

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: AL CHN 1/2026
(Please use this reference in your reply)

29 January 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 52/4, 52/9, 60/10 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged arbitrary detention of and denial of access to medical treatment for woman human rights defender Yang Li**.

Yang Li is a land rights defender from Jintan District, Changzhou City, Jiangsu Province. Since 2009, she has been advocating against allegedly unlawful land requisition and crop clearance carried out by the district authorities. In 2014, Yang Li's family's farmland was used by the authorities without their consent and trees on the land were also destroyed. Since then, she has led efforts to seek redress for her family and other farmers in the area affected by the land requisition and crop clearance. She has previously been detained for these efforts, including in 2014 when she advocated against the destruction of a public access road and was subsequently subjected to administrative detention for 10 days for "obstructing official duties". Her mother has also previously been detained with her and criminalized for her advocacy to seek redress for their family and wider community regarding land requisition and crop destruction. [REDACTED].

According to the information received:

On 13 February 2023, Yang Li and her mother [REDACTED], travelled together to Peking University First Hospital for medical treatment. On their way, they went to the National Public Complaints and Proposals Administration in Beijing to file a petition against the land requisition. Two days later, they were reportedly prevented from receiving medical treatment at the hospital and were abducted by police officers from the Jintan Branch of the Changzhou Public Security Bureau and forcibly taken back to Jiangsu. No identification or legal documents were presented by the officers.

Between March 2023 and July 2024, Yang Li and her mother made various other attempts to travel to Beijing to receive medical treatment and file petitions,

however they were reportedly followed by plainclothes officers each time, and abducted, physically assaulted and allegedly arbitrarily detained. Yang Li was allegedly arbitrarily detained in administrative detention by the Jintan Branch of the Changzhou Municipal Public Security Bureau on 17 September 2023, 18 April 2024, and June 2024, each time for a 10-day period for “disturbing order in a public place”.

On 14 September 2023, Yang Li’s family received information from the Secretary of the Jintan District Party Committee that the orders to remove Yang Li and her mother and prevent them from receiving medical treatment were received from the Director of the Jiangsu Provincial Petition Bureau and the Secretary of the Changzhou Municipal Party Committee. He also reportedly warned that the entire family would be placed on a “key individuals” list to prevent them from travelling to Beijing. The same night, the Deputy Director of the Jintan Branch of the Changzhou Public Security Bureau phoned a family member of Yang Li and reportedly warned them to persuade Yang Li and her mother to cease petitioning in Beijing, threatening that they would face imprisonment if they continued.

On 7 March 2024, whilst in Beijing, Yang Li was reportedly physically assaulted by masked officers from the Jintan Public Security Bureau, who repeatedly struck her head and chest, causing her to lose consciousness.

On 15 October 2024, Yang Li travelled to Beijing. At Tiananmen Square, she publicly protested the criminal detention of her mother, which had occurred two days prior, and the denial of medical care for both her and her mother over a number of years. At around midday, Beijing police detained Yang Li during her protest and brought her to the Jiujiangzhuang Relief Centre, a facility that is often misused by public security officers to detain and transfer individuals attempting to file petitions. There, she was made to hand over her phone, ID and any personal belongings and detained for two days.

On 16 October 2024, six plainclothes individuals, who did not present any identification but are believed to have been working for the Jintan District People’s Government’s office in Beijing, forcibly took Yang Li from the Jiujiangzhuang Relief Centre to Binhu Police Station in Jintan.

On 18 October 2024, Yang Li was released from Binhu Police Station and returned home.

On the morning of 19 October 2024, Yang Li was reportedly intentionally misled by plainclothes individuals to leave her home, following which her family lost contact with her. That evening, Yang Li’s family was informed that she had been subjected to a forced summons at the Binhu Police Station.

On 20 October 2024, Yang Li was placed in criminal detention by the Jintan Branch of the Changzhou Municipal Public Security Bureau on the charge of “picking quarrels and provoking trouble”, and transferred to Changzhou Detention Centre.

On 8 November 2024, Yang Li was physically assaulted by her cellmates. The officer responsible for her cell reportedly told Yang Li that she would not intervene to prevent others from beating her. Following the assault, Yang Li was made to wear leg irons weighing approximately 7.5 kilograms and handcuffs for three consecutive days and nights. In protest, Yang Li went on hunger strike for four days, during which she was subjected to forced nasal feeding for four days. The handcuffs were removed following this, yet she remained shackled with leg irons for an additional 15 days. During this period, the leg irons were fixed to the same point on the floor, restricting her movement.

On 26 November 2024, Yang Li was formally arrested by the Jintan District People's Protectorate and accused of "disrupting the work order of state organs".

In early December 2024, Yang Li was interrogated by a police officer, during which her mouth was covered, her cheeks were squeezed and her arms were forcibly pulled backwards. As a result, Yang Li suffered bleeding in her mouth, facial swelling and bruising on her arms. Her request to the Detention Centre for an official injury examination was denied.

On 12 December 2024, Yang Li was permitted to meet her lawyer for the first time since she was arrested. The meeting was reportedly conducted under surveillance, preventing Yang Li and her lawyer from meeting privately.

On 31 December 2024, Yang Li's family were informed that her [REDACTED] had worsened and that she had developed severe [REDACTED], and for the first time was experiencing [REDACTED].

In January 2025, Yang Li went on a one-week hunger strike to protest the shackling of her hands and feet. On the fourth day of her hunger strike, she was reportedly subjected to forced feeding. Officials at Changzhou Detention Centre reportedly blocked all external communication with Yang Li and concealed her condition.

By May 2025, Yang Li's [REDACTED]. A doctor at the Detention Centre had reportedly warned repeatedly that her condition was critical and incompatible with detention, however her release was refused, with officials at the centre citing "lack of leadership approval". Yang Li disputed the denial of medical care with the resident procurator, and as a result of which was placed in solitary confinement in a "black cell" of approximately 2sqm. This prompted Yang Li to go on hunger strike once again for a period of 12 days, during the entirety of which she was subjected to forced nasal feeding. She was also reportedly doused with cold water, denied access to clean clothing for extended periods and was made to eat, drink and urinate within the one small cell. In total, Yang Li was held in solitary confinement for one month.

On 12 September 2025, Yang Li was convicted by the People's Court of Jintan District, Changzhou City and sentenced to 15 months imprisonment on the charge of “disrupting the work order of state organs”. The conviction was reportedly based on testimonies from police officers and government officials.

On 7 November 2025, the conviction of Yang Li was upheld on appeal by the Intermediate People's Court of Changzhou City, Jiangsu Province.

On 26 November 2025, Yang Li’s parents visited her at Changzhou City Detention Centre, with the Director and Deputy Director of the Detention Centre’s Medical Office present, as well as the Deputy Director of the Detention Centre present for the visit. During the meeting, Yang Li recounted that she had not received any medical treatment except for basic examinations, and that her long-term prescription medication had been discontinued. She also recounted that she had been subjected to forced-feeding, placed in solitary confinement and shackled by both her hands and feet. Yang Li stated that her health has deteriorated to the point where she now requires [REDACTED] yet the Detention Centre refuses to arrange her transfer to hospital for the necessary medical treatment. The Deputy Director of the Detention Centre reportedly acknowledged that her current medical condition made Yang Li unfit for detention, and confirmed that the leadership of the Centre had repeatedly proposed modifying her detention conditions, but that these proposals had been denied by higher-level authorities. The Deputy Director also reportedly confirmed that the Detention Centre had not received official authorization to transfer Yang Li to a hospital for treatment. The Director of the Medical Office of the Detention Centre reportedly admitted that as consequence for Yang Li’s protests against the treatment she had been subjected to, the doctor had personally ordered that Yang Li stop receiving the meals that had been prescribed for her in line with her medical condition.

On 18 December 2025, Yang Li was medically examined, with the results showing that [REDACTED]. The Deputy Director of the Medical Office at the Centre reportedly warned that if she did not receive urgent medical treatment, there was a serious risk of inducing [REDACTED]. Whilst detained, a hospital had reportedly issued written documentation to confirm that her [REDACTED] had significantly worsened. Based on this, the Deputy Director of the Detention Centre reportedly made three visits to the authorities with oversight of Yang Li’s case - the public security bureau, the court and the procuratorate – to make them aware of the hospital’s documentation and request a change in the custodial measures. The requests were denied by the authorities.

On 28 December 2025, a close family member of Yang Li who lives abroad and has been advocating for, and publicly sharing information on, her case was made aware that their phone number had been flagged within Chinese systems as a fraudulent number, rendering them unable to call phone numbers within China. The family member confirmed with their phone provider in their current country of residence that it was not a malfunction. This has significantly complicated Yang Li’s ability to contact her family member, thereby restricting the flow of information on her situation to the outside world.

On 29 December 2025, officials from the Detention Centre informed Yang Li's family that [REDACTED]. They stated that she would require immediate emergency hospitalization to save her life upon her scheduled release the following day, on completion of her sentence. Meanwhile, Yang Li's mother was in critical condition in hospital, recovering from a [REDACTED] [REDACTED] she had suffered on 23 December 2025.

On 30 December 2025, the day of Yang Li's scheduled release from prison, her family were not provided any information regarding her release. Upon checking footage from security cameras outside their home, her family could see that earlier in the day there had been several vehicles parked on a nearby road and multiple uniformed police officers around the house. The vehicles remained parked outside the house for a prolonged period of time. A family member of Yang Li's made this information public, and approximately 30 minutes later the vehicles left the area covered by the security camera. Following this, the family contacted the Director of Binhu Police Station, who informed them that Yang Li was being detained at the station. In response to the family's request for immediate medical treatment to be arranged, the Director reportedly responded that Yang Li had not requested this herself.

On 31 December 2025, 24 hours following Yang Li's scheduled release, she remained detained in Binhu Police Station. She was permitted to briefly speak to her family on the phone. Her condition has progressed to [REDACTED] and she is also suffering a number of other illnesses. Despite having repeatedly requested medical care, she received no response, and is closely monitored at all times by two male officers. She has reportedly not received any information or indication as to the reason for her continued detention.

On 1 January 2026, the authorities at Binhu Police Station reportedly informed Yang Li that she should leave the facility. However, due to her extremely weak condition, Yang Li unable to move by herself and therefore would require support to leave the station. Yang Li phoned the Party Secretary of Jintan District to seek help, who reportedly responded that the police should arrange medical treatment. When Yang Li informed the head of Binhu Police Station about this conversation, he reportedly stated that he had not received any instructions to arrange medical care. From her cell, Yang Li attempted to address the security cameras, detailing the denial of medical care she was being subjected to. In response to this, the security cameras were reportedly changed and she was physically restrained by the officers.

On 3 January 2026, the head of Binhu Police Station phoned emergency medical personnel. However, they only informed Yang Li that she was at risk of dying from [REDACTED] leading to [REDACTED], but did not provide any medical treatment.

On 4 January 2026, Yang Li's father went to Binhu Police Station to attempt to bring her home. At the station, a police squad leader reportedly told him that they would wait for Yang Li to die, and that he and her mother would die in a number of years too, and that once all of them had died, the government would confiscate all the family's land. Yang Li was eventually released from the

station and allowed to return home with her father. Later that day, she was able to receive medical treatment.

On 7 January 2026, Yang Li and her family were informed by hospital staff that her mother required transfer to a more advanced medical facility due to her deteriorating condition. Yang Li's father was unable to access his savings to pay for the transfer, as they had reportedly been seized by the local government as a result of a case of fraud committed by a bank branch employee. To attempt to gain access to the savings and resolve the issue, Yang Li and her father went to the Jintan District Government to report the problem and inform them of the need to access the funds for medical treatment. As they approached the building however, they were blocked by police and reportedly taken to the Jintan Law Enforcement Case Handling Management Centre. The police did not provide a legal basis or explanation for their detention. Both Yang Li and her father were restrained for a prolonged period of time on chairs, both their hands and feet restricted, whilst they were questioned by officers. Both refused to give statements. The officers reportedly played songs praising the Chinese Communist Party close to their ears for extended periods of time. Yang Li's phone was seized by the officers, who reportedly cited the charge of "disrupting the order of a work unit" as the reason for the seizure. All of Yang Li's information regarding her medical treatment and appointments was stored on her mobile phone. After a number of hours of being allegedly arbitrarily detained at the Centre, Yang Li and her father were returned home.

On 9 January 2026, to protest the continued seizure of her mobile phone, Yang Li attempted to dismantle a surveillance post staffed with security personnel that has been operating since March 2023, reportedly to monitor Yang Li and her family. Individual officers stationed at the post have reportedly indicated to the family that conversations inside their home are monitored by the authorities. Yang Li had attempted to dismantle the structure of the post with agricultural tools, before being intercepted and detained by police, and taken to the Jintan Law Enforcement Case Handling Management Centre once again. After approximately five hours, Yang Li was released. In order to obtain her mobile phone however, the police reportedly insisted on noting her medical appointment information as a condition for returning it.

On the evening of 11 January 2026, Yang Li and her father arrived in Beijing to attend Peking University First Hospital to receive medical treatment. This is due to the fact that many of the hospitals in Jintan are reportedly subjected to surveillance and control by the authorities. During the journey to Beijing and for the duration of their time there, both were reportedly followed by a number of unknown individuals.

Around this time, the restrictions on the phone number of Yang Li's family member were lifted.

On 12 January 2026, Yang Li attempted to travel with her father to Yuquan Mountain in the Haidian District of Beijing, as the President was thought to be there on that day and she wanted to try and appeal to him. Police officers stopped them on the roadside however, and detained them, reportedly without providing

any reason. An ambulance had also arrived at a similar time to the police, called by Yang Li's father as her condition was weak. The police prevented her from using the ambulance to receive medical care, despite her request that she be taken to hospital for medical treatment, showing them that she had an appointment later that afternoon. Yang Li and her father were taken to Sijiqing Police Station of the Haidian Branch of Beijing Municipal Public Security Bureau. Yang Li's family phoned the police station to inform them of her medical condition and requested that she be taken to hospital for treatment, however the officers reportedly did not respond substantively to these requests. Later that day, Yang Li and her father were transferred to the Law Enforcement and Case Management Centre of the Haidian District Public Security Bureau. There, blood samples were taken from both Yang Li and her father, with no explanation provided.

At around 7 p.m. on the same day, they were both transported back to Sijiqing Police Station by Beijing police. Upon arrival, the police allowed plainclothes officers and security personnel from Jintan to forcibly remove Yang Li and her father from the police vehicle. They were then placed in separate, unmarked cars and taken back to Jiangsu Province, where they were brought again to Jintan Law Enforcement Case Handling Management Centre. Yang Li and her father were detained in the Centre for approximately four hours before being informed that they could return home.

At around 2 p.m. on 13 January 2026, Yang Li and her father were released from the Jintan Law Enforcement Case Handling Management Centre. Upon being released, they both went to Binhu Police Station to inquire with the Police Chief as to why they had been brought back to Jiangsu by officers from the station. The Police Chief reportedly refused to meet them however. In frustration with the situation and the refusal of the Police Chief to meet with them, Yang Li pushed several promotional signboards off the desk. In response to this, she and her father were issued a summons by the Jintan Dongcheng District Police Station on the charge of "disrupting public order", with the charge subsequently changed to "picking quarrels and provoking trouble". Both were granted bail pending trial, but prevented from leaving Jintan. The police reportedly did not provide legal documentation for these charges at any point and refused requests to do so by Yang Li and her father. Nor was any explanation provided as to why the summons was issued by Jintan Dongcheng District Police Station and how it has jurisdiction over the issue.

At around 1 a.m. on 14 January 2026, five police officers drove Yang Li and her father to a location approximately 700 metres from their home and left them on the roadside there. Yang Li's health condition had deteriorated whilst detained to the extent that she was unable to walk independently as her legs had become so swollen. Due to her inability to access medication and medical treatment, she took expired medication, following which she began to lose sensation in her face.

On 18 January 2026, Yang Li and her father left their home to travel to Beijing for a hospital outpatient appointment she had managed to secure for the following day. The appointment was for [REDACTED] and

consultation at Peking University First Hospital. Yang Li and her father were reportedly intercepted and detained by officers from the Jintan Public Security Bureau as they arrived at the Jintan train station whilst attempting to travel to Beijing for the appointment. They were both taken again to the Jintan District Law Enforcement and Case Management Centre where they were held for a number of hours before being released. The officers confiscated the mobile phones of both Yang Li and her father based on the allegation of “picking quarrels and provoking trouble”, and issued them with a bail pending trial document. The officers restated to Yang Li that she could not leave Jintan. This restriction on her movement and the confiscation of both her and her father’s mobile phones effectively prevented her from accessing medical treatment she urgently requires. As her condition had deteriorated to the extent that she was no longer able to walk independently, she had to be supported to travel home from the Centre by two members of the local village committee.

On 22 January 2026, Yang Li’s health deteriorated further, causing her to have [REDACTED] and develop symptoms related to [REDACTED]. She repeatedly phoned the number for the newly appointed Secretary of the Jintan District Party Committee, but did not receive any response. Yang Li then held up a sign to the surveillance camera outside her home, including a message asking for help. The same day, Yang Li released a public farewell letter. She stated that she was preparing to travel to the hospital in the coming days to seek medical treatment and that if she is intercepted again, she would resist to the best of her ability. She also stated that if she was unable to reach the hospital, she did not intend to return home.

At approximately midday on 24 January 2026, Yang Li and her father had just purchased train tickets at Changzhou North Railway Station to travel to Beijing for medical treatment when they were intercepted by multiple plainclothes police officers. They were then forcibly taken to the Jintan District Law Enforcement and Case Handling Management Centre. The allegedly arbitrary arrest appeared to have been led by police officers of the Jintan Public Security Bureau.

Whilst detained, Yang Li was physically assaulted by the officers. Five of her fingernails were torn out, her head was forcibly pressed down and repeatedly slammed against the ground, her arms were bound together with thin plastic restraints which caused significant swelling. As a result of this assault, Yang Li was left unconscious. The authorities at the Jintan District Law Enforcement and Case Handling Management Centre called an ambulance, however upon arrival the ambulance personnel reportedly did not conduct any substantive examination or treatment. Her mobile phone was also confiscated by police whilst she was detained, with no legal basis or justification provided.

At approximately 10pm that night, Yang Li was returned home, still not fully conscious. Officers could be seen in security camera footage having to carry Yang Li to her house, as she was unconscious. Once at home, she remained disoriented and vomited continuously, leading Yang Li’s father to call an ambulance. The ambulance personnel had to take Yang Li out of the house on a gurney. The medical tests she was able to complete at the hospital indicated

that [REDACTED]. The hospital reportedly refused to transfer or provide a referral for Yang Li to a different hospital and ultimately she returned home without receiving adequate treatment.

While we do not wish to prejudge the accuracy of the information received, we would like to express our utmost concern regarding the numerous incidents of allegedly arbitrary detention of Yang Li, the continued denial of medical treatment both whilst in prison and since her release from prison, her detention despite the completion of her sentence, reported torture and ill-treatment she was subjected to in prison and the harassment and surveillance of her family. We are highly concerned by the information received that Yang Li was subjected to forced nasal feeding whilst on hunger strike. Feeding induced by threats, coercion, force or use of physical restraints is tantamount to cruel, inhuman and degrading treatment and therefore a violation of the non-derogable right to be free from torture or cruel, inhuman and degrading treatment.

We are also particularly preoccupied by the fact that Yang Li continued to be detained for six days after completing her sentence, with no factual or legal basis provided. We are further concerned by the numerous instances of allegedly arbitrary detention of Yang Li in a relatively short period of time following her eventual release from prison, for which no legal basis or explanation has reportedly been provided and which appear to be in connection with the exercising of her rights to freedom of expression and most concerningly, her attempts to access necessary medical treatment.

Information received indicates that Yang Li's health deteriorated significantly since she was first detained up until she was eventually released from prison, due to the repeated denial of medical treatment and the conditions and ill-treatment she has reportedly been subjected to. Denial of medical treatment to imprisoned human rights defenders is an issue that has been raised with your Excellency's Government by a number of special procedures mandate holders, contributing to a demonstrable pattern (CHN 21/2025, CHN 16/2024, CHN 11/2023, CHN 12/2021, CHN 4/2021, CHN 17/2019). Since her release from prison, her repeated attempts to access necessary medical treatment concerningly appear to have been obstructed, through allegedly arbitrarily detaining her in the process of attempting to access such treatment, or the confiscation of her mobile phone without apparent legal basis of explanation.

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 explain whether any investigation against Yang Li is currently open or whether she is still facing criminal charges of any kind. If this is not the case, please explain the measures taken to ensure that she is no

longer subjected to any kind of harassment by State security agents and that her safety is guaranteed.

3. Please provide detailed information as to the factual and legal grounds for the continued detention of Yang Li for six days after she had already completed her prison sentence and without apparent explanation, and how this is compatible with international human rights norms and standards.
4. Please provide detailed information as to the factual and legal basis for the arrest, detention and conviction of Yang Li, which she recently completed the sentence for.
5. Please provide detailed information as to the factual and legal basis for the transfer of Yang Li from Changzhou City Detention Centre to Binhu Police Station on 30 December.
6. Please provide detailed information as to the factual and legal basis for the allegedly arbitrary detention of Yang Li on 7 January 2026, 12 January 2026, 18 January 2026 and 24 January 2026.
7. Please explain whether any investigation was launched into the reported allegations of torture or other ill-treatment in compliance with international standards, including the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition).
8. Please indicate the measures undertaken by your Excellency's Government to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment, without the fear of prosecution, harassment and violence, and without discrimination, in full respect of their human rights.

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 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 issue/s in question.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
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Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), which China signed on 5 October 1998, and in particular to articles 7, 9 and 19, which guarantee that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person, and the right to freedom of opinion and expression. As established by the Vienna Convention on the Law of Treaties (VCLT), where the signature to a treaty is not subject to ratification, acceptance or approval, the signature does not establish the consent to be bound. However, it is a means of authentication and expresses the willingness of the signatory State to continue the treaty-making process. The signature qualifies the signatory state to proceed to ratification, acceptance or approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty (VCLT, articles 10 and 18).

Article 7 of the ICCPR, articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by China in 1988, refer to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. We stress that attached to such prohibition are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute suspects, to punish those responsible and to provide remedies to victims. We wish to emphasize that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is absolute and non-derogable. No circumstances, no matter how exceptional they may be, can ever justify torture or ill-treatment nor any form of impunity for such acts.

We would furthermore like to refer to article 9 of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary. Further, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

Within this context, we also recall that the United Nations Standard Minimum Rules for the Treatment of Prisoners (the “Nelson Mandela Rules”) provide that prisoners “should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status”. The Nelson Mandela Rules further establish that inmates should also be allowed to regularly communicate with their family and friends, in writing, using telecommunication, or through electronic, digital and other means, and by receiving visits.

Article 19 of the ICCPR guarantees the right to freedom of opinion 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, and restrictions must always be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34](#), para. 34).

We also wish to refer your Excellency’s Government to article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by China on 27 Mar 2001, which establishes that States have an obligation to guarantee the right to the highest standard of physical and mental health. In line with general comment No. 14 para. 34 of the Committee on Economic, Social and Cultural Rights (CESCR), this is attained, *inter alia*, by refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services. The general comment further underlines that the “health is a fundamental human right indispensable for the exercise of other human rights” (para. 1) and that the right to health contains both freedoms and entitlements, including the right to be free

from torture as well as “the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health” (para. 8).

We would like to draw the attention of your Excellency’s Government 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, otherwise known as the UN Declaration on Human Rights Defenders, which was adopted by consensus at the UN General Assembly in 1998. In particular, we would like to highlight articles 1 and 2 of the Declaration, which state that everyone, individually and in association with others, has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms and that each State has a prime responsibility and duty to promote, protect and implement all human rights and fundamental freedoms.

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

- article 6(b) and (c), which reiterates the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12(2) and (3), which provides 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 the rights referred to in the Declaration.