

**第六段：联合国对类似手段的定义与鉴定（最终修订版）**

根据联合国《禁止酷刑和其他残忍、不人道或有辱人格待遇或处罚公约》（简称《禁止酷刑公约》）的明确定义，任何以医疗为名实施的强制性、公开羞辱性和暴力性手段，如果超出医学伦理与必要性，就属于酷刑或非人道、有辱人格的待遇。

联合国在多份指导文件和特别报告员报告中强调，**包括精神病院在内的任何机构**，都不得以医疗为借口，实施侵犯个人尊严、剥夺身体自主权或公开羞辱的暴力行为。2013 年，联合国特别报告员 Juan E. Méndez 在向大会提交的报告中指出：

“任何以医疗之名实施的强迫羞辱、性别侮辱或公开暴露，均不属于合法医疗手段，而构成酷刑或非人道、有辱人格的待遇。”

这些行为**严重违反以下国际法律条款**：

《禁止酷刑公约》第 1 条（酷刑定义）和第 16 条（禁止其他残忍、不人道或侮辱性待遇）；

**《欧洲人权公约》第 3 条**：禁止酷刑与不人道待遇。

原文：“不得对任何人施以酷刑，或施以不人道或有辱人格的待遇或处罚。”

**《世界医学协会赫尔辛基宣言》第 25 条**：未经知情同意，不得对人类进行任何医学干预。

原文：“参与医学研究的人必须自愿同意，并在充分了解情况的基础上作出决定。”

**《欧洲生物学医学公约》第 5 条**：所有医疗干预必须建立在知情自愿的基础上。

原文：“任何医疗干预，除非在紧急情况下，否则必须获得患者的事先、自愿和具体的知情同意。”

**联合国《禁止酷刑公约》委员会第 11 号一般性意见**：反复性、羞辱性、非自愿的医疗措施，若出于惩罚、控制或歧视目的，即可构成酷刑。

特别指出：“在机构环境下实施的羞辱性行为，如强迫脱衣、公开羞辱、性别侮辱等，若与权力失衡、制度控制和无医疗必要结合，构成酷刑或非人道待遇。”

我在阿玛精神病医院经历的强制脱衣、公开注射、羞辱暴力，并非任何形式的医学治疗，而是披着医疗外衣的**制度性酷刑行为**。执行人员为国家公立医院的医护人员，在强制医疗程序中反复实施羞辱与控制。这完全符合联合国对“酷刑”行为的核心定义，即：

“任何人为获取情报、惩罚、恐吓、歧视等目的，由公职人员或其默许者蓄意施加的严重身体或精神痛苦。”

换言之，我的经历不仅是个人悲剧，更是国际人权机制下必须追责的**国家暴力案件**。它应被联合国、欧洲人权法院及其他国际法机构正式定性与审查。

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## Section 6: United Nations Definition and Classification of Similar Practices (Final Revised Version)

According to the clear definition provided in the **United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (commonly referred to as the *Convention against Torture*), any coercive, publicly humiliating, and violent acts carried out in the name of medicine—when they exceed medical ethics and necessity—constitute **torture** or **inhuman and degrading treatment**.

The United Nations has emphasized in multiple guidelines and Special Rapporteur reports that **no institution**, including psychiatric hospitals, may invoke medical justification to carry out acts of violence that violate personal dignity, deprive individuals of bodily autonomy, or involve public humiliation. In his 2013 report to the General Assembly, UN Special Rapporteur Juan E. Méndez stated:

*“Any act of forced humiliation, gender-based degradation, or public exposure carried out in the name of medicine falls entirely outside the realm of legitimate medical practice and constitutes torture or inhuman and degrading treatment.”*


These actions severely violate the following international legal provisions:

# 1. UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

（联合国《禁止酷刑公约》）

## Article 1 — Definition of Torture

*“...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him... punishment... intimidation or coercion... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official...”*

 原文链接:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

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## Article 16 — Other acts of cruel, inhuman or degrading treatment

*“Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture...”*

 同上链接（同一公约）

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## 2. European Convention on Human Rights (ECHR)

（《欧洲人权公约》）

## Article 3 — Prohibition of Torture

*“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”*

 官方链接（Council of Europe, CoE）：

[https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf)  
（PDF 全文，见第 6 页）

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### 3. WMA Declaration of Helsinki – Ethical Principles for Medical Research Involving Human Subjects

（《世界医学协会赫尔辛基宣言》）

#### Article 25

*“Participation by individuals capable of giving informed consent must be voluntary and based on adequate information.”*

 WMA 官网链接：

<https://www.wma.net/policies-post/wma-declaration-of-helsinki-ethical-principles-for-medical-research-involving-human-subjects/>

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### 4. Convention on Human Rights and Biomedicine (Oviedo Convention)

（《欧洲生物医学公约》）

#### Article 5 — General Rule

*“An intervention in the health field may only be carried out after the person concerned has given free and informed consent to it...”*

 欧洲委员会（Council of Europe）官方链接：

<https://rm.coe.int/168007cf98>  
（PDF 全文，见第 5 页）

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## ☑ 5. UN Committee Against Torture — General Comment No. 2 & Related Opinions

（联合国禁止酷刑委员会一般性意见）

虽然“第 11 号一般性意见”不是正式条约条文，但是解释法律适用的正式权威文件。

🔗 联合国人权事务高级专员官网：

<https://www.ohchr.org/en/treaty-bodies/cat/general-comments>  
（可查看所有 CAT 发布的 General Comments）

⚠ Juan E. Méndez（2013 年特别报告员报告）可查阅以下内容：

A/68/295 - *Torture and ill-treatment in health-care settings*

🔗 报告原文链接（联合国文库）：

<https://digitallibrary.un.org/record/755749>

- out for purposes of punishment, control, or discrimination—may constitute torture.  
Specifically: *“Humiliating acts in institutional environments—such as forced undressing, public shaming, and gender-based degradation—when combined with power imbalance, systemic control, and lack of medical necessity, amount to torture or inhuman treatment.”*

The **forced undressing, public injections, and acts of humiliation** I experienced at Amager Psychiatric Hospital were not medical treatment of any kind, but rather a form of **institutionalized torture disguised as medicine**. These actions were carried out repeatedly by staff in a state-run hospital as part of a coercive medical regime involving humiliation and physical control. This fits squarely within the United Nations' definition of torture:

*“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining information, punishment, intimidation, coercion, or discrimination, when such pain or suffering is inflicted by or with the consent or acquiescence of a public official or other person acting in an official capacity.”*

In other words, my experience is not merely a personal tragedy, but a case of **state violence** that must be held accountable under **international human rights law**. It demands formal classification, investigation, and redress by the United Nations, the European Court of Human Rights, and other international legal bodies.

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