, in line with international human rights law and standards, and to ensure their prompt release from prison and the dismissal of the charges if these are proven to be unsubstantiated.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Matthew Gillett
Vice-Chair of the Working Group on Arbitrary Detention

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the right to freedom of opinion and expression as set forth in article 19 of the Universal Declaration of Human Rights (UDHR) and article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which China signed on 5 October 1998. We take note that regarding the application of the ICCPR to Hong Kong, China notified the Secretary General that the Covenant will also apply to the Hong Kong Special Administrative Region.

Additionally, we would like to refer your Excellency's Government to articles 9 and 14 of ICCPR, which provide for the rights to liberty and security of the person, not to be subjected to arbitrary arrest or detention, to be promptly informed of the reasons for the arrest and of any charges against him or her, to be brought promptly before a judge, to a fair trial within a reasonable time.

Article 19 of the ICCPR guarantees the right to freedom of opinion without interference and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para.11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para.23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para.23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (ordre public), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat”. In any case, restrictions

must always be “the least intrusive instrument among those which might achieve their protective function” (paras. 34 and 35).

Regarding the allegations of arbitrary detention, article 9 of the ICCPR states that no one shall be subjected to arbitrary arrest or detention or deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. As interpreted by the Human Rights Committee, the notion of "arbitrariness" should not be equated with "against the law", but should be interpreted more broadly to include considerations of inappropriateness, injustice, unpredictability and due process, as well as considerations of reasonableness, necessity and proportionality (CCPR/C/GC/35, para.12).

In its [general comment No. 35](#), the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), or on discriminatory grounds, in violation of article 2, paragraph 1, article 3 or article 26, are in principle arbitrary.

In addition, the Working Group on Arbitrary Detention has established in its jurisprudence that preventive deprivation of liberty, as a precautionary and non-punitive measure, must also comply with the principles of legality, necessity and proportionality to the extent strictly necessary in a democratic society. It may only proceed in accordance with the limits strictly necessary to ensure that the efficient development of investigations is not impeded, and justice is not evaded, and provided that the competent authority substantiates and accredits the existence of the aforementioned requirements.

We also recall that article 14 of the ICCPR establishes essential principles regarding the independence and impartiality of the judiciary, which the Human Rights Committee has affirmed as absolute rights, immune from restriction (CCPR/C/GC/32, para.19). In its [general comment No. 32](#) (2007) on article 14, the Committee further emphasized that the right to equality before courts and tribunals, along with the right to a fair trial, is fundamental to the protection of human rights and integral to upholding the rule of law (CCPR/C/GC/32, para.2). Under article 14, all individuals are entitled to be treated equally before competent, independent, and impartial courts and tribunals, and to the presumption of innocence. Moreover, specific guarantees include the right to a fair and public hearing, the right to defend oneself in person or through legal assistance. These fair trial guarantees are inviolable and must remain unaffected by any derogatory measures that would compromise the protection of non-derogable rights (CCPR/C/GC/32, para.6). The Human Rights Committee has underscored that States must enact concrete measures to ensure judicial independence, free from any political influence from the executive or legislative branches. This independence is vital to preserving the integrity of judicial processes and ensuring just outcomes.

Finally, we would also like to refer to 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 (commonly known as the Declaration on Human Rights Defenders) reaffirms already existing human rights and fundamental freedoms and frames them in a way relevant to the legitimate work of human rights defenders:

- article 1 provides that everyone has the right to promote and strive for the protection of human rights and fundamental freedoms;
- article 2 states that each State has a primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms;
- article 5 affirms the right to meet or assemble peacefully;
- article 6 states that everyone has the right to know, seek, obtain and receive and hold information about human rights and fundamental freedoms and freely to publish, impart or disseminate to others views, information and knowledge;
- article 8 refers to the right to submit to governmental bodies and agencies concerned with public affairs criticism and proposals for improving their functioning; and
- article 12 states that everyone has the right to participate in peaceful activities against violations of human rights and fundamental freedoms and that the State shall take all necessary measures to ensure the protection of everyone 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 those rights.