

**NGO Mid-Term Assessment
of China's Implementation of 2nd Universal
Periodic Review (UPR) Recommendations
(Report)**

Country: People's Republic of China

**Following UPR (2nd Cycle): October 22, 2013
Period of Assessment: 2014-2016**

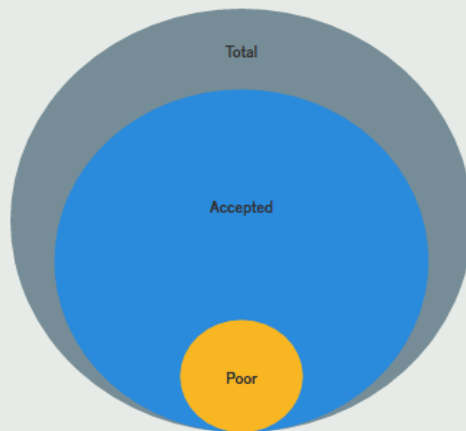
Participating NGOs:
Network of Chinese Human Rights Defenders (CHRD)
and multiple Chinese civil society groups and human
rights defenders inside China

Date of release: November 22, 2016

China: Overall Deterioration of Human Rights Outweighs Minor Improvements

A Mid-term Assessment of China's Implementation of 2013 UPR Recommendations

Total: 252 Recommendations



China accepted 204, of which 33% are poor/inappropriate recommendations (vague, difficult/impossible to assess, unsound, controversial, or false presuppositions, such that the recommended courses of action are confusing or misleading).

3 Years+ since the October 2013 UN Universal Periodic Review on China, a **coalition** of Chinese NGOs has assessed China's implementation of UN Member State recommendations, including in areas of:

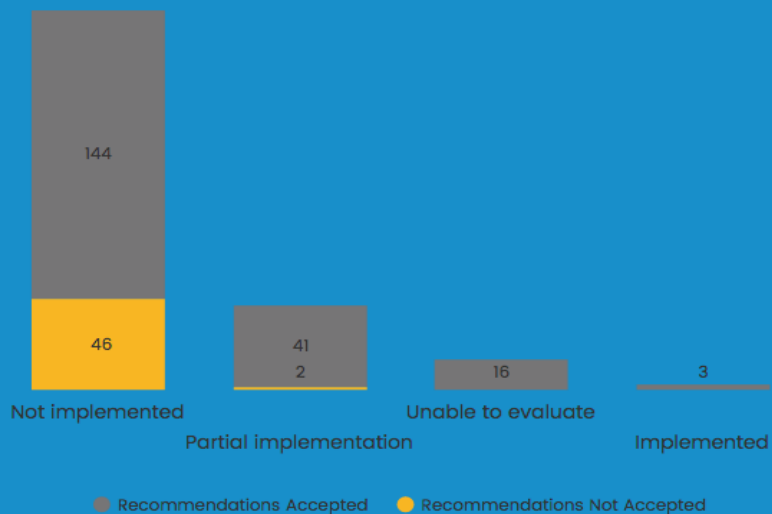


Assessment Findings:

Large **discrepancies** between Chinese government's **promises & actual implementation** of UPR recommendations.

Conditions of human rights in China have **deteriorated** in many areas examined, where UN Member States recommended ending abuses, strengthening protections & reforming existing laws & practices.

The Chinese government has **failed** on many accounts to keep its promises made during the UPR.



List of Abbreviations & Acronyms

CAT	Committee Against Torture
CCMD	Chinese Classification of Medical Disorders
CCP	Chinese Communist Party
CDPF	China Disabled Person's Federation
CEDAW	Committee on the Elimination of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CHRD	Chinese Human Rights Defenders
CL	Criminal Law
CPL	Criminal Procedure Law
CPPCC	Chinese People's Political Consultative Conference
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
GONGO	government-run "non-governmental organization"
HRC	Human Rights Council
HRD	human rights defender
ICCPR	International Covenant on Civil and Political Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ILO	International Labour Organization
LGBT	Lesbian, Gay, Bisexual, and Transgender
LPDP	Law on the Protection of Disabled Persons
MCA	Ministry of Civil Affairs
MFA	Ministry of Foreign Affairs
MHL	Mental Health Law
NGO	non-governmental organization
NHRAP	National Human Rights Action Plan
NHRI	National Human Rights Institution
NPCD	National Plan for Child Development
NPC	National People's Congress
OGI	Open Government Information
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PRC	People's Republic of China
RMB	Renminbi (currency of PRC)
SP	Special Procedures
SPC	Supreme People's Court
SR	Special Rapporteur
TAR	Tibet Autonomous Region
TB	Treaty Body
UN	United Nations
UPR	Universal Periodic Review
USD	US dollars (currency of USA)

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Executive Summary

It has been more than three years since the October 2013 UN Universal Periodic Review (UPR) of China, during which UN Member States reviewed China's human rights record and made a total of 252 recommendations to the Chinese government.¹ These recommendations cover a broad range of human rights proclaimed in the Universal Declaration of Human Rights and protected under international human rights treaties.² The third cycle of the UPR review of China is scheduled for late 2018.³ This mid-point presents an opportunity to evaluate human rights conditions in China, and the extent to which the government has lived up to its international pledges and implemented the recommendations from the 2013 UPR.

This mid-term assessment report, produced by civil society groups, finds large discrepancies between the Chinese government's promises and its actions related to protecting and promoting human rights. As analyzed in the report, human rights conditions in China have deteriorated in many areas where UN Member States recommended ending abuses, strengthening protections, and reforming existing laws and practices. Since the previous UPR, human rights conditions and safeguards in China have slightly improved in some limited aspects. However, the overall human rights situation has worsened over the past three years.

The findings of our assessments are in line with those of other international human rights NGOs and governmental agencies, which have documented the overall deterioration of human rights since President Xi Jinping came to power in early 2013.⁴ We hope these findings are useful for China watchers and policy makers as they continue to grapple with the causes and impact of the rapid reversal in China's legal and political reforms, and of Xi's departure from efforts by civil society and reformers within the government to push for rule of law.

Though UN Member States are encouraged to submit mid-term reports that assess their implementation of UPR recommendations, the Chinese government, a member of the Human Rights Council, has not submitted such a report following either the first or the second UPR. In contrast to China's lack of cooperation with efforts to make the UPR more effective through a mid-term assessment process, 63 other UN Member States have submitted such reports on a voluntary basis.⁵ The Chinese government's failure to provide information on its follow-up on UPR recommendations has made it even more important for civil society organizations to conduct their own independent assessment. This non-governmental mid-term assessment report helps to fill the void created by the lack of a self-assessment by the Chinese government.

In this report, we try to identify any progress, or the lack thereof, that the Chinese government has made in implementing the 204 recommendations that China "accepted," including those that China stated it had already put into practice or were being implemented. Also, we attempt to measure the current state of human rights in areas where China did "not accept" recommendations.

This report is the fruit of cooperation among multiple Chinese civil society groups and human rights defenders in China, and presents a summary of their findings, analysis of systemic changes, and suggestions for going forward. In preparations for this report, contributors conducted research, held discussions, and shared information for the assessment. They have made specific *suggestions* that governments of UN Member States, as well as other stakeholders, can refer to in their own efforts to engage China and encourage the Chinese government to fully and effectively implement the 2013 UPR recommendations before the 2018 UPR.

This report gives voice to Chinese human rights defenders, whose participation in the UPR process has been aggressively suppressed by the Chinese government. Publicly demanding civil society participation in the UPR has led to harassment and detention of human rights defenders, including the death in custody of activist Cao Shunli (曹顺利) in 2014. For years, Ms. Cao had organized grassroots efforts to push the government to consider non-governmental input and feedback on China's national reports for the 2009 and 2013 UPR and for China's National Human Rights Action Plans.⁶

The release of this UPR mid-term assessment report coincides with China's re-election for another three-year term as a member of the Human Rights Council, and highlights human rights issues in China that need improvement. The HRC is charged with being "responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all..." and "should address situations of violations of human rights."⁷ Unfortunately, governments unfriendly or even hostile to human rights continue to occupy membership seats, which is an indication that Member States have made serious compromises and have strayed from the stated mission of the HRC.⁸ The Chinese government cited the "high number of votes" it received for a seat for 2014-2016 as "proof" of its success in supporting international human rights, while it openly admitted that its objective to be on the HRC is to "actively declare China's own human rights policy and point of view."⁹ The next three years gives China yet another chance to demonstrate that it is able to behave cooperatively and constructively as a HRC member and make substantive contributions to the "promotion and protection of human rights."¹⁰

Key Findings

This report focuses mainly on the years between 2013-2016, and assesses China's level of implementation of key UPR recommendations. The scope of the evaluation covers a wide range of civil, political, social, economic, and cultural rights touched upon in the recommendations. The report is organized largely in sync with these thematic areas, and in the order that the 2013 UPR Working Group Report presented States' recommendations.¹¹

We found that, of the **236** *appropriate* recommendations (out of a total of **252** that included **16** "inappropriate" recommendations for which assessments are unavailable), **190** were "not implemented," **43** were "partially implemented," and **3** were "implemented." The 16 *inappropriate recommendations* are those that undermine, or are counter-productive to, achieving the ultimate aim of the UPR—"to improve the human rights situation in all countries and address human rights violations wherever they occur."¹²

The following are synopses of the key findings by chapter.

Chapter 1: Cooperation with the UN

The report starts with a review of China's implementation of UPR recommendations concerning its cooperation with UN human rights bodies. We found that there has been no progress on this front. China has not established an independent National Human Rights Institution and Chinese officials exclude input from the general public and independent civil society when drafting UN State Party reports and evaluating its National Human Rights Action Plans. (Section 1.2) The lack of independent consultation raises serious questions about the accuracy and objectivity of government claims about its "successes" in carrying out these plans.¹³ China continued to reject or stall most requests for country visits by UN Special Procedures mandate holders, and only allowed three visits under strict monitoring by state agents. (Section 1.3) Treaty bodies continue to face difficulties in receiving concrete information from China for their periodic reviews and, as we demonstrate throughout the report, few treaty body recommendations have been implemented. In addition, Chinese authorities continue to take reprisals against human rights defenders seeking to cooperate with the UN or participate in UN human rights activities. (Section 2.2)

Chapter 2: Civil & Political Rights

In the areas of civil and political rights, we present our evaluation of the implementation of selected key UPR recommendations concerning: right to political participation, the death penalty, torture, administrative detention, freedom of expression, peaceful assembly and association, religious freedom, independence of lawyers, and protection of human rights defenders.

We found that, in regards to political participation, women continue to be underrepresented in the government and Party at all levels. Local election laws have not been fully implemented and government/Party interference in elections has increased to such a degree that there is practically no guarantee of the right to vote or be elected in local elections. We documented multiple cases of retaliation against independent candidates and election monitors. Authorities in minority areas, including the Tibet Autonomous Region, not only interfere in elections, but also intrude at the household level in attempts to monitor political thought and behavior. (Section 2.1)

Since the 2013 UPR, despite small decreases in the number of crimes for which the death penalty applies, the trend of small reductions in the number of annual executions seems to have stalled, and non-transparency remains the rule. Various reform measures have been extraneous or inadequate, and China's application of the death penalty still does not conform to international standards. (Section 2.2)

Despite China's new legislation banning forced confessions, authorities continue to fail to adequately enforce preventive measures nor conduct investigations into credible accusations of torture. (Section 2.3) Police continue to involuntarily commit activists to psychiatric facilities, in violation of China's Mental Health Law, and without facing any consequences. (Section 2.4)

Since 2013, the government has intensified systematic suppression of freedom of expression, and peaceful assembly and association, leveraging laws and regulations to curtail these rights and escalate criminal prosecution of those who exercise them. China continues to jail journalists and bloggers and draconian cyber policies have been codified into law. Authorities routinely prosecute participants of peaceful gatherings for “disrupting public order” or “picking quarrels,” and independent human rights NGOs face closure under new regulations. (Sections 2.5 & 2.6)

Human rights defenders in China and civil society in general have come under government assault in the past few years, as Chinese authorities adopted laws and regulations to legitimize its harshest political repression since the mid-1990s. China’s hostility towards human rights defenders has become evident in international human rights fora. (Section 2.9) Human rights lawyers, in particular, have become targets of unprecedented harassment and persecution. Any rule of law reform initiatives have practically stalled and the legal environment for practicing law has rapidly deteriorated. (Section 2.8)

Chapter 3: Economic & Social Rights

In the areas of economic and social rights, we present our evaluation of the implementation of selected key UPR recommendations concerning: women’s rights, discrimination on the grounds of sexual orientation and health status, rights of the child, rights of persons with disabilities, and equal protection for China’s rural population, including migrant laborers. Despite some limited improvements, we find that protection of these rights still falls far short of international human rights standards.

On women’s rights, China’s legal framework for protecting women’s right to equal pay for equal employment remains inadequate. The much-welcomed new Anti-Domestic Violence Law (2015) provides legal tools for combating widespread domestic violence, but it does not provide comprehensive protection for victims. China’s Criminal Law does not fully comply with international standards in terms of protecting women, and it does not effectively combat trafficking in women. (Section 3.1)

The government has not made any substantial progress in law or practice towards ensuring LGBT persons and individuals with HIV/AIDS or Hepatitis B enjoy equal protection of their rights. Current laws and regulations do not prohibit discrimination based on sexual orientation, gender identity, or HIV status. (Section 3.2)

Child labor, child trafficking, and sexual abuse remain serious concerns, despite some attempts by the government at protecting children at the legislative and regulatory levels. The new “two-child” birth control policy does not sufficiently help combat abuses against disabled children and girls due to entrenched social discrimination. Some children are still deprived of their right to be legally registered and their entitlement to public services and government subsidies. The household registration system has led to the denial of equal education to rural children, especially migrant workers’ children. (Section 3.3)

Despite government efforts at improving national legislation, Chinese laws and regulations still do not meet crucial international standards for persons with disabilities, especially for disabled

children. The disabled continue to face discrimination and a lack of basic access and support to public benefits and services. Many regulations continue to contain discriminatory language. The “two-child” birth control policy continues to contribute to the persistence of abandoned disabled children, and the government has not provided adequate programs to assist disabled orphans. (Section 3.4)

China frequently emphasizes its achievements in economic development, including lifting hundreds of millions out of poverty, as evidence of its protection of social and economic rights. However, the government still has not put in place meaningful accountability mechanisms for the full realization of economic rights. Its policies have resulted in expanding disparities in income and in access to poverty relief between urban and rural areas as well as coastal and inland areas, including in ethnic minority regions. Reform of the “household registration” system, which discriminates against rural migrants, has been limited. Revamping of the discriminatory health insurance and pension systems is long overdue. (Section 3.5)

Chapter 4: Human Rights Education

We also present our evaluation of China’s implementation of UPR recommendations on promoting human rights education. The government remains non-transparent about human rights education and training materials, especially those for officials and public servants. We find that insufficient focus has been placed on the content of human rights education and training materials. Instead, the government simply concentrates on the number of trainings or education programs. Available information indicates that the existing materials in school curriculum do not meet international standards or convey fundamental human rights principles. Nor do there appear to be any rigorous efforts to examine the effectiveness of human rights education and training programs. In the 2016-2020 National Human Rights Action Plan, the government omitted the goal to bring educational materials in line with international standards. (Chapter 4)

In the annexed Table to this report, we present the final “grades” that we gave to China’s mid-term performance in implementing all 252 recommendations from China’s second UPR. (Annex 2) The “Guide to the Accompanying Table” helps explain what the “grades” represent and how the quality of the recommendations themselves are assessed. (Annex 1) To further illustrate China’s failure to constructively cooperate with the UN, included is a chart of the 24 cases that the UN Working Group on Arbitrary Detention issued “opinions” on from 2009-2016 concerning China. (Annex 3)

Civil Society Suggestions

The next two years, before the third UPR in 2018, presents yet another opportunity for China to demonstrate that it is able to and can behave cooperatively and constructively with the UN. As a member of the Human Rights Council, China has an obligation to promote and protect human rights. We have proposals in this report for the government on what measures it can take, if it has the political will, to make genuine human rights progress.

In this report, we make specific *suggestions* to the Chinese government about how to fully and effectively implement the 2013 UPR recommendations before the 2018 UPR. Governments of

UN Member States, as well as other stakeholders, can refer to these suggestions in their own efforts to engage China to take measures to implement recommendations.

Our key suggestions include:

- Provide a clear legislative timetable with the earliest possible dates for completing all the necessary administrative and judicial reforms toward compliance with the ICCPR and for ratifying the ICCPR;
- Establish an independent National Human Rights Institution that protects and promotes human rights without government interference and retaliation;
- Fulfill treaty obligations under all the international human rights treaties that it has ratified, and amend all national laws and regulations that are not in full compliance with these treaties;
- Fully cooperate and constructively interact with the UN High Commissioner for Human Rights, the Special Procedures and treaty bodies;
- Increase transparency regarding the number of executions and individuals sentenced to death and repeal the classification of executions as a state secret;
- Implement a five-year moratorium on executions and ensure humanitarian treatment of death penalty convicts;
- Strictly enforce relevant legal provisions to ensure that illegal evidence extracted through torture is excluded in court trials, and hold state agents criminally accountable for committing acts of torture;
- Withdraw China's reservation to Article 20 of the Convention against Torture, declare in favor of Articles 21 and 22, and sign and ratify OPCAT;
- Abolish all forms of extra-judicial detention and ensure all psychiatric facilities meet international human rights standards and protect the rights of those committed in such institutions, including granting access to legal counsel, visitors, and periodic judicial review;
- Amend laws and remove restrictions on freedom of information, expression, and on the media, including the Internet and social media, that are not in accordance with the ICCPR and UDHR; release those being held in detention or imprisonment for exercising their right to freedom of expression and press;
- Stop all criminal prosecutions, arrests and all other forms of intimidation of individuals for exercising their rights to freedom of association and peaceful assembly;

- Allow national and international NGOs to play a full and active role in promoting and protecting human rights, specifically by removing legislative obstacles to NGO funding and legal registration so they can operate freely and effectively;
- Allow all Chinese citizens, particularly ethnic minorities, to fully exercise freedom of religion, such that they can practice their religion without fear of government reprisal; release all prisoners of conscience who have been punished for the peaceful exercise of their religion;
- Remove administrative obstacles, such as the annual inspection of lawyers and law firms, and any regulations that can be used to intimidate or penalize lawyers for practicing their profession;
- Guarantee access to prompt and effective investigation by an independent and impartial body of all allegations of obstruction of lawyers' access to their clients or violence against lawyers; close loopholes in laws and regulations that grant police broad powers to use "national security" in denying detainees' access to lawyers;
- End all forms of reprisal against Chinese citizens who seek to participate in, or cooperate with, UN human rights mechanisms, and ensure their freedom and safety;
- Facilitate the development, in law and practice, of a safe and enabling environment in which human rights defenders can operate without fear, obstruction, and threats;
- Eliminate discrimination based on gender and gender identity, sexual orientation, and HIV/AIDS or Hepatitis B status in employment, including in relevant laws and regulations; amend the Anti-Domestic Violence Law to fully apply to all types of relationships; and amend the Criminal Law to hold both sellers and buyers involved in trafficking into all types of exploitation and servitude criminally accountable;
- Adhere to international standards by completely depathologizing homosexuality in the Chinese Classification of Medical Disorders-3, as well as in school education curricula, and follow the Yogyakarta Principles to ensure sexual orientation and gender identity are incorporated into public education;
- Ban "gay conversion therapy" treatments throughout China, penalize hospitals or clinics that utilize the "therapy," and provide remedies to individuals who were forced to undergo such illegal therapy;
- Strictly enforce the International Labor Organization's standard of 18 as the minimum age for admission to any type of employment or work that is likely to jeopardize the health and safety of minors;
- Abolish the household registration (*hukou*) system to ensure all citizens, especially children, receive equal access to health care, social services and benefits, and employment in line with principles of non-discrimination;

- Lift state birth control quotas and remove all forms of penalties that deter parents or guardians from registering their children at birth, and enforce the right to nine-year compulsory education for migrants' children and rural children;
- Introduce a human rights model of disability into national disability law and policy, in accordance with the International Convention on the Rights of Persons with Disabilities;
- Combat abandonment of children with disabilities, reform family planning policies with the aim of combatting the deep-rooted causes of discrimination against children with disabilities; provide equitable medical care and other access facilities in rural regions for disabled persons, and ensure school-age disabled children receive inclusive compulsory education;
- Implement effective measures to set up programs targeting poverty alleviation in remote rural and ethnic minority areas;
- Include more specific and measurable goals related to human rights education in National Human Rights Action Plans, based on the UN Declaration on Human Rights Education and Training and the World Programme for Human Rights Education;
- Apply UN-provided standard international human rights education materials for trainings at schools at all levels, for law-enforcement and judicial officers, and other government officials, that promote respect for universal rights and fundamental freedoms as outlined in the Universal Declaration of Human Rights and other UN human rights conventions.

¹ All the documents from the first cycle (2009) and second cycle (2013) Universal Periodic Review of China can be found here: UN Human Rights Council (HRC), Universal Periodic Review Second Cycle – China, <http://ohchr.org/EN/HRBodies/UPR/Pages/CNSession17.aspx>.

² HRC, “Report of the Working Group on the Universal Periodic Review, China (including Hong Kong, China and Macao, China),” A/HRC/25/5, December 2013.

³ The estimated timing of China’s third cycle of UPR is based on the HRC timetable, in which each State undergoes a review every four-and-a-half years.

⁴ Human Rights Watch, “China: Events of 2015,” World Report 2016, <https://www.hrw.org/world-report/2016/country-chapters/china-and-tibet> (see also reports for 2013-2014); Amnesty International, “China 2015/2016,” The State of the World’s Human Rights 2015/16, February 2016, <https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/> (see also reports for 2013-2014); European Union Parliament, Motion for a European Parliament Resolution on EU-China Relations, 2015/2003(INI), December 16, 2015, paras. 49-62, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2015-0458>; UK Conservative Party Human Rights Commission, “The Darkest Moment: The Crackdown on Human Rights in China, 2013-16,” June 2016, http://www.conservativehumanrights.com/reports/submissions/CPHRC_China_Human_Rights_Report_Final.pdf; US State Department, “Country Reports on Human Rights Practices for 2015: China (Includes Tibet, Hong Kong, and Macau),” Bureau of Democracy, Human Rights and Labor, 2015, <https://www.state.gov/j/drl/rls/hrrpt/2015/eap/252757.htm>, (see also reports for 2013-2014); Congressional-Executive Commission on China, 2016 Annual Report, October 6, 2016, <https://www.cecc.gov/sites/chinacommission.house.gov/files/2016%20Annual%20Report.pdf> (see also reports for 2013-2015).

⁵ A total of 55 States submitted reports in relation to recommendations put forward during the first cycle of the UPR, 18 States submitted reports in relation to recommendations put forward during the second cycle, and 10 States submitted reports in relation to recommendations put forward during both cycles. UN Office of the High Commissioner for Human Rights (OHCHR), UPR Mid-Term Reports, <http://ohchr.org/EN/HRBodies/UPR/Pages/UPRIImplementation.aspx>.

⁶ OHCHR, “Deadly reprisals: UN experts deplore the events leading to the death of Chinese human rights defender Cao Shunli, and ask for full investigation,” March 18, 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14394>; CHR, “Cao Shunli (曹顺利) & Her Legacy,” <https://www.nchrd.org/2014/04/prisoner-of-conscience-cao-shunli/>.

⁷ UN General Assembly, Resolution 60/251- Human Rights Council (created UPR), A/RES/60/251, March 15, 2006, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

⁸ See HRC website for a list of current members: <http://ohchr.org/EN/HRBodies/HRC/Pages/CurrentMembers.aspx>.

⁹ *People’s Daily*, “Excerpts of Speeches from NHRAP (2012-15) Implementation Evaluation Concluding Conference” (《国家人权行动计划（2012—2015年）》实施评估总结会议发言摘登) June 16, 2016, <http://politics.people.com.cn/n1/2016/0616/c1001-28448543.html>.

¹⁰ See HRC website for membership qualifications: <http://ohchr.org/EN/HRBodies/HRC/Pages/Membership.aspx>.

¹¹ HRC, “Report of the Working Group on the Universal Periodic Review, China (including Hong Kong, China and Macao, China).”

¹² See: OHCHR, Universal Periodic Review, <http://ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>; UN General Assembly, Resolution 60/251- Human Rights Council (created UPR).

¹³ The government releases its own assessments of the National Human Rights Actions Plans, but independent assessment shows a different picture. See for example, Information Office of the State Council, “Assessment Report on the National Human Rights Action Plan of China (2009-2010),” July 2011, <http://www.china-un.ch/eng/rqrd/jblc/t953970.htm> in comparison to: Human Rights Watch, “Promises Unfulfilled An Assessment of China’s National Human Rights Action Plan,” January 2011, <https://www.hrw.org/report/2011/01/11/promises-unfulfilled/assessment-chinas-national-human-rights-action-plan>.

Chapter 1. Cooperation With UN Human Rights Bodies

1.1. Acceding to Core UN Human Rights Instruments

38 Recommendations Assessed:

186.1 (Albania, Belgium, Chile, , France, Hungary, Japan, Maldives, Spain, Sierra Leone), 2 (Brazil, Bulgaria, Estonia, Ghana), 3 (Cape Verde), 4 (Czech Republic), 5 (Benin), 6 (Egypt), 7 (Guatemala), 8 (Latvia), 9 (Botswana), 10 (New Zealand), 11 (Norway), 12 (Portugal), 13 (Republic of Korea), 14 (Tunisia), 15 (UK), 16 (Tunisia), 17 (Benin), 18 (Estonia), 19 (Portugal, Albania), 20 (Estonia), 21 (Namibia), 22 (Spain), 23 (Argentina, France), 24 (Egypt), 25 (Ghana), 26 (Guatemala), 27 (Latvia), 28 (Mongolia), 29 (Seychelles), 30 and 31 (Uruguay), 32 (Zambia), 60 (Ghana), 63 (Azerbaijan), 67 (Syria), 127 (USA), 144 (Namibia), and 153 (Denmark)

China's Replies:

22 recommendations accepted
3, 4, 5, 6, 7, 8, 9, 10, 14, 24, 25, 26, 27, 28, 29, 30, 31, 32, 60, 63, 67 & 144

16 recommendations not accepted
1, 2, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 127 & 153

NGO Assessment:

China has not implemented any of these recommendations

Since the 2013 UPR, China has not signed or ratified any new human rights treaties and relevant optional protocols, including those specifically recommended by UN Member States. Of particular importance, given the large number of States' recommendations made during UPR, is China's continued refusal to ratify the International Covenant on Civil and Political Rights (ICCPR), which it signed in 1998. China has also not set out a clear legislative timetable for ratifying the ICCPR.¹

Despite "accepting" over half of the relevant recommendations, China has made no progress in signing or ratifying these specific treaties or optional protocols:

- Optional Protocol to the ICCPR;
- Second Optional Protocol to the ICCPR (aimed at the abolition of the death penalty);
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- International Convention for the Protection of all Persons from Enforced Disappearance;
- Optional Protocol to the Convention on the Rights of Persons with Disabilities.²

China rejected outright Estonia's recommendation (186.20) to acceded to the Rome Statute of the International Criminal Court, though it accepted recommendations that called for China to

“explore the option” and “consider the possibility” of doing so.³ Yet, there has been no visible action in implementing these recommendations.

This lack of progress in acceding to core human rights instruments demonstrates China’s resistance to governing its behavior according to international human rights standards. It epitomizes China’s non-cooperation with the UN human rights system.

In another indication of China’s non-cooperation, the government has also ignored several UN human rights treaty bodies’ repeated recommendations urging China to sign and ratify treaties and Optional Protocols since 2013:

- In October 2013, the Committee on Rights of the Child (CRC) recommended that China “ratify the core human rights instruments to which it is not yet a party, particularly the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearances and the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families.”⁴
- In June 2014, the Committee on Economic, Social and Cultural Rights (CESCR) recommended China sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and “encouraged” the government “to ratify the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of all Persons from Enforced Disappearance, as well as International Labour Organization (ILO) Convention No. 189 (2011) concerning decent work for domestic workers.”⁵
- In November 2014, the Committee on the Elimination of Discrimination against Women (CEDAW) “encourage[d] the State party to ratify CEDAW Optional Protocol and consider acceding to the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.”⁶
- In December 2015, the Committee Against Torture (CAT) recommended China consider “acceding to the Second Optional Protocol of the International Covenant on Civil and Political Rights,” “encourage[d]” it “to consider making the declaration under Articles 21 and 22 of the Convention,” and repeated its recommendation that it “consider withdrawing its reservations and declarations to the Convention.”⁷

In China’s own assessment of its implementation of the National Human Rights Action Plan (2012-15), the government simply pointed to its participation (i.e., submitting state reports and attending dialogues) in treaty body reviews as “evidence” of its “implementation of international treaty obligations” between 2012 and 2015.⁸

Suggestions

- Provide a clear legislative timetable with the earliest possible dates for completing all the necessary administrative and judicial reforms toward compliance with the ICCPR and for ratifying the ICCPR;
- End violations of civil and political rights immediately and fulfill China's commitment as a signatory to the ICCPR, despite having not yet ratified the Covenant;
- Sign the remaining human rights treaties and Optional Protocols that China has not signed, and accede to the Rome Statute of the International Criminal Court.

1.2. National Human Rights Institution & National Human Rights Action Plans

13 Recommendations Assessed:

186.32 (Zambia), 33 (Sudan), 34 (Azerbaijan), 35 (Mexico), 36 (Indonesia), 37 (Sierra Leone), 38 (Ukraine), 53 (Gabon), 57 (Thailand), 58 (Qatar), 59 (Tunisia, New Zealand), 67 (Syrian Arab Republic), and 194 (Cambodia)

China's Replies:

12 recommendations accepted
32, 33, 34, 35, 36, 37, 38, 53, 57, 58, 67 & 194

1 recommendation not accepted
59

NGO Assessment:

China has partially implemented recommendations 33 & 36, and has not implemented the other 11 recommendations

No Independent National Human Rights Institution

China has continued to disregard the Paris Principles, which call for UN Member States to establish independent National Human Rights Institutions (NHRI).⁹ The government has not established any independent National Human Rights Institution.

In rejecting New Zealand and Tunisia's recommendation (186.59), China stated that: "[M]any government agencies in China assume and share similar responsibilities. The issue of establishing a national human rights institution falls into China's sovereignty, and should be considered in a holistic manner in accordance with its national conditions."¹⁰ We have two responses to this position:

- Government agencies in China do not "assume and share similar responsibilities" of NHRIs based on the Paris Principles. This is because these agencies are not independent from the government; they are run or controlled by the government. The Paris Principles

requires "guarantees of independence" of NHRIs—that they be established "by powers which will enable effective cooperation to be established with, or through the presence of, representatives of," among other things, "[n]on-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists."¹¹ No Chinese government agency currently meets this requirement of the Paris Principles.

- To insist that establishing an NHRI "falls under China's sovereignty," China has rejected the Paris Principles themselves. By requiring that Member States establish independent national human rights institutions, the Paris Principles, in China's view, have interfered in States' sovereignty. This response reveals that China continues to put its national sovereignty above human rights and the international consensus on the need for an independent NHRI.

In May 2014, CESCR raised concern about the absence of an NHRI, and recommended that China establish an independent national human rights institution in accordance with the Paris Principles. The Committee recalled that government institutions do not replace such an institution (art. 2).¹² In November 2014, CEDAW raised similar concerns and recommended

China to “establish, within a clear time frame, an independent national human rights institution...in accordance with the Paris Principles.”¹³

Civil Society Participation Excluded in National Human Rights Action Plans

In June 2016, China issued an assessment of its second National Human Rights Action Plan (NHRAP) (2012-15).¹⁴ However, in this process, the government completely excluded non-governmental organizations and members of civil society.

Two of the recommendations concerning NHRAPs are poorly worded. Azerbaijan (34) asked China to “continue the successful implementation” of the NHRAP for 2012-2015, which problematically presupposes yet-to-be demonstrated “success.” Indonesia (36) made similarly problematic assumptions about China’s “progressive efforts and measures to implement the second NHRAP” and asked it to “continue” such efforts, despite the absence of any clear demonstration that these efforts have been made.¹⁵

China may have allowed some government-run “non-governmental organizations” (GONGOs) and state academic institutions to be involved in the drafting and evaluation of the 2012-15 NHRAP. However, according to local activists, the government did not hold open consultations with NGOs and the public.¹⁶ From the drafting to the evaluation of its implementation, everything involving the NHRAP was conducted virtually in a “black box.” Chinese human rights defenders who requested information regarding participation of independent experts or NGOs, concrete information about the substance of “actions” accomplished, or tried to submit their input during the drafting or evaluation of the NHRAP, have either been obstructed by officials or faced police harassment and suffered reprisals.¹⁷ (See also Section 2.9)

On June 14, 2016, the Chinese government held a conference to publicize its own “evaluation” of its implementation of the 2012-15 NHRAP. Government agencies, GONGOs, state-run universities and other academic institutions attended the conference, and some Western diplomats were also invited.¹⁸ Missing at the conference were any truly independent NGOs, legal scholars and lawyers, or human rights activists. The government concluded, following its own close-door “evaluation,” that “every measure” of the NHRAP “has been effectively implemented.”¹⁹ However, authorities said nothing about how the NHRAP goals were implemented, or how the evaluation results were measured, nor even what the specific targets were. The available state media reports provided no specific facts or data to back up the government’s vague and generalized conclusion, except one slightly more-detailed account appearing in the state-run *People’s Daily*; but the few numbers and examples mentioned in this media report only raise further questions about the lack of transparency.²⁰

More seriously, no available state media reports about the government’s conclusions from the evaluation included any critical or independent commentaries from non-government actors or civil society representatives. An independent and critical assessment of the NHRAP’s implementation by Chinese civil society groups has become practically impossible. Such groups have come under unprecedented assault by the Xi Jinping government. Many civil society groups have been forced to shut down.²¹ (See also Section 2.6)

One example of the government’s self-evaluation glossing over serious problems in implementing the 2012-15 NHRAP involves the issue of prolonged pretrial detention. The government claimed that it has “guaranteed the right of the accused to obtain rapid trial and sentencing.”²² However, prolonged pre-trial detention has become an entrenched problem in recent years. Authorities held several human rights defenders in pre-trial detention for more than two years during this period.²³ Also, the government claims that it has “improved the state compensation system, guaranteeing the legitimate rights of applicants for compensation.”²⁴ This claim is problematic according to a civil society report that documented the lack of fair procedures for obtaining state compensation, and the obstacles and systemic denial of compensation to victims of torture and other rights abuses.²⁵

We acknowledge that the government took some legislative actions as proposed in the NHRAP—such as the adoption of the Mental Health Law and Anti-Domestic Violence Law. Some of the new laws and regulations, however, do not meet international human rights standards.²⁶

Suggestions

- Establish an independent National Human Rights Institution that protects and promotes human rights without government interference and retaliation;
- Allow and facilitate civil society participation in the drafting, monitoring, and assessment of China’s National Action Plan on Human Rights (2016-20);
- Investigate allegations of reprisal against Chinese citizens who sought to participate in the drafting and evaluation of NHRAPs, and provide information about any measures taken to provide remedies and hold the perpetrators accountable.

1.3. Engagement With Special Procedures & Treaty Bodies

16 Recommendations Assessed:

186.34 (Azerbaijan), 52 (Afghanistan), 54 (Turkmenistan), 60 (Ghana), 63 (Azerbaijan), 64 (Kenya), 65 (Nigeria), 66 (Canada), 67 (Syria), 68 (Ecuador), 69 (Albania, Benin), 70 (Hungary, Latvia), 71 (France), 72 (Australia), 73 (Austria, Slovakia, Switzerland), and 235 (France).

China's Replies:

12 recommendations accepted

34, 52, 54, 60, 63, 64, 65, 67, 68, 69, 71 & 73

4 recommendations not accepted

66, 70, 72 & 235

NGO Assessment:

China has partially implemented recommendations 68 & 73, and has not implemented the other 14 recommendations

We have examined China's cooperation with UN mechanisms by looking at several indicators: country visits by Special Procedures (SP), concrete data requested by Treaty Bodies (TBs), and responses to SP communiqués, inquiries and recommendations for remedial measures. China has systematically denied visits by TBs by expressing reservations about relevant articles in treaties that it ratified, or by refusing to accede to Optional Protocols that require State parties to receive visits from TB committee members. In short, we find that China has a poor record in engaging with UN human rights mechanisms in a constructive and cooperative fashion. While China accepted the majority of the recommendations in this section, it only *partially implemented* two: Ecuador's recommendation (186.68) to "consider the possibility" of inviting special procedures to visit China and one part of recommendation (73) that asked China to facilitate visits from SPs.²⁷ China's behavior does not lend itself to the presumptions made by several states in recommending China "continue" its "constructive" cooperation with UN human rights mechanisms.²⁸

SP Requests for Country Visits Ignored or Delayed

Since the 2013 UPR, China has not assented to Special Procedures' visits to specific regions in China, including Tibetan and Uyghur areas, nor has not it taken the necessary concrete steps to facilitate a visit by the UN High Commissioner for Human Rights. China has not invited the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea to visit Northeast China to meet officials and North Korean refugees, and thus has not implemented Canada's recommendation (66).

In not accepting Canada's recommendation, China stated that its rejection is based on China's opposition to "politicizing human rights issues" and it "disapproves exerting pressure on a country in the name of human rights, and does not support establishing an UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea." In this statement, China demonstrates opposition to Human Rights Council (HRC) resolution 16/21, which called on Member States to cooperate with Special Procedures.²⁹ As a member of the HRC during this time, it displays a particular lack of cooperation that the government of China is preventing SPs from fulfilling their role to enhance the Human Rights Council's capacity to address human rights situations in all UN Member States, including on country-specific issues.

China still has not joined the 117 UN Member States that have extended "standing invitations" to all thematic Special Procedures and the government rejected recommendations from Hungary

and Latvia (70) and Australia (72) to do so.³⁰ The Chinese government has not extended invitations to the majority of the multiple mandate holders who made requests, in some cases repeatedly, to visit China in the past decade.³¹

Three mandate holders have been invited, but China has not facilitated the visits, and they consequently have not taken place at the time of writing:

- The Special Rapporteur on Freedom of Religion or Belief: No visit has taken place, though the SR received an invitation following requests made in 2004 and 2006;
- Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health: No visit has taken place, though the SR received an invitation in second half of 2015, nine years after the request was made in 2006;
- Special Rapporteur on the Right to Privacy: Invited for 2017.

In the past three years, only three SP mandate holders received invitations to visit China:

- Working Group on the Issue of Discrimination against Women in Law and in Practice, visited December 12-19, 2013³²;
- Independent Expert on the Effects of Foreign Debt and Other Related International Financial Obligations of States on the Full Enjoyment of All Human Rights, particularly economic, social and cultural rights, visited June 29-July 6, 2015³³;
- Special Rapporteur on Extreme Poverty and Human Rights, in August 15-23, 2016—11 years after the request was made in 2005.³⁴

In stating its opposition to recommendations asking China to extend “standing invitations” to SPs, China cited “its national conditions” but at the same time has claimed that the visits that China received “have produced good overall results.”³⁵ However, the SR on Extreme Poverty and Human Rights, Philip Alston, told reporters at the end of his nine-day visit that the Chinese government interfered with his work by blocking access to individuals whom he had hoped to meet. He said he had notified the government in advance, but “none of those meetings were arranged, and the message I got from many of the people I contacted was that they had been advised that they should be on vacation at this time.”³⁶

Since the 2013 UPR, all of the Special Procedures mandate holders that visited have been related to social and economic rights, which means that China has only *partially implemented* the UPR recommendation made by Ecuador (68) that China take into account “the appropriate balance between economic, social and cultural rights and civil and political rights.” We also consider recommendation 73 to be only *partially implemented*, as the government has not facilitated a visit from the High Commissioner as well as SPs. There are a further nine outstanding requests from SPs to visit China, the majority of which focus on civil and political rights.³⁷

Lack of Substantive Responses to SP Communiqués & Concrete Data for TB Reviews

According to the most recent available data, China responded to approximately 75 percent of communiqués sent to the government by Special Procedures in 2013, which is higher than average among UN Member States for that year.³⁸ Sources familiar with the communiqués say China has in recent years been responsive to SPs' inquiries.³⁹ However, China's responses to SPs' communiqués are usually not substantive or informative; the government tends to shed very little light on the individual cases in response to inquiries by SPs, and often just briefly repeats police accusations against the suspects or quotes directly from court verdicts.

For instance, in 2013, the Working Group on Arbitrary Detention and the Special Rapporteur on Torture sent a "joint urgent action" to the Chinese government, raising concerns about the alleged house arrest of Ms. Liu Xia (刘霞), the wife of Chinese Nobel Peace Prize winner Mr. Liu Xiaobo (刘晓波):

"According to the information received, on or around 14 October 2010, Ms. Liu Xia was placed under house arrest and has not been allowed to leave her apartment compound except under police escort since. It is reported that her telephone, mobile phone and internet have also been disconnected. Ms. Liu Xia's repeated requests to be able to send and receive regular correspondence have allegedly been denied by Chinese authorities. It is alleged that Ms. Liu Xia's request for independent medical assistance for the treatment of her depression has yet to be granted. She fears that if she is provided with a State-appointed doctor, she might be institutionalized. Serious concern is expressed about the physical and mental well-being of Ms. Liu Xia."

In its very brief response, the government simply stated:

*"Liu Xia is a woman of 53 years of age and she originally comes from Beijing, China. Liu's current health is fairly good. The Chinese public security body has not adopted any legal or compulsory measures with regard to her."*⁴⁰

This example, which is typical of the Chinese government's responses, illustrates China's lack of constructive cooperation with SPs despite its comparatively higher rate of replies. We suggest that a higher rate of responses to SPs' communiqués should not be a criterion for assessing "constructive cooperation" with SPs. Instead, the *quality* of responses is far more significant. More specifically, the quality of government responses can be assessed by the amount of useful and relevant information provided by the State and the government's own willingness to handle the cases, or provide remedies if needed, strictly according to international human rights standards.

At the same time, China has continued to resist providing concrete data and specific information requested by treaty bodies in relevant lists of issues.⁴¹ This lack of cooperation violates specific articles in human rights treaties that China has ratified. Repeatedly, following reviews of China, treaty bodies have urged in their "Concluding Observations" that China provide numerical data, disaggregated statistics, and substantive details to assist their reviews of China's implementation of its treaty obligations.⁴²

Without exception since 2013, all the treaty bodies that reviewed China have been forced to repeat their requests for disaggregated data and concrete information due to the government's non-compliance:

- In concluding its 2013 review, CRC stated that it “reiterates its concern about the limited public accessibility to reliable and comprehensive statistical data in mainland China in all areas covered by the Convention (CRC/C/CHN/CO/2, para. 22). It is particularly concerned that due to laws and regulations on guarding State secrets in mainland China, disaggregated data and important statistics critical for effective implementation and monitoring of the Convention are often not available in the State party.”⁴³ CRC said it “recommends that the State party review the secrecy laws and regulations in mainland China in order to ensure that information concerning children, ... is systematically collected, made publicly available and discussed and used for the development of policies and plans on children’s rights. In this regard, the Committee further recommends that the State party establish in mainland China an independent review mechanism for the classification of State secrets.”⁴⁴
- In concluding its 2014 review, CESCR “notes the absence of reliable statistics that would allow for an accurate assessment of the fulfilment of economic, social and cultural rights in the State party,” and “urges the State party, ...to develop systematic data collection and the production and use of statistics for human rights indicators, including for economic, social and cultural rights based upon such data... The Committee requests the State party to include in its next periodic report statistical data on the enjoyment of each Covenant right, disaggregated by age, sex, ethnic origin, urban/rural population and other relevant status on an annual comparative basis.”⁴⁵
- In concluding its 2014 review, CEDAW said it was “concerned that some critical information required to assess the status of women is classified as a State secret under various security regulations, which unduly restricts access to information on women’s rights issues. The Committee is further concerned that the system of data collection and sharing remains too weak to enable adequate monitoring and evaluation of the implementation of the Convention;” and CEDAW “recommends that the State party study the obstacles, including the impediments presented by the State party’s State secret law, to the collection, sharing and dissemination of sex-disaggregated data so that the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and advancing women’s human rights can be accessed by all stakeholders.”⁴⁶
- In concluding its 2015 review, CAT said it “remains concerned at the use of State secrecy provisions to avoid the availability of information about torture, criminal justice and related issues. While appreciating the State party’s assertion that “information regarding torture does not fall within the scope of State secrets”, the Committee expresses concern at the State party’s failure to provide a substantial amount of data requested by the Committee in the list of issues and during the dialogue. In the absence of the information requested, the Committee finds itself unable to fully assess the State party’s actions in the light of the provisions the Convention.” CAT further “call[ed] for the declassification of information related to torture, in particular, information about the whereabouts and state

of health of detained persons whose cases fall under the scope of the State Secrets Law.”⁴⁷

The Chinese government’s secretiveness with information necessary for TB reviews is not accidental. China has methodically been non-transparent when it comes to treaty bodies’ periodic reviews. It took reservations on articles in treaties authorizing TBs to conduct country visits or receive individual cases; it does not recognize some TBs’ competence, and it refused to join almost all the optional protocols associated with the six major human rights treaties that China ratified. China’s systemic refusal to provide detailed information has seriously undermined TBs’ role in examining China’s genuine compliance with its treaty obligations and in promoting the realization of specific human rights that the government has obligations to protect.

Lack of Remedial Measures as Recommended by SPs & TBs

UN Member States’ cooperation with Special Procedures can also be assessed by the remedial measures States take to address issues that SPs have considered to be violations of international human rights standards. Such remedial measures include providing remedies to victims of human rights violations and amending laws to make them fully comply with international human rights treaties that China ratified.

In most cases, when SPs have jointly issued statements about serious rights abuses in China, the government has responded with strident defiance. Just as one example, on August 11, 2016, the spokesperson for the Chinese Ministry of Foreign Affairs dismissed a joint SP statement concerning reports that jailed activist Yang Maodong (杨茂东, aka, Guo Feixiong, 郭飞雄) was being deprived of proper medical treatment, stating that the statement was based on “false information,” contained “irresponsible speech,” and constituted “rude intervention” in “China’s internal politics and judicial sovereignty.”⁴⁸

One example of China’s inaction in taking remedial measures is, since China underwent its first UPR in 2009, it has refused to take any of the remedial actions recommended by the Working Group on Arbitrary Detention (WGAD). Since 2009, the WGAD has issued “opinions” on 24 individual cases that it declared involved “arbitrary detention or arrest” and asked the Chinese government to “immediately and unconditionally” release the detainees or prisoners and provide state compensation. Most of these individuals remain in prison or in detention, under house arrest or residential surveillance, except a few who were released after completing their sentences. (See: Annex 3. Updates on 24 Cases of Arbitrary Detention Based on UN WGAD Opinions (2009-2016).)⁴⁹

China has also taken little action in implement treaty bodies’ recommendations. This problem is discussed above in the context of TBs’ repeated requests for disaggregated data and concrete information. Some TB recommendations have been made repeatedly in consecutive “Concluding Observations” of periodic reviews on China, indicating an ongoing lack of action on the part of the Chinese government to implement these recommendations.

For instance, in its 2015 Concluding Observations, CAT recalled its previous recommendation in 2008 and again urged China to ensure that all allegations of excessive use of force, torture and

other ill-treatment perpetrated by State officials during the suppression of protestors in 1989 be effectively investigated by an independent authority and that perpetrators are prosecuted.⁵⁰ In 2008, CAT asked China to remove the main obstacles to the effective implementation of the Convention, including the 1988 Law on the Preservation of State Secrets and the harassment of lawyers and human rights defenders. In the following review in 2015, CAT repeated this request in the Concluding Observations, where the Committee also went as far as to request China specifically follow up, within one year, on this recommendation.⁵¹ To date, China has continued to ignore the Committee's recommendations on these issues. (See Section 2.9)

It is common for treaty bodies to be forced to repeat recommendations in subsequent reviews of China's compliance with international conventions. In another example, in 2014, CESCR reiterated its previous recommendation from 2005 and called upon China "to strengthen its efforts to abolish the household registration system (*hukou*) and to ensure that all rural-to-urban migrants are able to enjoy the work opportunities, as well as social security, housing, health and education benefits, enjoyed by residents in urban areas."⁵² Again, to date, the government has not implemented this recommendation.

Suggestions

- Fulfill China's obligations under all the international human rights treaties that it has ratified, and amend all national laws and regulations that are not in full compliance with these treaties;
- Fully cooperate and constructively interact with the UN High Commissioner for Human Rights, the Special Procedures and treaty bodies;
- Extend standing invitations to all Special Procedures, end obstruction and intimidation to SP mandate holders during their visits; and facilitate a visit from the High Commissioner for Human Rights, including to Tibetan and Uyghur autonomous regions;
- Recognize the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea and facilitate a visit by the Commission to Northeast China to meet North Korean refugees.

¹ All the 2013 UPR recommendations to China by states cited in this report are based on UN Human Rights Council (HRC), “Report of the Working Group on Universal Periodic Review: China,” A/HRC/25/5, December 4, 2013; All the statements of China’s positions on the 2013 UPR recommendations are based on HRC, “Report of the Working Group on the Universal Periodic Review: China. Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1. February 27, 2014.

² See Chart disclosing the status of ratifications of human rights treaties on the right-side bar of the webpage of the UN Office of the High Commissioner for Human Rights (OHCHR), “Treaty Bodies,” <http://ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>.

³ We have labelled the following recommendations as “poor” (186.3 – Cape Verde, 24 – Egypt, 25 – Ghana, 26 – Guatemala, 27 – Latvia, 29 – Seychelles, 30 – Uruguay, 31 – Uruguay, 32 – Zambia, 67 – Syria). It is impossible (or at least impractical) for us to assess whether China has “considered” (as several States recommended) ratifying or signing any of these treaties or optional protocols. A principal reason for this is that the Chinese government has intensified suppression on freedom of information and treats such information as tantamount to “state secrets.”

⁴ Committee on the Rights of the Child (CRC), Concluding observations on the combined third and fourth periodic reports of China, adopted by the Committee at its sixty-fourth session, CRC/C/CHN/CO/3-4, October 2013, para. 97.

⁵ Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the second periodic report of China, including Hong Kong, China, and Macao, China, CESCR/E/C.12/CHN/CO/2, June 2014, paras. 62, 63.

⁶ Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the combined seventh and eighth periodic reports of China, November 2014, CEDAW/C/CHN/CO/7-8, paras. 11(c) and 77.

⁷ Committee Against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, paras. 50, 62 & 64.

⁸ Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. VI, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

⁹ UN General Assembly, “Principles relating to the Status of National Institutions (The Paris Principles),” Resolution 48/134, 1993, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

¹⁰ HRC, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review.”

¹¹ Ibid.

¹² CESCR, Concluding observations on the second periodic report of China, including Hong Kong, China, and Macao, China, para. 8.

¹³ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, paras. 16-17.

¹⁴ Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016.

¹⁵ We also consider other recommendations assessed in this section to be “poor.” For instance, Zambia (186.32) recommended that China “consider” establishing a NHRI, and Thailand (57) asked China to “look into the possibility of” doing so. It is difficult to assess whether the government has “considered” or “looked into the possibility” of doing so, due in part to the lack of government transparency. Qatar (58) asked China to “continue efforts in theoretical research.” This recommendation is poor because it did not ask China to undertake any concrete actions relevant to a specific human rights goal.

¹⁶ We held several direct consultations with Chinese NGOs and individual human rights defenders in 2016. All the people we spoke with had no knowledge of public or civil society participation in the NHRAP process. CHRDI interviews, 2016.

¹⁷ See, for instance, the case of Cao Shunli. CHRDI, Cao Shunli (曹顺利) & Her Legacy, <https://www.nchrd.org/2014/04/prisoner-of-conscience-cao-shunli/>.

¹⁸ *Xinhua News Agency*, “National Human Rights Action Plan (2012-15) Implementation Evaluation Concluding Conference Held in Beijing” (国家人权行动计划(2012—2015年)实施评估总结会议在京召开) June 14, 2016 http://www.gov.cn/xinwen/2016-06/14/content_5082040.htm.

¹⁹ The government declared that “major objectives and tasks [of NHRAP] have been realized in a timely fashion”; and “48% of the binding targets and more than 50% of targets that involved people’s livelihood have been reached ahead of schedule or over-fulfilled.” Ibid.

²⁰ *People's Daily*, “Excerpts of Speeches from NHRAP (2012-15) Implementation Evaluation Concluding Conference” (《国家人权行动计划(2012—2015年)》实施评估总结会议发言摘登) June 16, 2016, <http://politics.people.com.cn/n1/2016/0616/c1001-28448543.html>.

²¹ See CHRDR 2013, 2014, and 2015 Annual Reports. CHRDR, “A Nightmarish Year Under Xi Jinping’s “Chinese Dream”: 2013 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrd.org/2014/03/a-nightmarish-year-under-xi-jinpings-chinese-dream-2013-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; CHRDR, ““Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,”” <https://www.nchrd.org/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; CHRDR, ““Too Risky to Call Ourselves Defenders”: CHRDR 2015 Annual Report on the Situation of Human Rights Defenders in China,”” <https://www.nchrd.org/2016/02/too-risky-to-call-ourselves-defenders-chrds-2015-annual-report-on-the-situation-of-human-rights-defenders-in-china/>.

²² *People's Daily*, “Excerpts of Speeches from NHRAP (2012-15) Implementation Evaluation Concluding Conference.”

²³ For example, activist Huang Wenxun (黄文勋) spent three years without a trial, before being convicted and sentenced to five years in prison. CHRDR, Portrait of a Defender – Huang Wenxun, <https://www.nchrd.org/2014/01/prisoner-of-conscience-huang-wenxun/>; Lawyer Xia Lin (夏霖) spent 19 months before his first trial took place, before he received a 12-year prison sentence. CHRDR, Portrait of a Defender – Xia Lin, <https://www.nchrd.org/2015/02/prisoner-of-conscience-xia-lin/>.

²⁴ *People's Daily*, “Excerpts of Speeches from NHRAP (2012-15) Implementation Evaluation Concluding Conference.”

²⁵ CHRDR, Joint Civil Society Report Submitted to UN Committee Against Torture, October 2015, paras. 100-110, <https://www.nchrd.org/2015/11/joint-civil-society-report-submitted-to-un-committee-against-torture-october-2015>.

²⁶ For instance, the 2013 Mental Health Law does not guarantee the rights of persons with disability in accordance with international human rights law, as Brazil recommended China to do (186.100). See Sections 2.4 and 3.4.

²⁷ We consider this recommendation to be “poor,” because it is impossible to assess whether the government has “considered” doing this due to lack of government transparency.

²⁸ Azerbaijan problematically recommended China “continue” what it has not engaged in – “constructive and cooperative dialogue with the UN human rights system” (186.63). Kenya (64) and Nigeria (65) made similarly poor recommendations.

²⁹ HRC resolution 16/21 reaffirmed the obligation of States to cooperate with the Special Procedures. It also reaffirmed the principles of cooperation, transparency and accountability and the role of the system of Special Procedures in enhancing the capacity of the Human Rights Council to address human rights situations. HRC, Resolution 16/21 - Review of the work and functioning of the Human Rights Council, A/HRC/RES/16/21, April 2011.

³⁰ As of November 17, 2016, 117 Member States and 1 non-Member Observer State have extended standing invitations to thematic special procedures. OHCHR, Standing Invitations, <http://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/StandingInvitations.aspx>.

³¹ Click on the China flag symbol to see a list of SPs’ requests and reminders. OHCHR, View Country visits of Special Procedures of the Human Rights Council since 1998, <http://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en>.

³² UN Human Rights Council, “Report of the Working Group on the issue of discrimination against women in law and in practice - Mission to China,” A/HRC/26/39/Add.2., June 2014.

³³ HRC, “Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights on his mission to China,” A/HRC/60/31/Add.1, March 2016.

³⁴ OHCHR, “End-of-mission statement on China, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights,” August 23, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20402&LangID=E>.

³⁵ HRC, “Report of the Working Group on the Universal Periodic Review, China. Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1, February 2014.

³⁶ Ben Blanchard, “U.N. rights envoy says Chinese authorities interfered with his work,” *Reuters*, August 23, 2016, <http://uk.reuters.com/article/uk-china-un-rights-idUKKCN10Y186>.

³⁷ OHCHR, Country visits of Special Procedures of the Human Rights Council since 1998, <http://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en>.

³⁸ OHCHR, “United Nations Special Procedures, Facts and Figures 2013,” February 2014, pp.. 12-14, http://ohchr.org/Documents/HRBodies/SP/Facts_Figures2013.pdf.

³⁹ CHRD interviews 2015, 2016.

⁴⁰ HRC, Communications report of Special Procedures, A/HRC/26/21, June 2, 2014, p. 30, [https://spdb.ohchr.org/hrdb/25th/China_21.02.14_\(14.2013\)_Trans.pdf](https://spdb.ohchr.org/hrdb/25th/China_21.02.14_(14.2013)_Trans.pdf).

⁴¹ This lack of cooperation precedes the 2013 UPR. In concluding its 2009 review, the Committee on the Elimination of Racial Discrimination (CERD) stated that it “regrets that the State party did not provide more detailed information on illiteracy among different minority groups and the measures taken by the State party to target those groups that are most affected,” and “notes the lack of information on complaints of racial discrimination and the absence of court cases regarding racial discrimination,” which constitutes a failure to observe Articles 6 and 4 of the treaty. Committee on the Elimination of Racial Discrimination, Concluding observations on the tenth to thirteenth periodic reports of China, CERD/C/CHN/CO/10-13, September 2009, paras. 23, 26.

⁴² This lack of cooperation precedes the 2013 UPR. For example, the Committee on the Rights of Persons with Disabilities (CRPD), in concluding its 2012 review, noted China’s lack of compliance to Article 31 of the treaty and that it “takes note that disaggregated appropriate information, including statistical and research data which enables the state party to formulate and implement policies to give effect to the Convention is often not available due to laws and regulations on guarding state’s secrets as revised in 2010. CRPD “recommends [China] to review the secrecy laws and appropriately revise them so that information on issues and problems regarding the implementation of the Convention – e.g. the number of sterilized women with disabilities or the number of involuntary commitments to institutions- can be publicly discussed. The Committee reminds the state party that this information should be accessible to persons with disabilities.” Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of China, CRPD/C/CHN/CO/1, October 2012, paras. 47, 48.

⁴³ CRC, Concluding observations on the combined third and fourth periodic reports of China, paras. 15-16,

⁴⁴ *Ibid.*, paras. 15-16,

⁴⁵ CESCR, Concluding observations on the second periodic report of China, para. 61.

⁴⁶ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, paras. 20-21

⁴⁷ CAT, Concluding observations on the fifth periodic report of China, paras. 30-31.

⁴⁸ *Xinhua News Agency*, “Ministry of Foreign Affairs: Resolutely Oppose UN HRC Special Procedures Expressing Irresponsible Speech Involving China” (外交部：坚决反对联合国人权理事会特别机制发表的不负责任的涉华言论) August 11, 2016, <http://m.apdnews.com/XinHuaNews/465370.html>.

⁴⁹ The chart is based on data provided by the UN WGAD (unless referenced otherwise). UN Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention, 1992-present, <http://www.ohchr.org/EN/Issues/Detention/Pages/OpinionsadoptedbytheWGAD.aspx>.

⁵⁰ See CAT, Concluding observations on the fourth periodic report of China, CAT/C/CHN/CO/4, December 2008, para. 21 and CAT, Concluding observations on the fifth periodic report of China, para. 54.

⁵¹ See CAT, Concluding observations on the fourth periodic report of China, paras. 15 and 44, and CAT, Concluding observations on the fifth periodic report of China, paras. 6, 31, 36, 37.

⁵² See CSECR, Concluding observations on the first periodic report of China, E/C.12/1/Add.107, May 2005, para. 46. and CESCR, Concluding observations on the second periodic report of China, para. 15.

Chapter 2. Civil & Political Rights

2.1. Elections & Political Participation

7 Recommendations Assessed:

186.168 (Russia), 171 (India), 172 (Uganda), 173 (Uganda), 222 (Austria), 228 (Vietnam), and 232 (Germany)

China's Replies:

6 recommendations *accepted*

168, 171, 172, 173, 222 & 228

1 recommendation *not accepted*

232

NGO Assessment:

China has *not implemented any of these recommendations*

Since the 2013 UPR review of China, China has not implemented any of the six recommendations related to elections and political participation, including the role of women in public affairs. Furthermore, China did not accept Germany's recommendation to "[e]nsure democratic participation of members of all ethnic minorities and allow unhindered access to all minority areas, including Tibet" (186.232).¹

In this area, three of the six recommendations are "poor" because of the presumption that citizens' in China have rights that do not exist and in the absence of those achievements, it makes little sense to ask the state to "further guarantee" those rights (173); because there are few measures to ensure participation in decision-making by any citizens, including by ethnic minorities, so it makes no sense to take "further" measures in that

regard (222); and because continuing a system that has not provided autonomy in ethnic areas and has been the foundation for human rights violations in China is counter to the goals of the UPR (228).²

Women continue to be underrepresented in the Chinese Communist Party (CCP), and government and legislative bodies at all levels. Chinese authorities have not fully implemented election laws, and the CCP has excessive influence over who can be a candidate in elections. Party and governmental interference in people's congress and village elections has been pervasive, and political institutions have not complied with international norms. CCP and government officials often retaliate against independent candidates, including through harassment, detentions, and prison sentences. In addition, discrimination against ethnic and decision-making bodies affecting religious minorities continues to be a concern.

To understand the situation in China, a brief description of elections in China is necessary. China only has direct elections for people's congress delegates in local townships, counties, municipal districts, and cities not divided into districts. Above these levels, including at the national level, there are no direct elections; congress delegates are selected by people's congresses at the next lower level.³ Direct elections are also held at the lowest administrative levels for village committees and urban community-level "residence committees." Village-level administration is particularly complex—involving Party, village committee, and village "supervision" and "assembly" groups⁴—but according to law, the Party committees play the leading role.⁵

Low Women's' Public Participation & Election Laws Not Fully Implemented

Women in China continue to be underrepresented in Party and government leadership positions, a fact that the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about in its 2014 Concluding Observations.⁶ Chinese authorities have not met the 30 percent goal for women's participation in government and political agencies, which was set out in the 1995 Beijing Declaration and Platform for Action, and reiterated in China's 2011-2020 Women's Development Program.⁷ Underrepresentation is particularly grave at the top. There has never been a women on the Party Central Committee, and as of March 2015, only two of 25 ministry-level agencies had women leaders, and there were no women provincial-level CCP secretaries.⁸

Since the 2013 UPR review, Chinese authorities have not made additional efforts to ensure equal political participation for women in China's legislative and advisory bodies at all levels, and women continue to be underrepresented;⁹ hence, China has not implemented India's recommendation (171). In the 12th National People's Congress (NPC) (2013-2018), women delegates hold 23.4 percent of the seats and just 15.5 percent of the NPC Standing Committee positions, a decrease from the previous Congress. The percentage of women in the advisory body, the Chinese People's Political Consultative Conference (CPPCC), is even less; women hold just 17.8 percent of the total seats, and only 11.8 percent of the CPPCC Standing Committee positions.¹⁰ According official Chinese statistics, the percentage of women in the NPC has hovered around 21 percent since the late 1970s.¹¹

Authorities have not implemented the two recommendations from Uganda (172 and 173) because they have not fully implemented the 2010 revisions to the Organic Law of Villagers Committees; nor have they taken additional measures since then, thereby not taking steps to ensure equal representation for women in village committees.¹² The percentage of women on village committees has not changed much since the early 1990s; in 2014, the national average percentage of women on village committees was 22.8 percent, an increase of 1.4 percent from 2010, but only 1.8 percent higher than in 1993.¹³ One delegate of the CPPCC noted that, in some provinces, women's representation on village committees had not reached 20 percent, and reports note that committees in other villages have no women representatives at all.¹⁴

Moreover, numerous reports from within China note problems with discrimination against women in elections since 2013.¹⁵ In addition, gender-specific roles in politics also remain deeply ingrained. One Chinese People's Political Consultative Conference (CPPCC) delegate noted that women on village committees still mostly work on family planning policy issues, propagating gender-specific stereotypes.¹⁶ While the percentage of women in urban residence committees in 2014 was 48.9 percent,¹⁷ these committees have always been considered "women's work," and so women traditionally have dominated these committees.¹⁸

No Guarantee of the Rights to Vote & Be Elected

The government has not implemented Uganda's recommendation—that Chinese authorities guarantee citizens' right to vote, to be elected, and to express themselves (186.173)—since the CCP and government officials wield undue influence over who can be a candidate in people's

Congress elections. Without protection of the right to be elected, elections in China are not necessarily free and fair, and political institutions do not comply with international standards.¹⁹ Interference by officials in elections includes judging potential candidates using criteria not disclosed to the public or that conflicts with national laws. For example, the 2015 revision to the Election Law for people's congresses included a new provision that gives an "examination committee" the authority to "examine" individuals who win people's congress elections before they assume office.²⁰ The "criteria" the Examination Committee uses are not disclosed to the public, and are above and beyond the scope of the basic criteria in Article 2 of the Election Law.²¹ The additional "examination" further opens the door to arbitrariness and increased government or CCP interference in elections.

This problem of interference also takes place at the village level. Higher-level authorities impose secondary eligibility criteria for candidates that go beyond the law, sometimes under the banner of having members of the committee be "broadly representative." Since the 2013 UPR, officials in some parts of China prohibited certain types of individuals from becoming candidates in, being elected to, or assuming office in village committees by imposing requirements not stipulated in China's Organic Law of Village Committees. These criteria include age, education, and loyalty to the Party line.²² Other arbitrary criteria authorities utilized to prohibit individuals from becoming village committee candidates include, among other activities: the lack of Party membership, alleged distribution of "suggestions that counter Party theories, guidelines, and policies," "creating or disseminating political rumors," or initiating mass incidents or inspiring people to file petitions.²³ Documents from higher-level officials or local leaders outline additional "criteria" that are not included in the Election Law, which local "election work leading small groups" or other Party or government agencies use to "disqualify" individuals from running in elections.²⁴

Reprisals Against Independent Candidates & Election Monitors

As one local observer pointed out, elections have deteriorated to the point that that "not only do people not have the right to participate in elections but even if you are considering it, you may be punished. People are frightened to join elections."²⁵ In 2014, CEDAW expressed its deep concern over reports that women who have stood in elections as independent candidates have been "subjected to abuse and violence."²⁶ In the latest round of people's congress elections in 2016, authorities have cracked down on unsanctioned candidates across the country.²⁷ Some examples of reprisals against independent candidates, their supporters, and election monitors include:

- In June 2016, Guangdong Province authorities detained Wukan Village committee chief, Lin Zulian (林祖恋), assigned him a government-appointed lawyer, likely forced him to make a televised confession—which he later retracted—and then tried and convicted him in September on charges of "bribery."²⁸ Lin received a 37-month sentence and a fine of 200,000 RMB (approx. 29,500 USD),²⁹ and lost his appeal in October.³⁰ Lin's initial detention came just days after he published an open letter saying he would initiate protests and mass-complaints to higher-level authorities regarding continuing illegal land sales and failure to provide compensation for land confiscations in Wukan.³¹ Lin had led

past demonstrations against such land deals, and had been freely elected by his peers in 2012.³²

- In August 2016, local authorities in Zixi County, Jiangxi Province administratively detained Yang Wei (aka, Yang Tingjian, 杨霆剑) for 10 days after he tried to submit an application to become a candidate in people's congress elections in Hecheng Township.³³ Yang has said he would continue his efforts to seek office, despite threats to himself and his family and 24-hour surveillance around his house.³⁴
- In October 2016, officials in Qianjiang City, Hubei Province forced election expert Yao Lifa (姚立法) into a vehicle and took him away³⁵ on the same day he and 57 others declared their candidacy for local people's congress elections.³⁶ Not long before, officials had shut down Yao's popular election monitoring blog, likely for his reporting on Shanghai and Beijing independent candidates.³⁷
- Beijing authorities harassed Ye Jinghuan (野靖环) after she and 17 others issued an open letter declaring their intention to run in elections in October 2016.³⁸ Authorities in Fangshan district, Beijing, followed and prevented Liu Huizhen (刘惠珍), who was among the very few of 60 independent candidates to get onto the ballot, from meeting with voters or carrying through with a rally.³⁹ Beijing police also harassed, intimidated, or beat up other independent candidates to prevent them from running, meeting journalists,⁴⁰ and voters, making campaign speeches,⁴¹ or canvassing.⁴²
- Other recent instances of detention or harassment of independent candidates and their supporters in 2016 include the criminal detention of Guan Guilin (管桂林), a Hunan man, on suspicion of "disrupting elections" after he tried to register as a candidate,⁴³ and the detention of individuals in Shanghai who were handing out flyers in support of one independent candidate.⁴⁴
- In 2014, also in Wukan Village, independent candidates Yang Semaoy (杨色茂) and Hong Ruichao (洪锐潮) were detained on trumped-up bribery charges. Authorities had warned Hong not to participate in the election, but he did anyway and won a seat on the village committee, even though he was detained at the time. In late 2014, courts sentenced Yang to two years' imprisonment and Hong to four years.⁴⁵ Both candidates had been leaders in 2011 demonstrations against land seizures and the death of a villager in custody, and were subsequently voted into the village committee in 2012 elections.⁴⁶

Discrimination Against Minorities & Interference in Decision-making

Discrimination against ethnic and religious minorities in village and people's congress elections and in decision-making bodies continues to be a problem, and China has not implemented recommendations related to this issue made by Austria (222), Viet Nam (228), and Germany (232). CEDAW expressed concern in 2014 over the underrepresentation in political decision-making of ethnic and religious minority women as well as rural and migrant women.⁴⁷ Between 2013 and 2016, some government job postings indicated that only Han Chinese citizens would

be eligible to apply, reducing opportunities for non-Han to participate in decision-making.⁴⁸ In 2014, CCP authorities in a prefecture in the Tibet Autonomous Region (TAR) restricted certain individuals from becoming village committee candidates because they were not Party members, or because they had attended religious gatherings abroad that had been organized by the Dalai Lama.⁴⁹

Authorities in the TAR not only interfere in elections, they also interfere in decision-making at the organizational level, and even intrude at the household level in attempts to monitor political thought and behavior. Party and government officials removed some members of management committees in monasteries and nunneries in the TAR and reportedly replaced them with “government and Party appointees,” and have demand that monks and nuns “demonstrate their support” for the Party.⁵⁰ The intrusion of government and Party officials at the household-level in the TAR, and other areas, is particularly worrisome, because such behavior is likely to stifle freedom of thought and speech. According to a Human Rights Watch report, teams of officials were “categorizing Tibetans according to their religious and political thinking, and establishing institutions to monitor their behavior and opinions.”⁵¹

Suggestions

- Guarantee elections are free and fair and make sure citizens are able to exercise their right to vote and be elected, including by ensuring the implementation of all electoral laws, making all relevant regulations and rules open to the public, and abolishing non-transparent Party “evaluation” processes;
- Ensure women’s equal participation in elections and public affairs, in part by educating and training women regarding political leadership, and by adopting a specific quota system for women members in villagers’ committees and in local and national people’s congresses;
- Guarantee, through legislative and other measures, ethnic and religious minorities equal participation in elections and decision-making;
- Investigate allegations of harassment and violence against potential candidates, candidates, or delegate-elects in elections at all levels, and make public the results of such investigations, prosecute the perpetrators, and compensate the victims.

2.2. Death Penalty

11 Recommendations Assessed:

186.17 (Benin), 18 (Estonia), 107 (New Zealand, Rwanda, Portugal, Argentina, Australia, Spain), 108 (Italy, Switzerland, France, Belgium), 109 (Italy, Bulgaria, Germany, Belgium), 110 (Algeria), 111 (Egypt), 112 (Namibia), 113 (Slovenia), 114 (Chile), and 128 (Norway)

China's Replies:

2 recommendations accepted

110 & 111

9 recommendations not accepted

17, 18, 107, 108, 109, 112, 113, 114 & 128

NGO Assessment:

China has partially implemented recommendations 109 & 110, and has not implemented the other nine recommendations

China did not accept and did not implement most of the 11 recommendations made on the death penalty. However, we assess that the government has partially implemented two recommendations.⁵² China pledged in 2013, as a candidate in the elections for a Human Rights Council seat, that judicial organs would “continue to strengthen the prudent application of the death penalty.”⁵³ Since then, however, it appears that China has not kept its pledge, nor has it taken seriously most recommendations about the death penalty made during its 2nd UPR. The trend of small reductions in the number of annual executions seems to have stalled, non-transparency remains the rule, various reform measures have been extraneous or inadequate, and China’s application of the death penalty does not conform to international standards.

Stalled Decline in Estimated Number of Executions

Chinese authorities continue to classify information about executions as a state secret.⁵⁴ In 2015, the Committee Against Torture (CAT) expressed concern over the “lack of specific data on the application of the death penalty,” which prevented the Committee from verifying whether legislative reforms are being implemented in practice.⁵⁵ According to NGO estimates,

China executes more people per year than all other countries combined.⁵⁶ While Chinese authorities have gradually provided more data on individual executions over the past five years, reporting is selective and limited information is still only available about a very small percentage of executions.⁵⁷ In addition, since the Supreme People’s Court (SPC) took back the authority to review death penalty cases, it has rejected the penalty in a small percentage of cases.⁵⁸ According to one NGO’s analysis of 525 cases reviewed by the SPC of individuals facing the death penalty between April 2011 and November 2015, the SPC rejected the penalty in only 11 cases, a rate of 2 percent. This rate, though based on what is understood as incomplete data, is significantly lower than the 10 percent figure reportedly provided by SPC officials.⁵⁹

Extraneous Measures to Reduce Crimes Punishable by Death

Although China did not take action to implement the majority of UPR recommendations on the death penalty, Chinese authorities have reduced the number of crimes punishable by death, thereby partially implementing recommendation 186.109 (Italy, Bulgaria, Germany, Belgium). During the November 2013 Third Plenum of the 18th Chinese Communist Party Central Committee, the Party issued a decision that included language on reducing the crimes punishable by death.⁶⁰ Following this, in 2015, the National People’s Congress passed the Ninth

Amendment to the Criminal Law, which reduced the number of crimes punishable by death by nine (55 reduced to 46).⁶¹ However, these reductions do not appear to be meaningful and impactful; Chinese press reports, cited in an Amnesty International report, acknowledged that there are few death sentences issued for the crimes that are no longer capital offenses, so the reductions would likely have little impact on the total number of executions.⁶² In 2015, the two UN special rapporteurs on summary executions and on torture welcomed China's measures (to reduce the number of crimes punishable by death), but the latter also urged the Chinese government to take "further steps towards abolishing the death penalty..."⁶³

Death Penalty Implementation & Review Do Not Conform to International Standards

In 2012, China issued new provisions in the amended Criminal Procedure Law that restricted the application of the death penalty.⁶⁴ One Chinese scholar and expert on the death penalty concluded, however, that these provisions and other measures have not been fully implemented, and that there has been little or no improvement in China's application of the death penalty.⁶⁵ After 2013 and China's 2nd UPR, the government made fewer efforts to reform the use of the death penalty than it reportedly had in previous years. In the 2012-2015 National Human Rights Action Plan (NHRAP), China made a vague pledge that "more strict standards will be adopted" with regard to evidence used in capital cases, without detailing what these standards would be or how they would be measured.⁶⁶ The official assessment of the implementation of this plan simply reiterates mostly pre-2013 judicial interpretations passed, regulatory measures put in place, and institutional changes, but does not discuss how all of these measures have been implemented in practice.⁶⁷ In January 2015, the SPC issued so-called "new" measures, which simply clarified existing procedures for how defense lawyers may present their opinion to judges during the SPC review of death sentences.⁶⁸

In June 2016, the SPC instructed second-instance courts to, in principle, review capital crime cases remanded by the SPC instead of just returning the case to the court of first-instance, except under special circumstances.⁶⁹ Some believe this process may help to reduce local government protectionism leading to interference in court cases.⁷⁰ Nevertheless, in 2015-2016, some Chinese scholars reportedly expressed concerns about the lack of clear legal standards in the death penalty review process. They called on officials to issue guidelines for sentencing, expressed concerns about the sufficiency of procedures relating to meaningful representation by lawyers, and called on the government to be more transparent about statistical data on the review of capital cases.⁷¹

Application of the death penalty in China still does not conform to international standards. China has signed but not ratified the International Covenant on Civil and Political Rights (ICCPR), the major covenant with provisions pertaining to application of the death penalty.⁷² Having signed the ICCPR, the Chinese government is obliged to not take measures that defeat the treaty's purpose, but China's application of the death penalty fails to conform to the ICCPR in multiple ways.⁷³ For example, the ICCPR stipulates death sentences "may be imposed only for the most serious crimes..." but China continues to condemn to death individuals for non-violent and economic crimes.⁷⁴ Furthermore, the ICCPR stipulates that "no one shall be arbitrarily deprived of his life," which has been interpreted to mean States should guarantee the right to a fair defense.⁷⁵ In China, the judiciary is subservient to the CCP, the legal system lacks political

independence,⁷⁶ and state-run media may influence outcomes in death penalty cases,⁷⁷ so there is no guarantee of a fair trial for those facing a possible death sentence. Chinese authorities also continue to use torture to extract confessions and use them in court convictions, including those leading to executions.⁷⁸ There are other issues inherent in the judicial system that prevent defendants from receiving a fair trial, including the lack of the assumption of innocence and standards of evidence to eliminate reasonable doubt, inhumane treatment of detainees on death row, and denial of their rights to see and communicate with family members.⁷⁹

Inadequacies of other measures from the Chinese government also undermine the right to a fair defense in death penalty cases:

- The 2012 revisions to the CPL stipulate that legal aid agencies assign an attorney to a defendant facing capital punishment in a lower court trial, but this does not apply when the case comes under the mandatory SPC review.⁸⁰
- Measures issued in early 2015 by the SPC, further clarifying the role of lawyers in final death penalty reviews, are too weak and exclusory to help ensure a fair legal defense for detainees facing execution.⁸¹
- The government has proposed instituting a ranking system for lawyers; however, if enacted, there is fear it could be used to prohibit certain lawyers from representing their defendants in death penalty cases.⁸²

Additionally, China lacks a system whereby death row inmates may apply for a pardon, and executions typically take place a short period after the SPC conducts its review. The NGO Dui Hua Foundation reviewed about 500 SPC review verdicts and found that, on average, executions take place within two months of the SPC verdict, indicating sometimes there is a time lag between a SPC verdict and the signing of the warrant of execution.⁸³ By law, executions should take place within seven days after the SPC president issues a warrant of execution after the SPC finishes its review of a case.⁸⁴

In 2016, public outcry erupted over the case of Jia Jinglong (贾敬龙), who was executed in November 2016 after he killed a village chief who had arranged for Jia's house to be demolished just before Jia's wedding.⁸⁵ Many Chinese and international law experts found it problematic that authorities executed Jia Jinglong so soon after the lawyer received the verdict, and argued that the court did not sufficiently weigh mitigating circumstances in his case or adhere to the state policy stipulating caution in death penalty cases.⁸⁶ Initially, calls for a delay included an opinion piece in government-affiliated media, but following the execution, state media published articles justifying the SPC's decision, perhaps to counter the public uproar.⁸⁷

In 2015, CAT encouraged China to "establish a moratorium on executions and commute all existing death sentences," as well as accede to the Second Optional Protocol of ICCPR on abolishing the death penalty.⁸⁸ However, the government has done implemented these recommendations.

Suggestions

- Increase transparency regarding the number of executions and individuals sentenced to death and repeal the classification of executions as a state secret;
- Implement a five-year moratorium on executions and ensure humanitarian treatment of death penalty convicts;
- Eliminate all non-violent crimes from the list of crimes to which the death penalty applies; and eliminate “Strike Hard” campaigns and abolish policies dictating that murder cases must be solved;
- Impose a six-year time limitation between a death sentence and an execution;
- Establish a system allowing pardons for death row prisoners and establish a three-tiered appeals process in death penalty cases.

2.3. Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment

5 Recommendations Assessed:

186.49 (Mexico), 51 (Denmark), 52 (Afghanistan), 64 (Kenya), and 117 (Germany and France)

China's Replies:

5 recommendations accepted

49, 51, 52, 64, 117

2 already implemented

49 & 117

1 being implemented

51

NGO Assessment:

China has partially implemented recommendation 117, and has not implemented the other 4 recommendations

The Chinese government has been party to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment (Convention) since 1988. Yet it continues to violate provisions of the Convention.⁸⁹ The government has not implemented the 2013 UPR recommendations concerning compliance with the Convention and other human rights treaties, even though it “accepted” and claimed to be “implementing” Denmark’s recommendation (186.51) concerning the exclusion of torture-extracted evidence in court and Mexico’s (49) concerning the harmonization of the definition of torture in Chinese law with the Convention.⁹⁰

Due to the government’s lack of cooperation with the Committee Against Torture (CAT) and its treatment of data on torture cases as a “state secret” (see Section 1.3), it is nearly impossible to obtain the necessary information for assessing whether the government is “considering” views of UN treaty bodies and other human rights mechanisms (64). As discussed in Sections

1.1 and 1.3, the Chinese government has refused to sign the Optional Protocol to the Convention against Torture, which would obligate China to allow unrestricted access to data on individual cases, including their treatment, and all places of detention.⁹¹ In addition, China has refused to allow a visit by the Special Rapporteur on Torture since the last visit in 2005.⁹²

There is no clear and comprehensive definition of torture in Chinese law. Even though national legislators in 2014 amended the definition in both the Criminal Law (CL) and Criminal Procedure Law (CPL), these still fall short of complying with the definition in the Convention. Chinese law still only criminalizes some forms of physical mistreatment, and does not consider psychological abuse as torture.⁹³ Also, while a Supreme People’s Court (SPC) interpretation issued in 2012 recognized the infliction of severe “mental pain” as an act of torture, it does not define what constitutes “mental pain,” nor elaborate on behavior that could inflict such pain.⁹⁴

Reiterating its longstanding concern about this issue, CAT noted in 2015 that China’s legal “provisions do not include all the elements of the definition of torture set out in Article 1 of the Convention.” CAT also noted the Criminal Law’s provisions that prohibit torture “may not cover all public officials and persons acting in an official capacity, ... do not address the use of torture for purposes other than extracting confessions,” and “restricts the scope of the crime to the actions of officers of an institution of confinement or of other detainees at the instigation of those officers.”⁹⁵ The restriction on pursuing prosecution on torture allegations only for official state agents effectively leaves immune from criminal prosecution alleged torturers at illegal makeshift detention facilities (i.e. “black jails”) or psychiatric institutions, where government officials have

ordered Chinese citizens to be detained in significant numbers.⁹⁶ (See Section 2.4)

In responding to UPR recommendations, China claimed that it had amended laws and regulations to prohibit the use of evidence obtained through torture in criminal cases. The government responded to Mexico's recommendation (49) that the "amended Criminal Procedure Law of China further makes it clear that confessions obtained through extortion or other illegal means should be excluded."⁹⁷ In addition, China responded to Denmark's recommendation (51) by claiming that the amended Public Security Organs Regulations on Procedures for Handling Criminal Cases stipulates that such "illegal evidence...shall be excluded in accordance with law, and shall not be used as the basis for the approval of an arrest and prosecution review."⁹⁸ Besides the above provisions, judicial bodies issued two SPC "opinions" in 2010 and 2013 that elaborate on the types of coercion prohibited in criminal investigations.⁹⁹

While the Chinese government has tried to codify the exclusion of torture-extracted evidence in criminal cases, authorities have not fully implemented the relevant provisions and rules in practice. The information provided by the government for the CAT review in 2015 listed just five cases (that occurred between 2011 and 2013) where courts had thrown out such evidence.¹⁰⁰

We have documented cases where courts have allowed evidence gained through torture to be introduced in trials, declined requests by lawyers to exclude the admissibility of such evidence, or interrupted testimony by defendants about mistreatment they suffered to force them to confess.¹⁰¹ Even the Chinese government itself continues to recognize this problem and the need for further progress. A 2014 report in a state-run publication noted that courts continue to admit evidence extracted from torture.¹⁰² In October 2016, central authorities jointly issued an opinion about criminal procedure reform focusing on eliminating suspects' self-incrimination through coercive means.¹⁰³

In concluding its 2015 review, CAT expressed its concern that the government had not provided sufficient data on instances in which the exclusionary rule has been invoked and the outcome of those cases. CAT was also concerned over reports that Chinese courts often shift the burden of proof of torture allegations back to defendants in exclusionary procedures, and dismissed lawyers' requests to exclude confessions extracted through torture.¹⁰⁴

In failing to enforce laws and regulations prohibiting the use of torture to gather evidence, China has fallen short of achieving goals outlined in the government's National Human Rights Action Plan (NHRAP) (2012-2015). In that plan, the government claimed that, besides other measures, "the function rooms of the case investigation areas will be established in line with the procedures of case investigation, where permanent sound and video recording as well as video surveillance systems will be installed for real-time monitoring and control over the whole course of law enforcement and investigation to prevent any violation of the legitimate rights and interests of citizens."¹⁰⁵

In interviews that CHRD conducted for a civil society report for CAT's 2015 review, Chinese criminal lawyers told CHRD that, despite an amended CPL provision that encourages the use of audio and video equipment to record criminal interrogations, this provision does not mandate their use. This allows officials to disregard it without facing any consequences. Such equipment

is only sporadically installed in detention facilities or interrogation chambers. According to these lawyers, even in places where such equipment is installed, police have turned them off during interrogations, only taped portions of the interrogations, or deleted potentially incriminating footage. In addition, vague legal provisions as well as lax implementation of laws and regulations have made it difficult for lawyers to obtain video evidence if their clients allege mistreatment. In court proceedings, video footage from prisons and detention facilities has rarely been used to substantiate a defendant's allegations of torture, much less to prosecute alleged abusers.¹⁰⁶

Our documentation has shown that China has failed to establish mechanisms within law-enforcement and criminal justice systems to ensure that measures to curb torture are implemented. Specifically, the government has not provided protection for criminal suspects during interrogations, established receptive channels for alleged torture victims to safely file complaints, or criminally prosecuted state torturers. Few victims of alleged torture in China file complaints or seek accountability, for reasons that underscore a lack of public confidence in the country's law-enforcement and justice systems. Specifically, those who wish to seek justice confront numerous obstacles: ineffective legal and administrative channels for filing such allegations, a strong possibility of reprisals, and the absence of state bodies that can investigate torture allegations with independence from CCP influence. Few state agents accused of acts of torture have been criminally prosecuted or punished in China, and those who are convicted are given light punishments relative to the severity of their crimes, thus creating a cycle of impunity for torturers.¹⁰⁷ China's failures to enforce laws and regulations related to the prosecution of state agents accused of committing torture undermines the State pledges made in the NHRAP.¹⁰⁸

Suggestions

- Include a comprehensive definition of torture in both the Criminal Procedure Law and Criminal Law that conforms with the Convention against Torture and covers all the elements contained in Article 1 of the Convention;
- Strictly enforce relevant legal provisions to ensure that illegal evidence extracted through torture is excluded in court trials, and hold state agents criminally accountable for committing acts of torture;
- Establish effective and confidential monitoring procedures in all incarceration facilities, and ensure that any designated monitoring body can function with independence;
- Withdraw its reservation to Article 20 of the Convention, declare in favor of Articles 21 and 22, and sign and ratify OPCAT.

2.4. Administrative Detention: Involuntary Commitment to Psychiatric Institutions

6 Recommendations Assessed:

186.115 (USA), 116 (UK), 117 (Germany, France), 118 (Sweden), 122 (Canada), and 127 (USA)

China's Replies:

2 recommendations accepted

117 & 118

1 being implemented

118

4 recommendations not accepted

115, 116, 122 & 127

NGO Assessment:

China has partially implemented recommendations 117, 118 & 127, and has not implemented the other three recommendations

Overall, China has not made substantial progress in fully implementing recommendations made on abolishing all administrative detention systems during the second UPR. We acknowledge the positive step made when the Re-education Through Labor system, a form of administrative detention, was abolished in 2013.¹⁰⁹ However, other forms of administrative and extra-judicial detention continue to be used, including involuntary commitment in psychiatric institutions. A plausible explanation for the ongoing use of forced institutionalization is that, so far as their tools for political persecution are concerned, Chinese authorities are actually trying to fill the void left after the abolition of Re-education through Labor.

The government accepted Sweden's recommendation (186.118) that China should "[e]nsure that any reformed prison or compulsory care system meets international human rights standards, and abolish system of arbitrary detention, including Re-Education Through Labour." In responding to this recommendation, the government claimed that it was implementing this and pointed out

that "[t]he amended Criminal Procedure Law of China clearly stipulates that compulsory mental health treatment for mentally ill people should be decided by courts."¹¹⁰ The government also responded to Canada's recommendation (122) that China must "[r]elease all people in administrative detention for political reasons" by repeating its response given to the United States (115): "There is no one in China who is kept in administrative detention for political reasons."¹¹¹

The government's statements do not reflect the fact that other forms of administrative detention remain in operation, and also that the amended CPL has not been fully implemented in regard to involuntary psychiatric commitment, which remains a common form of extra-judicial detention for activists and government critics in China. Despite enacting its first Mental Health Law (MHL) in May 2013, the government has failed to halt this method of political persecution. The MHL stipulates that forced psychiatric commitment be based on a diagnosis by a qualified physician, and only in very limited situations while following a "voluntary" principle.¹¹² Government bodies are only permitted to intervene under two very narrow scenarios: public security organs can intervene if there has been two diagnostic conclusions that the individual has a serious mental disorder and their guardians object to in-patient care; and an individual's workplace, village committee, or residential committee can act as a guardian if closer guardians cannot be located.¹¹³ In criminal cases, the CPL only permits a court to approve an involuntary commitment on the recommendation of a procuratorate, and does not allow government officials or public security police to act unilaterally to institutionalize anyone.¹¹⁴

Because the MHL does not require a court order, police or other government officials who send someone to a psychiatric institution usually do not have one. Since the MHL took effect, on May 1, 2013, government officials or police have continued to commit petitioners, human rights activists, and critics of the government to psychiatric hospitals against their will, without obtaining a diagnosis of mental illness from qualified physicians (or where no perceived threat of violence exists). The Chinese NGO Civil Rights and Livelihood Watch has documented hundreds of cases in China of forced psychiatric detention on political grounds between 2009 to 2016.¹¹⁵ Cases show that authorities have ordered hospital personnel to detain such individuals and medicate them as they see fit in order to “discipline” them or make them obey rules in the institutions.¹¹⁶ One example is Xing Shiku (邢世库), a labor activist who has been detained in a psychiatric hospital in Heilongjiang Province since 2009.¹¹⁷ Chinese authorities continue to defy an “opinion” issued by the UN Working Group on Arbitrary Detention in May 2014 that called for Xing to be freed.¹¹⁸

Individuals forced into psychiatric commitments on political grounds are subjected to a wide range of rights abuses. Besides illegal detention, they are usually deprived of visitors, including legal counsel, and are blocked from seeking judicial review of their institutionalization.¹¹⁹ These practices clearly violate the Mental Health Law. Under Article 37 of the MHL, the treatment facilities and their staff must inform the patient or their guardian of their rights during diagnosis and treatment. Under Article 46, a patient’s communications and meetings with visitors must not be limited except when temporary measures are needed due to “acute onset of symptoms” or to “avoid obstructing treatment.” Detainees can also face myriad physical abuses, often used as punishment, that constitute torture or other forms of cruel, inhumane, and degrading treatment. These include beatings, forced injections of unidentifiable drugs, electric shocks, and having their hands, legs, and torsos tied up to hospital beds.¹²⁰

UN human rights treaty bodies have repeatedly raised serious concerns over these above practices and made specific recommendations for their abolition. CAT raised concern in its November 2015 review of China that involuntary psychiatric commitment breaches the Convention against Torture (Articles 2, 11, and 16). CAT noted that “compulsory psychiatric institutionalization” has been “allegedly used to detain [criminal] suspects without accountability,” and that “local police impose such measures without any judicial process.”¹²¹ CAT further stated that the Chinese government has not responded with clarity to inquiries about forced psychiatric commitment.¹²²

In 2012, the UN Committee on the Rights of Persons with Disabilities (CRPD) raised concern that involuntary confinement is used as a tool to maintain public security, and was “disturbed” that individuals with “actual or perceived impairments” had been subjected to such detentions, which violates the Convention on the Rights of Persons with Disabilities in regard to liberty and security of persons, and freedom from torture (Articles 14 and 15). CRPD recommended the government abolish all forms of involuntary civil commitment based on actual or perceived impairments and cease subjecting such individuals to therapies,¹²³ but Chinese authorities have ignored these recommendations.

Suggestions

- Abolish all forms of extra-judicial detention;
- Ensure all institutions of compulsory care meet international human rights standards and protect the rights of those committed in such institutions, including granting access to legal counsel, visitors, and periodic judicial review;
- Release all individuals held in extra-judicial detention facilities, including psychiatric institutions, for political reasons, including religious practitioners, dissidents, petitioners, journalists, human rights defenders, and their family members.

2.5. Freedom of Expression & Internet Use

24 Recommendations Assessed:

186.136 (Australia), 137 (Spain), 148 (Nigeria), 149 (Ireland), 151 (Costa Rica, Poland, Sweden), 152 (Sweden), 153 (Denmark), 154 (Norway), 155 (Germany), 156 (Czech Republic), 157 (Côte d'Ivoire), 158 (Poland), 159 (France), 160 (Austria), 161 (Estonia), 162 (Viet Nam), 163 (Bangladesh), 164 (Cuba), 165 (Myanmar), 166 (Ethiopia), 168 (Russia), 169 (Chile), 170 (Australia), and 173 (Uganda)

China's Replies:

16 recommendations accepted
136, 148, 149, 154, 155, 157, 158, 162, 163, 164, 165, 166, 168, 169, 170 & 173

8 recommendations not accepted
137, 151, 152, 153, 156, 159, 160 & 161

3 being implemented
149, 158 & 170

NGO Assessment:

China has partially implemented recommendation 166, has not implemented the other 20 recommendations, and recommendations 162, 163 & 164 are inappropriate [not assessed]

The Chinese government “accepted” most of the UPR recommendations concerning freedom of expression, including Internet use, but has only *partially implemented* one—on continuing “the spread of Internet connections through the rural areas” (Ethiopia).¹²⁴ We consider three of the “accepted” recommendations *inappropriate*, since they express unprincipled support for government control of expression and information on the Internet (from Viet Nam, Bangladesh, and Cuba).¹²⁵ China has *not implemented* any of the eight recommendations that it did not accept.

Since 2013, the government has intensified its suppression on freedom of expression, leveraging laws and policies to control access to and sharing of information on the Internet, and escalating criminal persecution of speech. The Xi Jinping leadership has adopted a zero-tolerance policy towards expression of political dissent, including criticisms and complaints about government policies, especially online. This concerning development goes against a 2009 resolution of the UN Human Rights Council, reconfirming that governments should refrain from imposing restrictions on “[d]iscussion of government policies and political debate; reporting on human rights, government activities and corruption in government. . . .”¹²⁶ In 2014, the Committee on Economic, Social and Cultural Rights urged China “to take effective measures to remove restrictions on freedom of expression and information.”¹²⁷

Internet users have grown rapidly in China in recent years. According to government data, by the end of 2015, China’s online population had reached 688 million, and the “Internet penetration rate” had reached 50.3 percent.¹²⁸ However, the Chinese government has

also increased its heavy monitoring and censorship on the Internet through an extensive cyber-policing apparatus. The “Great Firewall” severely restricts online information that can be accessed within the country.

The stifling environment for free expression undermines the government’s claim that it Australia’s recommendation (170) to “increase transparency of traditional and social media by guaranteeing the rights of Chinese citizens to freely critique any state organ or functionary” is “being implemented.”

Legal Tools Targeting Free Expression

A judicial interpretation issued in September 2013 by the Supreme People's Court and Supreme People's Procuratorate expanded the scope of the crime “picking quarrels and provoking trouble” (Article 293(4) Criminal Law) so that “cyberspace” is now considered a “public place.”¹²⁹ In expanding the law from the previous application restricted only to acts in physical locations, authorities have another domestic loophole to punish online expression, including speech that involves critical comments on party leaders or government policies.

The government has issued new regulations or campaigns to tighten restrictions on media, the use of cell phones, and social media tools since the 2013 UPR. In June 2014, China's major media regulator, the State Administration of Press, Publication, Radio, Film and Television, issued a notice that forbids journalists working for state media from publishing “critical reports” without approval of their employers, thus elevating the need for official media outlets to self-censor.¹³⁰ In June 2014, the Ministry of Public Security announced a campaign against “online crime” that allows police to monitor online messages, including texts on cell phones.¹³¹ The campaign supposedly focused on “traditional crimes that endanger social order,” such as disseminating information that “endangers national security,” but authorities did not define what these “traditional crimes” were or what constitutes “illegality.”¹³² Regulations that took effect in August 2014 further restricted the use of China's instant message services to share news and information without government authorization.¹³³ More recently, “Regulations on Internet Publishing Services Administration,” which took effect in March 2016, have placed vaguely worded limitations on the scope of content that can be published online, targeting materials that would allegedly involve “politically sensitive” issues.¹³⁴

Several new pieces of adopted legislation (listed below) have further reduced—or will reduce—the already restricted space for free expression. A common element among these laws is the criminalization of speech in the name of “national security,” a term that is nebulously defined in the legislation, thus opening the door for the government to target its critics.

- China's Counterespionage Law, passed and enacted in November 2014, allows national security agencies to confiscate or shut down telecommunications equipment if authorities find that an organization or individual is “harming national security.”¹³⁵
- The National Security Law, passed and enacted in July 2015, targets “dissemination of unlawful and harmful information on the Internet” without clearly defining “unlawful information.”¹³⁶
- The Ninth Amendment to the Criminal Law, which was adopted in November 2015, for the first time specifically criminalizes the online dissemination of “false” information, in particular about “danger, epidemics, disasters or security alerts.”¹³⁷
- The Counter-Terrorism Law, passed in December 2015 and enacted January 1, 2016, prohibits behavior that “distorts or slanders national laws, policies, or administrative regulations,” and provides for large-scale police monitoring and surveillance, both online and offline.¹³⁸

- The National Cyber Security Law, passed in November 2016 and to take effect in June 2017, stipulates that individuals and groups should “observe public order and respect social morality...and must not use the [Internet] to engage in activities upsetting social order, [and] harming the public interest...” The law prohibits individuals or groups from establishing “websites and communication groups” for “spreading...information related to unlawful and criminal activities,” which may provide authorities a pretext to criminalize online sharing about human rights cases or public protest. Under the law, the State Council may approve of restricting network communications (i.e., cutting off of the Internet) in certain regions if it deemed it necessary for protecting “social public order.”¹³⁹
- The Film Industry Promotion Law, passed in November 2016 and to take effect in March 2017, forbids film content based on political criteria that are open to authorities’ interpretation, including if material harms the “dignity, honor and interests” of the country, or if it foments opposition to China’s law or Constitution, harms state unity or security, threatens sovereignty or territorial integrity, or exposes national secrets.¹⁴⁰

These laws and regulations demonstrate that the Chinese government has taken steps in the wrong direction from revising its laws and reforming its law-enforcement and criminal judicial systems towards compliance with international standards for protection freedom of expression and the press, as stipulated in the International Covenant on Civil and Political Rights.¹⁴¹

Censorship & Speech Crimes

Authorities have detained and imprisoned individuals for exercising free expression by accusing them of committing various crimes, including “inciting subversion of state power,” “defamation,” and “illegal business activity.”¹⁴² In the fall of 2014, dozens of activists were held on suspicion of “picking quarrels and provoking trouble” after they posted online messages expressing support for the Hong Kong pro-democracy protests.¹⁴³

In widely publicized free speech cases emblematic of the government’s criminalization of information-sharing and free expression, Chinese courts in 2015 convicted the veteran dissident journalist Gao Yu (高瑜) and the outspoken human rights lawyer Pu Zhiqiang (浦志强).¹⁴⁴ Authorities have also penalized some of China’s most influential bloggers whose commentaries on social and political affairs have attracted enormous public attention—detaining them, closing down their social media accounts, and in some cases, forcing them to confess on state television.¹⁴⁵ This retaliation is because these online users expressed or shared views on subjects that the government considers “sensitive.”

China insisted in its response to UPR recommendations on Internet freedom that it has “the responsibility to prevent the flooding of harmful information and take steps to fight cybercrimes.”¹⁴⁶ The government has jailed journalists, including bloggers and online commentators, for allegedly divulging “state secrets” or “endangering national security.” According to a press freedom NGO estimate in December 2015, China had the highest number of jailed journalists of any country, and nearly a quarter of the world’s total.¹⁴⁷ The Internet

writers imprisoned in 2016 for their free expression include Chen Shuqing (陈树庆), Lü Gengsong (吕耿松), and Zhang Shengyu (张圣雨). They are serving punishments of 10.5 years, 11 years, and four years, respectively, after being sentenced in 2016 for alleged offenses tied to “subversion.”¹⁴⁸

In its own assessment of its National Human Rights Action Plan (2012-15), the government asserted that “the Internet information platform has enriched channels through which citizens can have their voices heard” and “express criticisms and suggestions on the work of the governments.”¹⁴⁹ The government has clearly failed to achieve the targets outlined in the plan, namely “safeguarding the legitimate rights and interests of news agencies, journalists, editors and other persons concerned;”¹⁵⁰ and to “take effective measures to ensure that all channels of self-expression are unblocked,” including “opening up the channels for people to criticize, give advice to, complain of, accuse and impeach state organs and state functionaries.”¹⁵¹

Suggestions

- Amend laws and remove restrictions on freedom of information, expression, and on the media, including the Internet and social media, that are not in accordance with the International Covenant on Civil and Political Rights and Universal Declaration on Human Rights;
- Release those being held in detention or in prison for exercising their right to freedom of expression and press;
- Take steps to ensure that all persons including bloggers, journalists and human rights defenders, can freely exercise their right to freedom of expression, online and offline, without fear of censorship or persecution.

2.6. Freedom of Peaceful Assembly & Association

7 Recommendations Assessed:

186.136 (Australia), 137 (Spain), 148 (Nigeria), 149 (Ireland), 150 (Netherlands), 159 (France), and 167 (Germany)

China's Replies:

5 recommendations accepted

136, 148, 149, 150 & 167

2 recommendations not accepted

137 & 159

3 being implemented

149 & 167

NGO Assessment:

China has not implemented any of these recommendations

Severely Curtailed Right to Freedom of Peaceful Assembly

China has not implemented any of the UPR recommendations made on respecting the right to freedom of peaceful assembly. The government accepted Germany's recommendation (186.167), to "[r]efrain from impeding civil society and respect its international obligations," and claimed it was "already implemented." However, Chinese law provides little protection for the right to peaceful assembly, and Chinese citizens who try to exercise this right continue to risk being subjected to police harassment or criminal prosecution. The government has taken no steps to implement Australia's recommendation (136) to expedite legal or institutional reform to "fully protect in law and practice" the right to peaceful assembly.

In rejecting Spain's recommendation (137) on ending criminal prosecutions of individuals exercising their rights, the government cited domestic legislation, and claimed "the exercise of the above-mentioned freedoms shall abide by the Constitution and laws, and shall not harm the national, social, collective interests and the legitimate rights of other citizens."¹⁵² Clearly, China continues to restrict freedom of peaceful assembly in law and practice under the pretext of concerns about national security, social order, or "collective interest.

Though China's Constitution recognizes the right to peaceful assembly, domestic laws and regulations curtail, prevent, or obstruct the actual enjoyment of this right. In practice, police routinely punish those who exercise this right or prosecute them on the grounds that they have engaged in "criminal activities." China's Law on Assemblies, Processions, and Demonstrations includes stipulations that do not comply with international standards.¹⁵³ For instance, specific provisions ban demonstrations by targeting their political content, explicitly prohibiting gatherings that oppose the "Cardinal Principles" of the Constitution, which demand the upholding of the "people's democratic dictatorship" and the leadership of the Chinese Communist Party (Article 4).¹⁵⁴ In 2013, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that China has prohibited and repressed peaceful assemblies because "the message conveyed do not please the authorities."¹⁵⁵

Under China's Law on Assemblies, all public gatherings must get prior approval from the police, who virtually never grant permission unless the events are organized by the government (Article 7). Both law and practice clearly violate the international norm of a "presumption in favor" of peaceful assemblies that is "clearly and explicitly established in law."¹⁵⁶ Furthermore, the law prescribes criminal and administrative penalties for those who demonstrate illegally, which have

been routinely used to send peaceful protesters to detention or prison, often on charges of “disrupting” social or public order or “picking quarrels and provoking trouble.”¹⁵⁷

In addition, China’s Criminal Law allows for the continued deprivation of the right to peaceful assembly, among other civil and political rights, for individuals who have served prison time for “seriously disrupting public order” or crimes in the category of “endangering national security,” charges commonly used against political dissidents and human rights activists.¹⁵⁸ The UN Working Group on Arbitrary Detention criticized the provisions on deprivation of such rights and national security crimes when they were first introduced in 1997.¹⁵⁹

Some legislative changes since the 2013 UPR have further restricted the right to peaceful assembly. In 2015, authorities adopted an amendment to the Criminal Law, which targets those who “organize” or “provide funding” for public gatherings with a prison sentence of up to three years.¹⁶⁰ Such individuals could face charges for alleged offenses of disrupting public or social order. The amended provision would allow for the prosecution of those “behind the scenes” who “organize” or “fund” a demonstration but are not themselves present.

Thousands of demonstrations take place in China every year, the vast majority of which are peaceful. Some Chinese citizen journalists have documented “mass incidents,”¹⁶¹ or large-scale protests, on an online blog.¹⁶² Compared to 2014, they tracked a 34 percent increase in such incidents in 2015, when they also documented over 14,000 individual detentions related to these events.¹⁶³ Authorities arrested two citizen-journalists on suspicion of “picking quarrels and provoking trouble” in July 2016, in likely retaliation for their work in documenting protests.¹⁶⁴

Beginning in January 2013, there were many spontaneous peaceful protests over a range of issues, including calls for the government to ratify the ICCPR, for the end of government corruption, and for public disclosure of top leaders’ financial assets. Many of the participants were associated with (or inspired by) the “New Citizens’ Movement,” a loose network of activists working on rule-of-law issues. CHRD documented 70 individuals detained for their roles in these peaceful rallies in 2013, of whom 50 were convicted of crimes.¹⁶⁵ Data gathered by CHRD show that about a quarter of the 2,761 documented cases of arbitrary detention of human rights defenders from 2012 to 2015 involved individuals detained after exercising their peaceful assembly rights.¹⁶⁶ In several “Urgent Actions” issued by multiple UN Special Procedures in 2013-14, the mandate holders expressed concern that the arrest and detention of some of these individuals was in retaliation for their “exercising their fundamental rights to freedom of opinion and expression and peaceful assembly.”¹⁶⁷

NGOs & Further Restrictions on Freedom of Association

China has seriously curtailed the right to freedom of association and shrunk the space for civil society since the 2013 UPR. Though China “accepted” Australia’s recommendation to “fully protect [the right to freedom of association] in law and in practice” (136), it has instead adopted new legislation and continued practices to further infringe on this basic liberty. In fact, despite “accepting” the Netherlands’ recommendation—to “[a]llow national and international NGOs to play a full and active role in promoting and protecting human rights” (150)—China has essentially taken action in the opposite direction.

Two new laws—the Charity Law, which went into effect on September 1, 2016,¹⁶⁸ and the Overseas NGO Management Law, which takes effect on January 1, 2017¹⁶⁹—legalize draconian government restrictions on the right to freedom of association, making it even more difficult for independent local and international NGOs to operate in China. Both laws ban NGOs from harming “national security,” a vaguely defined and legally nebulous concept in Chinese law, and contain restrictions on funding for NGOs. In both laws, the lack of a clear definition of what activities constitute “endangering national security” gives police greater power to prevent and obstruct the operation of civil society groups.

A positive element of the Charity Law is that it allows charities to register directly with the Ministry of Civil Affairs, without needing a government sponsor, as was previously required, though the Ministry still has control over approving registration. Overall, however, this law is expected to further weaken independent non-profit groups by restricting their access to domestic funding.¹⁷⁰ The law has a vague and broad scope, with a catchall provision that covers “any other public interest activities” and thus appears to be applicable to all non-profit advocacy and service-provider groups. The law restricts all online fundraising to government-registered charities while levelling heavy fines to non-registered and/or non-profit groups that try to raise money online. It can be used to criminalize the operations or fundraising by independent groups and activists based on vague and unsubstantiated accusations of “endangering national security.”

The Overseas NGO Management Law, which is ostensibly aimed at restricting international NGOs working in China, will also have the effect of practically cutting off funding for independent Chinese NGOs.¹⁷¹ Under this law, the Ministry of Public Security will have authority to register and supervise foreign-based NGOs operating inside China. It bans registered overseas NGOs and those with a temporary permit from conducting activities that “endanger national security.” The law grants police the power to shut down activities without an appeals process, and bans Chinese NGOs from receiving any funding from, or conducting “activities” with, unregistered overseas NGOs or those that have not received a temporary activity permit. Since the law was adopted, three UN special experts have called on China to repeal it, citing “fear that the excessively broad and vague provisions, and administrative discretion given to the authorities in regulating the work of foreign NGOs can be wielded as tools to intimidate, and even suppress, dissenting views and opinions in the country.”¹⁷²

Also in 2016, the government posted for comments a draft revision of Regulations on the Registration and Administration of Social Groups (1998) and two new regulations tied to the Charity Law.¹⁷³ Major proposed changes include adding Chinese Communist Party (CCP) cells to social organizations (Article 4) and mandating that organizations in-house CCP activities performing political functions.¹⁷⁴ These proposed changes, if adopted, are likely to have an intimidating effect on NGOs by installing in-house CCP surveillance. The two new Charity Law regulations, which were quickly passed and went into effect on September 1, 2016, established in more detail the huge barriers to independent NGOs that try to obtain legal registration as charitable organizations in order to engage in fundraising.¹⁷⁵

China’s new laws and regulations contravene the “general principles” on “protecting civic space and the right to access resources” issued by the UN special rapporteur on the rights to peaceful assembly and association in 2014. These principles emphasize that “the ability to seek, receive

and use resources is inherent to the right to freedom of association and essential to the existence and effective operations of any association.”¹⁷⁶

UN human rights bodies have warned against the kind of behavior that has become standard by the Chinese government, namely citing “national security” as the pretext to restrict civil liberties, often by passing laws that include vague, overly broad definitions of “national security.” In this regard, China has clearly defied a September 2014 Human Rights Council resolution urging governments to stop targeting civil society actors and organizations through legislation on counter-terrorism, national security, and funding for civil society development.¹⁷⁷

Since 2014, police have investigated and effectively shut down many independent Chinese NGOs, often focusing on their funding sources. These include rights-based groups working to promote a broad range of human rights, including education and health rights, LGBT rights, women’s rights, labor rights, and environmental protection, even some that had previously been lauded for their work in state media.¹⁷⁸ Police detained some NGO staff members or legal advisors for alleged financial crimes, including “illegal business activity.”¹⁷⁹ Several of these organizations have practically ceased operation due to pressure from authorities. Such groups include the anti-discrimination group Yirenping, the social policy research and advocacy think tank Transition Institute, rural education providers Liren Libraries, disability rights group Zhongyixing, labor rights organizations Panyu Workers Center and the Nanfeiyan Social Worker Center,¹⁸⁰ and women’s rights organizations Weizhiming Women’s Center and Beijing Zhongze Women’s Legal Counseling and Service Center.¹⁸¹ The government’s policies and behavior toward women’s rights groups, in particular, run counter to a recommendation made by CEDAW in its November 2014 Concluding Observations, in which it urged China to review its regulations on registering NGOs in order to make it easier for such groups to operate.¹⁸²

From March 2013 to March 2015, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association sent 22 written communications to the Chinese government in relation to individual cases involving deprivation of the right to peaceful assembly and association.¹⁸³

Suggestions

- Expedite legal and institutional reforms to fully protect in law and in practice freedom of association and peaceful assembly;
- Stop all criminal prosecutions, arrests and all other forms of intimidation of individuals as a result of the peaceful exercise of their rights to freedom of association and peaceful assembly;
- Allow national and international NGOs to play a full and active role in promoting and protecting human rights, specifically by removing legislative obstacles to NGO funding, ensuring registration to all categories of NGOs and social organizations, and expanding their freedom to operate freely and effectively;

- Ensure accountability for state agents that deny citizens the rights to freedom of association and peaceful assembly.

2.7. Freedom of Religion

15 Recommendations Assessed:

186.55 (Slovakia), 136 (Australia), 137 (Spain), 138 (Poland), 139 (Malaysia), 140 (Austria), 141 (Comoros), 142 (Canada), 143 (Italy), 144 (Namibia), 145 (Saudi Arabia), 147 (Uganda), 169 (Chile), 181 (Jordan), and 235 (France)

China's Replies:

12 recommendations accepted
55, 136, 138, 139, 140, 141, 143, 144, 145, 147, 169 & 181

3 recommendations not accepted
137, 142 & 235

2 being implemented
138 & 181

NGO Assessment:

China has partially implemented recommendations 145 & 181, has not implemented the other 12 recommendations, and recommendation 141 is inappropriate [not assessed]

Further Limits on Religious Freedom & Practice

Since 2013, religious freedom in China has deteriorated dramatically, even though China “accepted” over half of the recommendations related to protecting the rights to hold religious beliefs and engage in religious activities.¹⁸⁴

While China’s Constitution protects “normal” religious belief “in principle,” it also restricts religious practices that “disturb public order” or “interfere with the state’s system of education,” but without defining these exceptions (Article 36).¹⁸⁵ In practice, authorities ban some religious groups completely, deny registration of other groups, and rarely recognize groups outside of the five main approved religions.

Since the 2013 UPR, central and local authorities have implemented repressive policies that have systematically curtailed religious freedom; they have disrupted and demolished churches, imposed ongoing restrictions on Tibetan Buddhists and Uyghur Muslims, and imprisoned Falun Gong practitioners. The actions taken by the government are contrary to pledges concerning the protection and promotion of religious freedom, which China made in its National Human Rights Action Plan (2012-15).¹⁸⁶ The government restricts religious activities, including by continuing to prohibit nearly 90

million Chinese Communist Party (CCP) members from believing in or practicing religion, further banning religious activities for Christians, reducing the size of Tibetan Buddhist schools, and restricting Muslims from completing their pilgrimages. In addition, Chinese authorities have continued to target and criminally prosecute religious leaders on religious and political charges.¹⁸⁷

Since the 2013 UPR, China has adopted the National Security Law, Counter-Terrorism Law, Cyber Security Law, and amended its Criminal Law, which all contain provisions Chinese authorities use to legitimize ongoing systematic suppression of religious, cultural, and ethnic minorities.¹⁸⁸ In particular, the National Security Law includes a broad and ill-defined definition of “national security,” and provisions that would allow criminal prosecution of dissenting views, religious beliefs, and information online.¹⁸⁹ Through such laws and prevailing practices, China has suppressed religious freedoms in the name of “national security,” making the recommendation by Comoros (186.141) “inappropriate,” as it asks China to “guarantee freedom of religion in respect of national unity and the territorial integrity of the country.”

In a move to further criminalize religious expression and free speech, China drafted revisions to its “Regulations on Religious Affairs” in September 2016, that could, if passed and implemented, expand monitoring of religious schools, strengthen Internet censorship over religious writing and news sites, and expand restrictions on contacting religious groups overseas.¹⁹⁰ The Regulations appear to have been revised not to protect, but to curtail the interests and rights of religious practitioners, which runs counter to the Chinese government’s pledge in its newest National Human Rights Action Plan (2016-2020).¹⁹¹

When China accepted the UPR recommendation to “take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China” (138), the State remarked that both citizens and civil servants enjoy freedom of religion.¹⁹² In reality, however, China has not implemented this recommendation, which it also claims has been implemented, as there has been a long-standing ban on CCP members practicing religion.¹⁹³ Public servants must “uphold Marxism-Leninism and Mao Zedong thought,” and government officials are under the administration of the CCP, and a criteria for many government positions is CCP membership.¹⁹⁴ Therefore, the required atheism for Party members also directly spills into the administration of government.¹⁹⁵

Top Chinese officials have reemphasized the policy of banning CCP members from practicing religion. In September 2014, at a national meeting on religious affairs, President Xi Jinping reportedly reaffirmed atheism as a ground rule of the Party. In an opinion piece published that November, Zhu Weiqun (朱维群), the director of the Subcommittee for Ethnic and Religious Affairs, condemned Party members who harbor religious beliefs and practice religion.¹⁹⁶ In 2016, the offices of the Central Party Committee and State Council jointly issued an opinion stipulating that even retired civil servants must not engage in religious activities or adopt religious faith, because they remain Party members.¹⁹⁷

Tibetan Buddhists

Punishment against religious leaders in the Tibet Autonomous Region (TAR) has been a part of the government’s systematic repression of ethnic Tibetans. According to the NGO Tibetan Center for Human Rights and Democracy, more than 140 Tibetan monks and nuns have been detained since 2013, and 80 percent of them are still in custody and have not been brought before a judge.¹⁹⁸ Many Tibetan monks, including Karma Tsewang, who was sentenced to 2.5 years in prison in late 2014, have been denied medical treatment, access to legal counsel, family visitation, and been subjected to inhumane punishment. In the past two years, three Tibetan political prisoners have died in custody after years of torture and mistreatment: Goshul Lobsang and Tenzin Choedak, in 2014, and monk Tenzin Delek Rinpoche, in July 2015.¹⁹⁹ The government refused to allow the family of Tenzin Delek Rinpoche to bury his body according to Tibetan religious customs.²⁰⁰

Government control of Tibetan monasteries has continued to expand, and authorities have issued new directives that impose stricter surveillance on monks and followers, tightening restrictions on religious activities and monastic staff and forcing monks and nuns to attend mandatory programs that promote CCP and pro-government ideology. Since 2011, Buddhist temples in Tibet have been required to replace their traditional self-governing bodies with a government-

appointed “Monastery Management Committee.”²⁰¹ This committee consists of Party members stationed at each temple to oversee and report daily activities to higher government organs as well as review and approve any religious activity. The government has publicly commended some committees and officials for their performance and compliance.²⁰²

In September 2015, authorities in one Tibetan county issued a comprehensive notice (called Document No. 224) that further restricted the autonomy of monasteries and religious leaders, including strictly limiting mobility, interaction with practitioners, financial management, and topics addressed in religious services.²⁰³ The directive details harsh punitive measures against anyone, including Party officials, who does not fully implement or follow the provisions in the notice.²⁰⁴

In July 2016, authorities demolished monastic dwellings at the largest Tibetan Buddhist Academy in Larung Gar, Sichuan Province, an action that reduced the academy’s monastic staff by half.²⁰⁵ Authorities also have instituted measures to restrict, control, and monitor the travel of Tibetans to Lhasa, the center of Tibetan Buddhism in the TAR; they have prevented some Tibetans from taking a pilgrimage to temples in the city, and required those who are granted permission to go to Lhasa to register with police.²⁰⁶

Uyghur Muslims

Since the 2013 UPR, central and provincial authorities in the Xinjiang Uyghur Autonomous Region have passed measures and increased efforts to restrict freedom of religion, affecting followers of Islam. In November 2014, authorities revised the region’s regulations to further limit religious practices by making previous measures and directives more legally binding.²⁰⁷ Authorities also continued to try to restrict children from participating in religious practices, and detained individuals who brought religious materials home for their children.²⁰⁸ State media reported in January 2016 that the regional people’s congress will begin drafting regulations about “religious extremism.”²⁰⁹ In March 2016, during China’s annual session of the National People’s Congress, the Party Secretary of Xinjiang announced that authorities will continued a “strike hard” anti-terror campaign, which was first launched in 2014, in order to impose more stringent restrictions on Uyghur Muslims.²¹⁰

This “strike hard” campaign in Xinjiang has been marked by a growing presence of military troops, increased reports of arrests of alleged “terrorists,” restrictions on travel, and intensified limits on religious expression, practices, and mosque activities. According to an overseas Uyghur rights organization, the number of soldiers dispatched has increased during “sensitive” periods, and Uyghurs are then subjected to heightened surveillance and more arbitrary detentions.²¹¹ In late 2015, troops were seen assaulting four young Uyghurs on a public street and arresting seven Uyghurs afterward, accusing them of “illegal assembly and obstructing official business.”²¹² In January 2016, authorities in Kashgar City detained at least 16 Uyghurs for having religious publications for children.²¹³

In addition, new government rules in Xinjiang punish acts that “encourage” youth to practice religion. Two new sets of rules adopted by the Standing Committee of Xinjiang People’s Congress in September 2016 expose deep-seated government concerns that contact with religion

works to foster unrest in and beyond the region. Under these new regulations, Xinjiang police can jail people for “encouraging” or “forcing” youth to take part in religious activities. The rules are likely to further restrict religious expression while increasing ethnic tensions.²¹⁴

Authorities have continued efforts to ban various forms of religious expression among Uyghur Muslims, such as the growing of beards for men and wearing of veils and burqas for women.²¹⁵ In Urumqi, Xinjiang’s capital, officials implemented a directive in 2015 to ban full-face and full-body coverings in all public places, including schools, hospitals, public transportation, government buildings, and businesses. A fine of up to approximately 800 USD or criminal charges could be imposed on individuals who refuse to comply.²¹⁶ In the same year, authorities sentenced a husband and wife in Kashgar City to six and two years, respectively, for keeping a beard and wearing a face-covering veil. The Kashgar City government also implemented a directive requiring every household in the city to sign an agreement to “de-radicalize.”²¹⁷

Mosques are also under constant surveillance, and the content of prayers lead by imams, religious leaders, must be approved by Chinese authorities. Traditionally, mosques do not close, but in recent years, the government has mandated they shorten their operating hours.²¹⁸ One mosque in Chengdu, Sichuan Province, has been listed for demolition to make way for real estate development. This has spurred an online petition by many people seeking to save this important historical landmark, which is sacred to Uyghur Muslims.²¹⁹ Authorities also have continued to shut down unauthorized “preaching sites.”²²⁰

In addition, contrary to a white paper on religious freedom released by the Chinese government in June 2016, officials continue to prohibit Muslims from observing Ramadan in Xinjiang, as the local government forbids CCP members, civil servants, teachers, and students from fasting.²²¹ Civil servants, in particular, are also not allowed to enter mosques, since the Party requires its members to abandon religious faith and practice. Moreover, mobility for Uyghurs inside and out of China has been greatly restricted, as they are barred from travelling freely to other places of worship, including to make a pilgrimage to Mecca. Instead, State officials have organized and monitored such trips.²²²

Christians

Chinese authorities continue to exert undue influence over Christian religious practices, including by trying to control the process through which Catholic bishops are chosen.²²³ Both the State-sanctioned churches (known as “patriotic churches”) and non-sanctioned ones (known as underground or “house churches”) have faced more scrutiny and constraints in recent years. Government officials in Zhejiang and Sichuan have launched a provincial-wide campaign called “Five Entries and Five Transformations” to expand government control over State-sanctioned churches.²²⁴ Zhejiang authorities openly interfere with and prohibit church activities, control church finances, change architectural designs of religious buildings, impose mandatory lectures by government officials, and force church members to meetings with officials to discuss their beliefs.²²⁵

Although house churches are not allowed to register in China, at least half of the country’s nearly 70 million Christian adherents attend such churches.²²⁶ New amendments to the “Regulations on

Religious Affairs” will effectively make house churches illegal, as all churches will be pressed to register.²²⁷ The government has also pressured house churches to become State-sanctioned, so authorities can monitor and control them more tightly. Church leaders and members have been punished for refusing to register with the government. Three houses churches in Zhejiang and Guizhou, for instance, were banned from holding services for congregations while pastors and members were criminally detained after they refused to follow orders from local authorities pressing them to become government-approved entities.²²⁸

In Zhejiang, the provincial government issued an urban planning directive in 2013 that has since targeted both patriotic and underground churches, where officials have ordered the forced removal of crosses and demolition of buildings under the pretext of urbanization and redevelopment.²²⁹ According to the Christian Council of Zhejiang, authorities removed more than 1,200 crosses between 2014 and 2015.²³⁰ Pastors and church members who tried to defend their churches were criminally detained on charges of “disturbing public order” or “financial mismanagement,” and their lawyers also have been prosecuted.²³¹

The scope of the crackdown has extended beyond Zhejiang to other regions, where leaders of Christian communities have been given long prison sentences that are tied to their religious activities. Christian and activist Hu Shigen (胡石根), an elder in house churches in Beijing, was detained for more than one year and then sentenced to seven-and-a-half years in 2016 after a court convicted him of “subversion of state power.”²³² In Henan Province, pastor Zhang Shaojie (张少杰) was sentenced in 2014 to 12 years for “fraud” and “gathering a crowd to disrupt social order.”²³³

Falun Gong

The Chinese government continues to persecute Falun Gong practitioners, as well as the activists and lawyers who try to defend their rights. The government banned Falun Gong in 1999, and fifteen years later in 2014, a government body called China Anti-Cult Association officially listed Falun Gong as one of 20 “cults” and began a sweeping crackdown against them.²³⁴ Thousands of practitioners reportedly were arrested that year, and more than 600 of them sentenced to prison and several received 12-year prison terms.²³⁵ The same year, Jiangxi-based activists Liu Ping (刘萍) and Wei Zhongping (魏忠平) were convicted of “using a cult to undermine implementation of the law”; Liu had posted a story online about a Falun Gong practitioner being abused by authorities, and Wei had mentioned Falun Gong during a media interview. Lawyers who have represented Falun Gong practitioners have also been subjected to government retaliation.²³⁶

Suggestions

- Allow all Chinese citizens to fully exercise freedom of religion, such that they can practice their religions without fear of government reprisal;
- Release all prisoners of conscience who have been punished for the peaceful exercise of their religion, and allow members of ethnic minority groups to move freely inside and travel outside of China without restrictions based on their religion or ethnicity.

2.8. Independence of Lawyers & Access to Justice

13 Recommendations Assessed:

186.50 (Niger), 55 (Slovakia), 115 (USA), 117 (Germany, France), 123 (Timor-Leste), 124 (Singapore), 125 (Kyrgyzstan), 126 (Nigeria), 129 (Hungary), 130 (Cape Verde), 131 (Finland, Canada), 132 (Timor-Leste), and 134 (Djibouti)

China's Replies:

12 recommendations *accepted*

50, 55, 117, 123, 124, 125, 126, 129, 130, 131, 132 & 134

1 recommendation *not accepted*

115

2 *already implemented*

117 & 123

NGO Assessment:

China has *partially implemented* recommendation 117 & has *not implemented* the other 12 recommendations

Since the 2013 UPR, human rights lawyers in China have faced a severe government crackdown, rule of law reform has stalled, and the environment for practicing law has rapidly deteriorated.²³⁷ The reality on the ground contrasts sharply with the government's acceptance of UPR recommendations that urged China to respect due process rights and protect lawyers so they could practice their profession freely and independently. The deteriorating situation also diverges greatly from the promise China made in its "voluntary pledge" to the Human Rights Council when it bid for a HRC seat in 2013—to "push forward reform of the judicial system"²³⁸—as well as China's National Human Rights Action Plan (2012-2015).

In recent years, the Chinese government has released new regulations ostensibly aimed at safeguarding the rights of lawyers. However, in reality these new regulations and legislative changes could instead lead to the criminalization of lawyers for their speech in court, and weaken the fragile regulatory framework for protecting lawyers.

In July 2015, the government launched a sweeping crackdown on lawyers who challenged police or judicial authorities' abuses of their clients' legal rights. The

crackdown has affected more than 300 lawyers and activists, and exemplifies the deteriorating situation for the independence of the legal profession in China. Meanwhile, the number of cases involving human rights lawyers facing criminal prosecution continues to grow. CHRDR has documented dozens of cases of violent assaults on lawyers who tried to carry out their professional duties, yet perpetrators of these acts have rarely been held accountable.

New Laws & Regulations Targeting Human Rights Lawyers

Several existing national laws and government regulations purportedly stipulate the rights and responsibilities of lawyers—the Lawyer's Law (2007), the Criminal Procedure Law (2012), and several regulations issued by the Ministry of Justice.²³⁹ Yet, despite a specific provision in the Lawyer's Law with language on protecting the lawyers' right to practice law and prohibiting interference in their work,²⁴⁰ other legislative changes and government regulations have, on paper and in practice, overridden any safeguards for lawyers laid out in law.

The 2010 Justice Ministry's "Measures for the Annual Inspection and Evaluation of Law Firms" have been heavily criticized by lawyers and legal scholars for establishing an administrative system of license renewal that the government and state-controlled "lawyers' associations" have

used to intimidate or penalize lawyers for exercising independence in defending clients.²⁴¹ In November 2016, revisions to two Ministry of Justice measures, on the management of law firms and the practice of law by lawyers, went into effect. These measures seriously undermine the independence of lawyers with new restrictions on lawyers' freedom of expression, assembly, and association.²⁴² In October 2016, 168 Chinese lawyers signed an open letter calling for measures on law firms to be repealed, as the new provisions could lead to lawyers being dismissed by their law firms for expressing dissent or challenging abuses of their clients' rights, for gathering to discuss defense strategies, or for complaining about abusive police behavior.²⁴³

Amendments to the Criminal Law that went into effect in 2015 have codified the criminalization of lawyers' speech in court trials. Specifically, the changes about the crime of "disrupting courtroom order" grant authorities broad powers to interpret lawyers' speech as "insulting," "threatening," or "disruptive"—an offense punishable by up to three years in prison (Article 309). Alleged violators of this provision can also face disbarment. The article now provides a legal pretext for judges to expel lawyers from courtrooms for challenging the legality of court proceedings when defending their clients. Such incidents took place between April and June 2015, just prior to the launch of the crackdown on lawyers.²⁴⁴ CAT expressed concerns about the article's overbroad language in its December 2015 Concluding Observations, stating that it is "open to abusive interpretation and application" and could deter lawyers from raising criminality in their clients' defense "for fear of reprisals."²⁴⁵

In September 2015, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice jointly issued "Provisions on Ensuring the Practice Rights of Lawyers in Accordance with Law."²⁴⁶ These provisions include many stipulations that were already included in existing laws and regulations, but which had been largely disregarded by authorities. One welcome step is that they include new language on ending violence against lawyers. However, the provisions fail to specify an independent body to investigate such allegations,²⁴⁷ and authorities turned away four lawyers who tried to utilize a new complaints system in June 2016.²⁴⁸

The provisions were put into effect just months after police, judicial authorities, and state-run media began an apparently coordinated crackdown on human rights lawyers through mass detentions, raids, interrogation, and other forms of intimidation and persecution. Many lawyers were portrayed as "criminals" in official media, including through "confessions" on state television. Furthermore, the new provisions have been clearly violated by authorities in numerous cases, and authorities have dismissed complaints by lawyers and families, who also faced retaliation for expressing concerns about the crackdown. In 2016, detention center officials in Tianjin continued to block lawyers and families from visiting the detainees seized since July 2015, but began stating a new reason—that the detainees had "fired" lawyers hired by the families. Police cited this justification in at least 11 cases, without allowing a meeting between the lawyers and the detainees or a signed written document to verify such claims, as stipulated by the new provisions.²⁴⁹

The Ongoing Harsh Crackdown on Lawyers

To assess China's implementation of the UPR recommendations about protecting lawyers, we must draw attention to the ongoing crackdown against human rights lawyers. Since the outset of the crackdown, police have ignored or perverted Chinese laws and the country's constitution, and are suspected of gross abuse of power. Beginning in July 2015, police summoned more than 300 lawyers and activists for interrogation, put many under secret detention, and convicted several. Police raided the offices of three Beijing law firms, including Fengrui Law Firm, Globe-Law Law Firm, and Action to Redress Grievance Office. Authorities eventually narrowed in on several lawyers, including Li Heping (李和平), Wang Yu (王宇), Wang Quanzhang (王全璋), and Zhou Shifeng (周世锋), all known for their work defending politically-sensitive cases and challenging the abuse of their clients' rights. In August 2016, authorities convicted four for "subversion of state power" in widely criticized show trials lasting just a few hours.²⁵⁰ At the release of this report, 13 individuals remain in police custody, and 11 are missing after being "released" on bail or following a suspended sentence.²⁵¹

UN human rights bodies and experts have made public statements highly critical of the crackdown. The High Commissioner for Human Rights said in a February 2016 statement he was "deeply concerned" by the crackdown, and called on the government to release the detainees "immediately and without conditions."²⁵² The Committee Against Torture highlighted its concerns over the crackdown in its 2015 Concluding Observations.²⁵³ Five UN Special Rapporteurs issued a joint statement days after the crackdown began declaring that lawyers ought "to be protected not harassed," and expressed "dismay" at the scale of the state suppression.²⁵⁴

Lawyers who were briefly detained in July 2015 continue to face pressure from police, judicial authorities and lawyers' associations, including with threats to withdraw their representation of still-detained lawyers.²⁵⁵ Two lawyers of detainees—Wang Qiushi (王秋实), the lawyer for lawyer Wang Quanzhang, and Ren Quanniu (任全牛), the lawyer for paralegal Zhao Wei (赵威)—were themselves taken into custody in January and July 2016, respectively.²⁵⁶ In the six months following the start of the crackdown in July 2015, Chinese authorities banned 24 human rights lawyers from traveling abroad because of their profession, with the bans still in place at the time of this report.²⁵⁷ Additionally, family members of the detained lawyers have faced "collective punishment" by virtue of their association, including travel restrictions, CCTV cameras installed outside their homes, evictions from residences, denied admission to schools, and, in some cases, brief periods of detention and house arrest.²⁵⁸

China accepted Timor-Leste's recommendation (186.123) to "[a]djust and specify the applicable conditions and stipulations for the adoption of compulsory measures such as arrest, release on bail pending trial and residential surveillance" and claimed that it was "already implemented."²⁵⁹ However, the crackdown against lawyers involved serious breaches of China's legal provisions, and the twisting of legal loopholes to deny basic due process rights in adopting compulsory measures on those affected.²⁶⁰ For the first six months of detention, families received no notification of their loved ones' whereabouts or status, as authorities exploited a heavily criticized provision in the Criminal Procedure Law (CPL) to put detainees under "residential surveillance in a designated location."²⁶¹ Police used both loopholes and illegal means to deprive

the vast majority of detainees of the right to legal counsel of their choice, raising concerns that the individuals may have been subjected to torture or other inhumane and degrading treatment.²⁶² Further raising suspicion of torture or mistreatment, authorities aired “confessions” of some of the detainees on state television, including lawyer Wang Yu in August 2016 after she had been granted “bail.”²⁶³ Eleven individuals, including Wang Yu, have still not been allowed to contact their supporters or family after being “released.”²⁶⁴ Authorities also undermined the detainees’ presumption of innocence by smearing their names in state media prior to formal arrest or trial.²⁶⁵

Deteriorating Conditions for the Legal Profession

As described above, the rapidly worsening conditions have made practicing criminal law a politically high-risk profession in China. Lawyers who represent detained dissidents, activists, or other lawyers tend to have little access to their clients within the initial 48 hours of detention, even though these standards are stipulated in the CPL and Lawyers’ Law. In a number of well-documented cases, this denied access has lasted for weeks or even months.²⁶⁶ Exploiting loopholes in the law, police often cite concerns of “national security” in rejecting lawyers’ requests to meet detainees.²⁶⁷ Furthermore, police have vastly expanded the scope of the law by denying lawyers’ visits to detainees held on suspicion of many other offenses that do not involve “national security,” including “disturbing public order” and “picking quarrels and provoking trouble.”²⁶⁸

When lawyers challenge police or judicial officials’ breaches of the law, by speaking up publicly, filing complaints to authorities, or raising objections in court hearings, they put themselves at great risk of physically assault by state agents. From March 2013 to October 2016, CHRD documented 29 such incidents—involving 38 lawyers—with none of the alleged perpetrators facing criminal charges. In only one case did the local authorities investigate and offer compensation to the assaulted lawyer, while claiming that the officer involved merely “misused force” and did not press for criminal prosecution.²⁶⁹

For years, the annual license review by judicial authorities has been used by the government to intimidate lawyers who are outspoken or provide legal counsel to detained dissidents or human rights activists. For instance, the licenses of lawyers Wang Quanping (王全平) and Liu Shuqing (刘书庆) were cancelled in 2014 and 2016, respectively, in reprisal for challenging abuses of their clients’ rights at detention facilities or in trial proceedings.²⁷⁰ In February 2015, more than 100 lawyers sent an open letter to the National People’s Congress, calling on the legislative body to repeal the 2010 Ministry of Justice measures that put in place this annual review, arguing they are outside the scope of the Lawyer’s Law.²⁷¹ At least 38 Chinese lawyers pledged not to take part in the review in 2016.²⁷²

Even before the July 2015 crackdown, Chinese authorities had resorted to criminal prosecution to rein in lawyers who challenged their obstruction of justice.²⁷³ For example, police criminally detained four lawyers in 2014 after they agreed to represent clients detained in politically-sensitive cases.²⁷⁴ One of these lawyers, Xia Lin (夏霖), received a 12-year prison sentence in September 2016.²⁷⁵ A criminal conviction will cost a prosecuted lawyer’s career, as their license to practice law will be permanently cancelled. In one case, Shandong lawyer Shu Xiangxin (舒向

新) had faced years of threats from authorities to suspend his law license for representing clients challenging government officials for profiting from forced evictions. Finally, authorities abruptly detained, tried, and convicted him. He completed a six-month prison sentence in July 2016, and can no longer obtain a license to practice law.²⁷⁶

Suggestions

- Ensure lawyers can exercise their profession unhindered and free from violence and intimidation, and repeal legislations that interfere in the independence of lawyers in violation of international standards;
- Remove administrative obstacles, such as the annual inspection of lawyers and law firms, and any regulations that can be used to intimidate or penalize lawyers for practicing their profession;
- Guarantee access to prompt and effective investigation by an independent and impartial body of allegation of obstruction of lawyers' access to their clients, and close loopholes in law and regulations that grant police broad powers to use "national security" in denying detainees' access to lawyers;
- Promptly investigate allegations of violence and intimidation against lawyers.

2.9. Human Rights Defenders: Persecution & Reprisals

11 Recommendations Assessed:

186.61 (Czech Republic), 62 (Switzerland), 115 (USA), 131 (Finland, Canada), 146 (Saudi Arabia), 148 (Nigeria), 149 (Ireland), 156 (Czech Republic), 158 (Poland), 160 (Austria), and 168 (Russia)

China's Replies:

8 recommendations accepted
61, 62, 131, 146, 148, 149, 158, 168

3 recommendations not accepted
115, 156 & 160

1 already implemented
62

2 being implemented
149 & 158

NGO Assessment:

China has not implemented 10 recommendations, and recommendation 146 is inappropriate [not assessed]

The Chinese government has escalated its crackdown on civil society and systematically persecuted human rights defenders in the past few years. Chinese citizens who seek to cooperate with UN human rights mechanisms have faced serious reprisals. Draconian laws and regulations have been adopted to legitimize the harshest suppression since mid-1990s.

China's hostility towards human rights defenders has become ever more evident in international human rights fora. In November 2015, China rejected a resolution recognizing the role of HRDs and the need to protect them, which was voted on in the UN General Assembly. After failing to use its political might to squash the resolution entirely, China voted against it with just 14 other UN Member States.²⁷⁷

China "accepted" eight recommendations related to providing a safe environment for human rights defenders, including protecting them from reprisals for their lawful activities. However, the government has not implemented any of these recommendations. Furthermore, China accepted Saudi Arabia's recommendation, which could not be assessed because it is unprincipled.

Gross & Systematic Persecution of Human Rights Defenders

The Chinese government has intensified its persecution of human rights defenders (HRDs) since the 2013 UPR. The Government crackdown on civil society in China has escalated under Xi Jinping, who became president in March 2013.²⁷⁸ Human rights activists, lawyers, journalists, dissidents, and other members of civil society have faced severe restrictions on their liberty, perhaps in greater numbers and intensity than at any time since the mid-1990s, or in the aftermath of the 1989 suppression on pro-democracy protests. Since 2013, several nationwide raids and arrests targeted activists who held rallies or online petitions to promote a range of human rights concerns, such as urging the government to ratify the ICCPR, cleaning up government corruption, expressing support to pro-democracy protests in Hong Kong, and calling for justice for the 1989 Tiananmen Massacre.²⁷⁹

Using its judicial system tightly controlled by the Chinese Communist Party, the government has criminally prosecuted many HRDs while systematically depriving them of due process rights. CHRD documented over 1,000 cases from 2014-2015 alone of Chinese HRDs being deprived of their liberty and/or tortured in reprisal for their human rights advocacy activities.²⁸⁰ The

government has further curtailed the three basic liberties necessary for HRDs to promote and protect human rights—freedom of expression, peaceful assembly, and association (see Sections 2.5 and 2.6). Those who exercise these liberties faced prosecution under newly amended or adopted laws. Authorities sent them to jail after convicting them of crimes such as “inciting subversion against state power,” “leaking state secrets,” “disrupting public order,” “picking quarrels and instigating trouble,” “fraud,” and “illegal business activity.”

China has passed or amended several laws and regulations that directly affect activists and lawyers who promote and protect human rights. Two new laws—the Charity Law, which went into effect on September 1, 2016,²⁸¹ and the Overseas NGO Management Law, which takes effect on January 1, 2017²⁸²—restrict the activities of Chinese civil society figures who work with independent local and international NGOs. Both laws ban NGOs from “harming national security,” a vaguely defined legal concept that essentially gives police more power to obstruct the operation of these groups as well as persecute their staff members and associates.²⁸³ (See more on these laws in Section 2.6.)

Some Criminal Law (CL) amendments, which took effect in November 2015, also target Chinese rights defenders.²⁸⁴ One change expands the scope of the crimes involving “disrupting social order”—which authorities have applied when persecuting HRDs—to ban “organizing or funding others to illegally assemble several times.” Such an activity is now punishable by up to three years in prison in the “most serious” circumstances (Article 290). (See Section 2.5) Another change to the CL effectively criminalizes defense lawyers’ speech if they challenge court procedures or treatment of their clients during trials, which rights defense lawyers in China increasingly do since their clients’ due process rights are so often violated in the criminal justice system (Article 309). With the amendment, speech interpreted as “insulting,” “threatening,” or “disruptive” could constitute a “crime” punishable by up to three years in prison. (See Section 2.8.)

China’s Counter-Terrorism Law, passed in December 2015, contains provisions that can be used to further monitor, censor, and criminalize the work of rights defenders. Activists, who often challenge state policies and practices through their advocacy, can be accused of behavior prohibited by the law, such as expression that allegedly “distorts or slanders national laws, policies, or administrative regulations.”²⁸⁵ In addition, many provisions in the National Security Law, passed in July 2015, target activists, netizens/bloggers, and journalists, among others whose activities might be perceived by authorities as challenging the CCP’s power.²⁸⁶ (See more on these laws in Section 2.5.)

Authorities have increasingly become intolerant of women’s rights advocacy and arrested several women’s rights HRDs and shut down NGOs working on women’s rights since the 2013 UPR (see also Section 2.6).²⁸⁷ Guangdong police detained women’s rights activist Su Changlan (苏昌兰) in October 2014 and put her on trial in April 2016.²⁸⁸ In 2015, police detained five female activists working on women’s and LGBT rights issues in a series of coordinated raids prior to a planned anti-sexual harassment campaign for International Women’s Day.²⁸⁹ The detention of the “Five Feminists,” as they became known, marked a new level of government intolerance women’s rights HRDs; state media had previously lauded some of these women for their advocacy work promoting women’s rights and health rights.²⁹⁰

Police or state-hired thugs have resorted to physical violence against HRDs including human rights lawyers who represent clients in “politically sensitive” cases. Since late 2013, CHRD has documented 29 incidents of such assaults against such lawyers.²⁹¹ Many of the lawyers have sustained serious injuries from the assaults, including broken bones and concussions (see Section 2.8).²⁹² None of the perpetrators of these alleged incidents of violence have faced criminal prosecution, thus allowing state agents to act with impunity.²⁹³

The lack of such investigation and prosecution contradicts the government’s claim in response to Poland’s recommendation (158) to “ensure that proper investigations are conducted in all cases of attacks on journalists, media workers and human rights defenders” that it is “being implemented.” In concluding its review on China in November 2015, CAT reiterated its recommendation that the State party “ensure the prompt, thorough and impartial investigation of all the human rights violations perpetrated against lawyers, that those responsible are tried and punished in accordance with the gravity of their acts and that the victims obtain redress.”²⁹⁴

The persecution and harassment of HRDs contradict China’s claim that “[t]here is no so-called issue of suppressing ‘human rights defenders’” in its response to Ireland’s recommendation (149).²⁹⁵ It also contradicts China’s claim “there are no arbitrary or extrajudicial detentions in China” in response to not accepting the United States’ recommendation (115) to “end the use of harassment, detention, arrest, and extralegal measures” to control and silence HRDs and their families.²⁹⁶ China reiterated its rejection of the crackdown on HRDS in reply to the Czech Republic’s recommendation (156) to “release all human rights defenders,” which it did not accept.

With this backdrop, Saudi Arabia’s recommendation—“Strengthen legislation to prevent the unlawful from undermining other people's interests in the name of human rights defenders” (146)—stands out as particularly *inappropriate* for UPR. It uses the vague wording of “other people’s interests” to supersede protection for human rights defenders, and apparently supports legislations aimed at criminalizing defending human rights. The Saudi recommendation is one example of UN Member States’ promotion of an anti-human rights agenda in an international platform devoted to protecting and promoting human rights.

Reprisals Against HRDs Cooperating With UN Rights Bodies

China accepted two UPR recommendations regarding civil society participation: “ensure that its citizens can freely engage in the UPR process” (61, Czech Republic) and “ensure that human rights defenders can exercise their legitimate activities, including participation in international mechanisms, without being subjected to reprisals” (62, Switzerland). The Chinese government also claimed to have already implemented the second recommendation and stated that: “No one suffers reprisal for taking part in lawful activities or international mechanisms. As for the individuals or organizations engaging in illegal activities in the name of safeguarding human rights, they will be duly prosecuted by the Chinese government will enforce punishment according to law.”

In practice, however, China continues to systematically and aggressively obstruct civil society participation in UN human rights activities and cooperation with UN rights bodies. At the same time, the Chinese government retaliates against defenders seeking to engage with the UN because such efforts are deemed “illegal.” Without an independent judiciary process and law enforcement to hold the government accountable and protect citizens’ rights, China has labeled HRDs’ actions to peacefully exercise their human rights as illegal activities to punish and silence them.

As a member of Human Rights Council (HRC), China has an obligation to ensure its citizens to freely engage in the UPR process and to fully cooperate with UN mechanisms, including special procedures, treaty bodies, the HRC and OHCHR. Its failures in implementing UPR recommendations about civil society participation and reprisals speaks clearly about its unfitness to sit on the HRC.²⁹⁷

Multiple factors have created insurmountable obstacles for defenders in China to take part in UN human rights activities, including human rights training and the UPR process at home and abroad. Non-transparency on the part of China’s political system, as well as the denial of information to the public, lack of press freedom, and government reprisals against citizens who request information or seek to cooperate with the UN, are some of the main factors.

Cooperation with UN human rights mechanisms, particularly the UPR process, has proved to be a risky endeavor—even fatal—for defenders in China. Reprisals against them for attempting to or for engaging with UN mechanisms take many forms, including intimidation, blocked travel, and detention. In the worst case, one activist, Cao Shunli (曹顺利), was subjected to torture and as a result died in police custody half a year after she was detained.²⁹⁸ Chinese authorities seized Cao as she attempted to board a plane to participate in a human rights training and a session of the HRC before the second cycle of China’s UPR in 2013. At the detention center, she was deprived of medical treatment as her health deteriorated. Her death is the clearest example of the Chinese government’s aggressive reprisals against defenders who seek to engage with the UPR process.²⁹⁹

After her death, Cao’s family, lawyers, and supporters repeatedly called for an independent investigation and autopsy, but authorities harassed, threatened, and even detained several colleagues to silence them.³⁰⁰ Up to date, no official or government body has been held responsible for her death in custody. Close associates of Cao Shunli who participated in campaigns calling for inclusion also faced repercussions from authorities in 2014. One Beijing-based activist was put under criminal detention, and another activist was repeatedly locked up in psychiatric facilities between 2009 and 2013.³⁰¹ Government retaliation against defenders remains rampant in part because of the absence of accountability measures to hold government personnel responsible for subjecting defenders to reprisals, and the alarming pattern has continued since China’s first UPR in 2009.³⁰²

Chinese authorities in 2014 retaliated against other activists who called on the government to uphold its international rights commitments. Police in Henan Province blocked HIV/AIDS activist Wang Qiuyun (王秋云) from travelling to Geneva to attend Committee on the Elimination of Discrimination against Women (CEDAW)’s review of China’s record on

women's rights.³⁰³ Local authorities confiscated her passport after she was granted a visa. In addition, one week after the CEDAW review, police in Hubei Province seized women's rights activist Ye Haiyan (叶海燕) and put her under administrative detention. Ye had tried to draw attention to the review and its lack of civil society participation.³⁰⁴

Several other HRDs also faced various obstacles when traveling to attend trainings on human rights in 2014 or were subjected to harassment after they returned from such activities. In some instances, police visited their families or workplaces and made threats while a number of activists or lawyers who had in the past attended trainings found themselves under criminal detention or in prison, though authorities had seized or convicted them under other pretexts.³⁰⁵ In June 2015, police barred one activist from attending a human rights training in Geneva and seized him from his home before questioning him for 12 hours. During the interrogation, police asked extensively about the training. Police confiscated his passport and other personal belongings.³⁰⁶ In September 2015, authorities barred four human rights lawyers from traveling to attend a workshop to prepare a civil society report for Committee Against Torture (CAT)'s review of China, which occurred in November, on the grounds that their attendance might "endanger national security."³⁰⁷

In March 2016, national security officers intimidated one activist and barred one rights lawyer from traveling on grounds of "endangering national security" after they both planned to participate in a training program on cooperating with UN human rights mechanisms. Authorities explicitly threatened the activist not to engage in such activities and denied the lawyer from boarding his flight at an airport in China.³⁰⁸

Civil society participation in UPR and treaty body reviews at the national level had also met with persistent suppression. Since the first UPR and throughout the second cycle, authorities refused HRDs' requests to disclose information concerning the preparation of the state report and the "national human rights action plan."³⁰⁹ The government failed to solicit consultation from civil society and repeatedly harassed those who pressed for more transparency.

In the spring of 2015, HRDs submitted over a hundred Open Government Information (OGI) requests to the ministries of justice, public security, and foreign affairs to request information on data China sent to CAT. Government authorities responded to these requests by intimidating, interrogating, or even detaining those who made the requests on suspicion for "disturbing public order."³¹⁰ In government responses to these requests, authorities at the Ministry of Foreign Affairs (MFA) uniformly stated that the requested data falls out of the scope of open government information disclosure. Stonewalled by such responses, some activists filed lawsuits against the MFA, citing violations of OGI regulations. Chinese courts, however, did not accept the administrative lawsuits, claiming that private citizens cannot file litigation against "diplomatic actions" such as the preparation and submission of state reports to the UN, including for the UPR and CAT reviews.³¹¹

In 2016, one activist submitted dozens of OGI requests for information about the government's claim that it had conducted "human rights education," seeking verification of the contents of such education/training programs for law enforcement and judicial officials. As a direct consequence, the activist was visited by police and harassed multiple times.³¹²

Many similar incidences of government obstruction and reprisals have taken place during the past decade, including intimidation, harassment, travel bans, arbitrary detention, beatings, forced disappearances, and torture for their efforts to participate in or cooperate with international human rights mechanisms. Some defenders lost their jobs, lawyers' licenses delayed or barred from practicing law, or had their passports confiscated.³¹³

Since the 2013 UPR, UN rights bodies continued to raise concerns about the pattern of government obstruction of civil society cooperation with the UN and reprisals against HRDs who seek to participate in UN rights activities.

- In its 2015 Concluding Observations, CAT reiterated its concerns that seven human rights defenders were prevented from traveling or detained. The Committee urged the State party to investigate the aforementioned cases and report back to the Committee.³¹⁴ CAT also expressed concerns over China's investigation procedures and obstacles family members face for pressing for an independent autopsy.³¹⁵
- CEDAW, in its 2014 Concluding Observations, expressed concerns that some reports submitted by NGOs were censored by State agents and that travel restrictions were imposed on at least one woman human rights activist who intended to brief the Committee and to observe the review. CEDAW recommended China to "take all measures necessary to protect women human rights defenders, including those who have provided information to the Committee," lift travel restrictions in the future, and investigate allegations of State censorship of NGO reports.³¹⁶
- In a 2015 report on cooperation with UN, the Secretary-General noted with concern that China has not responded to requests for an investigation and its findings of Cao Shunli's death.³¹⁷
- From mid-July 2013 onward, UN experts released four joint urgent letters and two press releases regarding mistreatment toward Cao Shunli, with the UN experts urging the Chinese government to release Cao and provide adequate medical treatment.³¹⁸
- The Working Group on the Issue of Discrimination against Women in Law and in Practice also urgently called China to provide adequate medical attention for Cao during the mandate's visit in December 2013.³¹⁹

Suggestions

- End all forms of reprisal against Chinese citizens who seek to participate in, or cooperate with, UN human rights mechanisms, ensure their freedom and safety, without subjecting them to reprisal;
- Facilitate the development, in law and practice, of a safe and enabling environment in which human rights defenders can operate without fear, obstruction, and threats;

- Release all detained and imprisoned human rights defenders including lawyers for promoting and protecting human rights;
- Ensure that proper investigations are conducted in all cases of retaliation and attacks on human rights defenders including lawyers, including “collective punishment” against family members including children, and bring those responsible to justice.

¹ In response to why it did not accept recommendation 232 (Germany), the government said, “China implements the system of regional ethnic autonomy. Ethnic minority areas formulate relevant policies according to their local characteristics.” UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1, 2014.

² Recommendation 222 (Austria) is considered “poor” since it assumes conditions that do not exist, including “measures to allow ethnic minorities to preserve their cultural identity.” The full recommendation reads: “Take further legislative and practical measures to allow ethnic minorities to preserve their cultural identity, to fully exercise their human rights and to ensure their participation in decision-making, in accordance with the Chinese Constitution.”

³ National People’s Congress of the People’s Republic of China, “About Congress: Local People’s Congress and Their Standing Committees,” (accessed July 20, 2016), http://www.npc.gov.cn/englishnpc/about/2007-11/20/content_1373254.htm.

⁴ Congressional-Executive Commission on China (CECC), 2011 Annual Report, October 10, 2011, pp. 163-164, <https://www.cecc.gov/sites/chinacommission.house.gov/files/2011%20CECC%20Annual%20Report.pdf>.

⁵ See: Article 3, Organic Law of the Villagers Committees of People’s Congress of China (2010 Amendment), (中华人民共和国村民委员会组织法), (1998 amended 2010), http://www.gov.cn/flfg/2010-10/28/content_1732986.htm

⁶ Committee on the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, CEDAW/C/CHN/CO/7-8, November 14, 2014, paras. 30-31. See also: CECC, 2015 Annual Report, October 8, 2015, p. 172, <http://www.cecc.gov/sites/chinacommission.house.gov/files/2015%20Annual%20Report.pdf>.

⁷ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4, http://www.stats.gov.cn/tjsj/zxfb/201511/t20151127_1282257.html.

⁸ CECC, 2015 Annual Report, p. 76.

⁹ For example, authorities made no changes to the language in the 2015 revisions to the PRC Law on Elections of the NPC and Local People’s Congresses at All Levels (Election Law) to try to encourage higher female representation. The language has been the same since 2004, when authorities added an amendment that stipulates “[a]mong the deputies to the National People’s Congress and local people’s congresses at various levels, there shall be an appropriate number of women deputies, and the proportion thereof shall be raised gradually.” Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布：中华人民共和国全国人民代表大会和地方各级人民代表大会选举法), (1979, amended 2015), http://news.xinhuanet.com/legal/2015-08/30/c_128180126.htm.

¹⁰ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告).

¹¹ National Bureau of Statistics, “Number of Deputies to All the Previous National People’s Congresses,” China Statistical Yearbook 2014, 2014, Table 24-1, <http://www.stats.gov.cn/tjsj/ndsj/2014/indexeh.htm>.

¹² The 2010 revisions stipulated that village committees “should” have women members and that women should make up at least one-third of the total number of representatives on the Villagers’ Representatives’ Conference; China has not even met this meager goal. Article 9, Organic Law of the Villagers Committees of People’s Congress of China (中华人民共和国村民委员会组织法).

¹³ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; Dui Hua Foundation, “Measures on the Custody and Education of Prostitutes and their Clients: State Council Decree of the People’s Republic of China No. 127,” September 4, 1993, <http://www.duihuaresearch.org/2013/12/custody-and-education-worse-than.html>; People’s CPPCC Net, “Village Committee End of Term Elections Should Raise the Percentage of Women,” (村委会换届选举应提高女性比例), March 03, 2014, <http://www.rmzxb.com.cn/2014qqlh/hsy/zz/300930.shtml>.

¹⁴ Rights Defense Network (RDN), “China Election Monitor (2015), No. 4, Discrimination Against Women in the Hebei, Beiding Anxin County Government Led Village Election” (中国选举观察 (2015) 之四——河北保定安新县政府指导的村官选举歧视妇女 (图) (之二)), April 6, 2015, http://wqw2010.blogspot.ca/2015/04/2015_6.html; RDN, “China Election Monitor (2014), No. 63, Guangxi, Guilin, Chuanzhou County Government Let Election Discriminated Against Women” (中国选举观察 (2014) 之六十三——广西桂林全州县政府指导的村官选举歧视妇女), February 15, 2015, http://wqw2010.blogspot.ca/2015/02/2014_15.html.

¹⁵ RDN, “China Election Monitor (2015), No. 4, Discrimination Against Women in the Hebei, Beiding Anxin County Government Led Village Election” (中国选举观察 (2015) 之四——河北保定安新县政府指导的村官选举歧视妇女 (图)

(之二) ; RDN, “China Election Monitor (2014), No. 63, Guangxi, Guilin, Chuangzhou County Government Let Election Discriminated Against Women” (中国选举观察 (2014) 之六十三——广西桂林全州县政府指导的村官选举歧视妇女); RDN, “China Election Monitor (2014) No. 60, Henan Ye County Government-Led Village Election Discriminated Against Women” (中国选举观察 (2014) 之六十——河南省叶县政府指导的村官选举歧视妇女), January 25, 2015, http://wqw2010.blogspot.ca/2015/01/2014_25.html.

¹⁶ People’s CPPCC Net, “Village Committee End of Term Elections Should Raise the Percentage of Women” (村委会换届选举应提高女性比例).

¹⁷ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020’ (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4

¹⁸ Asian Development Bank, “Country Gender Assessment: People’s Republic of China,” December 2006, p. 54, <http://www.adb.org/sites/default/files/institutional-document/32230/cga-prc.pdf>.

¹⁹ Specifically, China’s political institutions do not conform with the standards set forth in Article 21 of the Universal Declaration of Human Rights, which stipulates that the “will of the people” should be “expressed in periodic and genuine elections which shall be by universal and equal suffrage.” Article 21, Universal Declaration on Human Rights, <http://www.un.org/en/universal-declaration-human-rights/>.

²⁰ Article 46, Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布: 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法).

²¹ The criteria made public in the Election Law stipulate that a potential candidate must not have had their political rights taken away and they are at least 18 years of age. Article 3, Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布: 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法).

²² Other “criteria,” not included in the Election Law are often found in documents discussing the “Five Elect, Seven Don’t Elect” or “Five Elect, Eight Don’t Elect,” and are raised by local “election work leading small groups” or other Party or government agencies in several provinces that “disqualify” individuals to run in elections. Officials who have not strongly implemented higher-level Party Committee directives” or have “outdated thinking” are also disqualified. RDN, “China Election Monitor Bulletin, (2015), No. 29, A Citizen-Elected Village Chief Sues Ministry of Civil Affairs Agency for Denying His Eligibility To Run Because He Was Not a Party Member (选举观察简报之二十九——前民选村长控告民政机构以非党员名义剥夺其选举资格), May 8, 2015, http://wqw2010.blogspot.ca/2015/05/blog-post_17.html; RDN, “China Election Monitor (2015), No. 11, Hebei Province Chengde County Government Led Village Elections Illegal,” May 17, 2015, http://wqw2010.blogspot.ca/2015/05/2015_17.html; RDN, “China Election Monitor (2015), No. 30, ‘Five Elects, Eight Don’t Elects,’ Violate the Constitution and the Election Law” (中国选举观察 (2015) 之十一——河北省承德县政府指导的村官选举是非法的), May 17, 2016, http://wqw2010.blogspot.ca/2015/05/blog-post_560.html; RDN, “China Election Monitor (2015) No. 25, Fujian Province, Pingnan County Government Led Resident Committee Election Suspected of Being Illegal (No. 1)” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), August 17, 2015, http://wqw2010.blogspot.com.br/2015/08/2015_17.html; RDN, “China Election Monitor (2015) No. 25, Fujian Province, Pingnan County Government Led Resident Committee Election Suspected of Being Illegal (No. 1)” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), August 17, 2015, http://wqw2010.blogspot.com.br/2015/08/2015_17.html; CECC, 2014 Annual Report, October 9, 2014, p 142, http://www.cecc.gov/sites/chinacommission.house.gov/files/2014%20annual%20report_0.PDF.

²³ CECC, 2014 Annual Report, p 142.

²⁴ These criteria include having “out of plan” children, participating in “illegal religious activities,” “interfering in elections” (a charge often used against independent candidates). In addition, local Party committees have issued rules that do not conform to the Organic Law or had undue influence over, or “led” village committee elections. RDN, “China Election Monitor (2015), No. 12 (2015), Chinese Communist Party Members From Village Committee Organization in Yong Nian County Zhenxi Village illegally Led Elections for Village Officials” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), May 20, 2015, http://wqw2010.blogspot.ca/2015/05/2015_20.html; RDN, “China Election Monitor (2014), No. 56, Jinan City, Central District Government-Led Elections Illegal, Lead to Mass Complaints to Higher-Level Officials” (中国选举观察 (2014) 之五十六——济南市市中区政府指导非法选举引发村民集体上访 (之三)), December 28, 2014, http://wqw2010.blogspot.ca/2014/12/2014_28.html; CECC, 2015 Annual Report, pp. 240-241.

²⁵ CHRD interview 2016.

²⁶ CEDAW, Concluding Observations on the Combined Seventh and Eight Periodic Reports of China, para. 30.

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- ²⁷ Javier C. Hernández, “‘We have a Fake Election’: China Disrupts Local Campaigns,” *The New York Times*, November 15, 2016, <http://www.nytimes.com/2016/11/16/world/asia/beijing-china-local-elections.html>.
- ²⁸ In June 2016, government/Party officials in Wukan, Guangdong province detained and later arrested Lin Zulian. A district court in Foshan City tried Lin on September 9, 2016, and found him guilty of the two bribery counts but acquitted him of a charge of rigging tenders. Thousands of citizens in Wukan joined mass demonstrations that began on June 19, 2016, demanding Lin’s release, which peaked at 8,000 in mid-August. Lin Zulian was among the villager candidates who had been leaders in the 2011 prolonged demonstrations against land seizures and the death of a villager in custody and were subsequently voted into the village committee in 2012 elections. Yang Fan (扬帆), “Former Village Chief Sentenced to Three Years and One Months’ Imprisonment for Crimes, Villagers Initiate a Merchants Strike and Demonstration Activities In Support of Lin Zulian” (乌坎前村支书罪成获刑3年1个月 村民发起罢市游行活动声援林祖恋), *Radio Free Asia*, September 8, 2016, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/yf2-09082016095246.html>; Qiao Long, “Jailed Former Head of China’s Rebel Village Retracts ‘Confession,’” *Radio Free Asia*, October 12, 2016, <http://www.rfa.org/english/news/china/wukan-trial-10122016134225.html>.
- ²⁹ CHRD, *China Human Rights Briefing September 13-20, 2016*, <https://www.nchrd.org/2016/09/chrb-police-stamp-out-protests-in-wukan-village-new-developments-in-709-crackdown-cases-913-20-2016/>.
- ³⁰ *Radio Free Asia*, “Former Village Secretary Lin Zulian Loses Appeal, Affirms Original Verdict” (乌坎前村书记林祖恋败诉维持原判), October 20, 2016, <http://www.rfa.org/cantonese/news/wukan-10202016103457.html?encoding=simplified>.
- ³¹ *Al Jazeera*, “China Wukan Leader Arrested Ahead of Planned Protests,” June 18, 2016, <http://www.aljazeera.com/news/2016/06/china-wukan-leader-arrested-160619034526131.html>; RDN, “China Elections Monitor, Wukan’s Lin Zulian To Be Tried in Foshan Courtroom on September 8” (乌坎林祖恋案9月8日将在佛山开庭), September 6, 2016, <http://wqw2010.blogspot.com.br/2016/09/98.html>; *Radio Free Asia*, “Wukan Villager Protests Uncontainable, Lin Zulian To Be Tried This Thursday” (乌坎村民游行不遏 林祖恋料周四开审), September 6, 2016, <http://www.rfa.org/cantonese/news/wukan-09062016094007.html>; RDN, “China Election Monitor, Wukan Bulletin, Villagers in Wukan Have Taken to the Streets in Spontaneous Protest Continuously for 74 Days (No. 4)” (中国乌坎维权快讯一一村民自发连续游行示威已七十四天(之四)), September 1, 2016, http://wqw2010.blogspot.com.br/2016/09/blog-post_63.html.
- ³² CECC, 2014 Annual Report, pp. 142-143.
- ³³ He had tried to submit his application at the township level first but was blocked by township officials, so he tried to submit it at the county-level. In early September, Yang said he would continue his efforts to seek office, despite threats to himself and his family and 24-hour surveillance around his house. Qiao Long, “Independent People’s Congress Election Hopeful Jailed in China’s Jiangxi,” *Radio Free Asia*, August 25, 2016, <http://www.rfa.org/english/news/china/independent-peoples-congress-election-hopeful-jailed-in-chinas-jiangxi-08252016105705.html>; RDN, “People’s Congress Delegate Independent Candidate Yang Wei (Yang Tingjian) Administratively Detained for 10 Days by Jiangxi Province, Zixi County Public Security Bureau” (江西人大代表独立候选人杨微(杨霆剑)遭江西省资溪县公安局行政拘留十天), August 24, 2016, http://wqw2010.blogspot.com/2016/08/blog-post_68.html.
- ³⁴ Qiao Long, “Independent Candidate Vows to Fight Local Election in China’s Jiangxi,” *Radio Free Asia*, September 6, 2016, <http://www.rfa.org/english/news/china/election-09062016122823.html>.
- ³⁵ RDN, “Hubei Qianjiang City People’s Congress Independent Candidate, Former People’s Congress Delegate, Well Known Elections Expert, Yao Lifa Kidnapped Forced to Leave Qianjiang” (湖北潜江市人大代表独立候选人、前人大代表、著名选举专家姚立法先生遭绑架强制离开潜江) November 2, 2016, http://wqw2010.blogspot.com/2016/11/blog-post_2.html.
- ³⁶ RDN, “Declaration of Yao Lifa and 58 Others To Run In the Hubei Qianjiang City People’s Congress Elections” (湖北潜江市姚立法等58位竞选市人大代表的宣言), November 1, 2016, <http://wqw2010.blogspot.com/2016/11/58.html>; RDN, “China Election Monitor (2016) No. 21: Japanese Television Station (NTV) Blocked From Interviewing Beijing Independent Candidate Ye Qinghuan” (中国选举观察(2016)之二十一:日本电视(NTV)采访北京独立候选人野靖环受阻), October 18, 2016, <http://wqw2010.blogspot.com/2016/10/2016ntv.html>; RDN, “Zhu Xiuling: Beijing People’s Congress Independent Candidate Fan Sujun’s Elder Sister Blocked From Conducting Election Campaigning” (朱秀玲:北京人大代表独立候选人范素君大姐进行选举宣传遭阻拦破坏), November 1, 2016, http://wqw2010.blogspot.com/2016/11/blog-post_67.html.
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⁴³ Authorities later changed the charges to “using a cult organization to undermine implementation of the law,” a charge often leveled against Falun Gong practitioners. RDN, “Hunan, Hengyang City, Qidong County People’s Congress Independent Election Candidate Guan Guilin Criminally Detained After Being Administratively Detained” (湖南衡阳祁东县人大代表独立参选人管桂林被行政拘留后又遭刑事拘留), October 14, 2016, http://wqw2010.blogspot.ca/2016/10/blog-post_67.html.

⁴⁴ Authorities detained Zheng Peipei, Xu Peiling, and Cui Fofang when they were handing out leaflets to canvass on November 13th for Feng Zhenghu’s candidacy. As of November 14, the three were still under detention. Yang Fan, “Police in Shanghai, Beijing Detain More Independent Election Candidates,” *Radio Free Asia*.

⁴⁵ Yang Fan, “China Jails Two Former Wukan Village Protest Leaders for ‘Graft,’” *Radio Free Asia*, October 10, 2014, <http://www.rfa.org/english/news/china/wukan-10102014124824.html>.

⁴⁶ CECC, 2014 Annual Report, pp. 141-142.

⁴⁷ CEDAW, Concluding Observations on the Combined Seventh and Eight Periodic Reports of China, para. 30.

⁴⁸ CECC, 2015 Annual Report, p. 289.

⁴⁹ *Ibid*, 240-241.

⁵⁰ CECC, 2014 Annual Report, p. 179.

⁵¹ Human Rights Watch, “China: ‘Benefit the Masses’ Campaign Surveilling Tibetans,” June 19, 2013, <https://www.hrw.org/news/2013/06/18/china-benefit-masses-campaign-surveilling-tibetans>.

⁵² We consider four recommendations to be “poor” because authorities have not indicated abolishing the death penalty is a goal, so they cannot “continue” efforts that don’t exist (186.107), and it is impossible to know whether authorities have “considered” abolition of or a moratorium on the death penalty (186.107 and 114). In addition, there is a problematic presumption that current stipulations on evidence are sufficient and have been implemented (186.110), and the problematic presumption of the existence and implementation of “legal safeguards” in the absence of an examination of the adequacy of such “safeguards” (186.111)

⁵³ UN General Assembly, “Note verbale dated 5 June 2013 from the Permanent Mission of China to the United Nations addressed to the President of the General Assembly,” A/68/90.

⁵⁴ Congressional-Executive Commission on China (CECC), “Criminal Justice,” 2015 CECC Annual Report, p. 8, <http://www.cecc.gov/sites/chinacommission.house.gov/files/documents/2015%20AR%20Criminal%20Justice.pdf>.

⁵⁵ Committee Against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, para. 49.

⁵⁶ Estimates by one NGO suggest that since 2013, the downward trend in executions that began in the early 2000s appears to have stalled. Dui Hua estimates that there have been approximately 2,400 executions per year in 2013, 2014, and 2015. Dui Hua Foundation, “China Executed 2,400 People in 2013,” http://duihua.org/wp/?page_id=9270; Dui Hua Foundation, “Can Recognizing Poverty Reduce Executions in China?,” June 9, 2016, <http://www.duihuahrjournal.org/2016/06/can-recognizing->

[poverty-reduce.html](#); A Chinese organization puts the estimate higher, at 4,000 or more cases each year. China Against the Death Penalty, “Overview of China’s Death Penalty 2015” (中国死刑概述2015), March 23, 2016, <http://www.chcadp.org/index.php?a=shows&catid=48&id=2667>; James Griffiths, “China is the World’s Top Executioner, But It Doesn’t Want You To Know That,” *CNN*, April 7, 2016, <http://www.cnn.com/2016/04/06/asia/china-death-penalty/>.

⁵⁷ Dui Hua Foundation, “China’s Average ‘Death Row’ Prisoner Waits 2 Months for Execution,” April 27, 2016, <http://www.duihuaresearch.org/2016/04/chinas-average-death-row-prisoner-waits.html>.

⁵⁸ This figure is also down from the 15 percent reported in the first few years the SPC began to review cases. *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ Chinese Communist Party Central Committee, “Decision on Major Issues Concerning Comprehensively Deepening Reforms,” adopted November 12, 2013, Sec. 9(34), http://www.china.org.cn/china/third_plenary_session/2013-11/16/content_30620736.htm.

⁶¹ Offenses whose maximum punishment was reduced from death to life imprisonment in 2015 are: smuggling of weapons, ammunition, nuclear materials and counterfeit currency; the counterfeiting of currency; fraudulently raising funds; arranging for a person or forcing a person to carry out prostitution; the obstruction of duty of a police officer; and creating rumors during wartime to mislead people. Ninth Amendment to the Criminal Law of the People’s Republic of China (中华人民共和国刑法修正案(九)), November 2015, <http://npc.people.com.cn/n/2015/1126/c14576-27857512.html>.

⁶² Amnesty International, “China 2015-2016,” The State of the World’s Human Rights Report 2015/16, <https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/>.

⁶³ UN Office of the High Commissioner for Human Rights (OHCHR), “UN Human Rights Experts Welcome Encouraging Steps Away From Death Penalty in China and India,” September 11, 2015, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16412&LangID=E>.

⁶⁴ Dui Hua Foundation, “China’s New Criminal Procedure Law: Death Penalty Procedures,” April 3, 2012, http://www.duihuahrjournal.org/2012/04/chinas-new-criminal-procedure-law-death_03.html; Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016 Chap. III Sec. 3, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

⁶⁵ CHRD interview with Chinese legal scholar, 2016.

⁶⁶ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. II Sec. 3, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>.

⁶⁷ Apart from the reduction of crimes in the 9th Amendment to the Criminal Law, the government mostly reiterated pre-2013 steps, such as: “In 2012, the Supreme People’s Procuratorate established the Oversight Office on the Review of the Death Penalty, in an effort to strengthen legal supervision procedures on the review of the death penalty. Since 2012, the Supreme People’s Court has issued 56 exemplary cases of guiding importance, with three of them involving criminal acts where the death penalty was applicable. Second trials of death penalty cases have all been conducted in open courts. More importance is given to listening to the opinions of defense lawyers in the course of reviewing death penalty cases. When a higher people’s court reviews a death penalty, for which the defendant didn’t ask for a defense lawyer, it is required to ask legal aid agencies to designate a lawyer for defense service.” Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), Chap. III Sec. 3;

⁶⁸ Supreme People’s Court, “SPC Measures on Hearing Defense Opinions In Final Review of Death Penalty Cases” (最高人民法院关于办理死刑复核案件听取辩护律师意见的办法), January 29, 2015, http://www.legaldaily.com.cn/index_article/content/2015-01/29/content_5950322.htm; CECC, 2015 Annual Report, pg. 9.

⁶⁹ Supreme People’s Court, “Reply Concerning issues related to the Application of Article 225 (para 2) of the Criminal Procedure Law” (最高人民法院适用刑事诉讼法第二百二十五条第二款有关问题的批复), June 23, 2016, <http://www.court.gov.cn/zixun-xiangqing-22501.html>.

⁷⁰ One scholar believes the interpretation could be a positive development because it may help to reduce government interference in court cases, especially those that relate to the interests of officials. The court’s interpretation was issued as an “official response” to answer a “request for instructions” from a lower court. Susan Finder, “Supreme People’s Court Tweaks Capital Punishment Review Procedure,” Supreme People’s Court Monitor, June 27, 2016, <https://supremepoplescourtmonitor.com/2016/06/27/supreme-peoples-court-tweaks-capital-punishment-review-procedure/>.

⁷¹ CECC China, 2016 Annual Report, October 8, 2016, pg. 107 (original sources include, Shan Yuxiao, “Tsinghua Scholar Calls on the Supreme People’s Court To Make Public Annual Data on Death Penalty Review Cases,” *Caixin*, October 19, 2015; Zhao Bingzhi and Xu Wenwen, “Observations and Reflections on Death Penalty Reform in the ‘Ninth Amendment to the Criminal Law,’” *Legal Forum*, No. 1 (2016), 34; Li Wenchao, “The Flaws and Ways of Improving the Death Penalty Review Process,” *Journal of Hubei Correspondence University*, Vol. 29, No. 9 (2016), 92. 167; Tang Tong, “Research on the Supervision of the

Death Penalty Review Process by the Procuratorate,” Culture and History Vision (March 2016), 45; Feng Yun, “Discussion of the Right of Defense in the Death Penalty Review Process,” People’s Tribune, April 2016, 124; Wang Yanling, “Thoughts on the Current Status and Ways To Improve Our Nation’s Death Penalty Review Procedure” Shanxi Youth, No. 5 (2016), 102.)

⁷² In response to Recommendation 186.1, Chinese authorities have only stated that China is still making judicial and administrative reforms to prepare for the ratification of the ICCPR but that they have not set a specific timetable for ratification; See also, Article 6, International Covenant on Civil and Political Rights, 1976, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

⁷³ As laid out in Article 18, Vienna Convention on the Law of Treaties, 1969, <http://www.oas.org/legal/english/docs/Vienna%20Convention%20Treaties.htm>.

⁷⁴ Amnesty International, “Death Penalty 2016: Alarming Surge in Recorded Executions Sees Highest Toll in More Than 25 Years,” April 6, 2016, <http://www.amnestyusa.org/news/press-releases/death-penalty-2016-alarming-surge-in-recorded-executions-sees-highest-toll-in-more-than-25-years>.

⁷⁵ International Bar Association, “The Death Penalty Under International Law: A Background Paper to the IBAHRI Resolution on the Abolition of the Death Penalty,” May 2008, pp. 3-5, <http://www.ibanet.org/Document/Default.aspx?DocumentUid=5482860b-b9bc-4671-a60f-7b236ab9a1a0>.

⁷⁶ Anthony Lin, “Innocence Project Movement in China Rises to Aid the Wrongfully Convicted,” *ABA Journal*, December 1, 2015, http://www.abajournal.com/magazine/article/innocence_project_movement_in_china_rises_to_aid_the_wrongfully_convicted; Sui-Lee Wee, “China’s top court says no to West’s model of judicial independence,” *Reuters*, February 26, 2015, <http://in.reuters.com/article/china-law-idINKBN0LU07M20150226>; Susan Finder, “What China’s Judicial Reform White Paper Says About Its Vision for Its Judiciary,” *Supreme People’s Court Monitor*, April 12, 2016, <https://supremepeoplescourtmonitor.com/2016/04/12/what-chinas-judicial-reform-white-paper-says-about-its-vision-for-its-judiciary/>; CHRDR, Joint Civil Society Report Submitted to UN Committee Against Torture, October 2015, <https://www.nchrd.org/2015/11/joint-civil-society-report-submitted-to-un-committee-against-torture-october-2015>, paras. 25-10; CECC, “Judicial Independence in the PRC,” accessed July 22, 2016, <http://www.cecc.gov/judicial-independence-in-the-prc>.

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⁸³ Most of the cases reviewed were from between 2013 and 2015 with more than half from 2014. Dui Hua Foundation, “China’s Average ‘Death Row’ Prisoner Waits 2 Months for Execution.”

⁸⁴ Ibid.

⁸⁵ Yang Fan, Qiao Long, Lee Lai, “China Executes Man For Eviction-linked Murder of Local Official,” *Radio Free Asia*, November 15, 2016, <http://www.rfa.org/english/news/china/china-executes-man-for-eviction-linked-murder-of-local-official-11152016093523.html>; Qiao Long (乔龙), “Jia Jinglong Death Penalty Case: Many Well-Known Chinese Legal Experts Sign Joint Letter Imploring the Executioner” (贾敬龙死刑案: 中国多位知名法学专家联名上书吁刀下留人), *Radio Free Asia*, November 14, 2016, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/ql2-11142016105307.html>; *Canyu*, “Regarding the Petition Requesting Amnesty for Immediate Execution of the Death Penalty of Jia Jinglong” (关于请求特赦贾敬龙死刑立即执行的请愿书 (最终1274人签名)), October 28, 2016, <http://canyu.org/n127240c6.aspx>; Catherine Lai, “‘Shocking’ Sentence: Hebei Man Who Killed Village Chief After House Demolition To Be Executed,” *Hong Kong Free Press*, October 22, 2016, <https://www.hongkongfp.com/2016/10/22/shocking-sentence-hebei-man-killed-village-chief-house-demolition-executed/>.

⁸⁶ The mitigating circumstances included that Jia Jinglong had turned himself in, that Jia was a victim of ill-treatment by the village chief, and that Jia did not harm innocent people while committing the crime.

⁸⁷ *China Daily*, “Doubts Over Death Sentence Should Delay Its Execution,” October 24, 2016, http://usa.chinadaily.com.cn/opinion/2016-10/24/content_27148378.htm; Deng Xiaoci, “Premeditation Needed Punishment Despite Forced Demolition: SPC,” November 16, 2016, *Global Times*, <http://www.globaltimes.cn/content/1018081.shtml>; *Xinhua News Agency*, “Why Should Jia Jinglong’s ‘Crime be Punishable by Death,’ Responsible Person for the 3rd High People’s Death Penalty Court Answers Journalists’ Questions Regarding Review of Murder Case,” (贾敬龙为何“罪该处死”? --最高法院刑三庭负责人就贾敬龙故意杀人死刑复核案问题答记者问), November 15, 2016, http://news.xinhuanet.com/legal/2016-11/15/c_1119912541.htm.

⁸⁸ CAT, Concluding observations on the fifth periodic report of China, para. 50.

⁸⁹ CHRD, Joint Civil Society Report Submitted to UN Committee Against Torture, October 2015, <https://www.nchr.org/2015/11/joint-civil-society-report-submitted-to-un-committee-against-torture-october-2015>.

⁹⁰ Recommendation 186.117 (Germany and France) called on China to “Abolish Re-education through Labour, prevent torture, and immediately inform relatives about arrests and effective legal representation.” We consider this recommendation to be only *partially implemented* because China abolished the RTL system; however, China has not prevented torture.

⁹¹ Article 14, Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, June 2006, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>.

⁹² The SP on torture made its most recent request for a country visit to China in the first half of 2016. For the report on the SP’s previous visit to China, see: UN Office of the High Commissioner for Human Rights, “Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak - Mission to China,” October 2006, http://ap.ohchr.org/documents/dpage_e.aspx?si=E/CN.4/2006/6/Add.6.

⁹³ Articles 247-8, Criminal Law of the People’s Republic of China (中华人民共和国刑法), (1979, amended 2015), http://www.china.com.cn/policy/txt/2012-01/14/content_24405327_16.htm.

⁹⁴ Article 95, Supreme People’s Court Judicial Interpretation on the Criminal Procedure Law of the People’s Republic of China (最高人民法院关于使用《中华人民共和国刑事诉讼法》的解释), January 2013, http://www.spp.gov.cn/sscx/201502/t20150217_91462.shtml.

⁹⁵ Committee Against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, paras. 7-8.

⁹⁶ CHRD, Joint Civil Society Report Submitted to UN Committee Against Torture, paras. 55-58.

⁹⁷ Articles 50, 53-58, 171, Criminal Procedure Law of the People’s Republic of China (中华人民共和国刑事诉讼法), (1996, amended 2012), http://www.gov.cn/flfg/2012-03/17/content_2094354.htm; UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1, 2014.

⁹⁸ UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review”; Public Security Organ Regulations on Procedures for Handling Criminal Cases (公安机关办理刑事案件程序规定), 2012, <http://www.mps.gov.cn/n2254314/n2254409/n2254443/n2254452/c3708286/content.html>.

⁹⁹ Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, Ministry of State Security, Ministry of Justice, “Several Provisions on Intensifying the Legal Supervision of Judicial Functionaries’ Dereliction of Duty in Litigation Activities” (最高人民法院、最高人民检察院、公安部等关于印发《关于对司法工作人员在诉讼活动中的渎职行为加强法律监督的若干规定(试行)》的通知), July 2010, <http://jjw.jiangdu.gov.cn/info.asp?id=222742>.

¹⁰⁰ Response by the Government of the People’s Republic of China to the Committee Against Torture’s List of issues in relation to the fifth periodic report of China, CAT/C/CHN/Q/5/Add.2, October 2015, para. 31.

¹⁰¹ CHRD, Joint Civil Society Report Submitted to UN Committee Against Torture, paras. 25-30.

¹⁰² After reviewing verdicts posted online by the Supreme People’s Court, journalists did not uncover a single instance of a court decision tossing out illegal evidence. See, Ye Zhusheng (叶竹盛) “Why Is It So Hard to Exclude Illegal Evidence” (排除非法证据为何这么难), *South Reviews Magazine*, October 10, 2014, <http://www.nfcmag.com/article/5031.html>.

¹⁰³ Wang Mengyao (王梦遥), “Criminal Procedure Reform: No Self-Incrimination” (刑诉改革：不得强迫自证其罪), *Beijing News*, October 11, 2016, http://epaper.bjnews.com.cn/html/2016-10/11/content_655084.htm?div=-1; Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, Ministry of State Security, and Justice Ministry, “Opinion

Regarding the Promotion of Reform of the Criminal Procedure System Centered on Trials” (关于推进以审判为中心的刑事诉讼制度改革的意见), October 2016, <http://www.mps.gov.cn/n2254314/n2254409/n4904353/c5515838/content.html>.

¹⁰⁴ Committee Against Torture (CAT), Concluding observations on the fifth periodic report of China, para. 32.

¹⁰⁵ The NHRAP further states: “Preventive and remedial measures against extortion of confession by torture and collecting evidence through other illegal methods will be enforced,” and that “all confessions by suspects and defendants extorted by torture or other illegal methods, as well as testimonies and statements of witnesses or victims collected by violence, threat or other illegal means will be eliminated and not used in working out the verdict.” Information Office of the State Council of the People’s Republic of China, Human Rights Action Plan (2012-2015), Chap. II, Sec. 1,3, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>.

¹⁰⁶ CHR, Joint Civil Society Report Submitted to UN Committee Against Torture, paras. 31-37; Human Rights Action Plan (2012-2015), Chap. II, Sec. 1.

¹⁰⁷ CHR, Joint Civil Society Report Submitted to UN Committee Against Torture, paras. 70-82.

¹⁰⁸ The NHRAP states that the government will be: “[s]trengthening efforts in investigation and punishment of cases committed by state functionaries involving violations of a citizen’s personal rights....” Human Rights Action Plan (2012-2015), Chap. II, Sec. 1.

¹⁰⁹ Recommendations 186.117 (Germany and France), 118, and 127 have been graded as *partially implemented* because they called for reforms that included asking China to abolish Re-education through Labour, which the government did in 2013. However, the recommendation also asked China to “prevent torture, and immediately inform relatives about arrests and effective legal representation,” which the government has not done. *Xinhua News Agency*, “China abolishes reeducation through labor,” December 28, 2013, http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm.

¹¹⁰ China’s full reply to Sweden (118): “The amended Criminal Procedure Law of China clearly stipulates that the compulsory mental health treatment for mentally ill people should be decided by courts. At present, the relevant Chinese authorities are formulating rules to regulate the treatment, rehabilitation, management, diagnose and assessment conducted by the institutions of compulsory mental health treatment and the protection of the rights of the people under compulsory mental health treatment. As for re-education through labour, see 186.117.” UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1, 2014.

¹¹¹ China’s full reply to 186.115: “There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China’s Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law.” UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review.”

¹¹² Specifically, forced psychiatric commitment should only occur when someone is both diagnosed with a “serious mental disorder” and has caused harm to, or is at risk of harming, themselves or others and their guardians agree to in-patient therapy. Articles 30- 36 deal with in-patient therapy. Mental Health Law of the People’s Republic of China (中华人民共和国精神卫生法), 2012, http://www.npc.gov.cn/huiyi/cwh/1129/2012-10/27/content_1741177.htm.

¹¹³ Article 35-36, Mental Health Law of the People’s Republic of China.

¹¹⁴ Article 285, Criminal Procedure Law of the People’s Republic of China (中华人民共和国刑事诉讼法), (1996, amended 2012), http://www.gov.cn/flfg/2012-03/17/content_2094354.htm.

¹¹⁵ Civil Rights & Livelihood Watch, “Database of Forcible Psychiatric Commitment” (被精神病数据库), 2009-2016, <http://www.msguancha.com/plus/list.php?tid=14>.

¹¹⁶ CHR, *China Human Rights Briefing April 29-May 5, 2016*, <https://www.nchrd.org/2016/05/chrb-forced-psychiatric-commitment-of-dissidents-continues-as-police-act-above-enacted-law-429-55-2016/>.

¹¹⁷ CHR, Portrait of a Defender - Xing Shiku (邢世库), <https://www.nchrd.org/2016/03/xing-shiku/>.

¹¹⁸ UN Human Rights Council, Opinion No. 8/2014 (China) on Mr Xing Shiku, in Opinions adopted by the Working Group on Arbitrary Detention at its sixty-ninth session, 22 April – 1 May 2014, <https://www.nchrd.org/wp-content/uploads/2013/12/Opinion-No.-8-2014-China.pdf>.

¹¹⁹ See: CHR, “The Darkest Corners”: Abuses of Involuntary Psychiatric Commitment in China, August 2012, <https://www.nchrd.org/2012/08/the-darkest-corners-abuses-of-involuntary-psychiatric-commitment-in-china/>; CHR, *China Human Rights Briefing November 8-13, 2013*, <https://www.nchrd.org/2013/11/chrb-six-months-after-mental-health-law->

[implemented-involuntary-psychiatric-commitment-continues-118-13-2013/](https://www.nchrd.org/2014/09/chrp-new-cases-of-forced-psychiatric-commitment-detentions-of-prominent-writer-democracy-activist-912-182014/); CHRDR, *China Human Rights Briefing September 12-18, 2014*, <https://www.nchrd.org/2014/09/chrp-new-cases-of-forced-psychiatric-commitment-detentions-of-prominent-writer-democracy-activist-912-182014/>; CHRDR, *China Human Rights Briefing May 8-14, 2015*, <https://www.nchrd.org/2015/05/chrp-forced-psychiatric-detention-persists-2-years-after-china-enacted-mental-health-law-58-142015/>; CHRDR, *China Human Rights Briefing April 29-May 5, 2016*, <https://www.nchrd.org/2016/05/chrp-forced-psychiatric-commitment-of-dissidents-continues-as-police-act-above-enacted-law-429-55-2016/>.

¹²⁰ Ibid.

¹²¹ Committee Against Torture (CAT), Concluding observations on the fifth periodic report of China, December 2015, CAT/C/CHN/CO/5, para 42.

¹²² CAT, Concluding observations on the fifth periodic report of China, paras. 42, 55.

¹²³ Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of China, October 2012, CRPD/C/CHN/CO/1, paras. 25-8.

¹²⁴ According to government data, as of June 2016, only about 31% of rural residents access the Internet; and there are 35% more urban Internet users than rural users. Thus there remains a big digital gap between urban and rural users. *People's Daily*, "Spread of Rural Internet Access Continues to be Smooth, Gap Between Rural and Urban Areas Still Comparatively Large" (农村互联网普及率保持平稳 城乡差异依然较大), August, 3, 2016, http://country.cnr.cn/gundong/20160803/t20160803_522874080.shtml.

¹²⁵ Furthermore, we also consider five of the 20 recommendations *poor*, since they encourage further development in areas where no prior progress is evident. 186.169- Chile asked China to "[c]ontinue strengthening the protection and promotion of the right of all citizens to publicly express their beliefs and opinions." 186.154 – Norway asked China to "Further efforts" toward non-existing efforts ever made toward "safeguarding the freedom of expression of all citizens." 186.157 – Cote d'Ivoire asked China to "Strengthen the measures aimed at guaranteeing freedom of expression and freedom of the press" even though such measures do not exist. 186.165 – Myanmar asked China to "Strengthen institutional guarantees for the legitimate rights and interests of news agencies and journalists" even though News agencies in China are state controlled. Their "legitimate rights and interests" are largely those of the state, which differ from individual journalists' rights and interests – and journalists' right to free press has not been protection. 187.173 – Uganda asked China to "further guarantee citizens' right to express themselves" even though these rights have not been "guaranteed" in China, so it makes little sense to ask the state to "further guarantee" them. Such wording has the effect of misguidedly praising the government.

¹²⁶ UN Human Rights Council, Freedom of Expression resolution, A/HRC/RES/12/16, October 12, 2009.

¹²⁷ Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, China, CESCR/E/C.12/CHN/2, May, 2014, para. 37.

¹²⁸ Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. III, Sec. 7, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

¹²⁹ "Supreme People's Court and Supreme People's Procuratorate Interpretation on Several Issues Regarding the Applicable Law in Cases of Using Information Networks to Commit Defamation and Other Such Crimes" (两高发布关于办理网络诽谤等刑事案件适用法律若干问题的解释), September 2013, http://www.spp.gov.cn/zd gz/201309/t20130910_62417.shtml.

¹³⁰ State Administration of Press, Publication, Radio, Film and Television, "Notice on Printing and Distributing Measures on Managing Information Obtained by Press Personnel Through Professional Conduct" (关于印发《新闻从业人员职务行为信息管理办法》的通知), June 30, 2014, <http://www.gapp.gov.cn/news/1663/211792.shtml>; International Federation of Journalists, "China's Media War: Censorship, Corruption & Control," 2014, p. 9, http://www.ifj.org/uploads/media/Press_Freedom_in_China_2014_English_Web.pdf.

¹³¹ The anti-crime campaign was called the "Internet Security Comprehensive Special Action." International Federation of Journalists, "China's Media War: Censorship, Corruption & Control," 2014, pg. 41.

¹³² Ibid.

¹³³ Under the regulations, public account users who are not "credentialed" to disseminate news on such services must obtain state approval before they can send out "current political news," and service providers are required to provide records to the government of public accounts that "engage in public information service activities." Articles 6-7, "Provisional Regulations to Manage the Development of Instant Messaging Tools in Providing Public Information Services" (即时通信工具公众信息服务发展管理暂行规定), August 2014, <http://politics.people.com.cn/n/2014/0807/c1001-25423647.html>.

¹³⁴ Article 24, "Regulations on Internet Publishing Services Administration" (网络出版服务管理规定), March 2016, <http://www.gapp.gov.cn/govpublic/84/1067.shtml>.

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- ¹³⁵ Article 13, Counter-espionage Law of the People's Republic of China (中华人民共和国反间谍法), November 2014, http://news.xinhuanet.com/politics/2014-11/01/c_1113074346.htm.
- ¹³⁶ The law also underscores the government's intention to determine for citizens what constitutes threats to the country, stipulating that the state is to "strengthen new publicity and guidance of popular opinion on national security." Articles 25, 76, National Security Law of the People's Republic of China (中华人民共和国国家安全法), July 2015, http://news.xinhuanet.com/politics/2015-07/01/c_1115787801.htm.
- ¹³⁷ Article 32, Ninth Amendment to the Criminal Law of the People's Republic of China (中华人民共和国刑法修正案(九)), November 2015, <http://npc.people.com.cn/n/2015/1126/c14576-27857512.html>.
- ¹³⁸ Articles 81(6), 56 (6), Counter-terrorism Law of the People's Republic of China (反恐怖主义法), December 2015, http://news.xinhuanet.com/politics/2015-12/27/c_128571798.htm.
- ¹³⁹ In terms of Article 58, authorities have long made it a practice to suspend cyber communications channels for periods of time in order to "maintain stability" in China's restive western regions of Tibet and Xinjiang. Articles 9, 46, 58, Cyber Security Law of the People's Republic of China (网络安全法), November 2016, http://news.xinhuanet.com/politics/2016-11/07/c_1119867015.htm; Sue-Lin Wong and Michael Martina, "China adopts cyber security law in face of overseas opposition," *Reuters*, November 7, 2016, <http://www.reuters.com/article/us-china-parliament-cyber-idUSKBN132049>.
- ¹⁴⁰ Film Industry Promotion Law of the People's Republic of China (中华人民共和国电影产业促进法), November 7, 2016, <http://politics.people.com.cn/n1/2016/1108/c1001-28842894.html>.
- ¹⁴¹ Article 19, International Covenant on Civil and Political Rights, 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- ¹⁴² CHRD, "Too Risky to Call Ourselves Defenders": 2015 Annual Report on the Situation of Human Rights Defenders in China," p. 2, https://www.nchrd.org/wp-content/uploads/2016/02/2015_CHRD-HRD-REPORT_FINAL-ONLINE-1.pdf.
- ¹⁴³ CHRD, Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests, (accessed November 10, 2016), <https://www.nchrd.org/2014/10/individuals-detained-in-mainland-china-for-supporting-hong-kong-pro-democracy-protests/>.
- ¹⁴⁴ CHRD, Portrait of a Defender – Gao Yu (高瑜), <https://www.nchrd.org/2014/12/prisoner-of-conscience-gao-yu/>; CHRD, Portrait of a Defender – Pu Zhiqiang (浦志强), <http://www.chrdnet.com/2014/06/prisoner-of-conscience-pu-zhiqiang/>.
- ¹⁴⁵ CHRD, "A Nightmarish Year Under Xi Jinping's 'Chinese Dream': 2013 Annual Report on the Situation of Human Rights Defenders in China," p. 21, https://www.nchrd.org/wp-content/uploads/2014/03/CHRD_XJP_online.pdf.
- ¹⁴⁶ See China's position on recommendations 186.159, 160, and 161. UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review," A/HRC/25/5/Add.1, 2014.
- ¹⁴⁷ Committee to Protect Journalists, "China, Egypt imprison record number of journalists," December 15, 2015, <https://www.cpj.org/reports/2015/12/china-egypt-imprison-record-numbers-of-journalists-jail.php>.
- ¹⁴⁸ CHRD, Prisoner of Conscience – Chen Shuqing (陈树庆), <https://www.nchrd.org/2016/07/chen-shuqing-%E9%99%88%E6%A0%91%E5%BA%86/>; CHRD, Prisoner of Conscience – Lü Gengsong (吕耿松), <https://www.nchrd.org/2016/07/16868/>; Rights Defense Network, "Zhang Rongping (aka Zhang Shengli), Liang Qinhui Sentenced Respectively to 4 Years, 18 Months" (张荣平(张圣雨)、梁勤辉今分别获刑4年和1年6个月), April 8, 2016, <http://wqw2010.blogspot.com/2016/04/416.html>.
- ¹⁴⁹ Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. III, Sec 7.
- ¹⁵⁰ National Human Rights Action Plan (2012-2015), Chap. II, Sec. 7, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>.
- ¹⁵¹ *Ibid*, Chap. II, Secs. 7-8.
- ¹⁵² The Chinese government's response in not accepting Spain's recommendation (137) was: "In accordance with China's Constitution and relative legislation, citizens enjoy freedom of speech, association and religious belief. The Chinese government guarantees, in accordance with law, citizens' rights to exercise these freedoms. Meanwhile, the exercise of the above-mentioned freedoms shall abide by the Constitution and laws, and shall not harm the national, social, collective interests and the legitimate rights of other citizens. Illegal and criminal activities shall be prosecuted according to law." UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review: China. Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review," A/HRC/25/5/Add.1, 2014.

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- ¹⁵³ Law on Assemblies, Processions, and Demonstrations of the People's Republic of China, 1989, http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383911.htm.
- ¹⁵⁴ Under Article 21 of the International Covenant on Civil and Political Rights, assembly rights are not absolute but “no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.” International Covenant on Civil and Political Rights, 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. China does not have a democratic political system, and the government's bans on peaceful rallies citing “public safety” or “public order” do not pass the democratic necessity test.
- ¹⁵⁵ UN Human Rights Council (HRC), Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/29, 2013, p. 17, para. 61.
- ¹⁵⁶ HRC, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39, April 24, 2013, pp. 14-5, para. 50; OSCE / ODIHR Guidelines on Freedom of Peaceful Assembly, 2010 (second ed.), p. 15, para. 21.
- ¹⁵⁷ Specifically, the four crimes in the Criminal Law commonly used to deprive Chinese citizens of their peaceful assembly rights are: “disrupting public order” (Article 290); “gathering a crowd to disrupt order of a public place” (Article 291); “unlawful assembly” (holding an assembly without an application permit) (Article 296); and “picking quarrels and provoking trouble” (Article 294(4)). “Disrupting public order” (Article 23) and “illegal assembly” (Article 55) can result in detention up to 15 days under the Public Security Administration Punishment Law. Criminal Law of the People's Republic of China (中华人民共和国刑法), 1979, amended 2015, http://www.china.com.cn/policy/txt/2012-01/14/content_24405327.htm; Public Security Administration Punishment Law of the People's Republic of China (中华人民共和国治安管理处罚法), 2006, http://big5.gov.cn/gate/big5/www.gov.cn/ziliao/flfg/2005-08/29/content_27130.htm.
- ¹⁵⁸ The provisions around deprivation of political rights are laid out in Chapter 3, Section 7 of the Criminal Law. Article 54 lays out the rights which will be deprived. Article 56 sets out the crimes which can be punished with deprivation: anyone convicted of an endangering national security crime (Articles 102-122) must be sentenced to a period of deprivation of political rights. Anyone convicted of the crime of seriously undermining public order by intentional homicide, rape, arson, explosion, poisoning or robbery may be sentenced to deprivation of political rights as a supplementary punishment. Anyone sentenced to death or life imprisonment will be deprived of their political rights for life under Article 57. For more on the use of “endangering national security” crimes against human rights defenders, see: CHR D, “Inciting Subversion of State Power”: A Legal Tool for Prosecuting Free Speech in China,” January 8, 2008, <https://chrnet.com/wp-content/uploads/2008/01/One-World-One-Dream-Universal-Human-Rights.pdf>.
- ¹⁵⁹ UN Commission on Human Rights, “Report submitted by the Working Group on Arbitrary Detention, Addendum: Visit to the People's Republic of China,” E/CN.4/1998/44/Add.2, December 22, 1997, paras. 48-53.
- ¹⁶⁰ Article 290, Ninth Amendment to the Criminal Law of the People's Republic of China, (中华人民共和国刑法修正案（九）), August 30, 2015, http://news.xinhuanet.com/legal/2015-08/30/c_1116414724.htm.
- ¹⁶¹ There is no legal definition of “mass incident,” but the Chinese Academy of Social Sciences (CASS), which is affiliated with the State Council, defined them as protests with 100 or more people. Hou Liqiang, “Report identifies sources of mass protests,” *China Daily*, April 9, 2014, http://www.chinadaily.com.cn/china/2014-04/09/content_17415767.htm.
- ¹⁶² The group of journalists operated a YouTube channel, Twitter account, and blog under the name “Not News” (非新闻) or “Wickedonna” See: <https://www.youtube.com/channel/UCVMOALB3Ur566IKOHRXJyDQ/>; <https://twitter.com/wickedonna>; <https://wickedonna.blogspot.com/>; <https://newsworthknowingcn.blogspot.com/>.
- ¹⁶³ *Not News* (非新闻), “2015 Statistics” (2015年统计), January 6, 2016, <http://newsworthknowingcn.blogspot.hk/2016/01/2015.html>.
- ¹⁶⁴ Rights Defense Network, “Arrest Approved for ‘Not News’ Founder Lu Yuyu and Girlfriend Li Tingyu” (“非新闻”创办人卢昱宇及女友李婷玉都已被批准逮捕), July 21, 2016, https://wqw2010.blogspot.hk/2016/07/blog-post_51.html.
- ¹⁶⁵ CHR D, Individuals Detained in Crackdown on Peaceful Assembly, Association & Expression, (accessed October 21, 2016), <https://chrnet.com/2013/07/individuals-detained-in-crackdown-on-assembly-and-association/>.
- ¹⁶⁶ Deprivation of Liberty and Torture/Other Mistreatment of Human Rights Defenders in China (Partial data 01/01/2012 to 12/31/2015) (accessed October 21, 2016), <https://www.nchr.org/2016/03/deprivation-of-liberty-and-tortureother-mistreatment-of-human-rights-defenders-in-china-partial-data-updated-6302013/>.
- ¹⁶⁷ Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur (SR) on opinion and expression; SR on peaceful assembly and association; the SR on health; SR on human rights defenders; SR on torture, UA G/SO 218/2 G/SO 217/1 G/SO 214 (67 - 17) Assembly & Association (2010 - 1) Health (2002 - 7) G/SO 214 (107 - 9) G/SO 214 (53 - 24), China 8/2013, 9 August 2013, https://spdb.ohchr.org/hrdb/24th/public_

[UA China 09.08.13 %288.2013%29.pdf](#); WGAD; WGEID; SR on opinion and expression; SR on peaceful assembly and association; SR on HRDs, UA G/SO 218/2 G/SO 217/1 G/SO 214 (67 - 17) Assembly & Association (2010 - 1) G/SO 214 (107 - 9), China 12/2013, 22 October 2013, <https://spdb.ohchr.org/hrdb/24th/public - UA China 22.10.13 %2812.2013%29.pdf>; WGAD; SR on opinion and expression; SR on peaceful assembly and association; the SR on health; SR on HRDs; SR on torture, UA, China 10/2014, <https://spdb.ohchr.org/hrdb/28th/Public - UA China 30.10.14 %2810.2014%29.pdf>.

¹⁶⁸ Charity Law of the People's Republic of China (中华人民共和国慈善法), 2016, http://www.npc.gov.cn/npc/dbdhy/12_4/2016-03/21/content_1985714.htm.

¹⁶⁹ Overseas NGOs' Domestic Activities Management Law of the People's Republic of China (中华人民共和国境外非政府组织境内活动管理法), 2016, http://news.xinhuanet.com/legal/2016-04/29/c_1118765888.htm.

¹⁷⁰ CHRDR, *China Human Rights Briefing March 21-31, 2016*, <https://chrdrnet.com/2016/03/chrdr-new-charity-law-will-further-isolate-weaken-civil-society-in-china-march-21-312016/>.

¹⁷¹ CHRDR, "China: Repeal Overseas NGO Law & Protect Freedom of Association," April 28, 2016, <https://chrdrnet.com/2016/04/china-repeal-overseas-ngo-law-protect-freedom-of-association/>.

¹⁷² UN Office of the High Commissioner for Human Rights, "China: Newly adopted Foreign NGO Law should be repealed, UN experts urge," May 3, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19921&LangID=E>.

¹⁷³ The regulations are: Measures on the Administration of Public Fundraising by Charitable Organizations (慈善组织公开募捐管理办法), in force September 1, 2016, <http://www.mca.gov.cn/article/gk/fg/shzzgl/201608/20160800001646.shtml>; Measures for the Designation of Charitable Organizations (慈善组织认定办法), in force September 1, 2016, <http://www.mca.gov.cn/article/gk/fg/shzzgl/201608/20160800001645.shtml>; Regulations on the Registration and Administration of Social Groups (社会团体登记管理条例) (1998), draft revisions released for comment August 1, 2016, http://news.xinhuanet.com/gongyi/2016-08/08/c_129213964.htm.

¹⁷⁴ Other revisions to the Regulations on the Registration and Administration of Social Groups include provisions that a group must make public information about its operations or otherwise face sanctions and likely closure. This includes their rules, directors, funding, organizational structure, and the vague "any information the registration department of the State Council requests" in a working report published before May 31 every year (Article 41). If these groups fail to comply, they would be put in the "abnormal" groups directory, and after two years can have their registration removed (Article 55).

¹⁷⁵ The Measures for the Designation of Charitable Organizations ban social groups from being designated as charitable organizations (thus blocked from fundraising online) if they are included on an "exceptions" list, but it doesn't say how a group is added to this list and if there is an appeals process (Article 5(3)). The Measures on the Administration of Public Fundraising by Charitable Organizations repeat the same restrictions on registration and includes a two-year waiting period before a registered organisation is allowed to do fundraising (Article 5).

¹⁷⁶ UN SR On the rights to freedom of peaceful assembly and of association, "General Principles on Protecting Civic Space and the Right to Access Resources," May 28, 2014, <http://freeassembly.net/news/general-principles-right-to-funding/>.

¹⁷⁷ HRC, Civil Society Space, A/HRC/RES/27/31, September 26, 2014, http://freeassembly.net/wp-content/uploads/2014/11/A_HRC_27_L.24-ENG.pdf.

¹⁷⁸ See: regarding Liren Libraries: Guo Rui, "Rural man opens library for a better future," *China Daily*, March 31, 2011, http://usa.chinadaily.com.cn/epaper/2011-03/31/content_12255217.htm; On former staff of Yirenping: Xu Lin and Li Wenfang, "Toilet occupation group is flushed with success," *China Daily*, February 27, 2012, http://usa.chinadaily.com.cn/china/2012-02/27/content_14696204.htm; Yirenping: Yin Lu, "Fighting for the fairer sex," *Global Times*, May 12, 2014, <http://www.globaltimes.cn/content/859865.shtml>; Yirenping: Zhang Yan, "NGOs feel the squeeze," *Global Times*, May 19, 2010, <http://www.globaltimes.cn/content/533426.shtml>; Zhongze Women's Legal Counselling and Service Center: Zhang Yan, "Legitimacy of a legal center," *Global Times*, May 12, 2010, <http://www.globaltimes.cn/content/531143.shtml>; Transition Institute: Jiang Wanjuan "Researcher sues ministry over special utility fee," *Global Times*, January 28, 2010, <http://www.globaltimes.cn/content/501643.shtml>.

¹⁷⁹ See, for example, the case of Guo Yushan (郭玉闪) and He Zhengjun (何正军) of the Transition Institute, and Chang Boyang (常伯阳), the legal advisor to Zhengzhou Yirenping. CHRDR, Submission to UN on Guo Yushan and He Zhengjun – June 20, 2015, <https://chrdrnet.com/2015/07/submission-to-un-on-guo-yushan-and-he-zhengjun-june-20-2015/>; CHRDR, Portrait of a Defender – Chang Boyang (常伯阳), <https://chrdrnet.com/2014/09/prisoner-of-conscience-chang-boyang/>.

¹⁸⁰ More than 20 staff members were taken into custody. Authorities convicted three in September 2016 and handed down suspended sentences, after they confessed. Michael Forsythe, "Labor Activists in China Get Suspended Prison Terms," *The New York Times*, September 26, 2016, http://www.nytimes.com/2016/09/27/world/asia/china-labor-activists-guangdong-sentenced.html?_r=0; State media aired police accusations against some of the labor rights advocates for "accepting financial support from overseas organizations" and "inciting workers to gather crowds and provoke trouble." In September 2016, three of

them were sentenced to 18 to 36 months' imprisonment. CHR, *China Human Rights Briefing January 8-21, 2016*, <https://chrnet.com/2016/01/chr-freedom-of-association-under-assault-in-china-arbitrary-detentions-disappearances-18-212016/>; Police also seized and criminally detained a longtime advocate of workers' rights, Hu Changgen (胡常根), a migrant worker of over 20 years, in June 2016 for voicing dissent and helping other laborers in defending their rights. In the same month, Chinese authorities detained two citizen journalists, one of whom used to be a migrant worker, in apparent reprisal for chronicling public protests including strikes in China and posting the information online. CHR, *China Human Rights Briefing June 22-30, 2016*, <https://www.nchrd.org/2016/06/chr-activists-detained-or-facing-trial-for-exercising-free-expression-622-30-2016/>.

¹⁸¹ Vanessa Piao, "Rural Library Chain Closes, Citing 'Tremendous Pressure,'" *The New York Times*, September 22, 2014, http://sinosphere.blogs.nytimes.com/2014/09/22/rural-library-chain-closes-citing-tremendous-pressure/?_r=0; CHR, "Police Detain Two Rights Advocates as NGO Crackdown Intensifies," June 15, 2015, <https://chrnet.com/2015/06/police-detain-two-rights-advocates-as-ngo-crackdown-intensifies/>; CHR, *China Human Rights Briefing January 8-21, 2016*, <https://chrnet.com/2016/01/chr-freedom-of-association-under-assault-in-china-arbitrary-detentions-disappearances-18-212016/>; *The Guardian*, "Chinese women's rights group collapses under official pressure," June 5, 2015, <http://www.theguardian.com/global-development/2015/jun/05/china-women-rights-group-weizhiming-collapses-official-pressure>; Didi Kirsten Tatlow, "China Is Said to Force Closing of Women's Legal Aid Center," *The New York Times*, "January 29, 2016, http://www.nytimes.com/2016/01/30/world/asia/beijing-women-legal-aid-guo-jianmei.html?_r=0.

¹⁸² Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of China, CEDAW/C/CHN/CO/7-8, November 7, 2014, para. 33(c).

¹⁸³ HRC, Report of the SR Maina Kiai, Addendum Observations on communications transmitted to Governments and replies received, A/HRC/26/29/Add.1, June 10, 2014; UN HRC, Report of the SR Maina Kiai, Addendum Observations on communications transmitted to Governments and replies received, A/HRC/29/25/Add.3, June 10, 2015.

¹⁸⁴ In our assessment, the recommendation by Malaysia (139) is "poor" because it urges the "continued promotion" of conditions that do not currently exist. Additionally, the recommendation by Uganda (147) to "Adopt further measures to firmly crack down on cult organizations to safeguard freedom of worship and the normal religious order" is also "poor," because it supports China's persecution of Falun Gong, which the government has labelled a "cult," in the name of "safeguarding" "normal" "religious order."

¹⁸⁵ Constitution of the People's Republic of China, (1982, amended 2004), http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content_1372964.htm.

¹⁸⁶ China's National Human Rights Action Plan includes pledges on: protecting citizens from being forced into believing or not believing in religion; protecting normal religious activities; and providing assistance and guaranteeing Muslims can complete their pilgrimages. Information Office of the State Council of the People's Republic of China, Human Rights Action Plan (2012-2015), Chap. IV, <http://www.china-un.ch/eng/rqrd/jb1c/t953936.htm>.

¹⁸⁷ Buddhist leader Wu Zeheng (吴泽恒) was sentenced to life in prison in a closed-door hearing for his beliefs and peaceful activities, including protecting human rights, which date back to his time as a student leader in the 1989 pro-democracy movement. One of the crimes Wu was convicted of was "organizing or using an illegal cult to undermine implementation of the law." Another Buddhist leader, Xu Zhiqiang (徐志强), was convicted of a political crime in April 2016 and sentenced to four years in prison. CHR, Portrait of a Defender – Wu Zeheng, <https://www.nchrd.org/2016/07/wu-zeheng/>; CHR, Portrait of a Defender – Xu Zhiqiang, <https://www.nchrd.org/2016/08/xu-zhiqiang/>.

¹⁸⁸ Effective January 2016, the Counter-terrorism Law could be used to criminalize peaceful activities of ethnic Uyghurs and Tibetans as well as any other political or religious dissidents as "terrorists" while systematically depriving their due process rights. Amendments to China's Criminal Law, went into effect in November 2015, targets individuals allegedly involved in "cults," with the maximum punishment being extended to life imprisonment. In addition, the Cyber Security Law legalizes invasive and strict cyber-policing and authorizes shutting off the Internet to entire regions for "security" purposes. This would legalize actions authorities have already taken, such as shutting off the Internet for the entire Xinjiang Uyghur Autonomous Region (comprising one-sixth of Chinese territory) following unrest that occurred in 2009. Counter-terrorism Law of the People's Republic of China (反恐恐怖主义法), 2015, http://news.xinhuanet.com/politics/2015-12/27/c_128571798.htm; Ninth Amendment to the Criminal Law of the People's Republic of China (中华人民共和国刑法修正案(九)), November 2015, <http://npc.people.com.cn/n/2015/1126/c14576-27857512.html>; Cyber Security Law of the People's Republic of China (网络安全法), 2016, http://news.xinhuanet.com/politics/2016-11/07/c_1119867015.htm.

¹⁸⁹ In particular, Article 27 of the National Security Law includes provisions on restricting religious or other spiritual practice, such as by "punishing the exploitation of religion to conduct illegal and criminal activities," "maintaining the normal order of religious activities," and banning "illegal cult organizations." National Security Law, 2016. http://news.xinhuanet.com/legal/2015-07/01/c_1115787801_3.htm.

¹⁹⁰ Legislative Affairs Office of the State Council, “Explanation Concerning ‘Draft Revision to Regulations on Religious Affairs (Submission for Review Draft),’” September 2016, <http://zqyj.chinalaw.gov.cn/draftExplain?DraftID=1269>.

¹⁹¹ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2016-2020), September 29, 2016, http://news.xinhuanet.com/politics/2016-09/29/c_129305934_7.htm

¹⁹² Specifically, authorities responded by saying: “China’s Constitution provides for citizens’ freedom of religious belief. All civil servants in administrative entities are citizens of the People’s Republic of China, and enjoy the freedom of religious belief. The Chinese government does not interfere in their religious belief. Meanwhile, according to the Civil Servant Law of China, the government shall not take religious belief into consideration when recruiting, selecting, and appointing civil servants.” Report of the Working Group on the Universal Periodic Review, China, Addendum, Human Rights Council, A/HRC/25/5/Add.1, February 27, 2014, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CNSession17.aspx>.

¹⁹³ *Radio Free Asia*, “Warning Over Religious Believers in Chinese Communist Party Ranks,” May 25, 2015, <http://www.rfa.org/english/news/china/china-religion-05252015112309.html>; Matt Sheehan, “China’s Communist Party Bans Believers, Doubles Down on Atheism,” *Huffington Post*, February 2, 2015, http://www.huffingtonpost.com/2015/02/02/china-communist-party-atheism-zhejiang-ban-religious-members-christianity_n_6599722.html.

¹⁹⁴ Article 4, Civil Servant Law of the People’s Republic of China, 2005, http://www.gov.cn/flfg/2005-06/21/content_8249.htm; “2016 National Civil Service Examination Job Forms Posted” (2016年国家公务员考试职位表已发布), October 13, 2015, <http://www.gjgwy.org/201510/223385.html>.

¹⁹⁵ Eleanor Albert, “Religion in China,” CRF Backgrounders (updated June 10, 2015), <http://www.cfr.org/china/religion-china/p16272>.

¹⁹⁶ Zhu Weiqun, “Principle of ‘Party Members Cannot Have Religious Faith’ Is Unshakeable,” *Global Times*, November 14, 2014, http://opinion.huanqiu.com/opinion_china/2014-11/5201895.html.

¹⁹⁷ Xinhua, “Do a Comprehensive Job on Retirement for Cadres” (中组部：全面做好离退休干部工作), February 4, 2016, http://news.xinhuanet.com/politics/2016-02/04/c_1117996328.htm.

¹⁹⁸ At the time of this report, 115 out of 144 are still being detained without trial. Tibetan Centre for Human Rights and Democracy (TCHRD), “Political Prisoner Database,” (Accessed November 8, 2016), http://www.tchrd.org/tchrd_pdb/.

¹⁹⁹ CHRD and Coalition of NGOs, Information Submission to the UN Committee Against Torture for Consideration in List of Issues, February 2015, para. 17 (c), <http://www.chrdnet.com/2015/02/chr-d-information-submission-to-the-un-committee-against-torture-for-the-review-of-the-fifth-periodic-report-of-china-february-2015/>.

²⁰⁰ Andrew Jacobs, “China: 2 Relatives of a Tibetan Monk Who Died in Prison Have Been Arrested,” *The New York Times*, July 18, 2015, <http://www.nytimes.com/2015/07/19/world/asia/china-2-relatives-of-a-tibetan-monk-who-died-in-prison-have-been-arrested.html>.

²⁰¹ “2015 Tibet Autonomous Region List of Outstanding Temple Management Committees and Cadres Stationed at Temples for Excellent Work Performance” (2015年度西藏自治区先进寺庙管理委员会和优秀驻寺干部宗教工作优秀干部名单), November 20, 2015, http://www.tibetculture.net/2012whzx/zx/201511/t20151120_3978948.html.

²⁰² In 2015, as many as 1,300 officials and 138 monastery committees have been listed in such commendation. *Ibid*.

²⁰³ Other measures included weekly political and legal education class for monastic staff, banning donation and loan, and a prohibition on religious leaders from providing schools or classes. TCHRD, “Document Exposes Intensification of State-sanctioned Religious Repression in Troubled Tibetan County,” November 9, 2015, <http://tchrd.org/document-exposes-intensification-of-state-sanctioned-religious-repression-in-troubled-tibetan-county/>.

²⁰⁴ Monks and nuns are monitored and kept at a fixed number at each monastery; under the new directive, authorities have forcibly evicted some, including nuns over 50 years old. Punitive measures include: financial punishments such as up to six-months pay for a committee member and withholding benefits for monastic staff or banning them from engaging in certain business activities; job termination for officials; closing-down of monastery; and detention of monks who refuse to comply with the directive. “Trampling Religious Freedom and Other Basic Human Rights in Diru County in Tibet” (西藏比如县践踏宗教信仰等基本人权), December 7, 2015, <https://box1.global.ssl.fastly.net/news/gb/pubvp/2015/12/201512070003.shtml>.

²⁰⁵ Lhuboom, “Larung Gar Leaders Urge Calm as Demolition Appears Set to Proceed,” *Radio Free Asia*, July 12, 2016, <http://www.rfa.org/english/news/tibet/calm-07122016125946.html>.

²⁰⁶ Tibetans coming into Lhasa have to first report to a police station, where their identification cards will be taken away, only to be retrieved when they leave the city. In addition, Tibetans from other provinces have to stay at a hotel designated by police. CHRD interview with an ethnic Tibetan living in China, 2016.

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- ²¹¹ Qiao Long (乔龙), “Police Conduct Counterterrorism Exercises in Various Locations on New Year’s Day, 16 Uyghurs Arrested on Suspicion of Religious Activities in Kashgar, Xinjiang” (元旦日各地警方反恐演习 新疆喀什16维族人涉宗教被捕), *Radio Free Asia*, January 1, 2016, <http://www.rfa.org/mandarin/yataibaodao/shaoshuminzu/ql1-01012016105504.html>.
- ²¹² Ibid.
- ²¹³ Ibid.
- ²¹⁴ CHRDR, *China Human Rights Briefing October 14-20, 2016*, <https://www.nchrd.org/2016/10/chrb-anti-corruption-activist-imprisoned-police-put-down-mass-environmental-protests-in-xian-1014-20-2016/>.
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- ²¹⁶ *People’s Daily*, “Public Places in Urumqi Ban Full Body and Face-Covering Veils” (乌鲁木齐市公共场所将禁止穿戴蒙面罩袍), January 17, 2015, <http://politics.people.com.cn/n/2015/0117/c1001-26403482.html>.
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- ²³⁵ Minghui, “2014 Persecution Statistics: 983 Falun Gong Practitioners Tried, 635 Sentenced,” January 15, 2015, <http://en.minghui.org/html/articles/2015/1/15/147980.html>.
- ²³⁶ Four human rights lawyers—Jiang Tianyong (江天勇), Tang Jitian (唐吉田), Wang Cheng (王成), and Zhang Junjie (张俊杰)—were seized, tortured, and administratively detained in Heilongjiang Province after trying to expose a “legal education center,” a black jail in Jiansanjiang City that was mostly holding Falun Gong practitioners. Other lawyers also faced harassment and other forms of mistreatment for taking on Falun Gong cases. See: CHRd, “End Violence Against Human Rights Lawyers,” (Accessed November 10, 2016), <https://www.nchr.org/2015/10/end-violence-against-human-rights-lawyers/>; CHRd, “China Has Obligation to End Violence Against Lawyers,” April 3, 2014, <https://www.nchr.org/2014/04/china-has-obligation-to-end-violence-against-lawyers/>.
- ²³⁷ Recommendation 186.117 (Germany and France) called on China to “Abolish Re-education through Labour, prevent torture, and immediately inform relatives about arrests and effective legal representation.” We consider this recommendation to be only *partially implemented* because China abolished the RTL system; however, China has not immediately informed relatives about arrests or provided effective legal representation.
- ²³⁸ UN General Assembly, “Note verbale dated 5 June 2013 from the Permanent Mission of China to the United Nations addressed to the President of the General Assembly,” A/68/90.
- ²³⁹ Law of the People’s Republic of China on Lawyers, 2007, http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471604.htm; Criminal Procedure Law of the People’s Republic of China (中华人民共和国刑事诉讼法), 1979, amended 2012, http://www.gov.cn/flfg/2012-03/17/content_2094354.htm; Administrative Measures for the Practice of Law by Lawyers (律师执业管理办法), 2008, amended 2016, http://www.gov.cn/gongbao/content/2016/content_5113014.htm; Administrative Measures for Law Firms (律师事务所管理办法), 2008, amended 2016, http://www.gov.cn/gongbao/content/2016/content_5109321.htm; Measures for the Annual Inspection and Evaluation of Law Firms (律师事务所年度检查考核办法), 2010, http://www.moj.gov.cn/lsgzgzds/content/2010-04/09/content_3000046.htm?node=278.
- ²⁴⁰ Article 3 of the Lawyers’ Law states “The legal practice of lawyers according to law shall be protected by law. No unit or individual shall infringe the lawful rights and interests of lawyers.”

²⁴¹ See, Eva Pils, *China's Human Rights Lawyers: Advocacy and Resistance*, 2014, Routledge Press.

²⁴² For full analysis on the Administrative Measures on Law Firms, see: CHRDR, China Human Rights Briefing September 21-October 3, 2016, <https://www.nchrd.org/2016/10/chrdr-revised-measures-on-law-firms-further-curb-independence-of-chinese-lawyers-921-103-2016/>. The amended Measures on the Practice of Law by Lawyers include a new provision (Article 2) that demands: "As a basic requirement to practise, lawyers should endorse Communist Party leadership and socialist rule of law". Under Chapter 4 of the amended Measures, officials have inserted new clauses that would restrict lawyers' speech, association, assembly (Articles 37, 38, 39, 40).

²⁴³ The Measures have been heavily criticized, and over 400 lawyers have signed a petition to have them repealed. Lucy Hornby and Christian Shepherd, "Chinese lawyers make open protest over online advocacy curbs," *Financial Times*, October 11, 2016, <https://www.ft.com/content/92c9e24e-8f96-11e6-a72e-b428cb934b78>; Zhao Yusha, "Fresh petition urges withdrawal of new regulation on law firms," *Global Times*, October 12, 2016, <http://www.globaltimes.cn/content/1010814.shtml>;

²⁴⁴ Lawyers Dong Qianrong (董前勇) and Wang Yu (王宇) were expelled during a case in Beijing in April 2015, and lawyer Wang Quanzhang (王全璋) was thrown out of a courtroom in Shandong Province in June 2015. CHRDR, End Violence Against Human Rights Lawyers, (Accessed August 15, 2016), <https://chrdrnet.com/2015/10/end-violence-against-human-rights-lawyers/>.

²⁴⁵ Committee Against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, para. 18.

²⁴⁶ Supreme People's Court, the Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, "Provisions on Ensuring the Practice Rights of Lawyers in Accordance with Law" (关于依法保障律师执业权利的规定), September 21, 2015, http://www.spp.gov.cn/flfg/gfwj/201509/t20150921_104855.shtml.

²⁴⁷ There are new measures to stop violence, humiliation, threats and reprisals against lawyers (Article 3), but lawyers are not optimistic that they will be enforced. This is because the new system does not set up an independent or impartial body to investigate complaints. Instead, they are handled by the "organ that is handling the case or to its superior organ" or the people's procuratorate (Article 41 and 43). CHRDR interview, 2016.

²⁴⁸ Rights Defense Network (RDN), "Four Lawyers Files Request with All China Lawyers Association to Protect Their Rights Over Infringement on Professional Rights of Lawyers" (四律师就多起侵害律师执业权事件赴全国律协要求维权), June 13, 2016, https://wqw2010.blogspot.de/2016/06/blog-post_74.html.

²⁴⁹ Under Article 8 of these provisions, if a criminal suspect or defendant terminates their representation, the detention center must provide a signed written document from the detainee. From January-March 2016, the lawyers of 11 detainees tied to the 709 crackdown were told by detention center staff that their clients had "fired" them. However, authorities did not provide any written documentation and continued to refuse lawyers requests to visit their clients on the grounds that such meetings would harm "national security." In one case, the newly-appointed attorneys showed a document to the parents of detained paralegal Zhao Wei (赵威), but Zhao's mother said that, besides the signature, the handwriting in the letter—a document that she was not allowed to keep—did not closely resemble her daughter's. See, CHRDR, *China Human Rights Briefings March 15 – 21, 2016*, <https://chrdrnet.com/2016/03/chrdr-forced-switch-to-police-appointed-lawyers-further-erodes-protections-for-detained-rights-defenders-315-321-2016/>.

²⁵⁰ Lawyer Zhou Shifeng was sentenced to seven years in prison. CHRDR, "China: End Show Trials, Free Human Rights Lawyers & Other Defenders," August 8, 2016, <https://www.nchrd.org/2016/08/china-end-show-trials-free-human-rights-lawyers-other-defenders/>; European Union External Action Service, "Statement by the Spokesperson on the conviction of Chinese lawyers and other human rights defenders on charges of state subversion," August 5, 2016, http://eeas.europa.eu/statements-eeas/2016/160805_03_en.htm; US State Department, "Sentencing of Lawyers and Rights Activists in China," August 6, 2016, <https://www.state.gov/r/pa/prs/ps/2016/08/260913.htm>.

²⁵¹ CHRDR, Individuals Affected by July 9 Crackdown on Rights Lawyers, (Accessed November 20, 2016), <https://www.nchrd.org/2015/07/individuals-affected-by-july-10-crackdown-on-rights-lawyers/>.

²⁵² UN Office of the High Commissioner for Human Rights (OHCHR), "UN Human Rights Chief deeply concerned by China clampdown on lawyers and activists," February 16, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17050&LangID=E>.

²⁵³ CAT, Concluding observations on the fifth periodic report of China, paras. 18-19, 61.

²⁵⁴ OHCHR, "Lawyers need to be protected not harassed" – UN experts urge China to halt detentions," July 16, 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16241&LangID=E>.

²⁵⁵ Two lawyers for Wang Quanzhang withdrew their representation following threats from police. Another lawyer was compelled by police to not take on Wang Yu as a client. CHRDR interview, 2016.

²⁵⁶ Wang Qiushi (王秋实) was detained in January 2016 over his alleged involvement in a NGO that was run by Wang Quanzhang and a Swedish national. Ren Quanni (任全牛) was detained after he raised allegations of sexual harassment of Zhao Wei, and he was missing until November 2016. CHRDR, “Politically Charged Arrests in China Escalate Persecution of Rights Lawyers,” January 14, 2016, <https://www.nchrd.org/2016/01/politically-charged-arrests-in-china-escalate-persecution-of-rights-lawyers/>; CHRDR, *China Human Rights Briefing July 1-13, 2016*, <https://www.nchrd.org/2016/07/chrdr-chinas-persecution-of-online-speech-targets-lawyer-migrant-worker-new-un-ruling-on-arbitrary-detention-met-with-defiance-71-13-2016/>; CHRDR, *China Human Rights Briefing September 13-20, 2016*, <https://www.nchrd.org/2016/09/chrdr-police-stamp-out-protests-in-wukan-village-new-developments-in-709-crackdown-cases-913-20-2016/>.

²⁵⁷ RDN, “Feng Zhenghu: Citizens’ Right to Leave the Country - 33 Lawyers And Others Restricted From Leaving the Country For Engaging in Rights Defence” (冯正虎: 公民出境权——33名律师等人被限制出境及维权表现), February 5, 2016, <http://wqw2010.blogspot.hk/2016/02/33.html>.

²⁵⁸ Some of the punishments include: One wife of a detained lawyer has been banned from travel. Authorities placed the teenage son of two detained lawyers under unlawful de facto house arrest and confiscated his passport. The parents of a detained lawyer have been harassed by police in an attempt to force them to pressure their son to confess, which they refused to do. The son of a detained lawyer has been blocked from attending primary school. Police have placed a security camera outside the door of the home of a detained lawyer’s family. The family of a detained lawyer have been forcibly evicted. Police detained and placed under house arrest several wives of detained lawyers and activists in the first week of August when the first four trial hearings were held. See, Michael Forsythe, “Bao Zhuoxuan, Son of Rights Lawyer Held in China, Is Said to Be Under House Arrest,” *The New York Times*, October 12, 2015, <http://www.nytimes.com/2015/10/13/world/asia/china-bao-zhuoxuan-son-wang-yu-rights-lawyer-house-arrest.html>; RDN, “Wang Quanxiu (Wang Quanzhang’s Older Sister): Record of Events of These Past Two Day” (王全秀 (王全璋姐姐): 发生在这两天的事), April 29, 2016, http://wqw2010.blogspot.se/2016/04/blog-post_434.html; Mimi Lau, “Chinese police hold four wives of rights activists seized in ‘709 crackdown,’” *South China Morning Post*, July 30, 2016, <http://www.scmp.com/news/china/policies-politics/article/1996637/chinese-police-hold-four-wives-rights-activists-seized>; Human Rights Campaign in China, “709 Crackdown: ‘Subversion’ Trial of Zhai Yanmin: Home Searched, Wife’s Cellphone Seized and She is Put Under House Arrest” (“709大抓捕事件”翟岩民涉嫌颠覆国家政权案庭审 住处被查抄 妻子手机被抢并遭软禁), August 2, 2016, http://www.hrcchina.org/2016/08/709_2.html; Civil Rights & Livelihood Watch, “Family of Lawyer Li Heping Forced to Move and One Day Later Again Chased Away” (李和平律师家属被迫搬家一天后再遭驱赶), August 19, 2016, <http://msguancha.com/a/lanmu4/2016/0819/14811.html>; RDN, “Chen Guiqiu (Lawyer Xie Yang’s wife) 709 Detainees Family Are Guilty by Association, Go on Holiday Yet No Freedom?” (陈桂秋 (谢阳律师妻子): 709案当事人家属被株连, 休假也没有自由?), August 25, 2016, https://wqw2010.blogspot.hk/2016/08/709_52.html; RDN, “709 Crackdown Notice: Guilt by Association Targets Preschooler – Wang Quanzhang’s son already enrolled in school but national security prevent him from attending” (709大抓捕通报: 株连肆虐以至幼儿, 王全璋律师儿子入学报名已办妥手续被国保阻挠致无法入学), August 31, 2016, https://wqw2010.blogspot.hk/2016/08/709_31.html; RDN, “Yuan Shanshan: Situation of Lawyer Xie Yanyi’s Family” (原珊珊: 谢燕益律师家庭近况), September 14, 2016, <https://wqw2010.blogspot.hk/2016/09/2016914.html>.

²⁵⁹ The full response from the Chinese government: “Based on the amended Criminal Procedure Law, Chinese public security organs have revised the Regulations on Procedures of Handling Criminal Cases for Public Security Organs, including revising the applicable conditions of bail, residential surveillance and arrest, and imposing a stricter requirement on the duration between arrest and custody.” “Report of the Working Group on the Universal Periodic Review: China. Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1. February 27, 2014.

²⁶⁰ Police have willfully disregarded rights enshrined in the Constitution, Criminal Procedure Law, Criminal Law, and Lawyers Law. CHRDR, *China Human Rights Briefing August 12-20, 2015*, <https://chrdnet.com/2015/08/chrdr-what-happened-to-the-detained-lawyers-18-held-in-secret-several-accused-of-endangering-national-security-812-202015/>.

²⁶¹ A de facto form of incommunicado detention, the UN called on the Chinese government to repeal this provision “as a matter of urgency” in December 2015. CAT, Concluding observations on the fifth periodic report of China, para. 15.

²⁶² Police initially cited provisions on national security to deny lawyers’ visits with their clients before claiming that at least 11 individuals had “fired” their family-appointed lawyers in 2016 and instead engaged government-approved lawyers. CHRDR, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees,” <https://chrdnet.com/2015/12/gallery-chinese-police-deny-requests-for-lawyer-visits-with-detainees/>; CHRDR, *China Human Rights Briefing March 15-21, 2016*; CHRDR, Individuals Affected by July 9 Crackdown on Rights Lawyers, (Accessed November 11, 2016), <https://www.nchrd.org/2015/07/individuals-affected-by-july-10-crackdown-on-rights-lawyers/>. At the time of this report’s release, only two individuals in the crackdown have been granted access to a lawyer of their choice, Wang Fang (王芳) and Yin Xu’an (尹旭安), but neither are held in Tianjin Municipality where the majority of the cases are being tried. CHRDR, Portrait of a Defender – Wang Fang, <https://www.nchrd.org/2016/08/wang-fang/>; CHRDR, Portrait of a Defender – Yin Xu’an, <https://www.nchrd.org/2016/08/yin-xuan/>.

- ²⁶³ *Xinhua News Agency*, “Following Beijing Fengrui Law Firm Case: Law Firm Director Zhou Shifeng Confesses” (北京锋锐律所案追踪:律所主任周世锋认罪忏悔), July 18, 2015, <http://politics.people.com.cn/n/2015/0719/c1001-27325554.html>.
- ²⁶⁴ As of November 20, 2016, they are: Gou Hongguo (沟洪国), Zhai Yanmin (翟岩民), Bao Longjun (包龙军), Gao Yue (高月), Li Shuyun (李姝云), Liu Yongping (刘永平), Lin Bin (林斌), Wang Yu (王宇), Zhao Wei (赵威), Huang Liqun (黄力群), Zhang Kai (张凯). CHR, “Individuals Affected by July 9 Crackdown on Rights Lawyers,” (Accessed November 20, 2016); Ng Yik-tung and Lee Lai, “‘Bailed’ Chinese Rights Lawyers Under Round-The-Clock Surveillance,” *Radio Free Asia*, September 21, 2016, <http://www.rfa.org/english/china-lawyers-09212016102201.html>.
- ²⁶⁵ *Xinhua News Agency*, “Ministry of Public Security Exposes Dark Secrets of ‘Rights Defense’” (公安部揭开“维权”事件黑幕), July 11, 2015, <http://politics.people.com.cn/n/2015/0712/c1001-27290030.html>; *Legal Daily*, “Explaining the ‘Rights Defense’ Ring in One Graphic” (一图读懂“维权”圈), July 13, 2015, http://www.legaldaily.com.cn/zt/content/2015-07/13/content_6168094.htm?node=73108; CHR, “China: Halt Police Operations Targeting Human Rights Lawyers as ‘National Security’ Threat,” July 13, 2015, <https://www.nchr.org/2015/07/china-halt-police-operations-targeting-human-rights-lawyers-as-national-security-threat/>.
- ²⁶⁶ At the time of this report’s release, the following eight individuals have not been granted access to a lawyer since being taken into custody between May–October 2015. Li Chunfu (李春富), Li Heping (李和平), Liu Sixin (刘四新), Tang Zhishun (唐志顺), Wang Quanzhang (王全璋), Wu Gan (吴淦), Xie Yanyi (谢燕益), and Xing Qingxian (幸清贤). CHR, Individuals Affected by July 9 Crackdown on Rights Lawyers, (Accessed November 20, 2016); CHR, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees.”
- ²⁶⁷ Under Article 37 of the CPL, lawyers’ visits with clients held on suspicion of crimes endangering national security, terrorism, or involving significant amounts of bribes must first be approved by investigating organs. See also, CHR, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees.”
- ²⁶⁸ The “Ministry of Public Security Provision on Procedures for Handling Criminal Cases” detail the procedures for investigating organs to approve or reject lawyers’ requests to visit clients held on suspicion of national security or terrorism. However, it goes on to give an expanded definition of crimes that “endanger national security” in Article 374: Crimes of “endangering national security” in this provision include those included in 102-112 of the Criminal Law as well as other crimes that endanger national security: terrorist activities, including generating terror in society, endangering public safety, or threatening state agencies or foreign organizations; use of violent, destructive, or threatening means to plot to kill or injure people, inflict serious harm, damage public infrastructure, create social chaos; and other serious crimes that harm social stability. “Ministry of Public Security Provision on Procedures for Handling Criminal Cases” (公安机关办理刑事案件程序规定), <http://www.mps.gov.cn/n2254314/n2254409/n2254443/n2254452/c3708286/content.html>; For example, police at Daye City Detention Center in Hubei Province denied lawyer Lin Qilei (蔺其磊)’s request to visit his client Yin Xu’an on April 6, 2016. Yin is held on suspicion “picking quarrels and provoking troubles.” RDN, “Hubei Human Rights Defender Yin Xu’an Case Notice –Lawyer Not Allowed Visit” (湖北人权捍卫者尹旭安案情通报——律师仍无法获见), April 7, 2016, http://wqw2010.blogspot.no/2016/04/blog-post_7.html; Officials from Zhengzhou No. 3 Detention Center in Henan Province denied lawyers visits for 10 weeks to eight activists and two lawyers held on suspicion of crimes of “illegal business activity” and “picking quarrels and provoking troubles.” CHR, *China Human Rights Briefing July 4-10, 2014*, <https://www.nchr.org/2014/07/chrb-curtailling-church-based-rights-activism-authorities-sentence-christian-pastor-to-12-years-in-prison-july-4-7-2014/>.
- ²⁶⁹ CHR, End Violence Against Human Rights Lawyers, (Accessed October 13, 2016), <https://chrnet.com/2015/10/end-violence-against-human-rights-lawyers/>.
- ²⁷⁰ CHR and Coalition of NGOs, “Information Submission to the UN Committee Against Torture for Consideration in List of Issues,” February 9, 2015, para 6 (c), <https://chrnet.com/2015/02/chr-information-submission-to-the-un-committee-against-torture-for-the-review-of-the-fifth-periodic-report-of-china-february-2015/>; CHR, *China Human Rights Briefing January 28-February 3, 2016*, <https://chrnet.com/2016/02/chrb-government-reprisals-assault-imprisonment-torture-cancellation-of-a-lawyers-license-128-242016/>.
- ²⁷¹ RDN, “121 Mainland Lawyers: Repeal Ministry of Justice ‘Method of Law Firms Annual Review Examination’ Application” (121名大陆律师: 撤销司法部《律师事务所年度检查考核办法》的申请书), February 28, 2015, <http://wqw2010.blogspot.se/2015/02/121.html>.
- ²⁷² RDN, “38 Chinese Lawyers Issue Joint Statement About Not Participating in Illegal Annual Assessment and Examination, Jointly Boycott Illegal Annual Assessment and Examination (中国38名律师联署不参加违法年度检查考核声明, 共同抵制违法的年度检查考核), April 18, 2016, <http://wqw2010.blogspot.com/2016/04/38.html>.
- ²⁷³ For example, lawyer Pu Zhiqiang (浦志强) spent 19 months in detention over comments he made on social media, before being convicted of two crimes and given a suspended sentence in December 2015. Authorities used the social media comments to

find a way to silence an outspoken lawyer. Judicial authorities then revoked his law license in April 2016. CHRDR, Portrait of a Defender – Pu Zhiqiang (浦志强), <https://chrdrnet.com/2014/06/prisoner-of-conscience-pu-zhiqiang/>.

²⁷⁴ They are: lawyers Chang Boyang (常伯阳), Ji Laisong (姬来松), Xia Lin (夏霖) and Yu Wensheng (余文生). Chang and Ji had represented individuals detained for commemorating the 25th anniversary of June 4th and the clients of Xia Lin and Yu Wensheng were taken into custody for supporting Occupy Hong Kong. CHRDR, *China Human Rights Briefing June 28-July 3, 2014*, <http://chrdrnet.com/2013/06/chrdr-detention-of-a-dozen-activists-in-shanghai-following-their-call-on-xi-jinping-to-respect-human-rights-june-28-june-29-2014/>; CHRDR, Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests, (Accessed October 27, 2016), <http://www.chrdrnet.com/2014/10/individuals-detained-in-mainland-china-for-supporting-hong-kong-pro-democracy-protests/>.

²⁷⁵ CHRDR, “China: Overturn Unjust Verdict & Release Lawyer Xia Lin,” September 22, 2016, <https://www.nchrdr.org/2016/09/china-overturn-unjust-verdict-release-lawyer-xia-lin/>.

²⁷⁶ CHRDR, *China Human Rights Briefing January 1-7, 2016*, <https://chrdrnet.com/2016/01/chrdr-torture-of-chinese-human-rights-lawyer-emblematic-of-persistent-pattern-of-official-reprisal-abuse-11-7-2016/>; CHRDR, Portrait of a Defender – Shu Xiangxin (舒向新), <https://chrdrnet.com/2016/01/shu-xiangxin-%E8%88%92%E5%90%91%E6%96%B0/>.

²⁷⁷ UN General Assembly Third Committee, “Recognizing the role of human rights defenders and the need for their protection,” A/C.3/70/L.46/Rev.1, November 18, 2015, http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/70/L.46/Rev.1.

²⁷⁸ CHRDR, “Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders,” p. 3, <https://www.nchrdr.org/wp-content/uploads/2015/03/Silencing-the-Messenger-CHRD-2014-Annual-Report-on-the-Situation-of-Human-Rights-Defenders-in-China2.pdf>.

²⁷⁹ CHRDR, Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests, (Accessed November 11, 2016), <https://www.nchrdr.org/2014/10/individuals-detained-in-mainland-china-for-supporting-hong-kong-pro-democracy-protests/>; CHRDR, Individuals Detained in Crackdown on Peaceful Assembly, Association & Expression, (Accessed November 11, 2016), <https://www.nchrdr.org/2013/07/individuals-detained-in-crackdown-on-assembly-and-association/>; CHRDR, Information on Suppression Related to June Fourth, 2007-2016, <https://www.nchrdr.org/category/june-fourth/>.

²⁸⁰ CHRDR, Deprivation of Liberty and Torture/Other Mistreatment of Human Rights Defenders in China (partial data), (Accessed November 11, 2016), <https://www.nchrdr.org/2016/03/deprivation-of-liberty-and-tortureother-mistreatment-of-human-rights-defenders-in-china-partial-data-updated-6302013/>.

²⁸¹ Charity Law of the People’s Republic of China, (中华人民共和国慈善法), 2016, http://www.npc.gov.cn/npc/dbdhhhy/12_4/2016-03/21/content_1985714.htm.

²⁸² People’s Republic of China Overseas NGOs’ Domestic Activities Management Law, (中华人民共和国境外非政府组织境内活动管理法), 2016, http://news.xinhuanet.com/legal/2016-04/29/c_1118765888.htm.

²⁸³ CHRDR, *China Human Rights Briefing March 21-31, 2016*, <https://chrdrnet.com/2016/03/chrdr-new-charity-law-will-further-isolate-weaken-civil-society-in-china-march-21-312016/>; CHRDR, “China: Repeal Overseas NGO Law & Protect Freedom of Association,” April 28, 2016, <https://chrdrnet.com/2016/04/china-repeal-overseas-ngo-law-protect-freedom-of-association/>.

²⁸⁴ CHRDR, “China: Drop Draft Criminal Law Amendments & Protect Human Rights,” August 5, 2015, <https://www.nchrdr.org/2015/08/china-drop-draft-criminal-law-amendments-protect-human-rights/>; Ninth Amendment to the Criminal Law of the People’s Republic of China (中华人民共和国刑法修正案(九)), November 2015, <http://npc.people.com.cn/n/2015/1126/c14576-27857512.html>.

²⁸⁵ Articles 81(6), Anti-terrorism Law of the People’s Republic of China (反恐怖主义法), December 2015, http://news.xinhuanet.com/politics/2015-12/27/c_128571798.htm.

²⁸⁶ National Security Law of the People’s Republic of China (中华人民共和国国家安全法), July 2015, http://news.xinhuanet.com/politics/2015-07/01/c_1115787801.htm.

²⁸⁷ See CHRDR 2013, 2014, and 2015 Annual Reports. CHRDR, “A Nightmarish Year Under Xi Jinping’s “Chinese Dream”: 2013 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrdr.org/2014/03/a-nightmarish-year-under-xi-jinpings-chinese-dream-2013-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; CHRDR, ““Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,”” <https://www.nchrdr.org/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; CHRDR, ““Too Risky to Call Ourselves Defenders”: CHRDR 2015 Annual Report on the Situation of Human Rights Defenders in China,”” <https://www.nchrdr.org/2016/02/too-risky-to-call-ourselves-defenders-chrdr-2015-annual-report-on-the-situation-of-human-rights-defenders-in-china/>.

²⁸⁸ At the time of this report’s release, Su had still not received a verdict in her case. Her health has seriously deteriorated due to hygiene conditions and lack of appropriate medical treatment in the detention center. She has been hospitalized multiple times

but authorities have repeatedly denied her lawyer's applications for bail on medical grounds. CHR, Portrait of a Defender – Su Changlan (苏昌兰), <https://www.nchrd.org/2015/05/prisoner-of-conscience-su-changlan/>.

²⁸⁹ The women are: Li Tingting (李婷婷), Wang Man (王曼), Wei Tingting (韦婷婷), Wu Rongrong (武嵘嵘), and Zheng Churan (郑楚然). CHR, Portrait of a Defender – Li Tingting, <https://chrdnet.com/2015/05/prisoner-of-conscience-li-maizi/>; CHR, Portrait of a Defender – Wu Rongrong, <https://chrdnet.com/2015/05/prisoner-of-conscience-wu-rongrong/>; CHR, *China Human Rights Briefing, March 6-12, 2015*, <https://chrdnet.com/2015/03/chrb-5-womens-lgbt-rights-activists-detained-in-escalating-clampdown-on-ngos-36-1215/>.

²⁹⁰ The women were held in custody for 37 days before being released on bail. Some were physically and psychologically mistreated in custody, and all remained criminal suspects until a year later. CHR, *China Human Rights Briefing March 13-19, 2015*, <https://www.nchrd.org/2015/03/chrb-concerns-over-health-of-detained-woman-activist-anniversary-of-cao-shunli-death-313-192015/>; Didi Kirsten Tatlow, "Police Remove Bail Conditions on 5 Chinese Feminists Detained Last Year," *The New York Times*, April 13, 2016, <http://www.nytimes.com/2016/04/14/world/asia/china-feminist-five-beijing.html>.

²⁹¹ CHR, End Violence Against Human Rights Lawyers, (accessed November 11, 2016), <https://chrdnet.com/2015/10/end-violence-against-human-rights-lawyers/>; CHR, Joint Civil Society Report Submitted to UN Committee Against Torture, October 2015, paras. 22-24, <https://chrdnet.com/2015/11/joint-civil-society-report-submitted-to-un-committee-against-torture-october-2015>.

²⁹² In the most violent incidents, attackers have wielded weapons, including knives and batons. Common types of mistreatment of rights lawyers included: torture, shackling during arbitrary detention, punching, kicking, choking, scratching, ripping off of clothes, and verbal abuse and threats. *Ibid.*

²⁹³ *Ibid.*

²⁹⁴ Committee Against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, para. 19.

²⁹⁵ UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review," A/HRC/25/5/Add.1, 2014.

²⁹⁶ *Ibid.*

²⁹⁷ For more on China's unsuitability for a seat on the HRC, see: CHR, "UN Member States: Vote "No" and End China's Membership on UN Human Rights Council," October 25, 2016, <https://www.nchrd.org/2016/10/un-member-states-vote-no-and-end-chinas-membership-on-un-human-rights-council/>.

²⁹⁸ CHR, "Cao Shunli (曹顺利) & Her Legacy," April 21, 2014, <https://www.nchrd.org/2014/04/prisoner-of-conscience-cao-shunli/>.

²⁹⁹ CHR, "The Chinese Government Must End Reprisals Against Activists Demanding Participation in UPR," July 4, 2013, <https://www.nchrd.org/2013/07/the-chinese-government-must-end-reprisals-against-activists-demanding-participation-in-upr/>.

³⁰⁰ CHR, "Cao Shunli (曹顺利) & Her Legacy," April 21, 2014.

³⁰¹ CHR, "Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China," p. 25.

³⁰² CHR, "Activist Chen Jianfang Disappeared, Police Raided Residence – Chinese Authorities Intensify Reprisals Ahead of UN Human Rights Council Election," November 5, 2013, <https://www.nchrd.org/2013/11/activist-chen-jianfang-disappeared-police-raided-residence-chinese-authorities-intensify-reprisals-ahead-of-un-human-rights-council-election/>.

³⁰³ CHR, *China Human Rights Briefing October 31-November 6, 2014*, <https://www.nchrd.org/2014/11/chrb-womens-rights-defenders-face-reprisals-over-un-review-1031-1162014/>.

³⁰⁴ *Ibid.*

³⁰⁵ CHR, "Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China," p. 25.

³⁰⁶ Deng Chuanbin (邓传彬), "Activist Interrogated and Prevented from Attending Human Rights Training in Geneva," *China Change*, June 11, 2015, <https://chinachange.org/2015/06/11/activist-interrogated-and-prevented-from-attending-human-rights-training-in-geneva/>.

³⁰⁷ CHR interview, 2015.

³⁰⁸ CHR interview, 2016.

³⁰⁹ CHR, "China Must Stop Excluding Civil Society From UN Human Rights Review," October 7, 2013, <https://www.nchrd.org/2013/10/china-must-stop-excluding-civil-society-from-un-human-rights-review/>.

³¹⁰ CHRD, *China Human Rights Briefing October 22-29, 2015*, <https://www.nchrd.org/2015/10/chinese-government-refuses-to-disclose-data-on-torture-for-un-review-citizens-face-reprisals-for-seeking-information-1022-29-2015/>.

³¹¹ CHRD, Gallery: Chinese Government's Denial of "Open Information" on Torture Cases, December 24, 2015, <https://www.nchrd.org/2015/12/gallery-chinese-governments-denial-of-open-information-on-torture-cases/>.

³¹² CHRD interview with the activist, 2016.

³¹³ CHRD, Submission to UN on Reprisals Against HRDs – March 6, 2012, <https://www.nchrd.org/2012/03/submission-to-un-on-reprisals-against-hrds-march-6-2012/>.

³¹⁴ CAT, Concluding observations on the fifth periodic report of China, paras. 38-39.

³¹⁵ *Ibid*, para. 24.

³¹⁶ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of China, CEDAW/C/CHN/CO/7-8, November 2014, paras. 32-33.

³¹⁷ Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, A/HRC/30/29, August 2015. Annex, para 1.

³¹⁸ Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, A/HRC/27/38, August 2014. para. 17.

³¹⁹ UN Human Rights Council, Report of the Working Group on the issue of discrimination against women in law and in practice, A/HRC/26/39/Add.2, June 2014, para. 67.

Chapter 3. Economic & Social Rights

3.1. Women's Rights

12 Recommendations Assessed:

186.84 (Central African Republic), 88 (Palestine), 91 (Moldova), 92 (Bolivia), 93 (Eritrea), 95 (Moldova), 96 (Romania), 97 (Mali), 98 (Botswana), 99 (Oman), 135 (Egypt), and 177 (Iceland)

China's Replies:

12 recommendations accepted

84, 88, 91, 92, 93, 95, 96, 97, 98, 99, 135 & 177

5 already implemented

88, 92, 96, 97 & 98

1 being implemented

177

NGO Assessment:

China has partially implemented recommendations 88, 95 & 97, has not implemented the other seven recommendations, and recommendation 99 is inappropriate [not assessed]

Limited Positive Steps in Protecting Women

In this section, we assess the implementation of the 2013 UPR recommendations on discrimination against women in employment and the right to pay equality, as well as on combating domestic violence and human trafficking.¹

The Chinese government has made public pledges and taken some steps in legislation to protect women's rights and promote gender equality. During its successful re-election bid to the Human Rights Council in 2013, the government promised to eliminate gender discrimination in employment.² The State acknowledged in its 2014 report to CEDAW that China still faces problems and challenges in eliminating gender discrimination in many aspects of life.³ In its National Human Rights Action Plan (2012-2015), the government promised to "make efforts to eliminate gender discrimination in employment and realize equal payment for men and women doing the same work." However, in its June 2016 assessment of the Action Plan's implementation, it provided no evidence of having taken any actions to reach the target.⁴

China took a major step forward by adopting its first Anti-Domestic Violence Law in December 2015 and enacting it in 2016 after decades of advocacy for such a legislation by women's rights activists and academics.⁵ The adoption of the law drew welcome public attention to the issue of domestic violence. One positive element is that the law clearly defines domestic violence to include mental abuse (Article 2). But, as we discuss below, the law has several serious flaws. In our assessment, we consider that the UPR recommendation by Moldova (186.95) to adopt a comprehensive law for combatting domestic violence has been *partially implemented*.

Weak Laws & Lack of Effective Measures to Combat Employment Discrimination

China's legal framework for protecting women's right to equal pay for equal employment remains inadequate, and measures to effectively implement relevant laws and regulations have fallen far short. In responding to Bolivia (92) and Iceland's (177) recommendations on eliminating gender discrimination in employment and guarantee equal pay for equal work, the government claimed that it had "already implemented" Bolivia's and Iceland's recommendation

was “being implemented.” The government then made a sweeping and unrealistic statement that “there is no gender discrimination” in China.⁶ The government instead pointed to existing legislation, though it provided no evidence that these laws are implemented or women enjoy equal employment rights.

China has a provision in the Constitution on equal pay for equal work (Article 48) and the principle is included in the Law on the Protection of the Rights and Interests of Women (Article 23), but there is no separate and specific legislation on the principle, an issue CEDAW raised in 2014.⁷ The lack of full legislation on the issue means the problem has persisted, and pay disparity has been worsening.

The World Economic Forum’s 2015 Gender Gap Report found that women in China earn 65 percent of what men earn.⁸ According to the last major government study conducted by the All-China Women’s Federation and the National Bureau of Statistics, in 2010, the pay ratio for men and women in urban areas was 1:0.67, while, in comparison, the ratio in 1990 was 1:0.78.⁹ According to a January 2015 report released by a Chinese university, 19 percent of women responded that they believed men received higher pay for equal work, and 33 percent of respondents believed that men were more frequently considered for promotion even if a female employee had equal qualifications. Also, the report indicated that 61 percent of female graduates and 29.14 percent of all working-age women faced gender discrimination while looking for a job in 2014.¹⁰

The Labor Law, Law on the Protection of Rights and Interests of Women, and Law on Promotion of Employment formally guarantee equal rights of women, but they fail to provide a clear definition of discrimination, and contain discriminatory provisions—for instance, those that authorize the state to decide on the “suitability” of types of employment for women.¹¹ Chinese law prohibits women from working in certain types of employment involving physical labor or under certain conditions when they are menstruating.¹² China’s National Program for Women’s Development (2011-2020) also promotes the concept of legally proscribed “unsuitable” positions for women.¹³

Existing laws and regulations also fail to establish mechanisms for seeking legal accountability of those who violate the law. The Promotion of Employment Law provides that an employee can file a lawsuit in court over discrimination practices (Article 62), but there are no specific stipulations establishing an administrative supervisory body to prevent employers from retaliation against those who filed complaints about discrimination. In March 2016, the Ministry of Education released a notice reminding universities not to distribute companies’ hiring advertisements that contain gender discriminatory qualifications.¹⁴ However, the notice fails to provide guidelines for universities to report companies that issue such discriminatory job ads.

In 2015, a group of students set up an organization that reported 244 companies on suspicion of gender discrimination to the labor supervision authorities, but none of the companies was investigated by the government.¹⁵ There have been only a handful of court cases on gender discrimination and the first ever gender discrimination lawsuit was settled out of court in 2014.¹⁶ While three subsequent cases were ruled by courts in favor of the plaintiffs, the courts—in Beijing, Hangzhou and Guangzhou—only penalized the employers with paying 2,000 RMB

(approx. 300 USD) in compensation.¹⁷ The extremely light punishment is unlikely to act as a deterrent for employers in China.

Persistent stereotypical portrayal of women's roles in society underlies many problems, including that of discriminatory hiring and employment practices. For example, schools and government sponsored social programs in China have in recent years promoted so-called "women's morality education."¹⁸ In November 2014, CEDAW expressed its concerns over the "persistence of deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society," and recommended the government allow an independent body to monitor its efforts to eliminate gender stereotypes.¹⁹ For the 2013 UPR, China "accepted" the recommendation by Moldova (91)—to eradicate stereotypes of the role of women—but the government has *not implemented* it.

UN independent experts have continued to raise the issue of gender discrimination in employment in China. The Working Group on the issue of discrimination against women in law and in practice, in a report on its visit to China in December 2013, highlighted its concern about the continued discrimination against women in "recruitment, wages, and dismissals."²⁰ In June 2014, CESCR called on China to take concrete measures to eliminate the disparity between men and women in employment.²¹ In October of the same year, CEDAW recommended China "provide dispute resolution mechanisms for women who seek justice for discrimination in employment."²² In November 2014, CEDAW again called on China to enact a comprehensive definition of discrimination against women in law to combat this systematic and structural problem.²³ None of these recommendations have been implemented.

New Anti-Domestic Violence Law Fails to Provide Adequate Protections

Domestic violence is very common in China. Approximately 25 percent of married women experience violence at some point, according to numbers provided by the government in 2011.²⁴ China's new Anti-Domestic Violence Law, which went into effect in March 2016, sets out legal tools for combating this problem, but it does not provide comprehensive protection for victims.

While the law includes the provision that "the state prohibits domestic violence in any form" (Article 3), the law fails to explicitly mention sexual violence and economic restrictions in the definition of domestic violence.²⁵ The law covers people living together who are not family members, but the government announced that the law specifically does not cover LGBT relationships. According to the NPC Standing Committee spokesperson, the reason the law excludes homosexual couples is because "in China we have never discovered violence in homosexual relationships."²⁶ The law also does not cover estranged or divorced couples.

The law authorizes a special mechanism to penalize perpetrators of domestic violence, including personal safety protection orders and a written warning system aimed at protecting victims (Article 29). There have been media reports about the first protection orders being issued.²⁷ However, the law calls for the orders to be enforced by the people's courts and only assisted by public security organs and residents and village committees (Article 32),²⁸ and it remains to be seen how effective orders will be if they are principally enforced by court officials. Violating the orders results in only a small fine of 1,000 RMB (approx. 150 USD) or a maximum 15-day

detention, unless the individual has also committed a crime (Article 34).

China's law-enforcement officers and judicial personnel need training on how to properly address complaints. State media reported that, in October 2016, police issued an administrative penalty against a woman after she called police to report an incident of domestic violence. Police questioned the woman in front of her husband until she withdrew the complaint, and then penalized her for "filing a false report."²⁹

The new law does not include measures recommended by treaty bodies. CESCR recommended that China provide victims adequate access to shelters for immediate physical protection, legal aid and medical services.³⁰ CEDAW also recommended adequately equipped shelters be made available and called on the government to "effectively investigate complaints, prosecute acts of violence against women, and adequately punish perpetrators."³¹

Population Policy & Defective Law Fail to Deter Trafficking in Women

There continue to be reports that females, including both women and girls, are trafficked both domestically and across borders for the purposes of sexual exploitation, forced marriage, illegal adoption, and forced labor. (See Section 3.3) The government acknowledged the severity of this problem by announcing an Action Plan for Fighting Human Trafficking (2013-2020) in March 2013.³² In 2014, CEDAW welcomed the creation of this plan, but expressed concern "about the absence of comprehensive anti-trafficking legislation and a lack of clarity as to whether domestic law criminalizes all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced labour, forced marriage and illegal adoption."³³

The State Council's plan fails to acknowledge how a major consequence of the government's birth control policy—severe gender imbalance caused in part by the cultural and economic preference for boys—impacts the trafficking of females. Specifically, a shortage of females relative to males has contributed to trafficking of women for forced marriage. While family-planning policies have been relaxed—to allow for two births per married couple, as of January 2016—the existence of any limit on the number of children still makes girls vulnerable to abandonment or trafficking. The State's birth control policy has deterred parents of "out of quota" infants from reporting cases of missing children to authorities, for fear of punishment for violating the birth control policy.³⁴

China has made efforts to meet the minimum standards for the elimination of trafficking of women, but changes made to China's Criminal Law (CL) neither fully comply with international standards nor effectively combat the problem. Article 240 in the CL, which was revised in 2011,³⁵ punishes trafficking in women, but still does not explicitly criminalize trafficking for the exploitative purposes of forced labor, debt bondage, or involuntary servitude, which are often the conditions of women trafficked into the sex industry, and also standards of trafficking according to international law.³⁶ Furthermore, while traffickers can and do face criminal punishment,³⁷ purchasers of trafficked victims are not held legally accountable under this law.³⁸

There is insufficient evidence demonstrating that the government has taken effective measures to "provide women victims [of abduction and trafficking] with physical and psychological

rehabilitation services with a view to their integration into the society,” though the government claims that it had “accepted and already implemented” this UPR recommendation by Mali (97). The Chinese government has not provided data on the number of women trafficking victims who have received rehabilitative or legal services, or how many have accessed shelters that could provide them such assistance. Psychological health services for such victims are believed to be inadequate, and the accessibility and effectiveness of other services, including for vocational training, remain unclear.³⁹

Suggestions

- Guarantee gender equality and eradicate stereotypes regarding the roles and responsibilities of women in society;
- Adopt a comprehensive law on discrimination that defines gender discrimination in line with the UN Convention on the Elimination of All Forms of Discrimination against Women;
- Eliminate gender discrimination in employment, including in the relevant laws and regulations, which must be accompanied by appropriate enforcement mechanisms, sanctions, and dispute resolution procedures;
- Amend the Anti-Domestic Violence Law to fully apply to all types of relationships;
- Amend the Criminal Law to hold all offenders—sellers and buyers—involved in women trafficking into all types of exploitation and servitude criminally accountable, and abolish state birth-control measures that contribute to trafficking in women and children.

3.2 Discrimination Based on Sexual Orientation & Health Status

3 Recommendations Assessed:

186.85 (Portugal), 89 (Ireland), and 90 (Netherlands)

China's Replies:

3 recommendations accepted and already implemented

NGO Assessment:

China has not implemented any of these recommendations

The Chinese government has not made any substantial progress in law or practice towards ensuring LGBT persons and individuals with HIV/AIDS or Hepatitis B enjoy equal rights. This contradicts the Chinese government's claim that it had already implemented all three UPR recommendations on these issues. In accepting the UPR recommendations, China asserted that various existing laws ban discrimination, including the Labor Law.⁴⁰ However, the reality is that current laws and regulations do not prohibit discrimination based on sexual orientation, gender identity, or HIV status.

Without legal protection for LGBT individuals, they remain vulnerable to systematic discrimination, violence, and are excluded from government services without any recourse to justice. Due to the absence of legal protection prohibiting discrimination based on sexual orientation or gender identity, LGBT persons have faced challenges in seeking equal treatment in schools, workplaces, and in obtaining legal redress. Moreover, China has not revised ministerial regulations that are in conflict with national-level laws specifically pertaining to discrimination against individuals with HIV/AIDS in employment.

No Marriage Equality & Involuntary "Conversion Therapies"

Chinese authorities perpetuate discrimination against LGBT persons by denying marriage equality and equal protection under the law. In 2016, a Chinese court ruled against a landmark same-sex marriage case.⁴¹ Individuals in same-sex relationships do not receive the same legal protections against violence that heterosexual couples enjoy. (See Section 3.1.) Officials stated unequivocally that same-sex partners are not covered by the Anti-Domestic Violence Law after its passage in 2015, despite optimism in the early drafts that the law would be more inclusive.⁴² Chinese NGOs have released ample evidence of violence in same-sex relationships and the need for legal protection.⁴³ This was a major setback in advancing the protection of LGBT rights and reflected the lack of political willpower by the government to ensure equal treatment for all.

In its 2015 Concluding Observations, the Committee Against Torture (CAT) raised concerns over private and public clinics in China that offered "gay conversion therapy" to change the sexual orientation of homosexual individuals, and the failure of the government to outlaw such practice or legally guarantee the respect and integrity of LGBT persons.⁴⁴ In China, private and public clinics and hospitals promote treatments to "correct" one's identity through "conversion therapy," which often involves psychiatric therapy, aversion therapy, hormone therapy, drug treatment, and the use of electric shocks.⁴⁵

LGBT individuals have been involuntarily sent to psychiatric hospitals or clinics to undergo treatment, often by family members. In 2015, one gay man was involuntarily sent to a

psychiatric hospital by his family because he wanted to divorce his wife.⁴⁶ Without any communication or evaluation, the hospital committed him for 19 days on grounds of “sexual preference disorder,” during which he was drugged, forcibly injected with medicines, and harassed. This type of involuntary treatment is the result of government policies, which continue to classify some form of homosexuality and bisexuality as mental perversion in the Chinese Classification of Medical Disorders (CCMD-3).⁴⁷ It is also a violation of China’s Mental Health Law, which stipulates comprehensive examination by qualified doctors and voluntary participation. (See also Section 2.4.)

Discrimination & Inequality in Employment for LGBT Persons

In 2015, the LGBT community celebrated language in the proposed “Employment Anti-Discrimination Law,” which stipulates that gender identity and sexual orientation should not be factors considered by employers when recruiting, hiring, training, paying, promoting, and providing benefits to employees.⁴⁸ If passed, it has the potential to be a legal breakthrough that could offer official protection for LGBT individuals in the workforce. However, there is no clear timeline to pass this proposal and no guarantee that the final version will include the stipulations regarding gender identity and sexual orientation, or that they will be implemented.

Discrimination against LGBT individuals in the workplace is widespread and officially endorsed due to the lack of legal recognition of gender diversity. According a 2013 survey by Aibai Culture and Education Center of 2,161 LGBT individuals, 38.5 percent of them were subjected to discrimination and unequal treatment in the workplace because of their gender identity or sexual orientation.⁴⁹

While Chinese authorities have taken some small steps to prevent discrimination in the workplace, they have not yet taken concrete or substantial steps in law or practice to prevent discrimination based on gender identity or sexual orientation. When authorities accepted all three UPR recommendations, they claimed laws already prohibited discrimination against different groups. Authorities argued that “the Labor Law of China stipulates that workers shall not be discriminated against on grounds of ethnicity, race, sex and religious beliefs;” and that “the Employment Promotion Law contains systematic stipulations against employment discriminations.” Neither the Labor Law nor the Employment Promotion Law, however, offer any legal protection for LGBT persons because gender identity and sexual orientation are not listed as grounds for discrimination.⁵⁰

The lack of legal protections for LGBT individuals has also led to unequal treatment when they seek legal redress in employment discrimination cases. In 2014, a man in Shenzhen lost his job after his sexual orientation was revealed.⁵¹ He filed a lawsuit against his employer, in what was China’s first employment discrimination suit based on sexual orientation. The judge indirectly admitted sexual orientation had played a role in the termination of employment, but still ruled against him.⁵² In 2016, a transgender person was fired because the employer feared the individual gave customers an impression of being “unfit.”⁵³ The victim brought the case to a labor arbitration committee, but they ruled in favor of the employer.⁵⁴ In both of these landmark cases, the lack of legislation prohibiting discrimination based on sexual orientation or gender identity was a key factor in the decisions by the court and labor committee.

According to a directive issued by the Guangdong Province Public Security Bureau, post-operative transsexuals are allowed to update their gender identity on household registration and identity cards.⁵⁵ However, they may face difficulties when updating their gender identity on academic records or other documents.⁵⁶ Such inconsistency among identification documents may cause challenges for LGBT individuals in finding employment.⁵⁷ Furthermore, there are no signals from the government that these policies will be implemented nationally.

Discrimination in Schools & Universities

Homophobia and discrimination remain widespread in China, with gender-nonconforming students routinely subjected to bullying. According to a 2015 survey published by the Chinese Journal of Clinical Psychology, 40.7 percent of gender-nonconforming students were bullied, nearly 35 percent were verbally threatened, and almost all of them experienced some degree of depression afterwards.⁵⁸ The measures taken by school authorities to suppress the growing presence of LGBT students on campuses, and the lack of awareness of gender diversity contribute to this problem.

Many colleges refused to allow students to register LGBT student associations on campus, thus preventing them from openly recruiting members, accessing facilities and resources, and conducting activities.⁵⁹ Schools often restrict activities or events that promote gender diversity, and even repress signs of public LGBT presence on campus.⁶⁰ In 2016, university officials in Guangdong Province threatened to refuse to give a woman her diploma after she proposed to by her girlfriend on campus and photos of them were posted online, among other forms of harassment.⁶¹

Biased materials used in higher education course curricula exacerbate discrimination against LGBT individuals. Despite the 2001 removal of homosexuality and bisexuality from the classification of mental disorders, textbooks continue to teach the opposite. According to a 2014 study conducted by a LGBT rights NGO, 40 percent of books used for psychology or mental health classes in colleges still referred to homosexuality as a form of sexual perversion and 50 percent of the materials included introductions to “conversion therapy.”⁶² In 2016, a lesbian college student sued the Ministry of Education for failing to recall textbooks used for professional examinations and college curriculum that still label homosexuality as a mental disorder and provided information on “conversion therapy.”⁶³ Such textbooks were published as recently as in 2013, and contain discriminatory and outdated information.

Conflicting Provisions Undermine Protections for People With HIV/AIDS & Hepatitis B

Chinese ministerial regulations continue to conflict with national laws relevant to the protection of individuals with HIV/AIDS, thus undermining enforcement of the legal protections in those laws. China’s Employment Promotion Law prohibits employers from refusing a candidate’s employment on the basis that the individual is a carrier of any infectious pathogen (Article 30).⁶⁴ However, directives and regulations passed by lower level administrative bodies openly violate this provision. Regulations such as “Standards on Physical Examination of Civil Servants,” “Standards on Physical Examination Relating to Employment,” and “Implementation

Measures of the Prevention and Control of Infectious Diseases Act” prohibit individuals with HIV/AIDS or Hepatitis B from working in certain fields, violating their right to equal employment.⁶⁵

The proposal for the “Employment Anti-Discrimination Law” excluded guarantees for individuals infected with HIV/AIDS or Hepatitis B, leaving these marginalized groups out of much-needed protection for equal employment under the law.⁶⁶

The conflict between national laws and local regulations has undermined victims of employment discrimination in seeking legal redress, particularly in getting courts to accept lawsuits. There has only been seven known cases involving employment discrimination related to HIV/AIDS status, and the courts denied a hearing in three of these cases.⁶⁷ In one case, court authorities claimed such employment discrimination fell out of its jurisdiction, while a local court rejected all requests for litigation in another case.⁶⁸ In the third case, after the plaintiff filed an appeal, the victim was granted a hearing and received some compensation.⁶⁹ In June 2016, the seventh case, Guangzhou Labor Arbitration Committee ruled against a victim of employment discrimination, citing an outdated version of “Prevention and Control of Infectious Diseases Act.”⁷⁰

Suggestions

- Expedite adoption of proposed “Employment Anti-Discrimination Law” and ensure prohibitions against discrimination based on sexual orientation, gender identity, and HIV/AIDS or hepatitis B status are included and robustly enforced;
- Adhere to international standards by completely depathologizing homosexuality in the Chinese Classification of Medical Disorders-3, as well as in school education curricula, and follow the Yogyakarta Principles to ensure sexual orientation and gender identity are incorporated into public education;
- Ban “gay conversion therapy” treatments throughout China, penalize hospitals or clinics that utilize the “therapy,” and provide remedies to individuals who were forced to undergo the illegal therapy.

3.3. Rights of the Child

29 Recommendations Assessed:

186.56 (South Africa), 77 (Mauritius), 79 (United Arab Emirates), 80 (Ethiopia), 82 (Italy), 83 (Finland), 84 (Central African Republic), 86 (Mexico), 87 (Slovenia), 94, (Canada), 96 (Romania), 98 (Botswana), 135 (Egypt), 183 (Russia), 205 (Chad), 206 (Portugal), 207 (Singapore), 208 (Eritrea), 209 (Russia), 210 (Senegal), 211 (Chad), 212 (Italy), 213 (Lesotho), 214 (Republic of Korea), 215 and 216 (South Sudan), 218 (Zimbabwe), 244 (Namibia), and 245 (Yemen)

China's Replies:

27 recommendations accepted

56, 77, 79, 80, 83, 84, 86, 87, 96, 98, 135, 183, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 218, 244 & 245

3 already implemented

83, 96 & 98

2 recommendations not accepted

82 & 94

NGO assessment:

China has partially implemented recommendations 77, 79, 80, 94, 209, 214 & 215, and has not implemented the other 22 recommendations

Ineffective Measures Leaving Children Exposed to Exploitation & Violence

Child labor, child trafficking, and sexual abuse remain serious issues in China. The government has not made significant progress in this area since the 2013 UPR, despite China's claim that it "accepted and already implemented" Finland's recommendation to "[c]reate national and local-level systems to protect children from all forms of exploitation, including child labour" (186.83).⁷¹

The Chinese government has made some attempts at protecting children at the legislative and regulatory levels, including issuing opinions and joint circulars to enhance safeguards, and amending the Criminal Law (CL) to increase punishments for defenders. Both new provisions and existing laws on the protection of children's rights, however, critically lack concrete and specific stipulations to ensure effective enforcement, supervision, evaluation, and accountability. This is largely due to the lack of political will to establish a fully integrated system of laws and to hold law breakers accountable, and an independent complaint and redress mechanism. Public education and awareness raising efforts are also lacking.

The Committee on the Elimination of Discrimination against Women (CEDAW) and Committee on the Rights of the Child (CRC) have repeatedly expressed concerns over the absence of comprehensive legislation, missing crucial data on child abuse and missing children, impunity for perpetrators, limited access to

justice and public services, and lack of public awareness.⁷² The CRC positively noted the adoption in July 2011 of the National Plan for Child Development 2011-2020 (NPCD), but CRC was concerned about the lack of implementation mechanisms and the lack of participation of independent experts and non-governmental organizations.⁷³ The government has made insufficient efforts for raising public awareness of the issues, especially among law-enforcement and criminal justice personnel.

Child Labor

While no statistics on child labor in China have been released by the government, authorities from the China Youth Research Association estimated child laborers in urban areas to be

around two to three million children, based on middle school dropout rates published by the Ministry of Education.⁷⁴ In many poor and ethnic minority regions, children, particularly girls, are more susceptible to becoming child laborers due to poverty, gender discrimination, and limited access to public services like education and state subsidies.⁷⁵

Problems contributing to the government's failure to eradicate child labor include the lack of comprehensive preventative measures and weak enforcement. China's Labor Law and Law on the Protection of Minors both clearly prohibit the hiring of children under the age of 16, and the Criminal Law was amended in 2002 to punish those who use children to do dangerous and hazardous work.⁷⁶ However, China has no independent supervisory mechanisms that could ensure implementation of the law and credibly handle complaints to help prevent child labor. The government has also not provided strong support to public education programs or assistance to businesses, schools, and parents to stop this problem. Due to financial incentives given to schools by employers or brokers, namely taking a portion of students' monthly salary as commission, the welfare and interests of students are often neglected.⁷⁷ Employers who exploit student workers often evade inspection by school authorities.⁷⁸ Government corruption is also a major factor that contributes to lack of enforcement of regulations and law.⁷⁹

In April 2016, five government ministries jointly issued "Administrative Measures for Internships at Vocational Schools" to provide more protection for student workers.⁸⁰ However, the measures lack clear and effective mechanisms for supervision, complaints, and redress.⁸¹ Among other shortcomings, the measures include ambiguities that create loopholes for employers to evade providing benefits and insurance, and unclear employment status that makes legal redress difficult to pursue.⁸²

China accepted recommendation 83 and, in addition, stated, "China's labour security organs at the state, provincial, municipal and county levels carry out routine inspection, report and special law enforcement activities and take eliminating child labour and protecting lawful rights and interests of minors as their key tasks." In practice, however, offenders often avoid punishment, making impunity another reason for the persistence of child labor. Assistance for seeking redress from relevant government bodies is critically lacking. According to a labor rights NGO, in the past five years in Zhejiang Province, workers as young as 13 years old have been employed in physically dangerous jobs. When some children were injured, they were threatened into not filing complaints or, if they filed reports, they were forced to accept unfair settlements.⁸³ When such accidents occur, authorities tend to blame the children or their parents for allowing children to work illegally. Even in cases where children have died as victims of work accidents, employers have only paid minimal fines.⁸⁴

Child Trafficking

The Chinese government has not released official statistics on the number of trafficked and missing children. Media reports focus on the subset of cases where rescues may have occurred. One State media report quoted the Ministry of Public Security as claiming it had successfully rescued 13,000 abducted children nationwide in 2014.⁸⁵ Many factors have fueled China's market of buying and selling children, including decades of government enforcement of strict birth control policies, failure to break down traditional gender preferences, lack of adequate

pensions for rural elderly, and an increasing number of left-behind children in rural areas due to parents migrating to urban cities in search for work.⁸⁶ Many children are sold into forced labor, prostitution, forced marriages, and adoption. Child traffickers also profit from forcing trafficked children to engage in panhandling.⁸⁷ Tens of millions of children have been left behind after their parents went to cities to look for work, with little parental care and protection from criminal abduction and abuses.⁸⁸

The government put out a National Action Plan (2013-2020) to combat human trafficking in 2013, but it has not taken effective measures to tackle the root causes. The Action Plan promised some new measures, especially the creation of a mechanism across multiple ministries to expose and report trafficking, and a plan to strengthen public education.⁸⁹ However, the Action Plan fails to set up concrete targets with specific timelines for implementation of these measures. It did not include any concrete provisions to establish a nationwide data collection system to track human trafficking in the country, which is a key concern of the UN.⁹⁰

Existing laws and regulations contain loopholes and ineffective punitive measures against suppliers and customers in China, which have allowed buyers, abductors, traffickers, and sellers of children, in some cases their parents, to abuse children with little chance of criminal punishment. The Chinese criminal system only targets sellers of children, who could face criminally punishment if convicted. Prior to 2015, buyers faced little consequences, unless they were found to be mistreating the child or obstructing police investigations. A 2015 amendment to the Criminal Law changed such an approach and new stipulations would give buyers a “light” punishment, though the cost to buyers remains low enough such that the law has little effect in deterring offenders.⁹¹ Though the government issued an opinion that included a stipulation to hold parents criminally accountable for selling their own children, the opinion has a loophole that allow parents to sell children without legal consequences if they are poor and do not intend to make a profit.⁹² Chinese media reported in 2015 that about 50 percent of all children in trafficking cases were sold by their parents.⁹³

Sexual Abuse

The government has not taken effective measures to protect children, especially young girls, from sexual abuse. The government has not made enough efforts to document and provide data to build up an understanding of the scale of the abuses and to identify the problems. The government did *not accept* and did *not implement* Italy’s recommendation to “[i]ncrease efforts to gather data on child abuse with the aim of supporting policy formulation process” (82), while it has continued to refuse to disclose data on child abuse.⁹⁴ Chinese officials acknowledged this problem during the 2013 CRC review, saying, “[n]o specific statistics of cases of sexual violence and rape against children are available,” while officials also indicated that there were thousands of criminal cases each year involving sexual abuse of minors. According to a report by the China Children’s Culture and Arts Foundation, only 340 cases of sexual abuses suffered by children under 14 years old were publicized in 2015.⁹⁵ Due to the lack of education on sexual abuse and little knowledge on the part of victims or parents about how to report such incidents to police, the actual number of victims likely far exceeds the number of reported cases. CRC noted the “limited public accessibility to reliable and comprehensive statistical data,” and recommended the government review state secrecy laws in order to ensure that data is available.⁹⁶

In one positive step, in an amendment to the Criminal Law in 2015, the government removed the crime of “prostituting minor girls” and began to instead hold offenders accountable for the crime of “rape” in cases of sexual abuse and prostitution of underage girls.⁹⁷ However, the government has not provided sufficient support to education programs to raise public awareness of this crime. In addition, there is not a confidential and impartial system for reporting and investigating reports of sexual abuse of minors.

Meanwhile, the government has obstructed and even retaliated against families or women’s rights activists seeking accountability for alleged perpetrators of rape, sexual assault, abuse, or forced prostitution of minors. One case involved a rape victim, an 11-year-old girl, in Hunan Province, whose mother was determined to bring the perpetrators to justice.⁹⁸ The ordeal the mother met with legal and political obstacles that prohibited her pursuit of justice, an experience that has unfortunately been representative. In another case, women’s rights activist Ye Haiyan (叶海燕) and human rights lawyer Wang Yu (王宇) tried to draw public attention to a serious case of sexual assault of many girls, aged 11 to 14, by a school principal. Partly in retaliation for this advocacy, Ye and Wang faced harassment and criminal persecution.⁹⁹

Violence Tied to Birth-Control Policy

Under a new birth control regulation put into effect on January 1, 2016, the government is allowing all married couples in China to have two children without financial penalty.¹⁰⁰ The State, however, continues to restrict couples’ reproductive freedom, and the loosened policy relaxation does not sufficiently help combat abuses against disabled children and girls due to entrenched social discrimination.

Influenced by social biases toward women and persons with disabilities, some pregnant women feel pressured to abort fetuses or kill or abandon their disabled or female infants. This is partly possible because some ultrasound tests are done to detect female gender or possible birth defects, even though such testing is illegal in China.¹⁰¹ The government consistently denied that the more strict “one couple per birth” policy resulted in the deaths or abandonment of disabled children.¹⁰² Yet, the CRC continued to raise serious concerns in its 2013 review about “infanticide, particularly of girls and children with disabilities”¹⁰³ and “the widespread abandonment of ... children with disabilities and girls, mainly due to the State party’s family planning policy and discrimination and stigma attached to children with disabilities and girls.”¹⁰⁴

China has the world’s most imbalanced sex ratio, according to the World Economic Forum’s 2015 Global Gender Gap report.¹⁰⁵ In responding to Canada’s recommendation on addressing the sex imbalance and missing women and girls, the government claimed “There is no such situation as many women and children missing in China.” According to the UN Population Fund, women that are not born due to gender-biased sex selection are considered “missing.”¹⁰⁶

Persistent Under-registration of Children

The Chinese government accepted the two UPR recommendations, by Mexico and Slovenia, that called for the protection of the rights of children by ensuring the proper registration at birth of all boys and girls in China. However, the government has not implemented these recommendations.

Some children in China are still deprived of their right to be legally registered and their entitlement to public services and government subsidies. Government policies on family planning and national laws limit the number of births couples can have, and create a system of fines for out-of-quota children, which can lead parents to not register such children for fear of stiff financial penalties. Children who have not been registered within the household registration (*hukou*) system cannot access basic social services, such as healthcare, education, housing and social security benefits, which also negatively affect their employment eligibility later in life. The latest available statistics show that there are approximately 13 million people in China that are not registered.¹⁰⁷ In 2015, researchers estimate that 60 percent of such individuals had been born either as out-of-quota children, born to unmarried women, or abandoned as babies.¹⁰⁸

CRC expressed “serious concerns” in 2013 that China’s family planning policies and financial penalties “significantly deter parents or guardians from registering their children” and that “the family household registration (*hukou*) to which the birth registration is attached impedes birth registration of children of migrant workers.”¹⁰⁹ The Committee recommended the removal of all penalties and the abandonment of the *hukou* system.¹¹⁰ CEDAW reiterated its recommendation to China to remove all barriers to the registration of children in its 2014 Concluding Observations.¹¹¹

The relaxing of the one-child policy in January 2016 should improve the chance for some children to be registered at birth. However, provisions remain that establish financial penalties—called “social maintenance fees”—for having children outside of the state quota.¹¹² Parents face large financial penalties for having more than two children or children born out of wedlock.¹¹³ The fee is set by local governments and is, on average, three to six times the annual salary of the parents.¹¹⁴

In late 2015, the State Council called for all Chinese citizens to be registered and forbade local governments from setting pre-conditions for obtaining a *hukou*.¹¹⁵ However, the “Opinion on Resolving Issues of Hukou Registration for Persons with no Hukou” does not have the force of law, and detailed regulations have not been released; thus, enforcement and implementation are a concern. Furthermore, it is not clear if individuals registering for a *hukou* would have to pay a fine afterwards, thereby harming the effectiveness of the policy change.¹¹⁶ In Guangdong, as well as other provinces, authorities have announced they delinked registering for a *hukou* with paying the “social maintenance fee” after the State Council directive.¹¹⁷ Provincial officials, however, also said they would still demand parents pay the fee, and would apply for a court order to enforce payment, if needed.

Unequal Access to Education for Rural & Migrants’ Children

Our assessment finds that the Chinese government *partially implemented* Russia (209) and South Sudan’s (215) recommendations concerning increase of resources for education in rural areas. It also *partially implemented* the Republic of Korea’s recommendation (214) to “continue to make efforts to promote the right to education for children of migrant workers from rural areas.”¹¹⁸ However, the government has *not implemented* recommendations made by Chad (211) and Italy (212) on “fully ensuring the right of education” for the children of migrant workers. It also did not implement Lesotho’s recommendation (213) to “continue to attach great importance to

safeguarding the compulsory education rights of children accompanying rural migrant workers.”¹¹⁹ The government also did not implement South Sudan’s recommendation to “better the conditions of urban schools, especially in the poor neighborhoods” (216).

China’s household registration system has led to the denial of equal education to children based on their rural or urban *hukou* residential registration status. Of particular concern has been the continued obstacles for children of rural migrants working in cities to receive education. Millions of China’s rural residents have moved from the countryside to cities in the past few decades. According to the last government census, there are approximately 261 million rural resident living in urban areas.¹²⁰ Because their *hukou* remains attached to their rural residency, they and their children are denied government subsidized services and benefits for urban residents, including public school education.

While laws exist in China to protect the rights of migrant children to education, there is also a lack of clarity regarding enforcement. China’s 2006 Compulsory Education Law stipulated nine-year compulsory education for all children.¹²¹ Under Article 12 of the law, children of migrant workers are entitled to schooling of “equal conditions” in their place of residence, but local provinces and regions are given the power over enacting the regulations.¹²² As a result, migrant children’s access to public schools varies from region to region. Under Article 4 of the Ministry of Education’s “Provisional Measures for the Schooling of Migrant Children and Young People” (1998),¹²³ local government bureaus of education must guarantee and provide the required compulsory education for migrant children. However, the regulations do not specify which government bodies are responsible to enforce the regulations or to punish violators. Despite a “non-discrimination” provision in its 2012 Law on Protection of Minors to protect children’s right to education,¹²⁴ migrant children still face discrimination in accessing education.

One major struggle in providing equal education to migrant children and children in rural areas is the inadequate funding budgeted by or allocated from the government. The government systematically allocates more resources for schools in urban areas than in rural areas. As a direct impact of official campaigns to centralize schools, 50 percent of rural primary schools closed between 2000 to 2010, making education less accessible.¹²⁵ As a result of severe shortage of resources for education in poor rural regions, combined with the problem of endemic officials’ corruption, schools in these places charge high fees for different services and school materials, creating an undue financial hardship for some parents despite the statute that all compulsory nine-year education should be “free.”¹²⁶ Many rural schools have been forced to shut down due to a dwindling number of school-aged children, which is a result of both family-planning policies (that have suppressed population growth) and the fact that large numbers of rural children end up migrating to cities with their parents.¹²⁷

The Chinese government reported to CRC in 2012 that education spending accounted for 3.48 percent of the gross national product, a figure the CRC considered “inadequate.” The Committee expressed concerns that, due to the dependence on “provincial and lower-level resources,” this resulted in “sharp inequities in public resource allocations” for “the implementation of children’s rights” to education.¹²⁸ CRC was particularly concerned about disparities in access to education between urban and rural children (and children of migrant workers), and the harassment and forced closure of privately run or community schools for such children.¹²⁹ Similarly, following

its review of China in 2014, CESCR stated “with concern that unequal geographic distribution of funds is increasing the disparities in access to, and availability of, education between urban and rural areas,” and that “compulsory education is still not free and is often unaffordable for children in rural areas and poor urban areas.”¹³⁰

Local government regulations also hamper efforts for migrant children to receive free public education. In 2015, the Beijing Municipal Education Committee released regulations on compulsory education, which allow schools to demand up to five different documents for children whose families do not have a Beijing residential registration before they could enroll.¹³¹ As a result of policies like this and high fees, schools districts erected hurdles to make it almost impossible for migrant parents to get their children enrolled in schools.¹³² One school in Beijing required 28 different certificates for children without Beijing residential registration, according to a 2015 report in the State-run *People's Daily*.¹³³

For migrant laborers' children to stay back in rural villages is hardly a viable solution. The “left-behind” children, compared to rural children who live with their migrant parents, suffer from psychological and social issues that lead to other problems, including juvenile delinquency, poor academic performance, and suicide.¹³⁴ CRC has expressed concern that, “due to the restrictive *hukou* policy, many migrant parents face the difficult choice of leaving their children behind.”¹³⁵ Merging rural schools and building more boarding schools for left-behind children are not solutions to the abandonment of children, as the CRC pointed out. Similarly, CESCR stated in 2014 “that, reportedly, owing to the *hukou* system, an estimated number of 55 to 60 million children have been left behind by their parents in the rural areas.”¹³⁶ In response, the State Council issued an opinion in 2016 that called for more research to better understand the conditions of rural children who are left behind by parents who have gone to cities to seek work, often since the children cannot access public services in urban areas.¹³⁷

Confronting these problems, parents of migrant children and civil society groups have experimented with opening private or community schools for these children. The schools—commonly known as “migrant schools”—do not receive state funding, face severe funding shortages, lack qualified teachers, and are often housed in unsafe buildings. These schools risk being shut down by authorities for failing to pass safety inspections or due to licensing issues.¹³⁸ The government has taken a hard line against civil society efforts to address the problems of migrant children's education. For instance, legal activist Xu Zhiyong (许志永) received a four-year prison sentence in 2014 after he organized protests and petitions to the Ministry of Education from parents of migrant children who were being denied equal education.¹³⁹ The court verdict against Xu accused him of “exploiting social issues of great public concern” in order to “gather crowds to disturb order in public places.”¹⁴⁰

In recent years, the government has taken some legislative steps to tackle unequal access to education by improving funding, though there have yet to be noticeable effects. At a State Council meeting in November 2015, Chinese Premier Li Keqiang announced a unified education fund that would guarantee compulsory education in rural and urban areas, with the first round of changes to go into effect in the spring of 2016.¹⁴¹ The new fund can be seen as a response to the CRC recommendation to increase budget allocations of resources to rural areas to be used on education of children. However, the government has not created a mechanism, as called for by

the Committee, to “monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources across provinces, prefectures and counties in mainland China.”¹⁴²

In inadequately providing for education for migrant children, the government has fallen short of achieving protections outlined in its Human Rights Action Plan, namely that China “will guarantee equal right to education for children of migrant workers, mainly relying on full-time public schools in cities they migrate to” and “allocat[e] educational resources in [a] balanced manner.”¹⁴³

Suggestions

- Take effective measures, including establishing national and local-level systems to protect children from child labor, child trafficking, and sexual abuse;
- Strictly enforce the International Labor Organization’s standard of 18 as the minimum age for admission to any type of employment or work that is likely to jeopardize the health and safety of minors;
- Abolish the *hukou* system to protect the rights of all boys and girls born in rural or urban China to enjoy equal access to government subsidies and social benefits;
- Lift state birth control quotas and remove all forms of penalties that deter parents or guardians from registering children at birth;
- Enforce the right to nine-year compulsory education for migrants’ children and rural children in law and practice;
- Establish a mechanism to monitor and evaluate the efficacy, adequacy, and equitability of the distribution of resources across the country, with particular focus on ensuring adequate resources reaching rural, remote, and minority areas;
- Establish a centralized and publicly available data system to collect comprehensive and disaggregated statistics on indicators of children’s rights protection;
- Take effective measures to combat social discrimination against children with disabilities.

3.4. Disability Rights

15 Recommendations Assessed:

186.78 (South Africa), 81 (Kuwait); 84 (Central African Republic), 100 (Brazil), 101 (Uruguay), 102 (Senegal), 103 (Costa Rica), 104 (Argentina), 105 (Zimbabwe), 106 (Brunei Darussalam), 183 (Russia), 210 (Senegal), 217 (Jordan), 244 (Namibia), and 245 (Yemen)

China's Replies:

15 recommendations accepted

78, 81, 84, 100, 101, 102, 103, 104, 105, 106, 183, 210, 217, 244 & 245

1 already implemented

100

NGO Assessment:

China has partially implemented recommendations 78, 81, 101, 102, 103 & 106, and has not implemented the other nine recommendations

According to the latest comprehensive government statistics, 6.34 percent of the Chinese population are recognized as having some disability, and the vast majority of persons with disability—75 percent—live in rural and economically underdeveloped areas.¹⁴⁴ Households with disabled persons have lower income levels than the national average, and many live in poverty, but government assistance only reaches around 10 percent of this population.¹⁴⁵ The majority of disabled persons are over the age of 60, and the illiteracy rate for disabled persons aged 15 and older is 43.29 percent.¹⁴⁶

Statistics from the government body China Disabled Person's Federation (CDPF) show that the rate of disabled persons who found new work has been falling since 2013.¹⁴⁷ In rural areas, disabled children are far more likely to be deprived of education, resulting in their high rates of illiteracy. Once they reach working age, disabled individuals face barriers in finding employment. Compared to conditions for men, discrimination against disabled women in areas of education and employment is even worse.¹⁴⁸

The Chinese Constitution includes an article on supporting disabled persons (Article 45).¹⁴⁹ In 2008,

China ratified the Convention on Persons with Disabilities (Convention), and revised the Law on the Protection of Disabled Persons (LPDP) the same year. However, national law and regulations still do not meet crucial international standards. Persons with disabilities, especially children, continue to face discrimination and obstacles, and lack basic access and rights protections.

Some Positive Moves

China's record on protecting and promoting the rights of persons with disabilities has seen some improvement since the second UPR. In our assessment, we consider that six of the recommendations that China accepted on disability rights have been *partially implemented*.¹⁵⁰

Since 2013, China has taken some steps towards improving legislation and policy related to disability rights. The government put out draft amendments to include measures toward inclusive education in 2013, though the proposed changes (to the "Regulations of Education of Persons with Disabilities in China") have not yet been adopted.¹⁵¹ When making public the draft amendments of the regulations in February 2013, China's State Council released an explanation of the proposals, in which it referenced the Convention in explaining additional language about adhering to the "principle of inclusive education" to Article 4 of the regulations.¹⁵²

Unfortunately, the proposed amendments also promote further development of the parallel, segregated school system for disabled children.

In August 2015, the China Disabled Person's Federation and other government bodies jointly issued the "Opinion on Strengthening the Social Assistance for Persons with Disabilities."¹⁵³ However, as one disability rights activist pointed out, the Opinion perpetuates a "charity mentality" that emphasizes one-off assistance programs rather than a long-term approach that can help the disabled bring about and/or experience sustainable life improvements.¹⁵⁴ In September 2015, the Ministry of Education released a test version of new "Standards for Special Education Teaching Professionals,"¹⁵⁵ which expands the definition of "special education teacher" in order to improve the quality of special education, while also lending support to the idea of "inclusive education."¹⁵⁶

Failures to Meet International Standards in Law & Practice

In 2008, China ratified the Convention on Persons with Disabilities (Convention) and also revised the Law on the Protection of Disabled Persons (LPDP). However, LPDP still does not conform to the Convention. Specifically, the LPDP does not include a comprehensive legal definition of "discrimination."¹⁵⁷ The legal definition of a person with disabilities in the LPDP uses medical terminology, an issue that the Committee on the Rights of Persons with Disabilities (Committee) "noted" in its review of China, in 2012, when it also expressed concern that the language used contributes to the lack of a coherent strategy to "implement the human rights model of disability." The Committee called on China to provide legal definitions of "discrimination" and "reasonable accommodation" in national legislation.¹⁵⁸

Because of the absence of a comprehensive legal definition of "discrimination," many government regulations continue to contain discriminatory language against disabled persons. For example, despite a legal prohibition on discriminating against disabled individuals in employment,¹⁵⁹ the "Standards for Civil Service Recruitment Examination (provisional)" require all applicants to undertake a physical examination.¹⁶⁰ According to these standards, applicants for government civil servant jobs must be certified as not having certain types of diseases or visual/hearing impairments. As a result, many applicants with disabilities have no chance of passing the examination. Some of the diseases listed in the Standards that would prevent an individual from obtaining a civil service position include: significant visual impairment, hearing aids of a certain range, sleepwalking, chronic bronchitis, emphysema, asthma, diabetes, genital herpes, among others.¹⁶¹ In concluding its 2014 review of China, the Committee on Economic Social and Cultural Rights expressed its concern that "the high rate of unemployment among persons with disabilities persists and that the existing disparities in relation to wages have not been effectively addressed."¹⁶²

While the Convention requires State parties to "ensure an inclusive education system at all levels,"¹⁶³ a sentiment echoed in Costa Rica's recommendation, the Chinese government has continued to promote segregated special schools for children with disabilities.¹⁶⁴ China amended the Compulsory Education Law in 2006 to include for the first time a provision on allowing disabled children to attend mainstream schools, provided they are "capable of receiving regular education." Schools that refuse to admit such children can face penalties.¹⁶⁵ However, the draft

amendments to the Regulations on Education of Persons with Disabilities (2012) include provisions on building more segregated schools and establishing a panel of experts to decide where to place children in schools.¹⁶⁶ The reality is that education opportunities for disabled children have been unevenly developed across the country, causing discrimination against disabled children to persist within the public educational system.¹⁶⁷

The Committee on the Rights of Persons with Disabilities raised concerns in 2012 over the “high number of special schools and the State party’s policy of actively developing these schools,” and said it was “especially worried that in practice only students with certain kinds of impairments (physical disabilities or mild visual disabilities) are able to attend mainstream education, while all other children with disabilities are forced to either enrol in a special school or drop out altogether.”¹⁶⁸

The Committee also recommended that the government create a comprehensive and inclusive national action plan to guarantee the rights of persons with disabilities, which was echoed by Brazil in its UPR recommendation. In its response to Brazil’s recommendation (186.100), the government claims that it “accepted and already implemented” the recommendation, stating that, “China has formulated and implemented six national five-year work programs on disability. After the adoption of Convention on the Rights of Persons with Disabilities, China has integrated the convention’s purposes and principles into its latest five-year work program on disability to its aim and principles.” However, government “work programs” are not the same as an “national action plans,” which the UN describes as plans identifying steps for the government to improve the promotion of human rights.¹⁶⁹ Furthermore, these “work programs” have not been open for civil society participation; only government ministries and the China Disabled Person’s Federation, a State body, have been included in the drafting and implementation.¹⁷⁰ This exclusive emphasis on the CDPF as evidence of civil society participation led the Committee to express concern over the lack of inclusion of organizations outside of the CDPF in implementing the Convention.¹⁷¹

The government has included chapters on disability rights in its two most recent National Human Rights Action Plans (2012-2015) and (2016-2020); however, these plans cannot be considered comprehensive and inclusive due to the restrictions on participation from independent NGOs and civil society groups working on disability rights. Furthermore, in 2013, the Chinese government began crackdowns on civil society organizations, including some NGOs working on disability rights, making it more challenging for disabled persons to have a voice in and contribute to government action plans.¹⁷²

China’s birth control policies have contributed to the persistence of abandoned disabled children, a problem raised in Uruguay’s recommendation (101) in 2013 and by the Committee on the Rights of Persons with Disabilities in 2012. The Committee has urged China to take measures to fight the widespread stigma in relation to boys and girls with disabilities and revise its strict family planning policy, so as to combat the root causes for the abandonment of boys and girls with disabilities.¹⁷³ In October 2015, the government relaxed its “one child” policy and allowed couples to have two children.¹⁷⁴ However, the “two-child” birth control policy still upholds State control over reproductive rights. The “two-child” policy thus has only a limited impact in improving the situation for disabled children. According to a State media report in May 2015,

there were 100,000 orphans in China, of whom 90 percent were disabled.¹⁷⁵ As one disability rights activist explained, legal adoption is a complicated process in China, and the elderly traditionally rely on children to care for them, which adds more difficulties for families to adopt disabled children.¹⁷⁶ According to Chinese government statistics from 2014, only 4.38 percent of disabled children are orphans raised by their non-birth families.¹⁷⁷ Since the mid-2000s, the government has promoted two programs to assist disabled orphans, achieving modest success, but it has not created new assistance programs since the second UPR.¹⁷⁸

The Committee on the Rights of the Child also made recommendations to China over the government's responsibility to protect the rights of children with disabilities. Following its 2013 review of the implementation of the Convention, the Committee recommended that China take a human rights-based approach to solving this problem, and specifically, urged the government to "repeal all provisions which result in de facto discrimination against children with disabilities."¹⁷⁹ However, the government has not repealed any such legal provisions since that time.

Suggestions

- Fully protect the rights and interests of disabled persons by introducing a human rights model of disability into national disability law and policy;
- Introduce a comprehensive and inclusive national plan of action to guarantee the rights of persons with disabilities, in accordance with international human rights treaties;
- Reform family planning policies with the aim of combatting the deep-rooted causes of abandonment of boys and girls with disabilities;
- Allocate sufficient State funding and provide equitable medical care and other access facilities in rural regions for disabled persons;
- Include all persons with disabilities, in particular children, in all areas of society;
- Combat discrimination and abandonment of children with disabilities by including in national law a definition of discrimination and abolishing discriminatory law provisions and regulations;
- Take effective measures to ensure that school-age disabled children receive inclusive compulsory education.

3.5. Discrimination Against Rural Residents

29 Recommendations Assessed:

186.56 (South Africa), 74 (Togo), 75 (Bhutan), 76 (Ecuador), 84 (Central African Republic), 97 (Mali), 135 (Egypt), 174 (Iran), 175 (State of Palestine), 178 (Algeria), 179 (Bulgaria), 180 (Angola), 182 (Brunei Darussalam), 183 (Russia), 184 (Niger), 185 (Democratic People's Republic of Korea), 186 (Congo), 187 (Azerbaijan), 188 (Mauritius), 189 (Malaysia), 190 (Eritrea), 191 (Morocco), 192 (Mozambique), 193 (Serbia), 194 (Cambodia), 198 (Bolivia) 244 (Namibia), 245 (Yemen), and 247 (Côte d'Ivoire)

China's Replies:

29 recommendations accepted

56, 74, 75, 76, 84, 97, 135, 174, 175, 178, 179, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 198, 244, 245 & 247

1 already implemented

97

NGO Assessment:

China has partially implemented recommendations 76, 97, 174, 182, 184, 186, 188, 192, 193 & 198, and has not implemented the other 19 recommendations

During the 2013 UPR, China accepted all the recommendations concerning equal protection of basic social benefits and services, which specifically focused on: strengthening the provision of public services and benefits for groups vulnerable to discrimination; alleviating rural-urban disparities; and combatting poverty. However, our assessment shows that the government has only *partially implemented* 10 recommendations.¹⁸⁰

China has been a party to the International Covenant on Economic, Social and Cultural Rights since 2001. The government has often emphasized its achievements in economic development, including lifting hundreds of millions out of poverty, as evidence of its protection of social and economic rights. Recognizing such progress, the Special Rapporteur on extreme poverty and human rights said after an August 2016 visit that China has made huge progress in poverty reduction.¹⁸¹ However, the SR noted challenges ahead, such as the high levels of inequality, and that China needs to put into place meaningful accountability mechanisms for the full realization of economic rights. The Committee on Economic, Social, and Cultural Rights (CESCR) expressed concern in its 2014 Concluding Observations over large disparities in living standards among different regions and between urban and rural areas.¹⁸²

In our assessment, we have found the continued discrimination against rural residents as a failure of the Chinese government to protect economic and social

rights. In particular, the “household registration” system, medical insurance programs, pension system, unequal income levels, and poverty relief all discriminate against rural residents.

Limited Reform of the Discriminatory “Household Registration” Against Rural Migrants

A major reason for discrimination in China is the implementation of the “household registration” (*hukou*) system, which leads to a lack of rights protections for certain groups, especially the rural population. The system enforces segregated legal registration of Chinese citizens into either rural or urban households. An individual’s household registration status determines their level of

access to government subsidies, benefits, and public services, with over 60 different categories of services and benefits tied to the system.¹⁸³

In concluding its 2014 review of China, CESCR expressed regret about inadequate protections of rights guaranteed under the International Covenant on Economic, Social and Cultural Rights partly due to the defects of China's *hukou* system; the Committee observed that "the State party does not have a comprehensive anti-discrimination law that protects all marginalized and disadvantaged individuals and groups in their enjoyment of economic, social and cultural rights."¹⁸⁴

Internal migrants—specifically, those who move from rural areas to cities for work—are among the groups who face the most serious discrimination under the household registration system. At present, migrant workers and their family members are rarely able to obtain urban registration, which is required for them to obtain access to government subsidized services and benefits provided to registered urban residents, including health care, education, and employment opportunities.¹⁸⁵

CESCR stated its concern that migrant workers, "particularly those who lack household registration, continue to be de facto discriminated against in the fields of employment, social security, health care and education," and expressed alarm "about the significant persistence of disparities between the urban and rural populations and among rural-to-urban migrant workers, in relation to access to and the quality and amount of benefits."¹⁸⁶ Despite recommendations by treaty bodies as well as by Member States during China's 2009 and 2013 UPRs, the government has not signed an important human rights instrument related to migrants' rights—the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).¹⁸⁷

Though limited and gradual, some steps have been taken by the government towards reforming the *hukou* system. China's State Council laid out guidelines in 2014 for some rural migrants to obtain urban household registration by 2020.¹⁸⁸ However, concerns remain about the potential effectiveness of the proposed changes. Under the plan, the number of migrants who would obtain local residency by 2020 is estimated at 100 million, but that number only accounts for about one-third of China's total migrant population.¹⁸⁹ The anticipated gap—in the total number of migrants compared to those who can obtain residency—is partly because of the government's "gradual" approach; reform will first be implemented in smaller cities, even though a large portion of migrants are in major municipalities.¹⁹⁰ The State Council plan also does not guarantee that residents who have never obtained any *hukou* registration whatsoever—mostly due to being born "out-of-quota" or out of wedlock in violation of family planning laws (see Section 3.3)—can ever get legally recognized residency status, meaning that such individuals will continue to be excluded from access to state benefits and social services.¹⁹¹

A 2015 State Council regulation has allowed migrant workers to apply for urban *hukou* registration in the city where they live and work, but only after they have obtained a temporary resident permit and fulfilled other requirements.¹⁹² The application process for temporary residential permits is open to individuals who live or work for more than six months in the city where they apply for resident permits.¹⁹³ So far, the process of obtaining an urban *hukou* is

localized and limited in scope. Some measures have been applied on a “trial” basis in major urban areas with sizable populations of migrant workers, like Beijing, Guangzhou, and Shanghai.¹⁹⁴ In such places, however, the criteria for obtaining urban residency registration is highly selective; registration is restricted to so-called “desirable” and “suitable” migrants who meet requirements based on their employment record, education level, and housing situation, and is difficult to obtain for the majority of migrant workers.¹⁹⁵

A proposed provision in the draft “Anti-Discrimination Employment Law”—to prohibit considering household registration status in recruitment and hiring—offers potentially positive reform of the discrimination against rural migrants who seek work in cities.¹⁹⁶ Though the proposal has been stagnant since 2008, there has been a new effort in 2016 to push it through the legislative process.¹⁹⁷ If this legislation were adopted, employment discrimination against migrants would be illegal. This change should also help to fill a void in China’s Labor Law and Promotion of Employment Law, neither of which clearly prohibits employment discrimination against rural registration holders.

Considering these gradual but still inadequate measures, we assess that the government has only *partially implemented* Iran’s recommendation to “increase its effort to address the issues of rural and urban migrant workers and their families in a more effective way.”

Reform of Discriminatory Medical Insurance & Pension Systems Long Overdue

In China’s 2012-2015 National Human Rights Action Plan (NHRAP), the government stated that it would “...promote the equal coverage of the social relief system in both rural and urban areas to improve the social security level” and reform “the basic medical insurance system to make medical insurance basically cover both rural and urban residents” as well as “the old-age social security system that covers both urban and rural residents.”¹⁹⁸ The government reported in its 2016 assessment of the NHRAP that it had achieved a 95 percent rate of participation in basic medical insurance coverage.¹⁹⁹ However, despite these alleged achievements, the system is still largely discriminatory against rural residents.

Medical Insurance

Severe underfunding by the government of the social insurance system has forced China’s urban poor and rural residents to rely heavily on their personal savings to cover medical expenses and old-age care.²⁰⁰ According to a 2015 World Bank report, China’s population in poor rural areas have little access to the country’s health care infrastructure, even as the government has put forth programs to improve such conditions in the countryside.²⁰¹ According to available government data, Chinese employers have largely failed to comply with China’s Labor Contract Law and Social Insurance Law in providing subsidies to rural migrant workers so that they can afford to enroll in basic insurance programs.²⁰² By 2015, or four years after the Social Insurance Law went into effect, on average, only 20 percent of migrant workers have been enrolled in programs for a basic pension, 19 percent in medical insurance, 15 percent in unemployment insurance, and 27 percent in work-related injury insurance.²⁰³

In a move to narrow the gaps of medical insurance between urban and rural residents, and between those with government jobs and small private businesses, including the urban poor, the government in January 2016 announced the decision to create the “Unified Basic Medical Insurance System for Urban and Rural Residents.” This system has the potential to provide equitable payment standards and scope of medical insurance coverage for all Chinese citizens.²⁰⁴ If implemented successfully, the system would partially address the problem of systemic discrimination against rural residents in protecting their right to health. Under the *hukou* system, rural residents have been eligible for much lower levels of health insurance coverage—with practically no government or employment contribution—than that offered to urban residents, especially government employees.²⁰⁵

As China’s elderly population has grown and medical care become costlier at the same time, the country has experienced a decline in the number of workers paying into social security.²⁰⁶ This general trend due to demographic changes has more serious consequences for rural residents and urban poor. The new medical insurance system, which merged the urban and rural divides under the previous system, could potentially shrink the widening insurance funding gap.²⁰⁷

Chinese academics have pointed out that the new medical insurance system’s efficacy hinges on several factors.²⁰⁸ First, the central government must monitor and assess the system’s implementation, since the insurance schemes will be run on decentralized local levels. Second, the system must prioritize benefitting the poor in both urban and rural areas, since they are more likely to experience “catastrophic health spending”—medical costs so high that they lead to poverty. Third, the system should provide for “consistent” quality and effectiveness of health services, with an emphasis on developing rural health care delivery. Finally, benefits also should come with the option to make them “portable,” allowing rural-to-urban migrants to use their health insurance in the cities to which they move.

Inequitable Pensions Systems

The government responded to Mali’s UPR recommendation (186.97) that China “continue improving the pension system covering urban and rural areas” with the claim that it “accepted and already implemented” such improvements. However, this recommendation has only been *partially implemented* as rural-urban discrimination in the pension system persists.

Jobs concentrated in urban areas, such as those in the civil service or large privately-owned or state-run corporations receive higher government pensions and company contributions to retirement savings.²⁰⁹ Rural residents, on the other hand, predominantly work in farming or work in small businesses, which has far fewer retirement savings plans. Consequently, pensions for urban residents have been much larger than for those retired from farming or small businesses.²¹⁰

An academic survey published in 2016 in China found that retirees from government and state-owned enterprises receive pensions that are, on average, 22.5 times higher than rural retirees; government and state enterprises retirees receive on average 3,174.69 RMB (approx. 470 USD) per month per person, and all urban retirees receive on average 1,387.20 RMB (approx. 200 USD), while rural retirees receive only on average 141.21 RMB (approx. 20 USD) per month.²¹¹

Income Inequality & Disparities in Access to Poverty Relief

In the past few decades, the Chinese government has significantly rolled back state control over the economy and allowed market forces and private enterprises to play important roles in the country's economic growth. Consequently, many people have worked their way out of poverty. In this sense, the government has *partially implemented* Mauritius (188) and Serbia (193)'s UPR recommendations, namely, to eradicate poverty and bridge rural-urban gaps.

China's main strategy to alleviate poverty—prioritizing rapid urbanization and industrial development in cities—has increased urban-rural income disparities, as population groups in remote, rural, and ethnic minority regions have been “left behind.” However, poverty continues to affect large population groups in China. In October 2014, a senior Chinese government official acknowledged that over 200 million of the country's citizens—or about 15 percent of China's population—are impoverished, as measured by the extreme poverty line set by the World Bank (living on 1.25 USD or less per day).²¹²

Income inequality in China remains severe, even as China's Gini index, measuring the degree of inequality in income distribution, has decreased from a peak level in 2008.²¹³ According to a 2013 World Bank report, China is among the 25 percent least equal countries in the world.²¹⁴ A UN Development Programme report found that, as of 2014, China ranked 90th of 188 ranked countries in terms of its human development index, a component of which is per capita income.²¹⁵

A disturbing reality in China is the high rates of suicide among the elderly, particularly in rural areas. Overall, China's elderly commit suicide more often than their counterparts in other countries. Rural elderly are far more likely to take their own lives than Chinese in urban areas. In the past two decades, the suicide rate of Chinese elderly increased five-fold in rural areas, according to a study of 40 villages in 11 provinces conducted by a Chinese university.²¹⁶ Some contributing factors are believed to be that the elderly become debilitated by illnesses and anguished about life in rural desolation, particularly since their children are unable to care for them.²¹⁷ Many of these children are not physically present to offer support, since they are the only offspring in the family—due to enforcement of China's past “one-child-per-family” policy (see Section 3.3)—and often have gone to urban areas to work and live.

China is also the only country in the world where the female suicide rate is higher than for males, and the overall suicide rate is four to five times higher in rural areas compared to urban ones.²¹⁸ A tragic case of this little-known reality made headlines in 2006 after a rural woman in an impoverished region of Gansu Province killed her four children, all under seven years of age, and then committed suicide.²¹⁹ Local government officials had reportedly stripped the mother of low-income subsidies in 2014—because she did not meet the official standard for eligibility for poverty relief—and the family apparently lacked any medical insurance.²²⁰

While the Chinese government has promised to unify urban and rural standards for subsidies provided to low-income families, the localized programs have remained largely discriminatory against rural residents. According to one State media report, several Chinese municipalities (which include rural residents in their surrounding countryside) have taken steps to address this

problem by providing approximately the same level of subsidies to both urban and rural low-income families (*dibao*).²²¹ Yet, more than 20 other cities continue to maintain a disparity between urban and rural subsidies for low-income families. For instance, in Tianjin Municipality, a rural low-income resident would receive 540 RMB (approx. 80 USD) per month, while an urban resident receives at least 705 RMB (approx. 100 USD) per month, or 165 RMB more than the rural resident; in the city of Zhengzhou, the difference in subsidy between rural and urban resident is 230 RMB (approx. 33 USD), with rural residents receiving 290 RMB (approx. 43 USD) compared to the 520 RMB (approx. 77 USD) per month that urban residents receive. (Rates as of July 1, 2015).²²²

Double Discrimination Against Ethnic Minorities as Members of Rural Populations

Members of China's ethnic minority populations in remote rural regions are also victims of the discriminatory *hukou* system and regional disparities in economic development, while their traditional livelihoods and cultures continue to come under threat.²²³ The household registration system has erected serious barriers for ethnic minorities to look for work in Han-majority cities in China's most developed eastern region, while lack of opportunities and poverty exist at home. In one example, poverty is rampant in the remote mountainous areas in southwest China that hold a significant concentration of the ethnic Yi minority.²²⁴ Compounded problems, such as neglected schools, lack of healthcare access, inadequate transportation infrastructure, underfunded relief programs, drug addiction, and drug trafficking exist.²²⁵ State media rarely covers the conditions in the area, and an independent Chinese journalist interviewed for this report told us that the government prevented his team from reporting on conditions in the region.²²⁶

The Chinese government has discriminated against ethnic Tibetans and Uyghurs by blocking members of these groups from obtaining employment opportunities. For example, authorities have instructed companies to refuse job applicants who hold household registration in the autonomous regions of Tibet and Xinjiang.²²⁷ In the Tibet Autonomous Region (TAR), Han Chinese have benefitted from government policies enforced since 2008, allowing them to acquire local residency and invest in business ventures and obtain loans.²²⁸ Tibetans in the TAR continue to experience de-facto discrimination in obtaining government jobs, as Tibetans are not able to take the civil service exam in the Tibetan language, and thus miss out on good benefits and social security protections.²²⁹

China has not implemented recommendations by Togo (74), Bhutan (75), Russia (183), Palestine (175), and Morocco (191), all of which focused on protecting and raising the standard of living for the most vulnerable and marginalized in society, especially the rights of people living in rural areas. As the world's second-largest economy, the Chinese government has the economic capacity to provide better and more equitable protections and relieve poverty in rural areas.

Suggestions

- Abolish the discriminatory household registration (*hukou*) system to ensure all citizens equal access to health care, employment, and other social services and benefits in line with principles of non-discrimination;

- Implement effective measures to set up programs targeting poverty alleviation in remote rural and ethnic minority areas, in order to provide socioeconomic services and benefits to the most marginalized population groups;
- Protect the rights of migrants by signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

¹ There were two “poor” recommendations made in the area of women’s rights. Eritrea recommended that China “further expand and consolidate achievements made in promoting women’s rights and well-being in tandem with its policy and practice of protecting and promoting human dignity” (93). We regard this recommendation as “poor” because it assumes the existence of certain “achievements,” both as a matter of “policy and practice,” in “protecting and promoting human dignity.” In the absence of such achievements, judging by both the government’s admission to CEDAW and the “concluding observations” of CEDAW’s recent review, it makes little sense to ask the state to “expand” and “consolidate” them. In addition, Egypt recommended that China “maintain its effective protection for the family as the fundamental and natural unit of society” (135). This recommendation is “poor” since it contains a problematic presumption, namely that China has “effective protection” for the family. In fact, current laws and practices are not “effective” and do not provide adequate protection.

² The government said it would: “Further guaranteeing the rights to employment and economic resources, and equal participation in State and social affairs by minority ethnic groups, women and other special groups.” UN General Assembly, “Note verbale dated 5 June 2013 from the Permanent Mission of China to the United Nations addressed to the President of the General Assembly,” A/68/90.

³ The government wrote in the state report: “Discrimination against women still exists in society; relevant laws are yet to be fully implemented in reality; women are not represented in significant numbers at senior levels of decision-making; women are still subjected to unequal treatment in village rules and customs in some rural areas in terms of resource allocation and benefits-sharing; many rural women’s job skills need to be further enhanced; women’s health services in remote areas need further improvement; violence against women still occurs; and there are still some women living in poverty.” Combined Seventh and Eighth Periodic Report of States Parties China to the Committee on the Elimination of Discrimination against Women, 2012, CEDAW/C/CHN/7-8, para. 52.

⁴ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. III, Sec 2., <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>; In the assessment, no mention was made of improvements on gender discrimination or for equal pay for equal work. Instead, the government claimed “Women enjoy the equal right with men to employment” and cited as evidence that certain public servants have same age retirement levels as women and men, and that women account for 44.8 percent of all people employed in the country. Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. IV, Sec. 2, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

⁵ People’s Republic of China Anti-Domestic Violence Law(中华人民共和国反家庭暴力法), 2015, http://news.xinhuanet.com/legal/2015-12/27/c_128571791.htm.

⁶ China’s reply to 186.92: “China’s Labour Law, Law on the Promotion of Employment, Law on the Protection of the Rights and Interests of Women and other laws establish the principles of prohibiting gender discrimination in employment and equal pay for equal work for men and women, clearly stipulate that equal pay for equal work and post-based wage system are applied in China. There is no gender discrimination. In practice, China actively protects women’s rights and interests of employment.” UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review: China. Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1. February 27, 2014.

⁷ Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the combined seventh and eighth periodic reports of China, CEDAW/C/CHN/CO/7-8, November 2014, paras. 36-37.

⁸ World Economic Forum, “The Global Gender Gap Report 2015: China,” November 18, 2015, <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=CHN>.

⁹ All-China Women’s Federation (ACWF) and China National Bureau of Statistics, “Report on Major Results of the Third Wave Survey on The Social Status of Women in China” (第三期中国妇女社会地位调查 主要数据报告), October 21, 2011, http://www.china.com.cn/zhibo/zhuantu/ch-xinwen/2011-10/21/content_23687810.htm.

¹⁰ Anhui University News Department, “Research Center for Economic Law Releases ‘China Female Employment Discrimination Research Report’” (经济法制研究中心发布《我国女性就业歧视问题调研报告》), January 12, 2015, <http://ahnews.ahu.edu.cn/n/2015-01-12/290371.shtml>.

¹¹ For example, the three laws cited in the government’s response to Bolivia’s recommendation all contain a variation of this provision, which is discriminatory: “When an employing unit recruits persons, it shall not refuse to employ women or raise recruitment standards for females by using gender as an excuse, except where the types of work or posts are not suitable for women as prescribed by the State.” Article 27, Law on Promotion of Employment of the People’s Republic of China (2008), http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471590.htm; Article 23, Law on the Protection of Rights and Interests of Women of the People’s Republic of China, (1992, amended 2005), <http://www.china.org.cn/english/government/207405.htm>; Article 13, Labor Law of the People’s Republic of China, 1995, http://www.china.org.cn/living_in_china/abc/2009-07/15/content_18140508.htm.

¹² Women are prohibited from working in underground mining jobs, jobs involving physical labor at Grade 4 or above, or work that requires lifting 20 kilograms at least six times an hour, or any job that requires lifting 25 or more kilograms. Women who are menstruating are prohibited from working jobs in high altitudes, low temperatures, and cold water, or that involve physical labor. State Council of the People's Republic of China, "Special Rules on the Labour Protection of Female Employees" (女职工劳动保护特别规定), April 18, 2012, http://www.gov.cn/zwggk/2012-05/07/content_2131567.htm.

¹³ China National Program for Women's Development (2011-2020), <http://www.womenofchina.cn/womenofchina/html1/source/1502/998-1.htm>.

¹⁴ Ministry of Education, "General Office of the Ministry of Education Notice Concerning Launch of Nationwide Common University Graduate Seeking Employment Service Work" (教育部办公厅关于开展全国普通高校毕业生精准就业服务工作的通知), March 17, 2016, http://www.moe.gov.cn/srcsite/A15/s3265/201604/t20160401_236231.html.

¹⁵ See the *weibo* account of the Employment Sex Discrimination Monitor Group (就业性别歧视监察大队), http://weibo.com/u/5327831786?refer_flag=1005055013_&is_all=1.

¹⁶ In Beijing, Cao Ju settled out of court in January 2014 with a tutoring company for 30,000 RMB (approx. 4,366 USD) after her application was turned down because she was not a man. Tania Branigan, "China: woman settles in first gender discrimination lawsuit," *The Guardian*, January 28, 2014, <https://www.theguardian.com/world/2014/jan/28/china-woman-settles-first-gender-discrimination-lawsuit>.

¹⁷ The latest case is Gao Xiao, who won a case against the Guangdong Huishijia Economic Development Company, which owns a seafood restaurant, and was awarded 2,000 RMB (approx. 291 USD) in compensation in April 2016. She appealed, and the Guangzhou Intermediate People's Court upheld the original compensation amount, but demanded the company issue a written apology. *Guangzhou Daily*, "Female cook wins lawsuit over gender discrimination in Guangzhou" (粤女厨师应聘遭性别歧视状告酒楼获胜诉), September 22, 2016, <http://gd.sina.com.cn/news/m/2016-09-22/detail-ixfwewmc5124698.shtml?from=>; In Hangzhou in November 2014, Huang Rong won her case against a cooking school, but was only awarded 2,000 RMB (approx. 291 USD) for "psychological pain." She later sued again, demanding an apology from the company for discriminating against her because of her gender. Liu Jiaying, "Court Backs Woman Who Sued Cooking School over Employment Bias," *Caixin*, November 14, 2014, <http://english.caixin.com/2014-11-14/100751283.html>; A woman successfully sued China Post over firing her from a courier position because of her gender, the first such case against a State-owned company. *Xinhua News Agency*, "Female Graduate Wins Employment Discrimination Case" (女大学生打赢就业歧视官司), November 3, 2015, http://news.xinhuanet.com/local/2015-11/03/c_128386181.htm.

¹⁸ A search in Chinese for "女德班" (*nüdeban*) brings up many results for these classes. See also, a first-hand account from a woman who attended such a class: Women's Discussion, "" (东莞女德班: 不变贤妻不回家), <http://zhenhua.163.com/14/0610/19/9UDEGJR8000465TT.html>; Zhang Yiqian "Commandments for wives," June 23, 2014, <http://www.globaltimes.cn/content/867105.shtml>; All-China Women's Federation, "Henan Women's Federation Launches Social Morality Lectures," *Global Times*, August 27, 2013 <http://www.womenofchina.cn/womenofchina/html1/news/action/15/2159-3.htm>; ACWF, "Henan Holds Women's Morality, Traditional Culture Forum," April 12, 2013, <http://www.womenofchina.cn/womenofchina/html1/news/action/15/5993-1.htm>; One school in Dongguan City in Guangdong Province was ordered to stop offering the "women's morality" classes in 2014, but only following widespread public outrage, and there has been no central approach to shutting down classes that promote antiquated stereotypes on the role of women. Dongguan City Government News Department, "Mengzheng School 'Women's Virtue Classes' Ordered to Stop" (蒙正国学馆"女德班"已被责令停办), September 25, 2014, <http://www.dg.gov.cn/cndg/s35957/201409/798477.htm>.

¹⁹ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, paras. 24-25.

²⁰ UN Office of the High Commissioner for Human Rights (OHCHR), "Preliminary Observations and Conclusions of the Working Group on the issue of discrimination against women in law and in practice: End Visit to the People's Republic of China from 12 to 19 December 2013," December 19, 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14129&LangID=E>; see also, UN Human Rights Council, "Report of the Working Group on the issue of discrimination against women in law and in practice - Mission to China," June 12, 2014, A/HRC/26/39/Add.2.

²¹ Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, May 2014, CESCR/E/C.12/CHN/2, para 16.

²² CESCR, Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, para 37.

²³ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 10

²⁴ The latest comprehensive data is from 2011. All-China Women's Federation (ACWF) and China National Bureau of Statistics, "Report on Major Results of the Third Wave Survey on The Social Status of Women in China" (第三期中国妇女社会地位调查主要数据报告).

²⁵ The definition of domestic violence is contained in Article 2 of the Law: “Domestic violence as used in this Law refers to physical, psychological or other infractions between family members effected through the use of methods such as beatings, restraints, maiming, restrictions on physical liberty as well as recurrent verbal abuse or intimidation.”

²⁶ *China Daily*, “Anti-Domestic Violence “Persons Living Together” Provision does not Cover Homosexuals” (反家暴法中“共同生活人”不包括同性恋), December 27, 2015, http://www.chinadaily.com.cn/micro-reading/china/2015-12-27/content_14436421.html.

²⁷ *People’s Daily*, “Anhui Issues First Personal Protection Order to a Man,” September 9, 2016, <http://www.womenofchina.cn/womenofchina/html/features/rights/1609/1085-1.htm>;

²⁸ Some participants at a seminar on the domestic violence law held in June 2016 at the Chinese Institute of Applied Jurisprudence called for public security organs to enforce the personal safety protection orders, not the courts. *China Women’s News*, “Legal Experts Call on Public Security Organs to Execute Personal Protection Orders,” July 20, 2016, <http://www.womenofchina.cn/womenofchina/html/news/china/1607/1904-1.htm>.

²⁹ *China News*, “Woman Reports False Claim of Domestic Violence, Police Late at Night Diffuse Dispute” (女子报警谎称家暴民警深夜化解纠纷), October 21, 2016, <http://www.hb.chinanews.com/news/2016/1021/262600.html>.

³⁰ CESCR, Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, para 27.

³¹ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 27.

³² Information Office of the State Council, Action Plan for Fighting Human Trafficking of the State Council of the People’s Republic of China, (2013-2020), (国务院办公厅关于印发中国反对拐卖人口 行动计划 (2013-2020年), http://www.gov.cn/zwggk/2013-03/08/content_2349019.htm; The Action Plan is officially intended to address efforts to amend anti-trafficking law, improve interagency and international cooperation, boost anti-trafficking investigations, develop anti-trafficking awareness campaigns, and enhance victim protection services. Both local and central authorities have funded activities outlined in the plan; for instance, the Ministry of Public Security in 2015 contributed 55 million RMB (approx. 8.5 million USD) for local law-enforcement efforts and anti-trafficking campaigns. US Department of State, 2016 Trafficking in Persons Report, pp. 130-1, <http://www.state.gov/documents/organization/258876.pdf>.

³³ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 28.

³⁴ CHRD, Report Submitted to UN Committee on the Elimination of Discrimination Against Women, September 2014, para.18, <https://www.nchrd.org/2014/10/report-submitted-to-un-committee-on-the-elimination-of-discrimination-against-women-september-2014/>.

³⁵ Article 240 of China’s Criminal Law stipulates that: Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property: (1) being a ringleader of a gang engaged in abducting and trafficking in women and children; (2) abducting and trafficking in three or more women and/or children; (3) raping the woman who is abducted and trafficked; (4) enticing or forcing the woman who is abducted and trafficked to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution; (5) kidnapping a woman or child by means of violence, coercion or anaesthesia for the purpose of selling the victim; (6) stealing a baby or an infant for the purpose of selling the victim; (7) causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or (8) selling a woman or a child out of the territory of China. By abducting and trafficking in a woman or child is meant any of the following acts: abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim. Criminal Law of the People’s Republic of China (中华人民共和国刑法), (1979, amended 2015), http://www.china.com.cn/policy/txt/2012-01/14/content_24405327_16.htm.

³⁶ US Department of State, 2016 Trafficking in Persons Report, p. 131, <http://www.state.gov/documents/organization/258876.pdf>. Article 3 (a), Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

³⁷ Data on criminal punishments for human traffickers provided by the Chinese government are believed to be incomplete. Also, such statistics may not accurately reflect “trafficking” offenses based on international standards for such crimes (i.e., the purpose of such acts include exploitation through sex trafficking or forced labor). The government reported that it had arrested 1,932 alleged traffickers in 2015, compared with 194 that it had reported the year prior, and that government authorities had prosecuted 284 cases of sex trafficking and forced labor involving 486 suspected traffickers. In 2015, the government reported convicting 642 sex traffickers and 72 labor traffickers, compared with 35 total trafficking convictions in 2014. The statistics the government provided include data on other crimes, including the abduction and sale of women and children, for which the nexus to human trafficking was unclear. The Chinese government reported investigating 637 cases involving women and 756 cases involving

children abducted and sold in 2015, 670 prosecutions involving 1,195 suspects, and the conviction of 1,362 perpetrators for the abduction and sale of women and children. US Department of State, 2016 Trafficking in Persons Report, p. 131, <http://www.state.gov/documents/organization/258876.pdf>.

³⁸ CHRD, Report Submitted to UN Committee on the Elimination of Discrimination Against Women – September 2014, paras. 16-17.

³⁹ US Department of State, 2016 Trafficking in Persons Report, p. 132, <http://www.state.gov/documents/organization/258876.pdf>.

⁴⁰ In response to recommendations 186.85 (Portugal) and 89 (Ireland), the government replied: “China’s Constitution clearly stipulates that all citizens are equal before the law. China prohibits all possible discriminations via enacting specific laws. China’s Law on Regional National Autonomy, Law on the Protection of Rights and Interests of Women, Law on the Protection of Rights and Interests of Elderly, Law on the Protection of Minors, Law on the Protection of Rights and Interests of Disabled Persons, Law on the Promotion of Employment and other laws clearly prohibit discriminations based on ethnicity, religion, gender, age, disability and other aspects.” In response to 90 (Netherlands), the government said, “The Labour Law of China stipulates that workers shall not be discriminated on grounds of ethnicity, race, sex and religious beliefs. The Law on the Promotion of Employment of China contains systematic stipulations against employment discriminations.” UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1, 2014.

⁴¹ *BBC Chinese*, “China’s First Same-Sex Marriage Case Ruled Against Gay Couple” (中国首例同性婚姻维权案判同性恋者败诉), April 13, 2016, http://www.bbc.com/zhongwen/simp/china/2016/04/160413_china_same-sex_marriage_case.

⁴² The September 2015 second draft of the Anti-Domestic Violence Law opened up the definition from the initial draft to cover “family members,” which was viewed as ambiguous enough to cover same-sex couples. However, authorities specifically mentioned in a press conference after the law’s passage that it does not cover homosexual couples. China Law Translate, “What’s new in the new Domestic Violence Law draft?,” September 16, 2016, <http://chinalawtranslate.com/major-changes-in-the-domestic-violence-law/?lang=en>.

⁴³ Xie Wenting, “Gay people seek protection under China’s first domestic violence law,” *Global Times*, January 15, 2016, <http://www.globaltimes.cn/content/963684.shtml>.

⁴⁴ Committee Against Torture, Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, paras. 55-56.

⁴⁵ In 2014, there were many reports of cases involving clinics and hospitals that subjected individuals to “gay conversion therapy” in cities around China, including in Beijing, Chongqing, Guangzhou, Nanchong, Xi’an, and Zhuhai. Volunteers from the Gays’ Charity Organization reported the psychiatric clinics that offer “gay conversion therapy” to the offices of the Trade and Industry Bureau and Health Bureau in 10 cities (including Beijing, Guangzhou, Hangzhou, Nanning, Shenzhen, and Xi’an). In 2013, a gay man who went to a clinic to seek psychological counselling in 2013 was subjected to hypnosis and electric shocks for more than a month in Shenzhen City, Guangdong Province. In another case, from 2011, the parents of an 18-year-old lesbian who disapproved of her sexual orientation beat her, locked her inside their home, and then forcibly committed her to a psychiatric hospital in Changchun City, Jilin Province. CHRD and Coalition of NGOs, “Information Submission to the UN Committee Against Torture for Consideration in List of Issues, February 2015,” <https://www.nchr.org/2015/02/chrdr-information-submission-to-the-un-committee-against-torture-for-the-review-of-the-fifth-periodic-report-of-china-february-2015/>.

⁴⁶ Meng Fanyong (孟繁勇), “Involuntarily Committed for 19 Days at a Psychiatric Hospital, Reason was Sexual Preference Disorder” (他被精神病医院强制治疗19天 理由是：性偏好障碍), *Henan Business*, June 15, 2016, http://newpaper.dahe.cn/hnsb/html/2016-06/15/content_41104.htm.

⁴⁷ Chinese Classification of Medical Disorders kept a category of “ego-dystonic homosexual” (article 62.31) to describe people who have difficulties accepting their homosexuality or bisexuality. China’s classification deviates from international standard, such that “ego-dystonic homosexual” is not found in World Health Organization’s International Statistical Classification of Diseases and Related Health Problems (ICD-10). Chinese Classification of Medical Disorders (CCMD-3), “Homosexuality, Bisexuality” (同性恋 双性恋), <http://www.psychcn.com/counseling/zxjn/200612/2580826650.shtml>.

⁴⁸ The proposal was submitted by National People’s Congress (NPC) delegates after initial consultation started in 2008, and has since been approved for further drafting and consultation with relevant departments. No calls for consultation with civil society have been made. Luo Jingwen (罗静雯), “NPC Deputy Sun Xiaomei: Speed Up Adoption of ‘Employment Anti-Discrimination Law’ To Ensure Equal Employment for Everyone” (人大代表孙晓梅：抓紧制定《反就业歧视法》确保每个人平等就业), *Chongqing Daily*, March 16, 2016, http://cq.cqnews.net/html/2016-03/16/content_36531225.htm; Employment Anti-Discrimination Law of the People’s Republic of China (Proposal Draft by Experts) (中华人民共和国反就业歧视法(专家建议稿)), 2016 draft (uploaded by CHRD), <https://www.nchr.org/wp-content/uploads/2016/11/Employment-Anti-Discrimination-Law-of-the-People%E2%80%99s-Republic-of-China-Proposal-Draft-by-Experts2016.pdf>.

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- ⁴⁹ Asia Catalyst, Beijing Zuoyou, and Shanghai SCMC Center, “‘My Life is Too Dark To See The Light’: A Survey of the Living Conditions of Transgender Female Sex Workers in Beijing and Shanghai,” January 2015, p. 14, <http://asiacatalyst.org/wp-content/uploads/2014/09/Asia-Catalyst-TG-SW-Report.pdf>.
- ⁵⁰ Labor Law of the People’s Republic of China, 1995, http://www.china.org.cn/living_in_china/abc/2009-07/15/content_18140508.htm; Law on Promotion of Employment of the People’s Republic of China, 2008, http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471590.htm.
- ⁵¹ NGOCN, “China’s First Workplace Discrimination Against Homosexuality Lawsuit Filed” (全国首例同性恋职场歧视案今起诉), November 27, 2014, <http://www.ngocn.net/news/360566.html>.
- ⁵² The victim lost both the first-instance trial and appeal in 2015. The judge stated that it was unclear if the termination of his job was due to his homosexuality or damages to the company’s image caused by a video that was posted online, which revealed his sexual orientation. The judge’s reasoning reflected sexual orientation had in fact played a role, but the verdict was ruled against the victim. Pan Bo (潘播), “Man Fired After Coming Out of the Closet, Lost Lawsuit Against Company for Employment Discrimination” (男子出柜后被解雇 告公司就业歧视败诉), *Guangzhou Daily*, April 23, 2015, <http://news.sina.com.cn/s/2015-04-23/053931749820.shtml>.
- ⁵³ Vanessa Piao, “Chinese Panel Rules Against Plaintiff in Transgender Job Discrimination Case,” *The New York Times*, May 10, 2016, <http://www.nytimes.com/2016/05/11/world/asia/china-transgender-job-discrimination.html>.
- ⁵⁴ Ibid.
- ⁵⁵ Guangdong PSB promulgated a directive in 2008 on updating one’s sex after sex reassignment surgery. Guangdong Public Security Bureau, “Citizens After Sex-Reassignment Surgery Changing Gender Identity in One’s Hukou Registration” (公民手术后变更户口登记性别项目), August 22, 2011, http://zwgk.gd.gov.cn/006940140/201108/t20110822_267369.html.
- ⁵⁶ Xu Ye, “Research on China’s Transsexual Group: Discrimination and Ignorance Even Among LGBT Group” (中国跨性别群体调查: LGBT群体内也有歧视和无知), *IFeng*, January 7, 2015, http://news.ifeng.com/a/20150107/42878387_0.shtml.
- ⁵⁷ The Ministry of Education has issued no directive or rules regarding how post-operative transsexuals can update their gender identity on school diplomas, hence, many schools refuse to change the identity for students. In some cases, the inconsistencies have caused distrust between employer and job candidate. CHR D interview with a LBGT rights NGO, 2016.
- ⁵⁸ Wei Chong-zheng and Liu Wen-li, “The Association between School Bullying and Mental Health of Sexual Minority Students,” *Chinese Journal of Clinical Psychology*, No. 4, Vol. 23, 2015.
- ⁵⁹ CHR D interview with two LBGT rights NGO, 2016. According to them, they were not allowed to register on campus and currently there are no known open LBGT group allowed to register like other student groups.
- ⁶⁰ Prominent activist Ai Xiaoming was able to register a LBGT group at Guangzhou’s Sun Yat-sen University when she was still teaching at the school in 2006 because university authorities did not fully understand what LBGT stood for. University authorities then blocked the group from registering the following year, after the group began receiving media attention, and the university was under pressure to close it. NGOCN, “Story of Sun Yat-sen University’s Rainbow Club: University Is Not So Free and Inclusive” (中大彩虹社的故事: 中大并没有那么自由包容), July 9, 2014, <http://www.ngocn.net/news/90658.html>; In 2016, another school in Guangzhou pressured facilities and stores on campus not to provide space for an exhibition on homosexuality. WeChat User Sisyphus-stone, “An Exhibition Without People: The Most Authentic Artwork of Exhibition ‘Named’” (一场没有人的展览 | 被取消是“命名”展最真实的作品), September 19, 2016, http://mp.weixin.qq.com/s?_biz=MzIwMjM4MTIxNA==&mid=2247483701&idx=1&sn=8f4392b3db1c94c084eb2c6fd626288&chksm=96dec3c4a1a94ad29044166bc0a06dc9c13bdcf9b1036d324b06bada5a85a8e8291ed37099a7&scene=1&srcid=09198vt4EG0dwIKTBZwa0dYi#wechat_redirect.
- ⁶¹ Police and university officials also searched the woman’s home, an official from the university’s Communist Party Committee repeatedly harassed the two students, and state censors blocked a feminist group’s online social media account that posted the story. Wang Xiaoyu, “Heterosexual Proposal at Graduation Is Blessed, But Homosexual Proposal Gets Denied Diploma?” (异性恋毕业求婚得校长祝福, 同性恋毕业求婚不给毕业?), *China Digital Times*, June 28, 2016, <http://chinadigitaltimes.net/chinese/2016/06/%E5%BC%82%E6%80%A7%E6%81%8B%E6%AF%95%E4%B8%9A%E6%B1%82%E5%A9%9A%E5%BE%97%E6%A0%A1%E9%95%BF%E7%A5%9D%E7%A6%8F%EF%BC%8C%E5%90%8C%E%80%A7%E6%81%8B%E6%AF%95%E4%B8%9A%E6%B1%82%E5%A9%9A%E4%B8%8D%E7%BB%99/>.
- ⁶² CHR D interview with a LBGT rights NGO, 2016.
- ⁶³ Natalie Thomas, “Chinese gay activist challenges homosexuality ‘disorder’ textbooks,” *Reuters*, September 12, 2016, <http://in.reuters.com/article/us-china-rights-textbook-idINKCN111174>.
- ⁶⁴ Article 30, Law on Promotion of Employment of the People’s Republic of China.

⁶⁵ Article 18, National Health and Family Planning Commission of China, “Notice Concerning Disseminating ‘Standards on Physical Examination of Civil Servants (Trial Phrase)’” (关于印发《公务员录用体检通用标准（试行）》的通知), March 1, 2005, <http://www.nhfp.gov.cn/yzygj/s3573/200804/1cb6bc5f8e1a4a77a7367449a758d78b.shtml>; Article 5, 13, “Standards on Physical Examination Relating to Employment” (事业单位体检项目以及合格标准), August 29, 2013, http://sydw.offcn.com/2013/zx_0829/37650.html; Article 18 “Implementation Measures of the Prevention and Control of Infectious Diseases Act” (中华人民共和国传染病防治法实施办法), October 7, 2006, <http://www.shutcm.com/shutcm/ygc/zcfg/gjflfg/4171.shtml>.

⁶⁶ Article 25 of the most recent proposal of the “Employment Anti-Discrimination Law” stipulates no discrimination based on one’s health status, except for infectious diseases including HIV/AIDS and hepatitis B as according to existing law. However, because of conflicting provisions between national and ministerial regulations, employers could get away with employment discrimination based on HIV/AIDS and hepatitis B status.

⁶⁷ The first two cases occurred in 2010 where both of the victims were teachers who were denied employment because of their HIV/AIDS status. In 2011 and 2012, respectively, another two cases were filed by two qualified teachers who were denied their jobs after a physical examination. In 2013, one man passed a job interview working for a government organ but he was rejected after a positive HIV testing. In 2014, in the sixth case, a teacher filed for lawsuit after he was denied renewal of his employment contract due to HIV-positive status. Xu Mengna (许梦娜), “China’s Sixth Lawsuit Against Employment Discrimination Based on HIV/AIDS Status Rejected, Previous Five Cases All Lost” (全国第六例艾滋就业歧视案诉讼遭拒, 此前五例亦无一胜诉), *The Paper*, November 12, 2014, http://www.thepaper.cn/newsDetail_forward_1277316. For the seventh case, see: NGOCN, “Guangdong’s First HIV/AIDS Employment Discrimination Case Lost in Labor Arbitration” (广东首例艾滋就业歧视案仲裁败诉), June 23, 2016, <http://www.ngocn.net/news/2016-06-23-5168781b82cddb23.html>.

⁶⁸ Ibid.

⁶⁹ In the only successful lawsuit, it took the court three years to reach a verdict that provided some compensation for lost employment to the victim, however, the court did not grant the victim’s request to return to work. Yu Ziru (于子茹), “Lessons From China’s First Winning Case of Employment Discrimination Against AIDS Infection” (国内首例艾滋病就业歧视案胜诉的启示), *Xinhua News Agency*, May 13, 2016, http://news.xinhuanet.com/legal/2016-05/13/c_128979915.htm.

⁷⁰ NGOCN, “Guangdong’s First HIV/AIDS Employment Discrimination Case Lost in Labor Arbitration.”

⁷¹ We have assessed some of the recommendations in this section to be “poor.” The recommendation by Egypt (135) is “poor” since it contains a problematic presumption, namely that China has “effective protection” for the family. The full text recommends China “maintain its effective protection for the family as the fundamental and natural unit of society,” but current laws and practices are not “effective” and do not provide adequate protection. Furthermore, the recommendation by the United Arab Emirates (79) for China to “Continue its efforts to successfully achieve the Child Development Plan 2011-2020” is also “poor” because it practically praises China for its “efforts” to “successfully” achieve the stated goals, but the government has not made enough efforts and these goals have not been successfully achieved. Namibia’s recommendation (244) “Continue promoting the right to development” is assessed as “poor” because the Chinese government has not promoted the “right to development” as a human right to equitable and participatory human development. Yemen’s recommendation (245) “Give priority to the right of people to development...” is assessed as “poor” for the same reason.

⁷² CEDAW welcomed the promulgation of the National Plan of Action on Combating Human Trafficking (2013-2020), but noted the lack of clarity as to whether domestic law criminalizes all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced labour, forced marriage and illegal adoption. Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the combined seventh and eighth periodic reports of China, CEDAW/C/CHN/CO/7-8, November 2014, para. 28.

⁷³ Committee on the Rights of the Child (CRC), Concluding observations on the combined third and fourth periodic reports of China, CRC/C/CHN/CO/3-4, October 2013, para. 8.

⁷⁴ *InvestorChina.com.cn*, “Story Behind Du Chuanwang Incident, 3 Million Urban Child Laborers” (杜传旺事件背后 300万城市童工陷困境), July 23, 2012, <http://www.investorchina.com.cn/article-11066-1.html>.

⁷⁵ Currently, there is no regulation that stipulates punishment for individuals who recruit child laborers from around the country. They target minority groups in poor rural areas where poverty has forced children to search for work, such as the case of children of Yi ethnic minority group from Liangshan Yi Autonomous Prefecture in Sichuan Province. Children as young as 11 years old were forced to go out and work, not knowing it is illegal. Girls are more vulnerable to being pressured to find work because of gender discrimination. *Beijing Youth Daily*, “A Different Life for Child Laborers of Daliangshan” (大凉山童工的另一种人生), January 26, 2014, http://epaper.yynet.com/html/2014-01/26/content_38001.htm?div=-1.

⁷⁶ Fourth Amendment to the Criminal Law of the People’s Republic of China (中华人民共和国刑法修正案（四）), December 28, 2002, http://www.npc.gov.cn/npc/lfzt/rlys/2008-08/21/content_1882891.htm.

⁷⁷ *Beijing Youth Daily*, “Interns ‘Sold’ To Factories” (被“卖”进工厂的实习学生), September 25, 2016, http://epaper.yynet.com/html/2016-09/25/content_219784.htm; *Xinhua News Agency*, “Student Interns From A Sichuan School Allegedly Became Cheap Labor, Working 12 Hours A Day” (四川一学校学生实习疑变廉价工 1天工作12小时), October 21, 2016, http://news.xinhuanet.com/local/2016-10/21/c_129331765.htm.

⁷⁸ In 2014, several cities in Jiangsu Province had reported incidents of students under 18, including children laborers, were subjected to overtime work, night shifts, and poor living conditions. Students and their parents were not informed of the working conditions beforehand. No punishment was given to either the factory that employed underage workers or schools that knowingly sent students to unlawful work environment. *Jiangsu TV*, “Undercover Visits to Chemical Plants Suspected of Using Child Labor, Interns Work 12 Hours Every Day” (暗访化工厂涉嫌使用童工 实习生每天工作12小时), September 2014, <https://www.youtube.com/watch?v=8JS2sCWkSYE>.

⁷⁹ In 2014, over 60 students under 16 years old were forced to work summer internships at a packaging facility in Guangdong Province, for up to 13 hours daily. The manager of the factory claimed to have good relations with the local labor inspectorate, an administrative branch of Ministry of Human Resources and Social Security, hence they were not afraid of complaints against them. Xu Zhanglong (徐章龙), “Vocational School Teachers Expose ‘Illegal Employment’ at Chang’an Factory” (职校老师曝长安工厂“非法用工”), *Nandu.com*, August 1, 2014, http://epaper.oooo.com/epaper/1/html/2014-08/01/content_3288982.htm?div=-1.

⁸⁰ The five government agencies include: Ministry of Education, Ministry of Finance, Ministry of Human Resources and Social Security, State Administration of Work Safety, and China Insurance Regulatory Commission. This new regulation will apply “Provisions on Prohibition of Child Labor” to carry out criminal punishment if violations occur. The new regulation outlaws overtime, dangerous, and harmful work. In addition, an agreement from guardian is required if an intern is at least 16 but younger than 18 and unlike its predecessor, this new regulation stipulates offenders be prosecuted accordingly. “Notice Concerning Published ‘Administrative Measures for Internships at Vocational Schools’” (关于印发《职业学校学生实习管理规定》的通知), April 11, 2016, <http://www.xxy.org.cn/a/falvfagui/20160507/765.html>.

⁸¹ Under the regulations, schools have unchecked power to manage the system, including selecting companies and supervising internships, investigating violations, and deciding what remedies to give. The absence of an independent body to oversee the internship programs and a mechanism for students to file appeals and seek redress fail to protect the interests of young workers, particularly those who are under 18.

⁸² A major area of concern is the ambiguity of the labor relations between interns and employers, where it is unclear whether students could file civil lawsuits or take their case to labor arbitration bodies as channels for legal redress. This problem is further exacerbated when companies are not mandated to pay for welfare benefits and insurance for student workers, creating a pool of cheap labor for employers. Furthermore, while the regulation provides a list of banned activities, it does not stipulate a “catch-all” provision that outlines the basic guarantees of students’ rights, hence potential loopholes for offenders who committed violations not included on the list.

⁸³ Such work including metal forming, pressing, cutting, and welding. Most of them do not have worker’s compensation insurance, which employers are required by law to have to cover for employees. In most cases, because it is illegal to hire underage workers, employers intentionally do not provide labor contracts, hence depriving them of fair wage, guarantees of payment, and benefits including periodic health examinations especially for those working dangerous or harmful jobs. CHR D interview, 2016.

⁸⁴ In 2016, a 14-year-old died after working up to 12 hours every day for two months at a factory in Guangdong Province. Journalists reported this case to the local branch of Ministry of Human Resources and Social Security and after an investigation confirming employment of child labor, the factory was fined 10,000 RMB (approx. 1,500 USD), but no one was held criminally responsible. *Foshan Public*, “14-year-old Child Laborer Died in Sleep Worked 11 Hours A Day, Factory Fined 10,000 RMB” (14岁童工每天工作11小时梦中猝死 工厂被罚1万), April 23, 2016, <http://v.qq.com/cover/s/s916zociw68qaf5.html?vid=d01959jby4u>.

⁸⁵ *Legal Daily*, “Police Rescued 13,000 Abducted Children Nationwide in 2014” (2014年全国公安解救被拐儿童1.3万), February 16, 2015, http://www.legaldaily.com.cn/Police/content/2015-02/16/content_5973062.htm.

⁸⁶ Child trafficking affects both sexes, although in different ways: male infants and toddlers sell for higher price and in high demand while girls trafficked are usually older, because they would be sold into sex trafficking and forced marriage. According to an analysis of over 8,000 cases of child abduction, more girls aged 13 and above than boys are trafficked because they would be trafficked into illegal markets for forced prostitution and marriage. Wang Qingkai (王庆凯), “Analysis of 30 Years of Missing Children: More Children Go Missing as Temperature Rises” (三十年失踪儿童分析: 气温回暖儿童失踪几率增大), *Caijing*, March 25, 2016, http://www.caijingmobile.com/political/2016/03/25/257035_1_0.html.

⁸⁷ In 2008, the Ministry of Civil Affairs (MCA) estimated the number of child beggars to be 1-1.5 million, with 75 percent of the children being trafficked from rural areas. Zhang Han (张寒), “Director of Anti-Trafficking Office of Ministry of Public Security: Huge Profits in Trafficking Children, Remains Rampant Despite Crackdown” (公安部打拐办主任: “拐卖儿童有暴

利, 屡打不绝”), *Beijing News*, November 12, 2010, <http://politics.people.com.cn/GB/1026/13194577.html>; MCA has not published any new data and although the MCA and Ministry of Public Security jointly issued an opinion to strengthen efforts to confirm the identity of homeless individuals and beggars, and provide referral services to assist them, it does not include any specific and concrete measures for evaluation. Ministry of Civil Affairs and Ministry of Public Security, <http://xxgk.mca.gov.cn/gips/n1360/65165.html>.

⁸⁸ According to the 6th Population Census conducted in 2010, an estimated 61 million children were left behind in rural areas. At least 2 million children were left to live by themselves. All-China Women’s Federation, “Research Report on China’s Rural Left-Behind Children and Migrant Children’s Situation” (《我国农村留守儿童、城乡流动儿童状况研究报告》), May 10, 2013, <http://acwf.people.com.cn/n/2013/0510/c99013-21437965.html>; A 2008 research report by Guizhou University found 46% of street children in the provincial capital are either rural left-behind children or rural children who migrated to urban areas. A state media article in 2015 alleged the trend of left-behind children becoming street children was increasing. Hu Han (胡涵), “Left-Behind Children Becoming New Source of Homeless Children, Or Manipulated Into Criminals” (留守儿童正成流浪儿童新来源 或被操纵走向犯罪), *Beijing News*, July 14, 2015, http://news.xinhuanet.com/local/2015-07/14/c_128016439.htm.

⁸⁹ Some other proposed measures include: incentivizing reporting of trafficking, strengthening enforcement and inspection efforts, expanding a database to help match parents of missing children with homeless children, regulating adoption procedures and rehabilitation mechanisms, and evaluating local authorities’ anti-trafficking performance. Notice of the State Council Office Regarding the Printing and Distribution of the Action Plan to Prevent Trafficking in China (2013-2020) (国务院办公厅关于印发中国反对拐卖人口行动计划(2013—2020年)的通知), March 2, 2013, http://www.gov.cn/zhengce/content/2013-03/08/content_6108.htm.

⁹⁰ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 20.

⁹¹ Article 15, Ninth Amendment to the Criminal Law of the People’s Republic of China (中华人民共和国刑法修正案(九)), November 2015, <http://npc.people.com.cn/n/2015/1126/c14576-27857512.html>.

⁹² A joint legal opinion issued in 2010 by the Ministry of Justice, the Ministry of Public Security, and the Supreme People’s Procuratorate and Supreme People’s Court clarified the criminal liability of parents who sell their children. “Opinion Regarding the Punishment of Crime of Trafficking in Women and Children According to Law” (关于依法惩治拐卖妇女儿童犯罪的意见), March 15, 2010, http://news.xinhuanet.com/legal/2010-04/02/c_1214478.htm.

⁹³ According to one Chinese media report, more than half of child trafficking cases analyzed (133 cases) were committed by parents or relatives. *Caixin*, “Analysis of Trafficked Children in China: Half of Them Sold by Family Members” (中国被拐卖儿童状况分析: 一半为亲人所卖), June 23, 2015, <http://opinion.caixin.com/2015-06-23/100821499.html>. Previously, parents only needed to forfeit money they made and pay a fine if they were found guilty, according to a joint circular issued in 2000 by six departments concerning striking down on trafficking of women and children. “Notice Regarding Relevant Issues of Combating the Crime of Trafficking in Women and Children” (关于打击拐卖妇女儿童犯罪有关问题的通知), March 20, 2000, <http://www.spp.gov.cn/site2006/2006-02-22/00025-127.html>.

⁹⁴ In China’s reply to the CRC’s List of Issues, the government stated, “China’s Criminal Law lays down the crime of abuse, but the crime object is not limited to children alone. In 2010, 2011 and 2012, Chinese courts respectively handled 67, 68 and 40 cases of abuse crimes, with 27, 27 and 16 perpetrators convicted. China’s Criminal Law lays down the crime of sexual harassment of children. In 2010, 2011 and 2012, Chinese courts respectively handled 1,721, 1,818 and 2,017 such cases, with 1,513, 1,550 and 1,662 perpetrators convicted.” Response of the Chinese Government to Questions Concerning the Combined 3rd and 4th Periodic Reports on the Implementation of the Convention on the Rights of the Child, CRC/C/CHN/Q/3-4/Add.1, September 2013.

⁹⁵ China Development Brief, “Girls’ Protection: 2015 Report on Cases of Sexual Assault and Educational Statistics on Child Sexual Abuse” (女童保护: 2015年性侵儿童案件及儿童防性侵教育统计报告), March 2, 2016, <http://www.chinadevelopmentbrief.org.cn/news-18626.html>.

⁹⁶ CRC, Concluding observations on the combined third and fourth periodic reports of China, paras. 15-16.

⁹⁷ Under Article 360 (2), “Prostitution of underage girls” has been removed under the Ninth Amendment to the Criminal Law; Supreme People’s Procuratorate of the People’s Republic of China, “China Abolishes Crime of Prostitution of Underage Girls, Replaces It With Rape Charges to Punish More Harshly” (中国取消嫖宿幼女罪 奸淫幼女以强奸论从重处罚), August 30, 2015, http://www.spp.gov.cn/zdgz/201508/t20150830_103811.shtml.

⁹⁸ For six years, Tang went to the police, judicial authorities, and government offices that receive complaints seeking redress for police negligence and to have the offenders criminally prosecuted. Local authorities retaliated against her by detaining her because she brought unwanted attention from higher-level authorities and the press. Eventually, under such pressures, seven individuals were convicted, but Tang was also sentenced to a Re-education Through Labor (RTL) camp for 18 months. Her lawyer took the RTL authorities to court. In what some hailed as a landmark case that grabbed international attention, the Hunan Provincial Higher People’s Court ruled in her favor in July 2013. However, two police officers also involved in raping Tang’s daughter remained free. CHR, “‘Flowers of the Country’: Mistreated and Abused A Report on Violations of the Rights of the

Child in China,” August 2013, <https://www.nchrd.org/wp-content/uploads/2013/09/CHRD-report-on-Rights-of-the-Child-in-China-FINAL.pdf>.

⁹⁹ Ye was beaten and harassed by police after the protest, and taken into police custody facing criminal charges. Ye and her daughter faced eviction after authorities pressed the landlord to end her lease. CHRD, “‘Flowers of the Country’: Mistreated and Abused A Report on Violations of the Rights of the Child in China,” August 2013; PBS, “Women’s Rights Activist in China Takes on Officials Accused of Raping Young Girls—And Pays a Steep Price,” September 26, 2016 <http://www.pbs.org/pov/blog/pressroom/2016/09/womens-rights-activist-in-china-takes-on-officials-accused-of-raping-young-girls-and-pays-a-steep-price/>.

¹⁰⁰ *Xinhua News Agency*, “China to ease one-child policy,” November 15, 2013, http://news.xinhuanet.com/english/china/2013-11/15/c_132891920.htm.

¹⁰¹ *BBC*, “China’s two-child policy: Single mothers left out,” November 2, 2015, <http://www.bbc.com/news/world-asia-china-34695899>. Any set restriction on the number of births still maintains the state’s power over citizens’ reproductive choices, and the policy continues to discriminate against unmarried women, who are not allowed to legally have children unless they receive a “reproduction permit” from the government. Married women may still be pressured to undergo gynecological tests to monitor their reproductive status, face forcible IUD insertion or sterilization, or be forced to abort a fetus if a pregnancy is “out-of-quota.” CHRD, Report Submitted to UN Committee on Economic, Social and Cultural Rights, April 2014, paras. 24-25, <https://www.nchrd.org/2014/04/report-submitted-by-the-network-of-chinese-human-rights-defenders-a-coalition-of-ngos-to-the-committee-on-economic-social-and-cultural-rights-for-its-review-at-the-52nd-session-of-the-second-report/>.

¹⁰² The government has responded to criticism of China’s family planning policy by saying that it is a “distortion” to assert that the “family-planning policy of mainland China is a major factor for infanticide and abandonment (particularly of girls and children with disabilities).” The government asserted that it “has taken actions of caring for girls and children with disabilities, creating a good social environment for their growth and development.” Comments of the Chinese Government about the Concluding Observations on the combined third and fourth periodic reports of China, adopted by the Committee on the Rights of the Child at its sixty-fourth session (CRC/C/CHN/CO/3-4), January 2014, 2 (c).

¹⁰³ CRC, Concluding observations on the combined third and fourth periodic reports of China, para. 33.

¹⁰⁴ *Ibid.*, para. 52.

¹⁰⁵ World Economic Forum, The Global Gender Gap Report 2015 – China, <http://reports.weforum.org/global-gender-gap-report-2015/>.

¹⁰⁶ United Nations Population Fund, “Gender-Biased Sex Selection-Overview,” July 29, 2016, <http://www.unfpa.org/gender-biased-sex-selection>.

¹⁰⁷ National Bureau of Statistics, “2010 6th National Census Main Points Announcement” (2010年第六次全国人口普查主要数据公报), April 28, 2011, http://www.stats.gov.cn/tjsj/tjgb/rkpcgb/qgrkpcgb/201104/t20110428_30327.html.

¹⁰⁸ *Xinhua News Agency*, “Investigation Shows Entire Country has 13 Million Non-Registered Citizens, Of Whom 60% Were Born Out of Family Planning Quotas” (调查显示全国“黑户”1300万 60%以上为超生人员), December 10, 2015, http://news.xinhuanet.com/legal/2015-12/10/c_128517997.htm.

¹⁰⁹ CRC, Concluding observations on the combined third and fourth periodic reports of China, CRC/C/CHN/CO/3-4, para. 39 (b).

¹¹⁰ *Ibid.*, paras. 39-40.

¹¹¹ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 39 (b).

¹¹² Under Article 41 of the Population and Family Planning Law, parents that have a child outside of provisions of Article 18 must pay a social maintenance fee. For individuals that don’t pay the fee within a set time period must pay an additional surcharge. Failure to pay the fee and additional surcharge can result in the relevant administrative department applying to the People’s Courts for enforcement. Family Planning Law of the People’s Republic of China (中华人民共和国人口与计划生育法), (2001, amended 2015), http://www.gov.cn/xinwen/2015-12/28/content_5028414.htm.

¹¹³ The “Measures for Administration of Collection of Social Maintenance Fees” are still in effect, and Article 3 of the Measures lay down the formula for the fees parents have to pay, with reference to their annual income. Measures for Administration of Collection of Social Maintenance Fees, 2002, http://english1.english.gov.cn/laws/2005-07/25/content_16929.htm.

¹¹⁴ Sheng Menglu “China Keeps Fines for One-Child Policy Even after Rule Change,” *Caixin*, February 22, 2016, <http://english.caixin.com/2016-02-22/100911219.html>.

¹¹⁵ State Council Office, “Opinion on Resolving Issues of Hukou Registration for Persons with no Hukou” (国务院办公厅关于解决无户口人员 登记户口问题的意见), December 31, 2015, <http://www.gov.cn/zhengce/content/2016->

[01/14/content_10595.htm](http://www.shanghaidaily.com/national/China-to-ensure-all-citizens-get-registered/shdaily.shtml); *Xinhua News Agency*, “China to ensure all citizens get registered,” January 14, 2016, <http://www.shanghaidaily.com/national/China-to-ensure-all-citizens-get-registered/shdaily.shtml>.

¹¹⁶ Xu Ming, “Millions of unregistered individuals await legal status after China scraps one-child policy,” *Global Times*, January 27, 2016, <http://www.globaltimes.cn/content/965972.shtml>.

¹¹⁷ Huang Kai (黄恺), Guangdong Household Policy Current Situation: Household Registration and Family Planning Delinked, but Outside of Quota Births Still Need to Pay Social Maintenance Fee” (广东落户政策现状: 落户与计生已脱钩 超生仍要缴费), *Southern Metropolis*, “January 15, 2016, <http://www.oeeee.com/nis/201601/15/416731.html>.

¹¹⁸ We consider this a *poor* recommendation, as it calls on China to “continue” making certain efforts with an unsupported assumption that such efforts have been made so far.

¹¹⁹ This is *poor* recommendation, as it as pre-supposes the government is already attaching great importance to the issue, and does not give an actionable goal to be implemented.

¹²⁰ National Bureau of Statistics, “2010 6th National Census Main Points Announcement” (2010年第六次全国人口普查主要数据公报).

¹²¹ Compulsory Education Law of the People’s Republic of China, 1986, amended 2006, http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383936.htm.

¹²² Article 12 states: “School-age children and adolescents shall be exempted from the entrance examinations. The local people’s governments at various levels shall ensure that school-age children and adolescents enroll in school near the places where their residence is registered. For school-age children and adolescents whose parents or other statutory guardians work or reside in places other than the places of their registered residence and who have to receive compulsory education in the places where their parents or other statutory guardians work or reside, the local people’s governments shall provide equal conditions for them to receive compulsory education. The specific measures in this regard shall be formulated by provinces, autonomous regions, and municipalities directly under the Central Government. The administrative department for education of the people’s government at the county level shall ensure that the children of servicemen within its administrative area receive compulsory education.” Compulsory Education Law of the People’s Republic of China, 1986, amended 2006.

¹²³ Ministry of Education, “Provisional Measure for the Schooling of Migrant Children and Young People” (流动儿童少年就学暂行办法), March 2, 1998, http://www.moe.edu.cn/publicfiles/business/htmlfiles/moe/moe_621/200409/3192.html.

¹²⁴ Law on the Protection of Minors of the People’s Republic of China (中华人民共和国未成年人保护法) (1991, Amended 2012), http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383869.htm.

¹²⁵ During the daily commute to schools in urban areas from rural villages, children are exposed to high risks of accidents, abduction, and other rights violation. In the span of a decade, 50 percent of rural primary schools were closed due to campaigns to centralize education. Lijun Chen, Dali Yang, Qiang Ren, “Report on the State of Children in China,” Chapin Hall at the University of Chicago, October 2015, p. 11, http://www.chapinhall.org/sites/default/files/Chapin_CFPSReport2016_ENGLISH_FNLweb.pdf; Furthermore, not only has the quantity of schools lowered, quality of education remained poor as teachers are in short supply, undertrained, and overworked but underpaid, especially in boarding schools. For examples, responsibilities of teachers have extended beyond teaching to include overlooking safety and security, helping with cooking and looking after children after school. China Labor Union for Education, Technology, Culture, Health, and Sports, “Solution to Rural Education Development and Ending Intergenerational Poverty” (发展乡村教育和阻止贫困代际传递的治本之策), August 31, 2016 <http://media.worker.cn/115/201608/31/160831151551255.shtml>.

¹²⁶ See CHR D, “Flowers of the Country”: Mistreated and Abused A Report on Violations of the Rights of the Child in China, August 2013; and CHR D, Appendix 2: The Right to Basic Education of Rural Children in Suizhou, Hubei Province - Report on an investigation conducted in 2005, <https://www.nchr.org/wp-content/uploads/2013/09/Appendix-2-The-Right-to-Basic-Education-of-Rural-Children-in-Suizhou-Hubei-Province.pdf>.

¹²⁷ CHR D, Report Submitted to UN Committee on Economic, Social and Cultural Rights, paras. 36-38.

¹²⁸ CRC, Concluding observations on the combined third and fourth periodic reports of China, paras. 12 and 13(a); CRC, Third and fourth periodic reports of States parties due in 2009 China, CRC/C/CHN/3-4, June 2012, para. 167.

¹²⁹ CRC, Concluding observations on the combined third and fourth periodic reports of China, para. 75.

¹³⁰ Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, May 2014, CESCR/E/C.12/CHN/2, para. 35.

¹³¹ An Su (安苏), “Non-Beijing Registered School Children Growing and “Five Cards” Remains: Full Text” (非京籍学生幼升小仍需“五证”齐全), *Beijing Youth Daily*, February 11, 2015, http://epaper.ynet.com/html/2015-02/11/content_115452.htm?div=1.

¹³² According to one research study conducted in 2010-11, 84 percent of public schools in Beijing charged migrant students various fees and tuition amounting to as much as 50,000 RMB (approx. 8,500 USD) per year. Most migrant students were not granted reduced tuition or scholarships. CHR, “Flowers of the Country”: Mistreated and Abused A Report on Violations of the Rights of the Child in China, August 2013.

¹³³ *People’s Daily*, “Difficulties for Children of Migrant Workers to Attend School: Non-Beijing Registered Children Must Provide 28 Certificates to Attend School” (流动儿童上学难: 非京籍儿童北京念书需办28个证), June 15, 2015, <http://edu.people.com.cn/n/2015/0615/c1053-27155342.html>.

¹³⁴ Emily Feng, “China to Survey Children Left Behind by Migrant Workers,” *The New York Times*, March 29, 2016, http://www.nytimes.com/2016/03/30/world/asia/china-left-behind-children-survey.html?_r=0; “China’s Rural Boarding School Students Research Report” (中国农村住校生调查报告), 2015, http://www.growinghome.org.cn/upload/file/20150114163848_59.pdf.

¹³⁵ CRC, Concluding observations on the combined third and fourth periodic reports of China, para. 48.

¹³⁶ CESCR, Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, China, para. 15.

¹³⁷ State Council, “Opinion Regarding the Strengthening of Protection Work for Left-Behind Rural Children” (国务院关于加强农村留守儿童关爱保护工作的意见), February 2016, <http://www.mca.gov.cn/article/zwgk/jd/201602/20160200880304.shtml>; State Council, “Letter Agreeing to Establish Inter-Ministry Joint Conference System for Protecting Left-Behind Rural Children” (国务院办公厅关于同意建立农村留守儿童关爱保护工作部际联席会议制度的函), March 2016, http://www.gov.cn/zhengce/content/2016-04/05/content_5061324.htm.

¹³⁸ CHR, “Flowers of the Country’: Mistreated and Abused: A Report on Violations of the Rights of the Child in China,” August 2013.

¹³⁹ CHR, Portrait of a Defender – Xu Zhiyong (许志永), <https://www.nchrd.org/2013/10/prisoner-of-conscience-xu-zhiyong/>.

¹⁴⁰ Xu had founded the “New Citizens’ Movement,” a loose grouping of individuals advocating for rule-of-law reforms, constitutionalism, human rights, and social justice; the movement was targeted and several members imprisoned in 2013-2014 after they publicly protested over social justice issues.

¹⁴¹ According to the State Council press release from November 28, 2015: “Starting from the spring term of 2016, China will unify the basic funds per student for public use, and grant subsidies to urban and rural compulsory education schools (including private schools) no less than the stipulated amount. ... Starting from the spring term of 2017, students receiving compulsory education in both urban and rural areas will be exempt from tuition and incidentals, while provided with free textbooks. In addition, boarding students from poor families will receive subsidies to cover their living expenses. ... the guideline stipulates that teachers at compulsory education schools in central and western areas and in parts of eastern areas will be financially guaranteed, with governments at provincial and county level making sure teachers are paid in full and on time.” State Council, “Government to improve public service,” November 18, 2015, http://english.gov.cn/premier/news/2015/11/18/content_281475237397955.htm; State Council, “Government to guarantee funds for compulsory education,” November 28, 2015, http://english.gov.cn/policies/latest_releases/2015/11/28/content_281475243824738.htm.

¹⁴² CRC, Concluding observations on the combined third and fourth periodic reports of China, para. 14 (b).

¹⁴³ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. I, Sec. 5, Chap 3. Sec. 3, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>.

¹⁴⁴ The World Health Organization estimates that 15 percent of the world’s population is disabled. The Chinese government, in response to the Committee on The Rights of Persons with Disabilities question on the discrepancy, responded that “China, a developing country constrained by the overall level of its economic security and social services, has not yet included the loss of or defect in organs in its disability criteria. According to the current classification criteria of disability in China, a person with disability refers to one with visual, or hearing, or speech, or physical, or intellectual, or psychiatric disability, multiple disabilities and/or other disabilities. In this sense, people with disabilities accounted for 6.34 percent of the country’s total population. Response by the Government of the People’s Republic of China to the List of Issues (No.1 to No.30) by the Committee on the Rights of Persons with Disabilities, CRPD/C/CHN/Q/1, September 2012, para. 2. The percentage comes the 2007 national survey. National Bureau of Statistics, “Principle Statistics of China’s 2nd National Sample Survey on Disabled Persons” (中国发布第二次全国残疾人抽样调查主要数据公报), May 28, 2007, http://www.gov.cn/jrzq/2007-05/28/content_628517.htm.

¹⁴⁵ According to the 2007 national survey on disabled persons, their household income is not even half the national average of 11,321 RMB (approx. 1,650 USD) in urban areas and 4,631 RMB (approx. 675 USD) in rural areas. Eight percent of rural households with disabled persons have a household income of less than 1,000 RMB (approx. 145 USD) per month. Only 9.75 percent of the urban population with disabilities, and 11.68 percent of the rural population with disabilities, receive regular or

irregular government assistance. National Bureau of Statistics, “Principle Statistics of China’s 2nd National Sample Survey on Disabled Persons” (中国发布第二次全国残疾人抽样调查主要数据公报), May 28, 2007.

¹⁴⁶ According to the 2007 survey: ages 0-14 accounted for 4.66 percent, ages 15-29 accounted for 42.10 percent, and ages 60 and above accounted for 53.24 percent. National Bureau of Statistics, “Principle Statistics of China’s 2nd National Sample Survey on Disabled Persons” (中国发布第二次全国残疾人抽样调查主要数据公报), May 28, 2007.

¹⁴⁷ In 2013, the number of employed disabled persons in China who found work was 369,000; in 2014, it was 278,000, and in 2015, it was 263,000. China Disabled Persons’ Federation (CDPF), “2013 China Disabled Persons Work Development Report” (2013年中国残疾人事业发展统计公报), March 31, 2014, http://www.cdpf.org.cn/sjzx/tjgb/201403/t20140331_357749.shtml; CDPF, “2014 China Disabled Persons Work Development Report” (2014年中国残疾人事业发展统计公报), March 31, 2015, http://www.cdpf.org.cn/zcwj/zxwj/201503/t20150331_444108.shtml; CDPF, “2015 China Disabled Persons Work Development Report” (2015年中国残疾人事业发展统计公报), April 1, 2016, http://www.cdpf.org.cn/zcwj/zxwj/201604/t20160401_548009.shtml.

¹⁴⁸ CHRDR, Report Submitted to UN Committee on the Elimination of Discrimination Against Women, September 2014, paras. 29, 34, <https://www.nchrd.org/2014/10/report-submitted-to-un-committee-on-the-elimination-of-discrimination-against-women-september-2014/>; Appendix 4 to CHRDR and Coalition of NGOs Report Submitted to CEDAW, <https://www.nchrd.org/2014/09/appendix-4-to-chrd-and-coalition-of-ngos-report-submitted-to-cedaw-october-2014/>.

¹⁴⁹ Article 45. Protection of old, ill, disabled: Citizens of the People’s Republic of China have the right to material assistance from the state and society when they are old, ill or disabled. The state develops social insurance, social relief and medical and health services that are required for citizens to enjoy this right. The state and society ensure the livelihood of disabled members of the armed forces, provides pensions to the families of martyrs and gives preferential treatment to the families of military personnel. The state and society help make arrangements for the work, livelihood and education of the blind, deaf-mutes and other handicapped citizens. Constitution of the People’s Republic of China, (1982, amended 2004), http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm.

¹⁵⁰ However, one of the partially implemented recommendations came from a poor recommendation; Senegal (102) asked China to “[c]ontinue actions to address the needs of persons with disabilities,” a vague recommendation with no concrete goals.

¹⁵¹ “State Council Legislative Affairs Office Releases ‘Regulations of Education of Persons with Disabilities in China (revised draft) (present examination draft) for Public Comment’” (国务院法制办公室关于《残疾人教育条例(修订草案)(送审稿)》公开征求意见的通知), and “Explanation of ‘Regulations of Education of Persons with Disabilities in China (revised draft) (present examination draft)’” (关于《残疾人教育条例(修订草案)(送审稿)》的说明), February 25, 2013, http://www.gov.cn/gzdt/2013-02/27/content_2341027.htm.

¹⁵² Ibid.

¹⁵³ China Disabled Person’s Federation, Ministry of Education, State Council, Ministry of Finance, Ministry of Human Resources and Social Security, Ministry of Housing and Urban-Rural Development, and National Health and Family Planning Commission, “Opinion on Strengthening the Social Assistance for Persons with Disabilities” (关于加强残疾人社会救助工作的意见), August, 17 2015, http://www.cdpf.org.cn/zcwj/zxwj/201509/t20150901_526890.shtml.

¹⁵⁴ CHRDR interview, 2016.

¹⁵⁵ “Notice of Ministry of Education Release of Standards for Special Education Teaching Professionals (provisional)” (教育部关于印发《特殊教育教师专业标准(试行)》的通知), August 26, 2015, http://www.moe.gov.cn/srcsite/A10/s6991/201509/t20150901_204894.html.

¹⁵⁶ However, the Standards continue to support the concept that the situation of a disabled person is a personal tragedy and individual defect, rather than recognize the inherent dignity of all persons.

¹⁵⁷ “Discrimination” (“歧视” *qishi*) and “reasonable accommodation” (“合理便利” *heli bianli*) are both defined in Article 2 of the Convention. The LPDP prohibits “discrimination” against disabled persons in Article 3, 38, and 64 of the LPDP but does not define it, and there is no mention of “reasonable accommodation.” International Convention on the Rights of Persons with Disabilities, 2008, <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>; Law of the People’s Republic of China on the Protection of Disabled Persons (1990, amended 2008), http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383889.htm

¹⁵⁸ Committee on the Rights of Persons with Disabilities (CRPD), Concluding observations on the initial report of China, CRPD/C/CHN/CO/1, October 2012, paras. 9, 11-12.

¹⁵⁹ Article 19 of the Employment Promotion Law and Article 38 of the LPDP.

¹⁶⁰ “Standards for Civil Service Recruitment Examination (provisional)” (公务员录用体检通用标准(试行)), October 14, 2010, <http://www.gjgwy.org/2010/1014/11476.html>.

¹⁶¹ Articles 19 and 20 deal with the visual/hearing impairments; Article 5 deals with lung diseases; Article 10 deals with diabetes; Article 18 deals with sexual transmitted diseases.

¹⁶² Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, China, CESCR/E/C.12/CHN/2, May, 2014, para. 18.

¹⁶³ Article 24, International Convention on the Rights of Persons with Disabilities, 2008.

¹⁶⁴ See also, Human Rights Watch (HRW), “As Long as They Let Us Stay in Class: Barriers to Education for Persons with Disabilities in China,” 2013, <https://www.hrw.org/report/2013/07/15/long-they-let-us-stay-class/barriers-education-persons-disabilities-china>.

¹⁶⁵ Articles 19, 57, Compulsory Education Law of the People’s Republic of China, (1986, amended 2006), http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383936.htm.

¹⁶⁶ “State Council Legislative Affairs Office Releases “Regulations of Education of Persons with Disabilities in China (revised draft) (present examination draft) for Public Comment,” February 27, 2013.

¹⁶⁷ HRW, “As Long as They Let Us Stay in Class: Barriers to Education for Persons with Disabilities in China.”

¹⁶⁸ CRPD, Concluding observations on the initial report of China, paras. 35-36.

¹⁶⁹ See, UN Office of the High Commissioner for Human Rights (OHCHR), Handbook on National Human Rights Plans of Action, August 2002, <http://www.ohchr.org/Documents/Publications/training10en.pdf>.

¹⁷⁰ The government claimed the CDPF “represented persons with disabilities” makes comments on national legislation and to the State Council. However, the CDPF is clearly a quasi-government body, as it has been tasked by the central government to supervise the administration of disability related affairs, and acts as the secretariat of the State Council Working Committee on Disability. China Disabled Persons' Federation, “About,” (Accessed October 15, 2016), http://www.cdpf.org.cn/english/About/overview_1793/. Furthermore, Article 8 of the Law on the Protection of Disabled Persons gives the CDPF an elevated position: “China Disabled Persons’ Federation (CDPF) and its local organizations shall represent the common interests of persons with disabilities, protect their lawful rights and interests, unite persons with disabilities and enhance education among them and provide service for them.”

¹⁷¹ The Committee also “strongly recommends that the State party revise article 8 of the Law on the Protection of Disabled Persons, thus allowing non-governmental organizations other than the China Disabled Persons’ Federation to represent the interests of disabled people in the State party and be involved in the monitoring process. It further recommends the establishment of an independent national monitoring mechanism.” CRPD, Concluding observations on the initial report of China, paras. 9-10, 49-50.

¹⁷² CHRDR, “Police Detain Two Rights Advocates as NGO Crackdown Intensifies,” June 15, 2015, <https://www.nchrd.org/2015/06/police-detain-two-rights-advocates-as-ngo-crackdown-intensifies/>; see also CHRDR 2013, 2014, and 2015 Annual Reports. CHRDR, “A Nightmarish Year Under Xi Jinping’s “Chinese Dream”: 2013 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrd.org/2014/03/a-nightmarish-year-under-xi-jinpings-chinese-dream-2013-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; CHRDR, ““Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrd.org/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; CHRDR, ““Too Risky to Call Ourselves Defenders”: CHRDR 2015 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrd.org/2016/02/too-risky-to-call-ourselves-defenders-chrds-2015-annual-report-on-the-situation-of-human-rights-defenders-in-china/>.

¹⁷³ CRPD, Concluding observations on the initial report of China, paras. 14-15.

¹⁷⁴ *Xinhua News Agency*, “China to allow two children for all couples,” October 29, 2015, http://news.xinhuanet.com/english/2015-10/29/c_134763645.htm.

¹⁷⁵ *Legal Daily*, “Long-Awaited Children’s Welfare Law Finally Out” (《法制日报》：儿童福利法 千呼万唤当出来), May 31, 2016, <http://finance.sina.com.cn/sf/news/2016-05-31/192131873.html>.

¹⁷⁶ CHRDR interview, 2016.

¹⁷⁷ At the end of 2015, the National Bureau of Statistics released the “China National Programme for Child Development 2011-2020,” which revealed that in 2014, the country had 525,000 disabled children, of which only 23,000 were orphans raised by non-birth families, or only 4.38 percent.

¹⁷⁸ The “Tomorrow Plan” provides free surgery and treatment for disabled orphans, and “Blue Sky Plan” creates new orphanages. Ministry of Civil Affairs, “Notice on Implementation Plan for “Disabled Orphan Surgical Recuperation Tomorrow Plan” (关于印发《“残疾孤儿手术康复明天计划”实施方案》的通知), May 9, 2004, <http://www.mca.gov.cn/article/zwgk/fvfg/shflhshsw/200711/20071100003618.shtml>; Ministry of Civil Affairs, “Ministry of

Civil Affairs Released Implementation Plan for “Child Welfare Construction Blue Sky Plan” (民政部印发《“儿童福利机构建设蓝天计划”实施方案》), February 1, 2007, <http://www.mca.gov.cn/article/zwgk/gzdt/200711/20071100003905.shtml>.

¹⁷⁹ Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of China, CRC/C/CHN/CO/3-4, October 2013, paras 58, 61(a).

¹⁸⁰ We consider the following recommendations to be “poor,” since they urge China to “maintain” protection or “continue” to improve in areas where prior progress has not been clearly evident (135 – Egypt, 183 – Russian Federation, 185 – Democratic People’s Republic of Korea, 187 – Azerbaijan, 196 – Serbia, 244 – Namibia, 245 – Yemen, 247 – Côte d’Ivoire).

¹⁸¹ Office of the High Commissioner on Human Rights (OHCHR), “End-of-mission statement on China by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights,” August 23, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20402&LangID=E>.

¹⁸² Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the second periodic report of China, including Hong Kong, China, and Macao, China, CESCR/E/C.12/CHN/CO/2, June 2014, para. 28.

¹⁸³ *People’s Daily*, “NPC Standing Committee Member: Urban and Rural Hukou Have Over 60 Kinds of Unequal Benefits” (全国人大常委会委员:城乡户籍有60多种不平等福利), February 25, 2013, <http://fangtan.people.com.cn/n/2013/0225/c147550-20593215.html>.

¹⁸⁴ CESCR, Concluding observations on the second periodic report of China, para. 14.

¹⁸⁵ CHR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, April 2014, paras. 20-22, <https://www.nchrd.org/2014/04/report-submitted-by-the-network-of-chinese-human-rights-defenders-a-coalition-of-ngos-to-the-committee-on-economic-social-and-cultural-rights-for-its-review-at-the-52nd-session-of-the-second-report/>.

¹⁸⁶ CESCR, Concluding observations on the second periodic report of China, paras. 15, 24.

¹⁸⁷ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>.

¹⁸⁸ State Council, “State Council Opinion on Advancing Reform for Household Registration System” (国务院关于进一步推进户籍制度改革的意见), July 2014, http://www.gov.cn/zhengce/content/2014-07/30/content_8944.htm.

¹⁸⁹ State Council, “State Council Opinion on Advancing Reform for Household Registration System.” The 2010 National Census, the last available official statistics, said there were 261 million rural residents living in urban areas, and that number is assumed to have increased in the past six years. National Bureau of Statistics, “2010 6th National Census Main Points Announcement” (2010年第六次全国人口普查主要数据公报), April 28, 2011, http://www.stats.gov.cn/tjsj/tjgb/rkpcgb/qgrkpcgb/201104/t20110428_30327.html.

¹⁹⁰ Shannon Tiezzi, “China’s Plan for ‘Orderly’ Hukou Reform,” *The Diplomat*, February 3, 2016, <http://thediplomat.com/2016/02/chinas-plan-for-orderly-hukou-reform/>; Zhou Tian, “State Council Releases Hukou Reform Proposal,” *Caixin*, December 5, 2014, <http://english.caixin.com/2014-12-05/100759833.html>.

¹⁹¹ For more background information on the “household registration” system, see: CHR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, paras. 20-22; Beijing Yirenping Center, Appendix 2: End Discriminatory Household Registration System (Hukou), April 2014, <https://www.nchrd.org/2014/04/appendix-2-to-chrd-coalition-ngos-report-submitted-to-cescr-april-2014/>.

¹⁹² It is up to municipal governments to define and establish “progressive access” to benefits available to urban residents, such as employment support, housing, pension services, and social welfare. State Council, “Resident Permit Provisional Regulations” (居住证暂行条例), Order No. 663, December 12, 2015, http://www.gov.cn/zhengce/content/2015-12/12/content_10398.htm.

¹⁹³ *Ibid.*

¹⁹⁴ Migrant workers face huge obstacles when they seek urban residency registration even after they have obtained temporary residential permits. Major cities like Beijing and Shanghai have adopted a stringent point-accumulation system that awards high points for having higher education, advanced professional and technical skills, and official awards from government organs. Permit holders need to pay into social and employment insurance programs for seven consecutive years in Beijing and have no criminal record, among other requirements, before they become eligible for residency registration. Effective January 2017 to the end of 2019, Beijing resident permit holders need to fulfill four criteria and accumulate enough “points” in order to qualify for a Beijing *hukou*. Beijing People’s Government General Office, “Measures for Administration of Point-Accumulation Hukou in Beijing (Provisional)” (北京市积分落户管理办法(试行)), August 2016, <http://zhengce.beijing.gov.cn/library/192/33/50/46/438657/79206/>; For Shanghai permit holders, in addition to scoring at least 120 points, they must not have violated any national or municipal birth control policies. *People’s Daily*, “Differences in Point-

Accumulation Systems: How to ‘Get Hukou’ in Beijing, Shanghai, Guangzhou, and Shenzhen?” (积分落户办法有差异：怎样“落地”北上广深?), August 17, 2016, <http://politics.people.com.cn/n1/2016/0817/c1001-28642920.html>.

¹⁹⁵ Beijing Municipal People’s Government General Office, “Measures for Administration of Point-Accumulation Hukou in Beijing (Provisional)”:*People’s Daily*, “Differences in Point-Accumulation Systems: How to ‘Get Hukou’ in Beijing, Shanghai, Guangzhou, and Shenzhen?”.

¹⁹⁶ Employment Anti-Discrimination Law of the People’s Republic of China (Proposal Draft by Experts) (中华人民共和国反就业歧视法 (专家建议稿)), 2016 draft (uploaded by CHR), <https://www.nchrd.org/wp-content/uploads/2016/11/Employment-Anti-Discrimination-Law-of-the-People%E2%80%99s-Republic-of-China-Proposal-Draft-by-Experts2016.pdf>.

¹⁹⁷ The proposal was submitted by National People’s Congress (NPC) representatives after initial consultation started in 2008, and has since been approved for further drafting and consultation with relevant departments. Luo Jingwen (罗静雯), “NPC Deputy Sun Xiaomei: Speed Up Adoption of ‘Employment Anti-Discrimination Law’ To Ensure Equal Employment for Everyone” (人大代表孙晓梅：抓紧制定《反就业歧视法》确保每个人平等就业), *Chongqing Daily*, March 16, 2016, http://cq.cqnews.net/html/2016-03/16/content_36531225.htm

¹⁹⁸ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. I Sec. 3, Chap. III, Sec. 4, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>.

¹⁹⁹ Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. II, Sec. 3, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

²⁰⁰ Jing Huang “What Should We Know about the Merger of China’s Urban and Rural Resident Basic Medical Insurance Schemes?”, Health Intel Asia, February 4, 2016, <https://healthintelasia.com/know-merger-chinas-urban-rural-resident-basic-medical-insurance-schemes/>; CMS Law-Now, “Unified Basic Medical Insurance System for Urban and Rural Residents to be established,” January 27, 2016, http://www.cms-lawnow.com/ealerts/2016/01/unified-basic-medical-insurance-system-for-urban-and-rural-residents-to-be-established?cc_lang=en.

²⁰¹ The World Bank, “Reform and Innovation for Better Rural Health Services in China,” April 5, 2015, <http://www.worldbank.org/en/results/2015/04/02/reform-innovation-for-better-rural-health-services-in-china>.

²⁰² Ministry of Human Resources and Social Security, “2015 Human Resources and Social Security Industry Development Statistics Bulletin” (2015年度人力资源和社会保障事业发展统计公报), May 30, 2016, http://www.mohrss.gov.cn/SYrlzyhshbzb/dongtaixinwen/buneyiaowen/201605/t20160530_240967.html; Labor Contract Law of the People’s Republic of China, 2008, http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471106.htm; Social Insurance Law of the People’s Republic of China (中华人民共和国社会保险法), 2011, http://www.gov.cn/flfg/2010-10/28/content_1732964.htm.

²⁰³ Ministry of Human Resources and Social Security, “2015 Human Resources and Social Security Industry Development Statistics Bulletin.”

²⁰⁴ The two plans being combined are the Urban Resident-based Basic Medical Insurance Scheme and the New Rural Cooperative Medical Scheme. Xinhua, “Xi Jinping Convenes the 19th Meeting of the Central Comprehensive Deepening and Reform Leadership Group” (习近平主持召开中央全面深化改革领导小组第十九次), December 9, 2015, http://news.xinhuanet.com/2015-12/09/c_1117411357.htm.

²⁰⁵ CHR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, para. 20.

²⁰⁶ CHR interview with Chinese activist, 2016.

²⁰⁷ Jing Huang “What Should We Know about the Merger of China’s Urban and Rural Resident Basic Medical Insurance Schemes?”, Health Intel Asia, February 4, 2016, <https://healthintelasia.com/know-merger-chinas-urban-rural-resident-basic-medical-insurance-schemes/>; CMS Law-Now, “Unified Basic Medical Insurance System for Urban and Rural Residents to be established,” January 27, 2016, http://www.cms-lawnow.com/ealerts/2016/01/unified-basic-medical-insurance-system-for-urban-and-rural-residents-to-be-established?cc_lang=en.

²⁰⁸ Xiong-Fei Pan, Jin Xu, Qingyue Meng, “Integrating social health insurance systems in China,” *The Lancet* 387, March 26, 2016, pp. 1274-1275, [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(16\)30021-6/fulltext?rss%3Dyes](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)30021-6/fulltext?rss%3Dyes).

²⁰⁹ CHR interview, 2016.

²¹⁰ CHR interview, 2016.

²¹¹ *Sina Finance*, “Predicament of Old Age Care: Pensions in State Organs & Units Are 22.5 Times More Lucrative Than Rural Pensions” (养老困局：机关事业单位离退休金是农村养老金22.5倍), March 17, 2016, <http://finance.sina.com.cn/china/gncj/2016-03-17/doc-ixqnski7672478.shtml>.

²¹² China measures poverty according to a different scale than the World Bank, or anyone living below 2,300 RMB per year (approx. 1 USD per day). Therefore, under the Chinese government's scale, 82 million people were living in poverty. Zhang Yi, "Nation aims to lift 10 million rural Chinese out of poverty this year," *China Daily*, October 14, 2014, http://www.chinadaily.com.cn/china/2014-10/14/content_18738444.htm.

²¹³ In 2012, China had a score of .45, down from its peak in 2008, when it was .49. A score over .40 is considered severe income inequality. Terry Sicular, "The Challenge of High Inequality in China" *World Bank: Inequality in Focus*, Vol. 2, No. 2, August 2013, <http://www.worldbank.org/content/dam/Worldbank/document/Poverty%20documents/Inequality-In-Focus-0813.pdf>; Overseas Development Institute, "China has almost ended urban poverty – a promising start for the SDGs," August 19, 2015, <https://www.odi.org/comment/9803-china-urban-poverty-reduction-sdgs-inequality>.

²¹⁴ Terry Sicular, "The Challenge of High Inequality in China" *World Bank: Inequality in Focus*.

²¹⁵ The Human Development Index is a composite index focusing on three basic dimensions of human development: to lead a long and healthy life, measured by life expectancy at birth; the ability to acquire knowledge, measured by mean years of schooling and expected years of schooling; and the ability to achieve a decent standard of living, measured by gross national income per capita. United Nations Development Programme, Human Development Report 2015, pp. 3, 209, http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf.

²¹⁶ An 80-year-old man in China today remains eight times more likely to take his own life than the average Chinese citizen. Those 80 and over are three times more prone to suicide than are Canadians the same age, and more likely to kill themselves than their counterparts in either Japan or Taiwan. Researchers at Wuhan University conducted a study of 40 villages in 11 provinces, and found that over the course of the past two decades, the rural-elderly suicide rate had risen from 100 per 100,000 to 500 per 100,000, and now stands at roughly 50 times that of the general population. Nathan Vanderklippe, "How China's rural elderly are being left behind and taking their lives," March 26, 2016, *Globe and Mail*, <http://www.theglobeandmail.com/news/world/how-chinas-rural-elderly-are-being-left-behind-and-taking-theirlives/article29179579/>.

²¹⁷ Ibid.

²¹⁸ Yuen Ren, "Young Chinese women are committing suicide at a terrifying rate – here's why," *The Telegraph*, October 20, 2016, <http://www.telegraph.co.uk/women/life/young-chinese-women-are-committing-suicide-at-a-terrifying-rate/>.

²¹⁹ The woman's husband, who worked in a city, committed suicide a week after his wife. Javier C. Hernández, "Mother's Killing of Children in Rural China Spurs Debate About Inequality," *The New York Times*, September 12, 2016, http://www.nytimes.com/2016/09/13/world/asia/mothers-killing-of-children-in-rural-china-spurs-debate-about-inequality.html?_r=1.

²²⁰ Ibid.

²²¹ *China News*, "Multiple Cities Implement Same Standard for Urban and Rural Dibao, Beijing and Shanghai's Subsidy Is Over 700 Yuan" (多地实现城乡低保标准并轨 京沪标准超700元 (表)), July 8, 2015, <http://www.chinanews.com/gn/2015/07-08/7390743.shtml>.

²²² Ibid.

²²³ See CHR D's assessment of recommendations: 186.219-236 in Annex 2, "'Grading China's Implementation of Second UPR Recommendations.'"

²²⁴ For more information on the conditions of the Yi ethnic minority, see: Chen Di, "The Long Slow Roads Toward Poverty Relief in Yi Minority Regions of Daliang Mountain" (大凉山彝族聚居区漫漫脱贫路), *Baixing Living*, May 2016, http://www.183read.com/magazine/article_846022.html; Anthony Kuhn, "A Harrowing, Mountain-Scaling Commute For Chinese Schoolkids," *National Public Radio*, September 25, 2016, <http://www.npr.org/sections/parallels/2016/09/25/493916854/a-harrowing-mountain-scaling-commute-for-chinese-schoolkids>; Cai Yiwen, "Q&A With Liu Shaohua on How Heroin, HIV Ravaged Rural Community," *Sixth Tone*, June 17, 2016, <http://www.sixthtone.com/news/minority-community%E2%80%99s-painful-battle-drugs>.

²²⁵ Chen Di, "The Long Slow Roads Toward Poverty Relief in Yi Minority Regions of Daliang Mountain"; Anthony Kuhn, "A Harrowing, Mountain-Scaling Commute For Chinese Schoolkids"; Cai Yiwen, "Q&A With Liu Shaohua on How Heroin, HIV Ravaged Rural Community."

²²⁶ Local officials blocked the team from entering and confiscated some of their equipment. Eventually, authorities allowed them to leave and returned their equipment only after ordering the group to destroy notes and photos from interviews they had conducted. CHR D interview with journalist, September 2016.

²²⁷ CHR D, Report Submitted to UN Committee on Economic, Social and Cultural Rights, para. 7.

²²⁸ Since 2008, authorities have recruited Han veteran military servicemen to work in law enforcement and state enterprises in the TAR, effectively excluding Tibetans from such jobs. The Chinese government also has implemented policies to restrict Tibetans'

use of grasslands and forcibly displaced tens of thousands of Tibetans who have historically relied on such land to pursue a traditional lifestyle. Once forced into more urban areas, these Tibetans lack the work skills to find employment while being deprived of their culture, religion, diet, and way of life. CHR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, paras. 13, 42.

²²⁹ CHR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, paras. 13, 42.

Chapter 4. Human Rights Education

10 Recommendations Assessed:

186.39 (Cyprus), 40 (Burundi), 41 (Iran), 42 (Bahrain), 43 (Democratic Republic of the Congo), 44 (Seychelles), 45 (State of Palestine), 46 (Thailand), 47 (Togo), and 48 (Uzbekistan)

China's Replies

10 recommendations accepted and already implemented
39, 40, 41, 42, 43, 44, 45, 46, 47 & 48

Civil Society Assessment:

China has partially implemented recommendations 39, 45, 46 & 48, has not implemented the other five recommendations, and recommendation 43 is inappropriate [not assessed]

Chinese authorities accepted all nine of the appropriate UPR recommendations related to human rights education and said they have “already implemented” all of them, but after examination, it is clear they have only partially implemented four.¹ However, it is very difficult to fully assess the implementation of these recommendations because of the lack of transparency about human rights education and training materials in China, especially those for public servants.

One of the 10 recommendations, involving foreign affairs, is inappropriate and cannot be assessed because it may encourage human rights violations in other countries (186.43). Five of the nine appropriate recommendations—from Cyprus (39), Burundi (40), Iran (41), Bahrain (42), and Togo (47)—are “poor” recommendations because they make assumptions that may not be true about human rights training or education programs.²

We believe that greater focus should be placed on the content of China’s human rights education and training materials, rather than simply concentrating on the number of trainings or education programs. It is questionable if the existing materials meet international standards or convey fundamental human rights principles; build a culture of universal human rights; or develop values, attitudes, and behavior which uphold human rights.³ Currently, there does not appear to be rigorous efforts to examine the effectiveness of human rights education and training programs. The Committee Against Torture recommended in its 2015 Concluding Observations that China should “develop and apply a methodology for evaluating the effectiveness of education and training programmes” relating to the Convention against Torture and the Istanbul Protocol.⁴

Opaque Human Rights Training for Officials

Chinese authorities have partially implemented Cyprus’s recommendation by including the goal of “improving” human rights training in the 2012-2015 National Human Rights Action Plan (NHRAP).⁵ The objectives in the NHRAP, however, are very general and not measurable as written; and there is little discussion of the specific goals or content of the education and training. One assessment by a Chinese NGO pointed out that, despite the 2012-2015 NHRAP, the period between 2014 to 2015 was a low point in publication of education materials focused on human rights training for enforcement officials.⁶

The recommendations from Thailand (46) and Uzbekistan (48) have also been partially implemented, as the Chinese government has allowed the publication of some books and articles that include so-called “human rights education” information.⁷ Since at least 2000, human rights

research centers in academic institutions and the Central Party School have published books and articles that have included information on human rights, as perceived by the authors, and some of these materials may have been used in training sessions for officials.⁸ Of note, some of the books on human rights are available in book stores but are more academic and not of the variety that would be read by most of the population.

There have also been some so-called “human rights trainings” for government personnel, law enforcement officials, the media, and judicial authorities.⁹ According to China’s official assessment of the implementation of its 2012-2015 NHRAP, during that five-year period, Chinese officials have held 144 training sessions for Chinese Communist Party cadres, government employees, judiciary and media personnel.¹⁰ However, as the materials used have not been released, it is impossible to ascertain if the trainings met international standards or promote universal human rights principles.

Chinese officials have been relatively non-transparent regarding the exact content of training materials. It is also unclear if any of the education and training for officials in places of detention are methodologically sound so as to be effective in preventing human rights abuses, promoting equality, and enhancing public participation in decision-making, among other goals, as outlined by UN instruments.¹¹

For example, based on one in-depth study done over several years by a Chinese NGO, a majority of authorities in judicial and public security departments at the provincial level refused to disclose information about training for law enforcement personnel in places of detention, including on the number of training sessions, the contents of education materials, and if the materials met international standards, or whether medical personnel have been trained.¹²

Some of the reasons why authorities refused to provide information included that the information requested was not directly related to the work of the person who applied or was considered “internal.”¹³ Of note, while the Chinese government told the Committee Against Torture in 2015 that all medical personnel in places of detention had already received anti-torture training, the study’s results showed that authorities did not answer information requests regarding this training, making it difficult for civil society to independently assess the government’s claims.¹⁴

School Curriculum Lacks Information About Universal Human Rights Principles

Chinese authorities have partially implemented the recommendation by Palestine on including human rights in school curriculum.¹⁵ Education departments/commissions have been semi-transparent about materials used in middle and elementary education, according to a 2015-2016 survey by Chinese NGO Wenshe Centre of Human Rights Education.¹⁶ The results of that survey show that 26 out of 31 departments or committees at least responded to the requests and 22 provided some or all of the information requested. At least nine others either did not respond or refused to provide information, citing articles from the Regulations on Open Government Information as reasons for not giving out information.¹⁷ Of those that did respond, some merely replied that the materials used were based on the national standardized education materials.¹⁸ Based on studies by the Wenshe Centre, Marxist ideological course curriculum in institutes of higher-level education often included “human rights” issues, but from the Marxist perspective,

not modern internationally-agreed upon human rights principals.¹⁹

While the Chinese government has said that school curriculum included materials on human rights, those materials largely do not address universal human rights principles.²⁰ One review of some materials used in schools done by the Wenshe Centre over a period of years—regarding 19 sets of randomly chosen political and “thought” education materials for elementary, middle, and higher education students—illustrated that the majority of the materials (14) do not contain human rights principles or only include such principles indirectly or ambiguously.²¹

The same NGO reviewed human rights education materials for institutes of higher education over several years, and found that of the 16 sets of materials, 12 simply introduced China’s “human rights education bases” or were mainly theoretical, without reference to concrete issues or cases in China involving human rights violations.²² In addition, education materials focused on citizens’ “rights and obligations under law,”²³ and have favored economic, social, and cultural rights, over civil and political rights.²⁴ Authorities acknowledged this in an assessment of the 2012-2015 NHRAP, stressing that “knowledge about personal rights, economic rights and the right to receive education was included in courses and textbooks in all primary and secondary schools...” but made no mention of political or civil rights.²⁵

Future Plan Fails to Bring Education in Line With International Standards

In the 2016-2020 NHRAP, authorities pledged to expand human rights education efforts, build research platforms, encourage public and enterprise units to strengthen human rights education, add five human rights “education training bases” and standardize their management, “research the need and feasibility” of establishing a national human rights institution, and support media to set up specialized human rights programs, among other goals.²⁶ Some of these goals are the same as in the previous five-year action plan, such as encouraging media outlets to have specialized human rights education programming, but there is no indication they were ever realized.

Without greater transparency of its human rights education efforts, such as including civil society organizations in the development of materials and training programs, it remains to be seen if China will improve human rights education to bring it into line with internationally recognized standards.

Suggestions

- Include specific and measurable goals related to human rights education in National Human Rights Action Plans that are based on international human rights standards;
- Revise or create new human rights education and training materials for all law enforcement, judicial, and other officials, based on international human rights standards, and ensure that they promote respect for universal rights;
- Revise or create new human rights education materials for schools at all levels based on international human rights standards;

- Involve NGOs and UN institutions in designing, implementing, and evaluating human rights education and training materials.

¹ In response to all nine recommendations, China referred to its response to 186.39 (Cyprus): “The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants.”

² The recommendations that are “poor” are from Cyprus (186.39), Burundi (40), Iran (41), Bahrain (42), and Togo (47). Human rights education and training in China barely exist and the contents of materials are often not disclosed. The school materials that are disclosed are not in line with international standards and do not clearly promote universal human rights principles. So, recommending China to “maintain,” “intensify,” “continue,” “keep up” or “mainstream” such education or “awareness raising” assumes a level of action on the part of Chinese officials that does not exist; and so, the recommendations do not address the problems.

³ For more information on these goals, see: UN Human Rights Council, Draft plan of action for the second phase (2010-2014) of the World Programme for Human Rights Education, A/HRC/15/28, July 27, 2010.

⁴ Committee Against Torture, Concluding Observations on the Fifth Periodic Report of China, CAT/C/CHN/CO/5, February 2016, para. 60.

⁵ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. IV, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>.

⁶ Wenshe Centre for Human Rights Education (WCHRE), “Human Rights Education Bulletin No. 5” (人权教育通讯第 5 期), September, 2016, p. 11, <https://www.humanrightseducation.cn/wp-content/uploads/2016/10/%E4%BA%BA%E6%9D%83%E6%95%99%E8%82%B2%E9%80%9A%E8%AE%AF%E7%AC%A C%E4%BA%94%E6%9C%9F%E7%BC%882016%E5%B9%B49%E6%9C%88%EF%BC%89.pdf>.

⁷ For in-depth information on the numbers of materials published each year, see *Ibid.*

⁸ *Ibid.*, pp. 9-11.

⁹ For more information on training related to the UN Convention Against Torture, domestic laws and regulations, and ministry rules, see: WCHRE, “Mid-term Report on the Partial Contents of Human Rights Education in China After the Second Universal Periodic Review of China” (中国政府接受联合国第 2 轮普遍定期审议后落实人权教育部分内容的中期跟进报告), June 15, 2016, <https://www.humanrightseducation.cn/wp-content/uploads/2016/10/%E5%85%B3%E4%BA%8E%E4%B8%AD%E5%9B%BD%E6%94%BF%E5%BA%9C%E6%8E%A 5%E5%8F%97%E8%81%94%E5%90%88%E5%9B%BD%E7%AC%AC2%E8%BD%AE%E6%99%AE%E9%81%8D%E5% AE%9A%E6%9C%9F%E5%AE%A1%E8%AE%AE%E5%90%8E%E8%90%BD%E5%AE%9E%E4%BA%BA%E6%9D%83 %E6%95%99%E8%82%B2%E9%83%A8%E5%88%86%E5%86%85%E5%AE%B9%E7%9A%84%E4%B8%AD%E6%9C%9 F%E8%B7%9F%E8%BF%9B%E6%8A%A5%E5%91%8A.pdf>.

¹⁰ Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. V, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

¹¹ UN Office of the High Commissioner for Human Rights, “Evaluating Human Rights Training Activities, A Handbook for Human Rights Educators,” 2011, pp. iii, 9, 25, <http://ohchr.org/Documents/Publications/EvaluationHandbookPT18.pdf>.

¹² Fourteen of the provincial-level judicial agencies contacted did not respond to requests, 16 did respond, but 13 of those refused to provide information citing various articles of the regulation on open government information. Ten of the provincial-level public security departments did not respond to requests, 20 responded and three agreed to provide the information requested, but 17 refused to disclose information, again citing various articles of the regulation on open government information. Even though four of those departments cited various articles of that regulation for refusing to answer the questions, they did provide very basic information. WCHRE, Mid-term Report on the Partial Contents of Human Rights Education in China After the Second Universal Periodic Review of China, p. 12. For more specific details about the reasons authorities gave for refusing to provide information see: WCHRE, “Human Rights Education Bulletin No. 4” (人权教育通讯第 4 期), July 2016, pp. 15-29, <https://www.humanrightseducation.cn/wp-content/uploads/2016/07/%E4%BA%BA%E6%9D%83%E6%95%99%E8%82%B2%E9%80%9A%E8%AE%AF%E7%AC%A C%E5%9B%9B%E6%9C%9F%E7%BC%882016%E5%B9%B47%E6%9C%88%EF%BC%89.pdf>.

¹³ WCHRE, “Human Rights Education Bulletin No. 4,” pp. 15-29.

¹⁴ WCHRE, “Suggestions to the Chinese Government Regarding Developing Human Rights Education and Training for Law Enforcement Personnel” (向中华人民共和国政府就针对执法人员开展人权教育与培训的建议), July 1, 2016, <https://www.humanrightseducation.cn/archives/2027>.

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- ¹⁵ For more information on human rights education in school curriculum see: WCHRE, Mid-term Report on the Partial Contents of Human Rights Education in China After the Second Universal Periodic Review of China. For in-depth information on the numbers of materials published each year, see: WCHRE, “*Human Rights Education Bulletin No. 5.*”
- ¹⁶ WCHRE, *Human Rights Education Bulletin No. 2* 人权教育通讯第2期, March, 2016, pp. 10-26, <https://www.humanrightseducation.cn/wp-content/uploads/2016/04/%E4%BA%BA%E6%9D%83%E6%95%99%E8%82%B2%E9%80%9A%E8%AE%AF%E7%AC%AC%E4%BA%8C%E6%9C%9F%EF%BC%882016%E5%B9%B43%E6%9C%88%EF%BC%89.pdf>; WCHRE, Mid-term Report on the Partial Contents of Human Rights Education in China After the Second Universal Periodic Review of China, p. 4.
- ¹⁷ Regulations of the People’s Republic of China on Open Government Information (中华人民共和国政府信息公开条例), 2007, http://www.gov.cn/zwggk/2007-04/24/content_592937.htm; WCHRE, *Human Rights Education Bulletin No. 2*, p. 26.
- ¹⁸ *Ibid.*
- ¹⁹ *Ibid.*, p. 24-25.
- ²⁰ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. V.
- ²¹ WCHRE, *Human Rights Education Bulletin No. 3* 人权教育通讯第3期, May 2016, p. 19, <https://www.humanrightseducation.cn/wp-content/uploads/2016/06/%E4%BA%BA%E6%9D%83%E6%95%99%E8%82%B2%E9%80%9A%E8%AE%AF%E7%AC%AC%E4%B8%89%E6%9C%9F%EF%BC%882016%E5%B9%B45%E6%9C%88%EF%BC%89.pdf>.
- ²² WCHRE, “Human Rights Education Bulletin No. 5 (Extracts), Concerning Comparisons and Analysis of Human Rights Education Materials in Institutions of Higher Education” (《人权教育通讯》第5期(节选)——有关高校的人权教育文献比较分析), July, 07, 2016, <https://www.humanrightseducation.cn/archives/2160>.
- ²³ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. V.
- ²⁴ WCHRE, *Human Rights Education Bulletin No. 3*, pp. 20-45.
- ²⁵ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. V.
- ²⁶ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2016-2020), September 29, 2016, Chap. IV, http://news.xinhuanet.com/politics/2016-09/29/c_129305934_7.htm; *Xinhua News Agency*, “China Pledges Greater Efforts in Human Rights Education, Research,” September 29, 2016, http://news.xinhuanet.com/english/2016-09/29/c_135722106.htm.

Annex 1. Guide to the Accompanying Table

To present our assessment of China’s implementation of the second UPR recommendations, we have “graded” China’s performance in the accompanying Table (see Annex 2, “Grading China’s Implementation of Second UPR Recommendations,” hitherto referred to as “the Table”).

The Table is arranged by recommending States in alphabetic order, as shown in the second column. We hope the organization of the table makes it convenient for representatives of recommending States to view whether and how their governments’ recommendations to China have been implemented, which should in turn inform States’ efforts to assist in the full implementation by China of their recommendations. The table lists the original texts of the recommendations (third column) as well as China’s position (whether or not to accept/implement them) and its official explanation of the its position (fourth column).

In the fifth column, we present our own assessment—whether and to what extent China has implemented the specific recommendations. We assign one of four “grades” to China’s performance: “Implemented,” “Partially Implemented,” “Not Implemented,” and “Assessment Unavailable.”

In this column, we also “grade” the *quality* of the recommendations made by UN Member States. When we give the grade “Assessment Unavailable” to a recommendation, we have assessed the recommendation as “inappropriate.”

Inappropriate recommendations are those that undermine, or are counter-productive to, achieving the “ultimate aim” of the UPR—“to improve the human rights situation in all countries and address human rights violations wherever they occur” by reviewing “the fulfilment by each State of its human rights obligations and commitments” under the UN Charter and Universal Declaration of Human Rights.¹ By identifying certain recommendations as “inappropriate,” we emphasize that these recommendations are made in such a manner that they do not directly concern human rights issues, or are clearly not in line with the basis of the review as established in UN guidelines.²

For instance, Saudi Arabia recommended China “[s]trengthen legislation to prevent the unlawful from undermining other people’s interests in the name of human rights defenders” (186.146). This recommendation overrides protection of human rights defenders (HRDs) with a dubious claim of “other people’s interests,” and supports China’s legislation that legitimizes persecution of HRDs in the name of “national security.” Such a recommendation is not based on human rights principles; instead, it is opposed to the protection and promotion of human rights.

In another example, Uzbekistan recommended China “[s]tep up measures to bring to justice persons who instigate others to commit acts of self-immolation” (186.238). Uzbekistan, in effect,

¹ See: UN Office of the High Commissioner for Human Rights (OHCHR), Universal Periodic Review, <http://ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>; UN General Assembly, Resolution 60/251 Human Rights Council (created UPR), 15 March 2006, http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf.

² According to the president of the Human Rights Council, “All recommendations should focus on the human rights issues and comply with the basis of review as defined in HRC rec. 5/1.” UN Human Rights Council, “Letter from President of the Human Rights Council on rules and practices of the Universal Periodic Review Working Group,” 18 September 2013, <http://ohchr.org/Documents/HRBodies/UPR/HRCPresidentLetterOnUPR.pdf>.

urged China to systematically persecute ethnic Tibetans whom the government has accused of “inciting self-immolation.” Such a recommendation is not oriented to address human rights abuses at the roots of the ethnic repression, cultural destruction, deprivation of religious freedom, exploitation of natural resources, and ecological and environmental degradation in Tibet, which ultimately led to this desperate form of protest. Rather, it advocates further political repression.

Such recommendations are *inappropriate* for the UPR and they cannot be meaningfully assessed without, at the same time, compromising the human rights principles that guide the UPR, which UN Member States are obligated to uphold. Such recommendations essentially contradict the mission and objectives of the UPR and perpetuate human rights violations. Making such recommendations is thus counterproductive to achieving stated UPR goals. The Chinese government “accepted”—and can be said to have in some sense “implemented”—the recommendations from Saudi Arabia and Uzbekistan noted above. But such performances clearly should not count toward China’s achievement in promoting and protecting human rights. We can only give the “grade” “assessment unavailable” to all 16 of such *inappropriate recommendations*.

The 16 *inappropriate recommendations*—all of which China “accepted”—were made by governments of these countries: Bangladesh (186.163, 248), Comoros (141), Democratic Republic of Congo (43, 251), Cuba (164), Lebanon (249), Myanmar (176), Oman (99), Pakistan (237, 239), Saudi Arabia (146), Sierra Leone (252), Sri Lanka (240), Uzbekistan (238), and Vietnam (162). (See details in the Table, Annex 2)

Clearly, UPR recommendations should be in line with the UPR’s mission and objectives. If many or most of the recommendations made to a country undergoing a UPR review are inappropriate, it hinders an accurate and meaningful assessment of the impact of the UPR. A high acceptance rate of inappropriate recommendations by the reviewed State clearly does not indicate the state’s cooperation with the UPR, nor does it show the State’s willingness to promote and protect human rights. This is because, as seen in the cases of Saudi Arabia and Uzbekistan, inappropriate recommendations urge China to take essentially anti-human rights policies or actions.

We have used another measure to assess the quality of recommendations: some recommendations are *poor* if they make vague suggestions for actions that are not specific (i.e., they lack concreteness or a measurable benchmark), to the extent that it is difficult or impossible to assess whether the recommended courses of action have been effectively implemented. We also assess a recommendation as *poor* if it is based on unsound, controversial, or false presuppositions, such that the recommended courses of action are confusing or misleading.

For example, some States recommend that China “consider” or “explore options” or “look into the possibility” of taking a certain course of action (such as “ratifying ICCPR”).³ However, it is difficult to assess something that is essentially subjective—whether the government has “considered” or “explored options.” Such formulations of the recommendations may allow the government to claim it has “implemented” these recommendations while, in actuality, it has not taken substantive action. Or it allows the government to use the country’s “state secrets” law in

³ For example, Cape Verde asked China to “consider ratifying ICCPR” (186.3), which the government accepted. This recommendation is proposing an action with no measurable benchmark.

refusing to disclose information necessary for assessing actions that lack visible outcomes or measurable benchmarks.

As another example, some States have urged China to “continue,” “maintain,” “keep up,” or “strengthen” or “make further efforts towards” or “further enhance,” “expand” or “develop further” certain practices, policies, efforts or “achievements,” where there is a lack of clear or solid evidence that the Chinese government has already adopted such practices, policies, or made such efforts or achievements, or at least where its track record has been inconclusive and/or controversial.⁴ Norway, for instance, recommended China “make further efforts towards safeguarding the freedom of expression of all citizens” (186.154), but no such efforts have clearly been made by the Chinese government in the years prior to the 2013 UPR and freedom of expression had been increasingly curtailed. (See Section 2.5 in this report.) This type of *poor* recommendation has the effect, even if unintended, of praising China for efforts or progress that the government has not made or achieved.

Despite the difficulties in assessing the implementation of *poor* recommendations, we have tried, instead, to assess the general situation in the relevant areas of human rights. Of the 53 poor recommendations (out of the 236 *appropriate* recommendations), China “accepted” 44, and claimed to have “accepted and already implemented” another 7. We graded 42 of the total number of “poor” recommendations as “not implemented,” thereby highlighting the need for States to give strong recommendations to ensure human rights are protected in these areas and hold the government to account.

For reasons discussed above, it is questionable to consider a high rate of “acceptance” of UPR recommendations by a State under review as an indication of its willingness to cooperate with the UPR. China has cited its high rate of acceptance of the 2013 UPR recommendations—204 out of 252, or 81 percent—to support its claim that it has a good record in “international human rights cooperation.”⁵ However, of the appropriate and strong recommendations that China accepted (a total of 135 recommendations), we graded 104 as “not implemented” in our mid-term assessment, indicating a lack of genuine cooperation and progress in protecting human rights.

To the UN Human Rights Council, we recommend that making good—appropriate and strong—recommendations be adopted as a requirement of all UN Member States participating in the UPR. This standard would help make the UPR process more effective in advancing its stated objectives. Our assessments of the quality of recommendations are intended to challenge and encourage States to make recommendations that are useful and effective for protecting and promoting human rights inside the country under review, thereby holding such States accountable for constructive participation in the UPR. The lack of consequences for UN Member States that made poor or inappropriate recommendations to China in 2013—some of which were not based on human rights principles or in fact stand opposed to human rights—has contributed to, and helps to explain, the ineffectiveness of the UPR process in China’s case.

⁴ For instance, Chile recommended China “continue strengthening the protection and promotion of the right of all citizens to publicly express their beliefs and opinions” (186.169), which is asking China to “continue” doing something that it has not been doing (i.e., “strengthening” protection of freedom of expression).

⁵ *People’s Daily*, “Excerpts of Speeches from NHRAP (2012-15) Implementation Evaluation Concluding Conference” (《国家人权行动计划 (2012—2015年)》实施评估总结会议发言摘登) June 16, 2016, <http://politics.people.com.cn/n1/2016/0616/c1001-28448543.html>.

Annex 2:

UPR Mid-Term Assessment: “Grading” China’s Implementation of 2nd UPR Recommendations (Table)

给中国政府“打分”:

联合国第二轮普遍定期审议各国给中国的建议落实情况中期评估 (图表)

Country 国家: China 中国

UPR (2nd Cycle) 普遍定期审议 (第二轮): October 22, 2013 2013 年 10 月 22 日

NGOs 非政府民间机构: Network of Chinese Human Rights Defenders (CHRD) and multiple Chinese civil society groups and human rights defenders inside China

[Please see Annex 1 for a guide on how to use this table. 请见附件一，如何使用这个图表的指南]

Recommendation Number 每条建议编号	Recommending State 提建议的国家	Recommendation 建议	Position of the Chinese Government 中国政府的立场	NGO Assessment of Implementation & Recommendation 建议及执行情况民间评估
186.52	Afghanistan 阿富汗	Concentrate on the implementation of the international human rights instruments that have been ratified by the country; 重点实施该国已经批准的国际人权文书	Accepted 接受	Not Implemented 未执行 See Report: Sections 1.3, 2.3
186.1	Albania 阿尔巴尼亚	Ratify ICCPR; 批准《公民权利和政治权利国际公约》	Not Accepted 不接受 China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.19	Albania 阿尔巴尼亚	Sign the third OP-CRC-IC; 签署《儿童权利公约关于来文程序的第三项任择议定书》	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China’s position is to retain the death penalty, but strictly	Not Implemented 未执行 See Report: Section 1.1

			<p>and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.69	Albania 阿尔巴尼亚	Step up cooperation with Special Procedures and mandate holders; 加强与各特别程序和任务负责人的合作	Accepted 接受	Not Implemented 未执行 See Report: Section 1.3
186.110	Algeria 阿尔及利亚	Continue to strictly observe the stipulations on evidence used to examine and decide on cases of the death penalty and adopt stricter standards in this regard; 继续严格遵守死刑案件审理和判决的证据使用规定，并在这方面采取更加严格的标准	Accepted 接受	Partially implemented 部分执行 See Report: Section 2.2 Poor Recommendation There is a problematic that the government has "strictly observed" current stipulations on the use of evidence in death penalty cases. This presumption is unsubstantiated. Since such stipulations have not been evidently observed, this recommendation has the effect of praising the government for what it has not achieved.
186.178	Algeria 阿尔及利亚	Implement the employment priority strategy and ensure equal employment opportunities to urban and rural residents; 实施就业优先战略，并确保城乡居民享有平等就业机会	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5

186.180	Angola 安哥拉	Further improve unemployment insurance and elevate the level of unified planning for unemployment insurance funds; 进一步完善失业保险, 并提高失业保险金的统一规划水平	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5
186.199	Angola 安哥拉	Prevent and treat diseases and popularize knowledge in the prevention and treatment of chronic diseases; 防治疾病并普及慢性病防治知识	Accepted 接受	Partially implemented 部分执行 The WHO commended China on progress in combatting hepatitis, but warned that discrimination remains a problem. http://www.wpro.who.int/china/mediacentre/releases/2016/20160727-china-world-hepatitis-day/en/ CESCR expressed concern over China's progress in protecting the rights of persons with HIV/AIDs (E/C.12/CHN/CO/2, para. 34).
186.23	Argentina 阿根廷	Continue efforts to ratify the OP-CAT and CPED, as well as the main international human rights instruments to which the country is not yet a party; 继续努力批准《禁止酷刑公约任择议定书》和《保护所有人免遭强迫失踪国际公约》, 以及该国尚未加入的主要国际人权文书	Not Accepted 不接受 Regarding OP-CAT and CPED, see 186.16: Concerning the enforced disappearance, China has enacted related regulations, and will carry out the study on the possibility of acceding to the CPED in due time. As for OP-CAT, the Chinese government believes that the promotion and protection of human rights is mainly realized through the efforts of countries themselves, not through the means of visits to state parties. 关于免遭强迫失踪问题, 中国已制定相应规定, 将适时就加入该公约的可能性进行研究。关于《禁止酷刑公约》任择议定书问题, 中国政府认为, 促进和保护人权主要依赖各国政府通过自身努力实现, 而非基于对缔约国查访的方式。	Not Implemented 未执行 See Report: Section 1.1
186.104	Argentina 阿根廷	Continue with efforts to combat discrimination and abandonment of children with disabilities; 继续努力打击歧视和遗弃残疾儿童的行为	Accepted 接受	Not Implemented 未执行 See Report: Section 3.4
186.107	Argentina 阿根廷	Consider the abolition of the death penalty in its legal System; 考虑在中国法律制度中废除死刑	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application	Not Implemented 未执行 See Report: Section 2.2 Poor Recommendation Authorities have not indicated that abolishing the death penalty is a goal and it is impossible to know or measure the "consideration" to abolish the death penalty. Even if the government had "considered" this question, such an act does not necessarily indicate a step toward abolition.

			<p>according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.72	Australia 澳大利亚	<p>Enhance cooperation with the OHCHR by agreeing to outstanding requests for visits to China and extending a standing invitation for future UN special procedures requests; 同意未予答复的访华请求，并对联合国特别程序今后的请求发出长期邀请，从而加强与人权高专办的合作</p>	<p>Not Accepted 不接受</p> <p>The government will assess its decision to extend a standing invitation to special procedures based on its national conditions. Although China has not extended a standing invitation, China has received many visits by special procedures. China takes every visit by special procedures seriously, and these visits have produced good overall results.</p> <p>邀请特别机制访问及发出永久邀请应由各国政府根据国情自主决定。尽管中国没有发出永久邀请，但中国接待了很多特别机制访华。中方认真接待每一个特别机制来访，总体效果良好。</p>	<p>Not Implemented 未执行 See Report: Section 1.3</p>

186.107	Australia 澳大利亚	Work towards abolition of the death penalty; 努力争取废除死刑	<p>Not Accepted 不接受</p> <p>See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	<p>Not Implemented 未执行</p> <p>See Report: Section 2.2</p>
186.136	Australia 澳大利亚	Expedite legal and institutional reforms to fully protect in law and in practice freedom of expression, association and assembly, and religion and belief; 加快法律和制度改革，在法律上和实践中充分保护言论、结社和集会、宗教和信仰自由	<p>Accepted 接受</p>	<p>Not Implemented 未执行</p> <p>See Report: Sections 2.5, 2.6, 2.7</p>
186.170	Australia 澳大利亚	Increase transparency of its traditional and social media by guaranteeing the rights of Chinese citizens to freely critique any state organ or functionary; 保障中国公民自由批评任何国家机关或公职	<p>Accepted and being implemented</p> <p>接受并正在执行</p> <p>China's Constitution stipulates that citizens have the right to criticize and make suggestions to any state organ or official. The traditional and social</p>	<p>Not Implemented 未执行</p> <p>See Report: Section 2.5</p>

		人员的权利，从而提高传统媒体和社交媒体的透明度	media in China are responsible for what and how they should report. But they must operate within the scope prescribed by law, and the content of their report should be true and credible. 中国《宪法》规定公民对于任何国家机关和国家工作人员，有提出批评和建议的权利。中国的传统新闻媒体和社交媒体报道什么、怎么报道，由各媒体负责，但必须在法律允许的范围内工作，报道内容应真实可信。	
186.224	Australia 澳大利亚	Strengthen protection of ethnic minorities' religious, socio-economic and political rights, ensuring reports of violations are promptly and transparently investigated; 加强对少数民族宗教、社会经济和政治权利的保护，同时确保对侵权行为报告予以迅速、透明的调查	Accepted and being implemented 接受并正在执行 With the strong support of China's central government, undertakings in regions of ethnic minorities have been developed rapidly. Ethnic minorities' political, economic, cultural, and religious rights have been fully protected. Once violation of human rights is discovered, the Chinese judicial organs will launch independent and comprehensive investigation to ensure equality, fairness and transparency. 在中国中央政府的强力支持下，民族地区各项事业快速发展，少数民族的政治、经济、文化、宗教等各项权利都得到充分保护。一旦发现有侵犯人权行为的发生，中国司法机关将开展独立、全面调查，确保公平、公正、公开。	Not Implemented 未执行 CESCR expressed concern over violations of the rights of ethnic minorities in its 2014 Concluding Observations (COB) (E/C.12/CHN/CO/2, paras. 14, 38). In its 2015 COB, CAT said it had received credible reports of torture of ethnic minorities (CAT/C/CHN/CO/5, para. 40-41).
186.225	Australia 澳大利亚	Permanently lift restrictions on access to minority areas; 永久撤销对访问少数群体地区的限制	Not Accepted 不接受 China implements the system of regional ethnic autonomy. Ethnic minority areas formulate relevant policies according to their local characteristics. 中国实行民族区域自治制度，少数民族地区根据各自地域特点制定相应的政策。	Not Implemented 未执行 A 2015 Human Rights Watch (HRW) report and 2015 International Campaign for Tibet report documented the restrictions on movement of ethnic minorities. https://www.hrw.org/report/2015/07/13/one-passport-two-systems/chinas-restrictions-foreign-travel-tibetans-and-others ; https://www.savetibet.org/policy-alienating-tibetans-denial-passports-tibetans-china-intensifies-control/ The Foreign Correspondents Club of China reported officials rejected approximately 75% of journalists who sought permission to visit TAR in 2015. https://cpj.org/blog/04262016FCCCTIBETSURVEY.pdf
186.73	Austria 奥地利	Take the necessary concrete steps to facilitate a visit by the UN High Commissioner for Human Rights as soon as possible; 采取必要的具体措施	Accepted 接受	Not Implemented 未执行 See Report: Section 1.3

		施，为联合国人权事务高级专员尽快访华提供便利		
186.140	Austria 奥地利	Take effective measures to protect the right to freedom of religion or belief; 采取有效措施，保护宗教或信仰自由权	Accepted 接受	Not Implemented 未执行 See Report: Section 2.7
186.160	Austria 奥地利	Take steps that all persons including bloggers, journalists and human rights defenders can freely exercise their right to freedom of expression, online as well as offline, without fear from censorship or persecution; 采取措施，以便包括写博客者、记者和人权卫士在内的所有人都可在网络上和网络外自由行使言论自由权，不用担心遭到审查或起诉	Not Accepted 不接受 See 186.159: Flow of information on the Internet is open and free in China. However, with the rapid development of the Internet, cyber security problems such as gambling, pornography, violence, and hacking are posing increasing threats to the legitimate rights and interests of the public. To ensure the safe flow of information, the Chinese government has the responsibility to prevent the flooding of harmful information and take steps to fight cybercrime. 中国互联网信息流动是开放的、自由的。但随着互联网快速发展，赌博、色情、暴力、黑客等网络安全问题日益威胁公众合法权益。为确保信息安全流动，中国政府有责任防止有害信息泛滥，并采取措施打击网络犯罪。 See also 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究。	Not Implemented 未执行 See Report: Sections 2.5, 2.9
186.222	Austria 奥地利	Take further legislative and practical measures to allow	Accepted 接受	Not Implemented 未执行 See report: Section 2.1

		ethnic minorities to preserve their cultural identity, to fully exercise their human rights and to ensure their participation in decision-making, in accordance with the Chinese Constitution; 采取进一步法律 and 实际措施, 依照中国《宪法》允许少数民族保留文化身份、充分行使人权并确保他们参与决策		A May 2016 report by Human Rights Watch documented a diminished tolerance by authorities for the exercise of the rights of free expression and peaceful assembly by Tibetans since 2013. https://www.hrw.org/report/2016/05/22/relentless/detention-and-prosecution-tibetans-under-chinas-stability-maintenance#290612 CESCR expressed concern in its 2014 COB over severe restrictions on ethnic minorities to exercise cultural rights, (E/C.12/CHN/CO/2, paras. 14, 17, 38).
186.34	Azerbaijan 阿塞拜疆	Continue the successful implementation of the new National Human Rights Action Plan (NHRAP) for 2012-2015 through its cooperation with OHCHR; 与人权高专办开展合作, 继续成功实施新的《国家人权行动计划 (2012-2015 年)》	Accepted 接受	Not implemented 未执行 See Report: Sections 1.2, 1.3 Poor Recommendation This problematically presupposes yet-to-be demonstrated “successful” implementation of NHRAP. Asking China to “continue” something that it has not evidently achieved has the effect of misguidedly praising China.
186.63	Azerbaijan 阿塞拜疆	Continue its constructive and cooperative dialogue with the UN human rights system; 继续与联合国人权系统开展建设性的合作对话	Accepted 接受	Not Implemented 未执行 See Report: Sections 1.1, 1.3 Poor Recommendation This problematically asks China to “continue” what it has not already done– hold a “constructive and cooperative dialogue with the UN human rights system.”
186.187	Azerbaijan 阿塞拜疆	Continue its measures in the field of social security and health; 继续在社会保障和卫生领域采取措施	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5. Poor Recommendation This is too vague. It recommends unclear “measures” to be “continued” without specifically urging China to improve relevant rights or ending the long-standing discrimination in these areas.
186.42	Bahrain 巴林	Human rights education which includes training programmes for civil servants to promote human rights policy and mainstream it in various areas; 开展人权教育, 包括面向公职人员的培训方案, 以宣传人权政策, 并将其纳入各领域的主流	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	Not Implemented 未执行 See Report: Chapter 4 Poor Recommendation HR training for officials barely exists, and relevant governmental depts. rarely disclose the contents of training materials, so it is unclear if materials promote universal human rights. If the contents are questionable, it is unlikely or even desirable for such training to be “mainstreamed.”

186.163	Bangladesh 孟加拉国	Strengthen efforts to promote orderly development of Internet and protect the legitimate rights and interests of ordinary people while reinforcing the legislation on Internet information protection and supervision; 加强努力, 促进互联网的有序发展并保护普通大众的合法权益, 同时加强互联网信息保护和监督方面的立法	Accepted 接受	Assessment Unavailable 无法评估 See Report: Section 2.5 Inappropriate Recommendation Unprincipled: Putting “order” above information freedom on the Internet, with a vague reference to “ordinary people” to justify state “supervision” in an authoritarian state, where the people have no say in governance; counter-productive for the UPR objective to improve/protect human rights.
186.248	Bangladesh 孟加拉国	Continue its international cooperation to contribute to the development of the world economy; 继续开展国际合作, 为世界经济发展作出贡献	Accepted 接受	Assessment Unavailable 无法评估 CESCR expressed concern in its 2014 COB over human rights violations stemming from China’s economic and technical assistance in developing countries. (E/C.12/CHN/CO/2, para. 12) Inappropriate Recommendation Populating China’s development model in other countries would likely lead to an increase in human rights violations. China has pursued economic growth at the expense of the environment, public health, rights of workers and migrants, and forcibly demolished homes, while suppressing freedom of expression, association, and assembly, and democratic participation. Citizens, especially ethnic minorities and disadvantaged and marginalized groups, are often blocked from receiving redress for rights violations.
186.119	Belarus 白俄罗斯	Improve further means and methods for vocational education of persons in prison in order to assist in their later integration into the society; 进一步完善服刑人员职业教育的方式方法, 以便帮助他们将来重返社会	Accepted 接受	Not Implemented 未执行 There is no evidence China has taken any steps on this recommendation since the 2013 UPR. China did not include any proposals for improving vocational education of persons in prison in its last two National Human Rights Action Plans (2012-2015) (2016-2020). http://cl.china-embassy.org/esp/ztbd/bps/t980936.htm ; http://usa.chinadaily.com.cn/epaper/2016-09/30/content_26949523.htm China’s Prison Law has provisions on providing technical and vocational education to prisoners, however, according to some Chinese lawyers, prisons focus on forced manual labor and not teaching skills. http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383784.htm
186.246	Belarus 白俄罗斯	Continue efforts in environmental protection and in improving living conditions; 继续开展保护环境和改善生活水平方面的工	Accepted 接受	Partially implemented 部分执行 China amended the Environmental Protection Law in 2014 with new provisions increasing fines for polluters and introducing public-

		作		interest litigation. http://news.xinhuanet.com/english/china/2014-04/24/c_133287570.htm However, according to a December 2015 report from Greenpeace, nearly 80% of Chinese cities still fail to meet national health safety standards. http://www.greenpeace.org/eastasia/news/blog/367-shades-of-grey-why-china-needs-a-coal-cap/blog/54429/
186.1	Belgium 比利时	Abide by its commitment of 2009 and establish a clear timeframe in order to ratify ICCPR; 遵守 2009 年的承诺, 规定批准《公民权利和政治权利国际公约》的明确时间表	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.108	Belgium 比利时	Publish or make available precise information on the identity and number of the individuals currently awaiting execution and of those who were executed in the past year; 公布或提供精确资料, 说明目前待处决者的身份和人数, 以及过去一年中被处决者的身份和人数	Not Accepted 不接受 The statistics of death penalty and death penalty with reprieve is included in that of fixed-term imprisonment of more than five years and life imprisonment. There is no separate statistics on death penalty. 在中国法院的司法统计中, 死刑和死缓的数字是与被判处五年以上有期徒刑、无期徒刑的罪犯的数字合并统计的, 无单独的死刑统计数字。	Not Implemented 未执行 See Report: Section 2.2
186.109	Belgium 比利时	Continue to reduce the offences punishable by the death penalty; 继续减少可处以死刑的罪名	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题, 中国认	Partially implemented 部分执行 See Report: Section 2.2

			为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	
186.120	Belgium 比利时	Publish a detailed plan for the abolition of re-education camps through labour, re-stating the timeframe of this welcomed measure; 公布废除劳教所的详细计划，重申这一受到欢迎的措施的时限	Accepted and already implemented 接受并已经执行 See 186.117: Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 2013年12月28日，第十二届全国人大常委会第六次会议通过的《全国人民代表大会常务委员会关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。	Implemented 执行 China abolished the RTL system in December 2013, although other forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm
186.5	Benin 贝宁	Take steps towards the ratification of ICCPR; 采取措施，争取批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1
186.17	Benin 贝宁	Take steps towards the ratification of ICCPR's two optional protocols; 采取措施，争取批准《公民权利和政治权利国际公约》的两项任择议定书	Not Accepted 不接受 Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty.	Not Implemented 未执行 See Report: Section 1.1, 2.2

			<p>On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.69	Benin 贝宁	Intensify the cooperation with special rapporteurs mandate holders of the United Nations; 深化与联合国特别报告员任务负责人的合作	Accepted 接受	Not Implemented 未执行 See Report: Section 1.3
186.75	Bhutan 不丹	Continue to strengthen its efforts to protect the rights of vulnerable groups with a particular focus on narrowing the gaps between the different regions; 继续加强努力，保护弱势群体的权利，特别是重点缩小不同地区之间的差距	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5 Poor Recommendation This is based on a problematic presumption that the government has "strengthened" such "efforts." Asking for the "continuation" of something that hasn't been done has the effect of misguidedly praising China.
186.92	Bolivia, Plurinational State of 玻利维亚	Undertake further efforts to eliminate gender discrimination in the labour market and guarantee equal pay for equal work; 作出进一步努力，消除劳动力市场中的性别歧视，并保障同工同酬	Accepted and already implemented 接受并已经执行 China's Labour Law, Law on the Promotion of Employment, Law on the Protection of the Rights and Interests of Women and other laws establish the principles of prohibiting gender discrimination in employment and equal pay for equal work for men and women, clearly stipulate that equal pay for equal work and post-based wage system are applied in China. There is no gender discrimination. In practice, China actively protects women's rights and interests of employment. 中国《劳动法》、《就业促进法》、《妇女权益保障法》等法律确立了劳动者就业禁止性别歧视和实行男女同工同	Not Implemented 未执行 See Report: Section 3.1

			酬的原则，明确规定实行男女同工同酬，工资分配实行岗位工资制，按岗位确定工资，不存在性别歧视。实践中积极保护妇女就业权益。	
186.198	Bolivia, Plurinational State of 玻利维亚	Undertake further efforts to promote the tasks of all government departments that provide public services; 作出进一步努力，促进所有提供公共服务的政府部门开展工作	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.5
186.9	Botswana 玻利维亚	Continue to take measures towards ratification of the ICCPR; 继续采取措施，争取批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1
186.98	Botswana 玻利维亚	Review its sentencing policy for perpetrators of human trafficking and strengthen assistance measures to victims; 审视对贩运人口者的量刑政策，并加强对受害者的援助措施	Accepted and already implemented 接受并已经执行 See 186.96: The Chinese government attaches great importance to combating human trafficking. It has adopted resolute and comprehensive measures to effectively prevent and crack down on human trafficking, worked actively for the rescue, settlement and rehabilitation of victims, and conducted effective cooperation with related countries and international organizations in the field of combating human trafficking. 中国政府一贯高度重视反对拐卖人口工作，坚决采取综合措施，有效预防、严厉打击拐卖犯罪活动，积极开展对拐卖受害人的救助、安置和康复工作，在打击人口拐卖领域与有关国家和国际组织开展了卓有成效的合作。	Not Implemented 未执行 See Report: Sections 3.1, 3.3
186.2	Brazil 巴西	Ratify as soon as possible ICCPR; 尽快批准《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.100	Brazil 巴西	Introduce a comprehensive and inclusive national plan of action to guarantee the rights of persons with disabilities, in accordance with international human rights law; 依照国际	Accepted and already implemented 接受并已经执行 China has formulated and implemented six national five-year work programs on disability. After the	Not Implemented 未执行 See Report: Section 3.4

		人权法，推行全面和包容的国家行动计划，保障残疾人权利	adoption of Convention on the Rights of Persons with Disabilities, China has integrated the convention's purposes and principles into its latest five-year work program on disability to its aim and principles. 中国已连续制定和实施六个残疾人事业五年规划，《残疾人权利公约》通过后，其宗旨和原则融入了“中国残疾人事业五年发展纲要”。	
186.106	Brunei Darussalam 文莱达鲁萨兰国	Continue its ongoing efforts to protect the rights of persons with disabilities through relevant laws and regulations; 继续不断努力，通过相关法律法规保护残疾人的权利	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.4
186.182	Brunei Darussalam 文莱达鲁萨兰国	Continue to improve all social security system for all its elderly population; 继续完善惠及全体老年人的各种社会保障体系	Accepted 接受	Partially Implemented 部分执行 See Report: Section 3.5
186.2	Bulgaria 保加利亚	Speed up the ratification of the ICCPR, which has been already signed by China; 加快批准中国已经签署的《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.109	Bulgaria 保加利亚	Make further progress in the reduction of the scope of capital offences in Chinese legislation; 在缩小中国法律中死刑适用范围方面取得进一步进展	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue	Partially Implemented 部分执行 See Report: Section 2.2

			<p>its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.179	Bulgaria 保加利亚	Continue adopting a job friendly policy and ensuring equal employment opportunities for urban and rural residents; 继续采取有利于就业的政策，并确保城乡居民享有平等就业机会	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5
186.40	Burundi 布隆地	Intensify greatly the numerous measures taken in this sector of human rights education; 大力加强在人权教育这一领域采取的诸多措施	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进，已在公务员培训班次中纳入人权教育的有关内容。	Not Implemented 未执行 See Report: Chapter 4 Poor Recommendation The contents of HR education and training materials are often not disclosed and the school materials do not clearly promote universal human rights. It is problematic to recommend China “intensify” something that does not exist, and incorrectly presume it has taken “numerous measures.”
186.194	Cambodia 柬埔寨	Continue efforts in implementation of the country’s Plans of Action in particular those relating to the safeguard of the economic, social and cultural rights of the people, including those of the most vulnerable ones and disadvantaged groups; 继续努力实施国家各项《行动计划》，特别是与保障民众经济、社会和文化权利，包括最弱势群体和困难群体的经济、社会和文化权利有关的计划	Accepted 接受	Not Implemented 未执行 See Report: Section 1.2, 3.5
186.219	Cambodia 柬埔寨	Continue pursuing measures and policy aimed at ensuring the rights of ethnic minorities’ learning, writing and the	Accepted 接受	Not Implemented 未执行 CESCR expressed concern in its 2014 COB that ethnic minorities continue to face severe restrictions to

		development of their own languages according to the relevant laws; 继续推行旨在保障少数民族依照相关法律学习、书写和发展本民族语言的权利的措施和政策		use and teach minority languages (E/C.12/CHN/CO/2, para. 36). CRC expressed deep concern over discrimination and continuous violations of right of ethnic minority children to freedom of language. (CRC/C/CHN/CO/3-4, para. 25).
186.66	Canada 加拿大	Invite the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea to visit North-Eastern China to meet officials and North Korean citizens who have fled to China; 请联合国朝鲜民主主义人民共和国人权问题调查委员会访问中国东北, 面见官员和逃至中国的朝鲜公民	Not Accepted 不接受 China is opposed to politicizing human rights issues, disapproves exerting pressure on a country in the name of human rights, and does not support establishing an UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea. 中国反对将人权问题政治化, 不赞成利用人权问题向一国施压, 不支持设立联合国朝鲜人权问题调查委员会。	Not Implemented 未执行 See Report: Section 1.3
186.94	Canada 加拿大	Implement measures to address the sex ratio imbalance in its population given the harm that occurs when many women and girls are missing, and put in place safeguards that ensure policies related to the family are consent-based; 考虑到许多妇女和女童失踪造成的危害, 采取措施解决人口性别比例不平衡问题, 并落实保障措施, 确保与家庭有关的政策征得当事方的同意	Not Accepted 不接受 There is no such situation as many women and children missing in China. 中国不存在大量妇女和女童失踪的情况。	Partially implemented 部分执行 See Report: Sections 3.3
186.122	Canada 加拿大	Release all people in administrative detention for political reasons including bishops, priests, artists, reporters, dissidents, people working to advance human rights, and their family members, and eliminate extra-judicial measures like forced disappearances; 释放所有因政治原因而被行政拘留的人, 包括主教、牧师、艺术家、记者、异见者、推进人权工作者, 以及他们的家人, 并废止强迫失踪等法外措施	Not Accepted 不接受 See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留, 所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定, 公民有言论、出版、集会、结社、宗教信仰	Not Implemented 未执行 See Report: Section 2.4

			等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究 responsibility。	
186.133	Canada 加拿大	Accelerate reform of the administrative justice system so that all persons have access to legal procedures of appeal; 加快行政司法制度改革，以便所有人都能通过法律程序上诉	Accepted and already implemented 接受并已经执行 China's Criminal Procedure Law, Civil Procedure Law and Administrative Procedure Law all clearly stipulate that if a party refuses to accept a judgment of first instance of a local people's court, he or she shall have the right to file an appeal. The right of appeal, as a basic procedural right of parties, has been fully embodied and guaranteed in China's judicial activities. 中国《刑事诉讼法》、《民事诉讼法》、《行政诉讼法》均明确规定，当事人不服地方人民法院第一审判决、裁定的，有权提起上诉。上诉权作为当事人的一项基本诉讼权利，在中国司法活动中得到充分体现和保障。	Not Implemented 未执行 While China's administrative and criminal procedure laws have provisions granting the legal right to an appeal, in practice this right is not actually guaranteed due to the lack of an independent judiciary, an issue CESCR expressed concern about in its 2014 COB (E/C.12/CHN/CO/2, paras. 10). This is often evident in politically-sensitive cases, where the appeals courts almost always uphold the original judgement.
186.131	Canada 加拿大	Take steps to ensure lawyers and individuals working to advance human rights can practice their profession freely, including by promptly investigating allegations of violence and intimidation impeding their work; 采取措施确保律师和从事推进人权工作的个人可以自由执业，包括迅速调查以暴力和恐吓方式妨碍这些人工作的指控	Accepted 接受	Not Implemented 未执行 See Report: Sections 2.8, 2.9
186.142	Canada 加拿大	Stop the prosecution and persecution of people for the practice of their religion or belief including Catholics, other Christians, Tibetans, Uyghurs, and Falun Gong, and set a date for the visit of the Special Rapporteur on Freedom of Religion or Belief; 停止起诉和迫害信奉宗教或信仰的民众，包括天主教徒、其他基督教徒、藏族、维吾尔族和法轮功，并确定宗教或信仰自由问题特别报告员的访华日期	Not Accepted 不接受 China's Constitution and laws guarantee citizens' freedom of religious belief, and, at the same time, stipulate obligations that citizens must fulfill. The Chinese government handles in accordance with the law illegal religious organizations and individuals that promote superstition and fallacies, deceive the people, instigate and create disturbances, and undermine social stability. "Falun Gong" is not a religion but an out-and-out cult. The purpose of banning "Falun Gong" by the Chinese government in accordance with the law is to protect human rights and fundamental freedoms of citizens, and uphold the sanctity of the Constitution	Not Implemented 未执行 See Report: Section 2.7

			and laws. 中国《宪法》和法律保障公民的宗教信仰自由权利，也规定了公民必须承担的义务。对于宣扬迷信邪说，蒙骗群众，挑动制造事端，破坏社会稳定的非法宗教组织和个人，中国政府依法进行管理。“法轮功”不是宗教，是地地道道的邪教。中国政府依法取缔“法轮功”组织，是为了保护公民的基本人权和自由，维护宪法和法律的尊严。	
186.3	Cape Verde 佛得角	Consider ratifying ICCPR; 考虑批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1 Poor Recommendation Given the lack of government transparency, it's very difficult to assess whether the government has "considered" doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.130	Cape Verde 佛得角	Further strengthen the conditions in which lawyers exercise their functions; 进一步为律师履行职责创造更好的条件	Accepted 接受	Not Implemented 未执行 See Report: Section 2.8
186.84	Central African Republic 中非共和国	Fully protect the legitimate rights and interests of ethnic minorities, women, children, the elderly and disabled persons; 充分保护少数民族、妇女、儿童、老年人和残疾人的合法权益	Accepted 接受	Not Implemented 未执行 See Report: Sections 3.1, 3.3, 3.4, 3.5
186.200	Chad 乍得	Create a national public service network covering sports for both the urban and rural areas; 创建覆盖城乡的全国公共体育服务网络	Accepted 接受	Partially Implemented 部分执行 China's National Fitness Plan (2011-2015) aimed to increase fitness centers and equipment in urban and rural areas. However, poverty in rural areas, especially remote poor regions, prevents many rural citizens from enjoying equal access to sports and sports facilities. http://news.xinhuanet.com/english/china/2016-06/14/c_135435326_5.htm
186.205	Chad 乍得	Strengthen the implementation of compulsory education for nine years; 加强九年义务教育的实施情况	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3
186.211	Chad 乍得	Guarantee the right to education for children of migrant workers; 保障民工子女的受教育权	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3
186.1	Chile 智利	Ratify ICCPR and CPED; 批准《公民权利和政治权利国际公约》和《保护所有人免	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and	Not Implemented 未执行 See Report: Section 1.1

		遭强迫失踪国际公约》	administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	
186.114	Chile 智利	Consider a moratorium on the death penalty; 考虑暂停执行死刑	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	Not Implemented 未执行 See Report: Section 2.2 Poor Recommendation Given the lack of government transparency, it's very difficult to assess whether the government has "considered" adopting a moratorium. Proposing an action with no measurable benchmark makes this recommendation weak.
186.169	Chile 智利	Continue strengthening the protection and promotion of the right of all citizens to publicly express their beliefs and opinions; 继续加强对所有公民公开表达信仰和见解的权的保护和促进	Accepted 接受	Not Implemented 未执行 See Report: Sections 2.5, 2.7 Poor Recommendation This recommendation is based on the incorrect presumption that the State had been "strengthening" such protection and promotion
186.141	Comoros	Guarantees freedom of	Accepted 接受	Assessment Unavailable 无法评估

	科摩罗	religion in respect of national unity and the territorial integrity of the country; 在考虑民族统一和国家领土完整的情况下保障宗教自由		See Report: Section 2.7 Inappropriate Recommendation Unprincipled: Placing national interest above universal human rights, like freedom of religion.
186.186	Congo 刚果	Continue its efforts in implementing a social security system accessible to urban and rural residents; 继续努力实施覆盖城乡居民的社会保障体系	Accepted 接受	Partially Implemented 部分执行 See Report: Section 3.5
186.43	Congo, Democratic Republic of 刚果民主共和国	Share its experience on human rights education with countries requesting such need; 与有需要的国家分享人权教育方面的经验	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	Assessment Unavailable 无法评估 See Report: Chapter 4 Inappropriate Recommendation The contents of HR education and training materials are often not disclosed and the school materials do not clearly promote universal human rights. It is thus questionable whether China has any positive experiences to share with other countries.
186.251	Congo, Democratic Republic of 刚果民主共和国	Develop further its bilateral and multilateral cooperation and exchanges, notably in the area of economic, social and cultural rights; 进一步发展双边和多边合作与交流, 尤其是在经济、社会和文化权利方面	Accepted 接受	Assessment Unavailable 无法评估 CESCR expressed concern in its 2014 COB over human rights violations stemming from China's economic and technical assistance in developing countries. (E/C.12/CHN/CO/2, para. 12) Inappropriate Recommendation Other countries may face the same human rights problems as China today if they follow China's experiences of pursuing economic growth at the expense of the environment, public health, rights of workers and migrants, while suppressing freedom of expression, association, and assembly, and democratic participation.
186.103	Costa Rica 哥斯达黎加	Introduce policies oriented towards a better inclusion of all persons with disabilities in all areas of society, in particular children; 推行将包括残疾儿童在内的所有残疾人更好地纳入社会方方面面的导向政策	Accepted 接受	Partially Implemented 部分执行 See Report: Section 3.4
186.151	Costa Rica 哥斯达黎加	Take the necessary measures to eliminate restrictions on the freedom of expression, including those imposed to national and international journalists; 采取必要措施, 消除对言论自由的限制, 包括对国内和国际记者的限制	Not Accepted 不接受 See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all	Not Implemented 未执行 See Report: Section 2.5

			<p>citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law.</p> <p>中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究。</p>	
186.157	Cote d'Ivoire 科特迪瓦	Strengthen the measures aimed at guaranteeing freedom of expression and freedom of the press; 加强旨在保障言论自由和新闻出版自由的措施	Accepted 接受	Not Implemented 未执行 See Report: Sections 2.5 Poor Recommendation Such guaranteeing measures do not exist. They must first be established and then strengthened, while the numerous measures restricting expression and press must be abolished.
186.247	Côte d'Ivoire 科特迪瓦	Strengthen the actions aimed at guaranteeing the enjoyment of the most fundamental rights and the access to the basic infrastructures in the most remote areas; 加强旨在保障各项最基本权利的享有以及最偏远地区基本基础设施覆盖的行动	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5 Poor Recommendation It's not made clear what are "the most fundamental rights" or whether they affirm international standards. Access to basic infrastructure in remote areas do not necessarily entail protection of social economic and cultural human rights of local ethnic minorities in these areas.
186.164	Cuba 古巴	Investigate activities of fabrication and dissemination of false information, and take measures with regard to persons engaged in illegal activities through Internet; 调查捏造和传播虚假信息的行为，并对通过互联网参与违法活动的人员采取措施	Accepted 接受	Assessment Unavailable 无法评估 See Report: Section 2.5 Inappropriate Recommendation Unprincipled; effectively supports China's draconian cyber policies and persecution of Internet users exercising their freedom of expression and information. Counter-productive to UPR objective to improve/protect human rights.
186.229	Cuba 古巴	Continue carrying out the system of regional autonomy in the ethnic minorities areas and give a more special treatment to ethnic minorities in politics, the economy, culture and education; 继续在少数民族地区实行区域自治制度，并在政治、经济、文化和教育方面给予少数民族	Accepted 接受	Not Implemented 未执行 CESCR and CEDAW expressed concern in their 2014 COBs that authorities have not respected regional autonomy or given ethnic minorities more special treatment. (CEDAW/C/CHN/CO/7-8, para. 30; E/C.12/CHN/CO/2, paras. 14, 38).

		更加特殊的待遇		
186.39	Cyprus 塞浦路斯	Maintain human rights education as a basic part of its National Human Rights Action Plans, including the relevant training of law enforcement agents, public servants and youth; 坚持将人权教育作为《国家人权行动计划》的基本组成部分, 包括对执法人员、公职人员和青少年的相关培训	Accepted and already implemented 接受并已经执行 The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	Partially Implemented 部分执行 See Report: Chapter 4 Poor Recommendation The contents of HR education and training materials are often not disclosed and the school materials do not clearly promote universal human rights. “Maintain” means affirming these education programs but if their contents do not promote human rights, then this is problematic.
186.4	Czech Republic 捷克共和国	Take steps to an early ratification of the ICCPR; 采取措施, 早日批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1
186.61	Czech Republic 捷克共和国	Ensure that its citizens can freely engage in the UPR process; 确保该国公民可以自由参与普遍定期审议进程	Accepted 接受	Not Implemented 未执行 See Report: Section 2.9.
186.156	Czech Republic 捷克共和国	Take effective measures to guarantee the freedom of expression and the media through amending existing laws and practices, including its State Secrets Law, and to release all human rights defenders and journalists; 采取有效措施, 通过修改包括《保守国家秘密法》在内的现行法律和做法, 保障言论和媒体自由, 并释放所有人权卫士和记者	Not Accepted 不接受 There are specific provisions in a number of Chinese laws on the freedom of speech and the press. There is no plan to amend the State Secrets Law so far. China is a country under the rule of law. Everyone is equal before the law. Chinese judicial organs deal with people engaging in illegal and criminal activities according to law. 中国多项法律中对言论和媒体自由都有具体规定, 目前尚无修改《保守国家秘密法》的计划。中国是法治国家, 法律面前人人平等, 对于从事违法犯罪活动的人, 司法机关将依法处理。	Not Implemented 未执行 See Report: Sections 2.5, 2.9
186.233	Czech Republic 捷克共和国	Protect ethnic and religious minorities, including Tibetans and Uyghurs, stop all disproportionate policies against them, while addressing their discontent in a non-violent, dialogical way; 保护少数民族和宗教少数群体, 包括藏族和维吾尔族, 停止针对他们的一切不当政策, 同时以非暴力对话的方式解决他们的不满	Not Accepted 不接受 See 186.230: China’s Constitution clearly stipulates that all ethnic groups are equal. The state guarantees the legal rights and interests of all ethnic minorities and forbids discrimination and oppression against any ethnic group. The relevant laws and regulations also fully guarantee all equal rights of ethnic minorities, including participation in the political and religious affairs and expression of cultural identity. Thus, there is no need to take any urgent step in this regard. 中国《宪法》明确规定, 各民族一律平等, 国家保障少数民族的合法权利和利益, 禁止对任何民族的歧视和压迫。有关法律法规亦作出规定, 充分保障少数民族享有包括参与政治和宗教事务及文化认同表达等在内的一切平等权利, 不需要为此采取任何紧急措施。	Not Implemented 未执行 The UN High Commissioner for Human Rights said in a March 2016 statement that he remains concerned about the human rights situation in TAR and XUAR. http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E CESCR and CAT expressed concern over rights violations respectively in their 2014 and 2015 COBs (E/C.12/CHN/CO/2, paras. 14, 38; CAT/C/CHN/CO/5, para. 40-41).

186.241	Czech Republic 捷克共和国	Protect North Korean refugees in accordance with international law, honouring the principle of non-refoulement; 依照国际法保护朝鲜难民，遵守不驱回原则	Not Accepted 不接受 The Chinese government has consistently followed the principle of non-refoulement and other international practice in refugee management. The illegal entrants from the DPRK are not refugees. Thus, their treatment should be different from that of refugees. The Chinese government follows the international law, domestic law and humanitarian spirit to properly handle the illegal entrants from the DPRK. 中国政府在难民管理中一直遵循“不推回”等国际惯例。非法入境朝鲜人不是难民，对其处理原则应有别于难民。中国一贯遵循国际法、国内法和人道主义精神妥善处理非法入境朝鲜人。	Not Implemented 未执行 The UN Commission of Inquiry on Human Rights in DPRK stated in a 2014 report that China had violated international law on non-refoulement in forcibly repatriating DPRK refugees (A/HRC/25/63, para. 43). CAT also expressed concern in its 2015 COB with the continued repatriation of North Korean refugees (CAT/C/CHN/CO/5, para. 46).
186.51	Denmark 丹麦	Effectively implement and establish the necessary institutional mechanisms to ensure the enforcement of existing laws prohibiting torture and dismissing illegally obtained evidence; 切实实施和建立必要的体制机制，确保执行禁止酷刑和排除非法证据的现行法律	Accepted and being implemented 接受并正在执行 Based on the amended Criminal Procedure Law, China's public security organs comprehensively amended the Regulations on Procedures of Handling Criminal Cases for Public Security Organs, which provides for stricter measures on evidence collection, examination, exclusion of illegal evidence and other procedures, and clearly stipulates that evidence, which is discovered as should be excluded during the course of investigation, shall be excluded in accordance with law, and shall not be used as the basis for the approval of an arrest and prosecution review. The amended Regulations also stipulates that public security organs reconfigure the case investigation areas, separate these areas physically from other areas, implement video surveillance, improve security facilities there and strengthen the regulation of the management and use of these areas. 根据修订后的《刑事诉讼法》，中国公安机关全面修订了《公安机关办理刑事案件程序规定》，进一步严格对证据的收集、审查和排除非法证据等程序，明确规定在侦查阶段发现有应当排除的证据的，应当依法排除，明确了不得作为提请批准逮捕、移送审查起诉的依据。同时，公安机关对执法办案场所硬件进行改造，对办案区进行隔离分区设置，实行视频监控，同时完善安全防护设施，大力规范办案区的管理和使用。	Not Implemented 未执行 See Report: Section 2.3
186.153	Denmark 丹麦	Ensure that all laws, regulations and judicial interpretations comply with	Not Accepted 不接受 China has yet to ratify the ICCPR.	Not Implemented 未执行 See Report: Sections 1.1, 2.5

		the Constitution and the ICCPR to ensure that the constitutionally provided right to freedom of expression is fulfilled; 确保所有法律、法规和司法解释均符合《宪法》与《公民权利和政治权利国际公约》的规定，以确保兑现宪法赋予的言论自由权	中国尚未批准《公民权利和政治权利国际公约》。	
186.134	Djibouti 吉布提	Continue to guarantee young people the access to legal assistance in conformity with the law; 继续依法保证青年可以获得法律援助	Accepted 接受	Not Implemented 未执行 See Report: Sections 2.8 Poor Recommendation This is based on a misleading presumption: Current law does not “guarantee” access to legal assistance. And the national law has many problems in conforming international human rights standards.
186.68	Ecuador 厄瓜多尔	Consider the possibility of extending an invitation to special procedures to visit China taking into account the appropriate balance between economic, social and cultural rights and civil and political rights; 考虑向特别程序发出访华邀请的可能性，同时考虑到经济、社会和文化权利与公民权利和政治权利之间的适当平衡	Accepted 接受	Partially Implemented 部分执行 See Report: Section 1.3 Poor Recommendation Given the lack of government transparency, it’s very difficult to assess whether the government has “considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.76	Ecuador 厄瓜多尔	Continue the efforts aimed at fighting against poverty and discrimination of the most vulnerable groups; 继续努力脱贫，消除针对最弱势群体的歧视	Accepted 接受	Partial Implemented See Report: Section 3.5 Poor Recommendation The lack of any description of “the most vulnerable groups” makes this recommendation vague and difficult to measure outcome.
186.6	Egypt 埃及	Continue carrying out administrative and judicial reforms to prepare for the ratification of the ICCPR; 继续推行政治和司法改革，为批准《公民权利和政治权利国际公约》作准备	Accepted 接受	Not Implemented 未执行 See Report: Sections 1.1
186.24	Egypt 埃及	Consider acceding to the ICRMW; 考虑加入《保护所有移徙工人及其家庭成员权利国际公约》	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1 Poor Recommendation Given the lack of government transparency, it’s very difficult to assess whether the government has “considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.111	Egypt 埃及	Continue observing its national legal safeguards surrounding the application of death penalty as one of the	Accepted 接受	Not Implemented 未执行 See Report: Section 2.2 Poor Recommendation

		legitimate tools of criminal justice; 继续遵守国家相关法律保障, 将死刑作为刑事司法的合法工具之一予以适用		The presumption that the government has “observed” these “legal safeguards” is problematic. Also, fails to draw attention to the need to examine the adequacy of any existing “safeguards.”
186.135	Egypt 埃及	Maintain its effective protection for the family as the fundamental and natural unit of society; 坚持将家庭作为社会的基本单位和自然单位予以有效保护	Accepted 接受	Not Implemented 未执行 See Report: Sections 3.1, 3.3, 3.5 Poor Recommendation This contains a problematic presumption that China has “effective protection” for the family, but the current law and practices are not “effective” and do not provide adequate protection.
186.93	Eritrea 厄立特里亚	Further expand and consolidate achievements made in promoting women’s rights and well-being in tandem with its policy and practice of protecting and promoting human dignity; 进一步扩大和巩固在促进妇女权利和福利方面取得的成果, 同时推行保护和促进人的尊严的政策和做法	Accepted 接受	Not Implemented 未执行 See Report: Section 3.1 Poor Recommendation Asking China “further expand” and “consolidate” any “achievements” diverts attention from serious problems in protecting women’s rights. It is unclear what the “policy and practice” referred to are. This vagueness hinders assessment of outcome.
186.190	Eritrea 厄立特里亚	Maintain and strengthen the achievements made in poverty elimination and further consolidate its continued efforts by giving focus to its integrated rural development schemes and in line with its priority and experience to promote the right to development; 保持和加强在消除贫困方面取得的成绩, 并重点关注综合农村发展方案, 依照优先事项和过往经验, 进一步巩固该国促进发展权的不懈努力	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5 Poor recommendation It’s problematic to assume that the government had an “integrated rural development scheme.” Environmental damage, lack of social security protections for vulnerable groups, and expanding income disparities, are some of the problems with China’s brand of development. It is unclear in this recommendation whether the “right to development” refers to the international standard of development as a human right or merely a right to GDP growth.
186.208	Eritrea 厄立特里亚	Intensify efforts in consolidating the right of education to further raise the level of compulsory education as consolidations as the advance it has made in the human capital formation; 加大努力, 巩固受教育权, 以进一步提高义务教育水平, 巩固在人力资本形成方面取得的进步	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3
186.2	Estonia 爱沙尼亚	Speed up the process of the ratification of the ICCPR; 加快《公民权利和政治权利国际公约》的批准进程	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set	Not Implemented 未执行 See Report: Section 1.1

			out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	
186.18	Estonia 爱沙尼亚	Speed up the process of ratification of the ICCPR-OP2; 加快《公民权利和政治权利国际公约第二项任择议定书》的批准进程	<p>Not Accepted 不接受</p> <p>See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	<p>Not Implemented 未执行</p> <p>See Report: Section 1.1, 2.2</p>
186.20	Estonia 爱沙尼亚	Ratify the Rome Statute of the ICC and the Agreement on the Privileges and Immunities of the Court; 批准《国际刑事法院罗马规约》及《法院特权和豁免协定》	<p>Not Accepted 不接受</p> <p>China always attaches importance to the role of the international criminal and judicial institutions in safeguarding international peace, promoting international justice, and punishing the most serious international crimes, and actively participates in the development of international criminal and judicial system in a constructive manner. China supports the establishment of an independent, impartial and effective International Criminal Court with</p>	<p>Not Implemented 未执行</p> <p>See Report: Section 1.1</p>

			<p>universality. However, some practices of ICC cause doubts in the international community. Many countries require ICC to avoid selectivity and double standards when exercising jurisdiction. China will continue to follow ICC's work, and hopes ICC will gain more extensive trust and support via practice. 中国一贯重视国际刑事司法机构在维护国际和平、促进国际法治和惩治最严重国际犯罪等方面发挥的作用，并始终以建设性态度积极参与国际刑事司法制度建设。中方支持建立一个独立、公正、有效且具有普遍性的国际刑事法院，但法院的某些做法在国际社会引起不少质疑，不少国家要求法院管辖有关罪行时避免选择性和双重标准。中方将持续关注国际刑事法院工作，并希望法院通过实践赢得更广泛信任和支持。</p>	
186.161	Estonia 爱沙尼亚	Undertake measures enabling unrestricted use of Internet to all members of the society; 采取措施，使社会的所有成员都可不受限制地使用互联网	<p>Not Accepted 不接受 See 186.159.</p> <p>中国互联网信息流动是开放的、自由的。但随着互联网快速发展，赌博、色情、暴力、黑客等网络安全问题日益威胁公众合法权益。为确保信息安全流动，中国政府有责任防止有害信息泛滥，并采取措施打击网络犯罪。</p>	Not Implemented 未执行 See Report: Section 2.5.
186.80	Ethiopia 埃塞俄比亚	Continue its effort to promote and protect the rights of children including further action against the abduction, maltreatment and abandonment of children; 继续努力促进和保护儿童权利，包括采取进一步行动解决儿童被拐、营养不良和遭到遗弃的问题	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.3
186.166	Ethiopia 埃塞俄比亚	Continue the spread of internet connections throughout the rural areas; 继续在所有农村地区普及互联网接入	Accepted 接受	Partially Implemented 部分执行 See Report: Section 2.5
186.83	Finland 芬兰	Create national and local-level systems to protect children from all forms of exploitation, including child labour; 建立全国和地方体系，保护儿童不受任何形式的剥削，包括童工	<p>Accepted and already implemented 接受并已经执行</p> <p>There are provisions of prohibiting child labour in both China's Labour Law and Law on the Protection of Minors. In 2002, the State Council amended the Provisions on Prohibition of Child Labour, which makes it clear that no units shall hire minors under the age of 16. In the same year, the Criminal Law added provisions on the crime of employing</p>	Not Implemented 未执行 See Report: Section 3.3

			<p>child labour in dangerous and heavy labour. China's labour security organs at the state, provincial, municipal and county levels carry out routine inspection, report and special law enforcement activities and take eliminating child labour and protecting lawful rights and interests of minors as their key tasks. 中国《劳动法》和《未成年人保护法》均有禁止使用童工的相关规定。2002年，国务院重新修订《禁止使用童工规定》，明确规定禁止使用不满16周岁的童工。同年，《刑法》增加了关于使用童工从事危重劳动罪的规定。中国的国家、省、市、县四级劳动保障部门通过开展日常巡查检查、举报专查和专项执法检查活动，把消除童工现象和维护未成年工合法权益作为重点工作来抓。</p>	
186.131	Finland 芬兰	<p>Guarantee access to prompt and effective investigation by an independent and impartial body for defence lawyers alleging that their access to their clients has been unlawfully obstructed; 保证据称遭到非法阻碍无法接触委托人的辩护律师可请独立公正的机构迅速开展有效调查</p>	Accepted 接受	Not Implemented 未执行 See Report: Section 2.8
186.1	France 法国	<p>Ratify the ICCPR; 批准《公民权利和政治权利国际公约》</p>	<p>Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。</p>	Not Implemented 未执行 See Report: Section 1.1
186.23	France 法国	<p>Ratify the CPED and reform the Criminal Procedure Code with a view to guaranteeing the rights of those deprived of their liberty; 批准《保护所有人免遭强迫失踪国际公约》并修改《刑事诉讼法》，以期保障被剥夺自由者的权利</p>	<p>Not Accepted 不接受 Regarding OP-CAT and CPED, see 186.16: Concerning the enforced disappearance, China has enacted related regulations, and will carry out the study on the possibility of acceding to the CPED in due time. As for OP-CAT, the Chinese government believes that the promotion and protection of human rights is mainly realized through the efforts of countries themselves, not through the means of visits to state parties. 关于免遭强迫失踪问题，中国已制定相应规定，将适时就加入该公约的可能性进行研究。关于《禁止</p>	Not Implemented 未执行 See Report: Sections 1.1

			酷刑公约》任择议定书问题，中国政府认为，促进和保护人权主要依赖各国政府通过自身努力实现，而非基于对缔约国查访的方式。	
186.71	France 法国	Fully cooperate with OHCHR as well as special procedures; 与人权高专办和各特别程序充分合作	Accepted 接受	Not Implemented 未执行 See Report: Section 1.3
186.108	France 法国	Publish official statistics on the application of the death penalty, guarantee the right to a fair defence, and introduce a procedure for pardon petitions with a view to a moratorium on execution; 公布死刑适用情况的官方统计数据，保障公平辩护权，并设立赦免申请程序，以期暂停处决	Not Accepted 不接受 The statistics of death penalty and death penalty with reprieve is included in that of fixed-term imprisonment of more than five years and life imprisonment. There is no separate statistics on death penalty. 在中国法院的司法统计中，死刑和死缓的数字是与被判处五年以上有期徒刑、无期徒刑的罪犯的数字合并统计的，无单独的死刑统计数字。	Not Implemented 未执行 See Report: Section 2.2
186.117	France 法国	Abolish the system of re-education through labour; 废除劳教制度	Accepted and already implemented 接受并已经执行 On December 28, 2013, the 6 th Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 2013年12月28日，第十二届全国人大常委会第六次会议通过的《全国人民代表大会常务委员会关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。	Implemented 执行 China abolished the RTL system in December 2013, although other forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm
186.159	France 法国	Remove all the obstacles to freedom of information on the Internet, and guarantee freedom of expression, assembly and association for all; 消除互联网上信息自由的一切障碍，并保障人人享有言论、集会和结社自由	Not Accepted 不接受 Flow of information on the Internet is open and free in China. However, with the rapid development of the Internet, cyber security problems such as gambling, pornography, violence, and hacking are posing increasing threats to the legitimate rights and interests of the public. To ensure the safe flow of information, the Chinese government has the responsibility to prevent the flooding of harmful information and take steps to fight cybercrime. 中国互联网信息流动是开放的、自由的。但随着互联网快速发展，赌博、色情、暴力、黑客	Not Implemented 未执行 See Report: Sections 2.5, 2.6

			<p>等网络安全问题日益威胁公众合法权益。为确保信息安全流动，中国政府有责任防止有害信息泛滥，并采取措施打击网络犯罪。</p> <p>See also 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究 responsibility。</p>	
186.235	France 法国	In light of concerns about the situation of human rights in Xinjiang and Tibet, respond to the invitation addressed to the Special Rapporteur on freedom of religion or belief to visit these regions; 考虑到有关新疆和西藏人权状况的关切，就邀请宗教或信仰自由问题特别报告员访问上述地区一事作出答复	<p>Not Accepted 不接受</p> <p>See 186.70: The government will assess its decision to extend a standing invitation to special procedures based on its national conditions. Although China has not extended a standing invitation, China has received many visits by special procedures. China takes every visit by special procedures seriously, and these visits have produced good overall results. 邀请特别机制访问及发出永久邀请应由各国政府根据国情自主决定。尽管中国没有发出永久邀请，但中国接待了很多特别机制访华。中方认真对待每一个特别机制来访，总体效果良好。</p>	Not Implemented 未执行 See Report: Sections 1.3, 2.7
186.53	Gabon 加蓬	Continue the reforms aimed at protecting and promoting human rights, particularly the strengthening of legislation and judicial guarantees; 继续推行旨在保护和促进人权的改革，特别是加强法律和司法保障	Accepted 接受	Not Implemented 未执行 See report: Section 1.2

186.109	Germany 德国	Further reduce the number of crimes carrying the death penalty and consider a moratorium and eventual abolition; 进一步减少可判处死刑的罪名, 并考虑暂停执行和最终废除死刑	<p>Not Accepted 不接受</p> <p>See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题, 中国认为, 国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府, 如公民某项权利遭受侵害, 应通过本国申诉机制得到救济和解决。关于死刑问题, 保留死刑、严格限制和慎重适用死刑是中国的政策, 中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日, 第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况, 继续研究逐步减少死刑罪名的问题。</p>	<p>Partially implemented 部分执行</p> <p>See Report: Section 2.2</p>
186.117	Germany	Abolish Re-education through Labour, prevent torture, and immediately inform relatives about arrests and effective legal representation; 废除劳教, 防止酷刑, 并立即将逮捕和有效法律代表事宜告知被捕者亲属	<p>Accepted and already implemented 接受并已经执行</p> <p>On December 28, 2013, the 6th Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 2013年12月28日, 第十二届全国人大常委会第六次会议通过的《全国人民代表大会</p>	<p>Partially implemented 部分执行</p> <p>See Report: Sections 2.3, 2.4, 2.8</p>

			常务委员会关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。	
186.155	Germany 德国	Reform legislation and law enforcement in order to ensure freedom of opinion and expression, including on the internet 改革法律和执法情况，以便保障见解和言论自由，包括互联网上的见解和言论自由	Accepted 接受	Not Implemented 未执行 See Report: Section 2.5
186.167	Germany 德国	Refrain from impeding civil society and respect its international obligations on the right to freedom of peaceful assembly; 不再阻碍民间社会并遵守和平集会自由权方面的国际义务	Accepted and being implemented 接受并正在执行 See 186.149: In accordance with China's Constitution and relevant national laws, citizens enjoy freedom of expression, the press, assembly, association, procession, demonstration, and religious belief. The Chinese government guarantees citizens' right to exercise these freedoms in accordance with the law. Chinese judicial organs impartially deal with all violations of citizens' personal and democratic rights according to law. There is no so-called issue of suppressing "human rights defenders". 根据中国《宪法》和有关法律的规定，公民享有言论、出版、集会、结社、游行、示威和宗教信仰的权利，中国政府保障公民依法行使上述权利。对于任何侵害公民人身权利、民主权利的行为，中国司法机关将依法公正处理，不存在所谓打压“人权卫士”问题。	Not Implemented 未执行 See Report: Section 2.6
186.232	Germany 德国	Ensure democratic participation of members of all ethnic minorities and allow unhindered access to all minority areas, including Tibet; 确保所有少数民族成员的民主参与，并允许无阻访问所有少数民族地区，包括西藏	Not Accepted 不接受 See 186.225: China implements the system of regional ethnic autonomy. Ethnic minority areas formulate relevant policies according to their local characteristics. 中国实行民族区域自治制度，少数民族地区根据各自地域特点制定相应的政策。	Not Implemented 未执行 See Report: Section 2.1
186.2	Ghana 加纳	Expedite the ratification of the ICCPR; 加快批准《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目	Not Implemented 未执行 See Report: Section 1.1

			前无法提出具体时间表。	
186.25	Ghana 加纳	Consider becoming a party to the ICRMW; 考虑成为《保护所有移徙工人及其家庭成员权利国际公约》缔约国	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1 Poor Recommendation Given the lack of government transparency, it's very difficult to assess whether the government has "considered" doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.60	Ghana 加纳	Keep up its commitment to uphold its human rights treaty obligations and engage constructively with the human rights mechanisms, including the special procedures; 恪守承诺, 坚持各项人权条约义务并建设性地参与人权机制, 包括各特别程序	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1,1.3
186.7	Guatemala 危地马拉	Continue the actions undertaken with the view to ratifying the ICCPR; 继续采取行动, 以期批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See Report: Sections 1.1
186.26	Guatemala 危地马拉	Consider the possibility of ratifying the ICRMW; 考虑批准《保护所有移徙工人及其家庭成员权利国际公约》的可能性	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1 Poor Recommendation Given the lack of government transparency, it's very difficult to assess whether the government has "considered" doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.1	Hungary 匈牙利	Ratify both the ICCPR and the OP-CAT; 批准《公民权利和政治权利国际公约》和《禁止酷刑公约任择议定书》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.70	Hungary 匈牙利	Issue a standing invitation for UN human rights special procedures and accept all requested visits by mandate holders; 向联合国各人权特别程序发出长期邀请, 并接受各任务负责人提出的所有访问请求	Not Accepted 不接受 The government will assess its decision to extend a standing invitation to special procedures based on its national conditions. Although China has not extended a standing invitation, China has received many visits by special procedures. China takes every visit by special procedures seriously, and these visits have produced good overall results. 邀请特别机制访问及发出永久邀请	Not Implemented 未执行 See Report: Section 1.3

			应由各国政府根据国情自主决定。尽管中国没有发出永久邀请，但中国接待了很多特别机制访华。中方认真接待每一个特别机制来访，总体效果良好。	
186.129	Hungary 匈牙利	Further improve the regulatory framework for lawyers conducive to the unhindered exercise of their profession, and continue to harmonize laws and regulations with international standards; 进一步完善规范框架，以便律师执业不受阻碍，并继续将法律法规与国际标准相统一	Accepted 接受	Not Implemented 未执行 See Report: Sections 2.8
186.177	Iceland 冰岛	Continue its efforts to enhance labour rights and ensure the safety of workers, including giving full legislative expression of the principle of equal remuneration for men and women for work of equal value; 继续努力加强劳动权利，确保职工安全，包括在法律上充分彰显男女同工同酬原则	Accepted and being implemented 接受并正在执行 See 186.92: China's Labour Law, Law on the Promotion of Employment, Law on the Protection of the Rights and Interests of Women and other laws establish the principles of prohibiting gender discrimination in employment and equal pay for equal work for men and women, clearly stipulate that equal pay for equal work and post-based wage system are applied in China. There is no gender discrimination. In practice, China actively protects women's rights and interests of employment. 中国《劳动法》、《就业促进法》、《妇女权益保障法》等法律确立了劳动者就业禁止性别歧视和实行男女同工同酬的原则，明确规定实行男女同工同酬，工资分配实行岗位工资制，按岗位确定工资，不存在性别歧视。实践中积极保护妇女就业权益。	Not Implemented 未执行 See Report: Section 3.1
186.171	India 印度	Make efforts to ensure the participation of women in public affairs especially in Village Committees; 努力确保妇女参与公共事务，特别是参与村民委员会	Accepted 接受	Not Implemented 未执行 See Report: Section 2.1
186.226	India 印度	Continue to promote economic development in ethnic minority regions and strengthen their capacity for development; 继续促进少数民族地区的经济发展，增强其发展能力	Accepted 接受	Not Implemented 未执行 CESCR expressed concern in its 2014 concluding observations over rights violations of ethnic minorities, including high rates of unemployment (E/C.12/CHN/CO/2, paras. 14, 17, 38).
186.36	Indonesia 印度尼西亚	Continue its progressive efforts and measures to implement the second	Accepted 接受	Partially implemented 部分执行 See Report: Section 1.2 Poor Recommendation

		NHRAP; 继续逐步努力, 采取渐进措施, 实施第二个《国家人权行动计划》		It's problematic to assume China already has "progressive efforts and measures", when there is no clear evidence to show that such efforts have been made. It's thus beside the point to ask for "continuation" of not-yet-made "efforts."
186.201	Indonesia 印度尼西亚	Further guarantee children's right to health and continue the trend to constantly reduce the mortality rate for children under five years of age; 进一步保障儿童的健康权, 并保持五岁以下儿童死亡率不断下降的势头	Accepted 接受	Partially implemented 部分执行 CRC in its 2012 COB welcomed the reduction of child mortality, but expressed serious concern with the persistence of health disparities between urban and rural areas (CRC/C/CHN/CO/3-4 para. 62). UNDP highlighted China's progress in eliminating child mortality, but warned of challenges due to urban-rural disparity and lack of coverage for marginal groups. http://www.cn.undp.org/content/china/en/home/post-2015/mdgoverview/overview/mdg4.html
186.41	Iran, Islamic Republic of 伊朗伊斯兰共和国	Continue human rights training for local officials, police commissioners, wardens and directors of Judicial Bureaus; 继续对地方干部、公安局长、监狱长和司法局长进行人权培训	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	Not Implemented 未执行 See Report: Chapter 4 Poor Recommendation HR training for officials barely exists, and relevant governmental depts. rarely disclose the contents of training materials, so it is unclear if materials promote universal human rights. Therefore, asking for its "continuation" doesn't address the problem.
186.174	Iran, Islamic Republic of 伊朗伊斯兰共和国	Increase its effort to address the issues of rural and urban migrant workers and their families in a more effective way; 加大努力, 以更加有效的方式解决城乡民工及其家人的问题	Accepted 接受	Partial Implementation 部分执行 See Report: Section 3.5
186.220	Iraq 伊拉克	Exert more efforts to protect cultures, especially those of ethnic minorities, and to promote the protection of cultural relics; 作出更多努力保护文化, 特别是少数民族文化, 并促进对文化遗迹的保护	Accepted 接受	Not Implemented 未执行 CESCR expressed concern in its 2014 COB over severe restrictions on ethnic minorities to exercise cultural rights, (E/C.12/CHN/CO/2, paras. 14, 17, 38). According to the NGO Free Tibet, Tibetan culture is under threat from mass Chinese immigration and strict control on Tibetan cultural expression. https://www.freetibet.org/about/history-religion-culture
186.89	Ireland 爱尔兰	Establish anti-discrimination laws and regulations to ensure that lesbian, gay, bisexual and transgender persons enjoy equal treatment, including at schools and in the workplace; 设立反歧视法律	Accepted and already implemented 接受并已经执行 See 186.85: China's Constitution clearly stipulates that all citizens are equal before the law. China prohibits all possible discriminations via	Not Implemented 未执行 See Report: Section 3.2

		法规，确保男女同性恋、双性恋和变性者享有平等待遇，包括在学校和工作场所享有平等待遇	enacting specific laws. China's Law on Regional National Autonomy, Law on the Protection of Rights and Interests of Women, Law on the Protection of Rights and Interests of Elderly, Law on the Protection of Minors, Law on the Protection of Rights and Interests of Disabled Persons, Law on the Promotion of Employment and other laws clearly prohibit discriminations based on ethnicity, religion, gender, age, disability and other aspects. 中国《宪法》明确规定公民在法律面前一律平等，并通过制定各项单行法律禁止可能出现的歧视现象和问题。中国《民族区域自治法》、《妇女权益保障法》、《老年人权益保障法》、《未成年人保护法》、《残疾人保障法》、《就业促进法》等法律明确禁止基于民族、宗教、性别、年龄、残疾等方面的歧视。	
186.149	Ireland 爱尔兰	Facilitate the development, in law and practice, of a safe and enabling environment in which both civil society and human rights defenders can operate free from fear, hindrance and insecurity; 推动在法律上和实践中培养安全有利的环境，以便民间社会和人权卫士都可无惧、无阻、安全地开展作	Accepted and being implemented 接受并正在执行 In accordance with China's Constitution and relevant national laws, citizens enjoy freedom of expression, the press, assembly, association, procession, demonstration, and religious belief. The Chinese government guarantees citizens' right to exercise these freedoms in accordance with the law. Chinese judicial organs impartially deal with all violations of citizens' personal and democratic rights according to law. There is no so-called issue of suppressing "human rights defenders". 根据中国《宪法》和有关法律规定，公民享有言论、出版、集会、结社、游行、示威和宗教信仰的权利，中国政府保障公民依法行使上述权利。对于任何侵害公民人身权利、民主权利的行为，中国司法机关将依法公正处理，不存在所谓打压“人权卫士”问题。	Not Implemented 未执行 See Report: Sections 2.5, 2.6, 2.9
186.82	Italy 意大利	Increase efforts to gather data on child abuse with the aim of supporting policy formulation process; 加大努力收集虐待儿童现象数据，以便为政策制定进程提供支持	Not Accepted 不接受	Not Implemented 未执行 See Report: Section 3.3
186.108	Italy 意大利	Publish the figures regarding death sentences and executions; 公布死刑和处决情况的数字	Not Accepted 不接受 The statistics of death penalty and death penalty with reprieve is included in that of fixed-term	Not Implemented 未执行 See Report: Section 2.2

			imprisonment of more than five years and life imprisonment. There is no separate statistics on death penalty. 在中国法院的司法统计中，死刑和死缓的数字是与被判处五年以上有期徒刑、无期徒刑的罪犯的数字合并统计的，无单独的死刑统计数字。	
186.109	Italy 意大利	Further reduce the offences punishable by death penalty; 进一步减少可处以死刑的罪名	<p>Not Accepted 不接受</p> <p>See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	Partially implemented 部分执行 See Report: Section 2.2
186.143	Italy 意大利	Consider possible revision of its legislation on administrative restrictions in order to provide a better protection of freedom of religion or belief; 考虑对行政限制的相关法律作出可能的修改，以便更好地保护宗教或信仰自由	Accepted 接受	Not Implemented 未执行 See Report: Section 2.7

186.212	Italy 意大利	Adopt further measures to fully ensure the right to education of children accompanying rural workers migrating to urban areas; 采取进一步措施, 充分确保随农民工迁至城镇地区的儿童的受教育权	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3
186.1	Japan 日本	Timely ratify the ICCPR; 及时批准《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.221	Japan 日本	Make further efforts for securing all human rights, including cultural rights of minorities; 进一步努力保障所有人权, 包括少数群体的文化权利	Accepted 接受	Not Implemented 未执行 CESCR expressed concern in its 2014 COB over severe restrictions on ethnic minorities to exercise cultural rights, (E/C.12/CHN/CO/2, paras. 14, 17, 38). According to the NGO Free Tibet, Tibetan culture is under threat from mass Chinese immigration and strict control on Tibetan cultural expression. https://www.freetibet.org/about/history-religion-culture
186.181	Jordan 约旦	Work out methods for implementing the relevant regulations on social security for religious staff; 制定宗教教职人员社会保障相关规定的实施办法	Accepted and already implemented 接受并已经执行 The Chinese government has formulated a specific policy to solve the problem of social security for religious clergy, and special work has been carried out accordingly. Up to now, religious clergy has been generally covered by the social security system. 中国政府专门制定了解决宗教教职人员社会保障问题的政策, 并开展专项工作。截至目前, 按照自愿原则, 总体实现社会保障体系对宗教教职人员的覆盖。	Partially implemented 部分执行 See Report: Section 2.7 China's assessment of its 2 nd Human Rights Action Plan (2012-2015) claimed "Full coverage of the social security system has been realized for religious workers." http://news.xinhuanet.com/english/china/2016-06/14/c_135435326_9.htm However, this claim has not been independently verified, and CHRD has documented non-state organized religions that faced persecution for receiving donations to fund church activities and staff. https://www.nchrd.org/2014/09/prisoner-of-conscience-zhang-shaojie/
186.217	Jordan 约旦	Raise the education level of the disabled and make sure that schoolage disabled children generally receive compulsory education; 提高残疾人的受教育水平, 确保学龄残疾儿童普遍接受义务教育	Accepted 接受	Not implemented 部分执行 See Report: Section 3.4
186.64	Kenya 肯尼亚	Continue to give consideration to the views of treaty bodies and other	Accepted 接受	Not Implemented 未执行 See Report: Sections 1.3, 2.3 Poor Recommendation

		mechanisms; 继续考虑各条约机构和其他机制的意见		“Giving consideration” to these views falls short of recommending a measurable step, such as complying with treaty bodies’ recommendations, Special Procedures’ opinions, and UPR recommendations.
186.121	Korea, Democratic People’s Republic 朝鲜民主主义人民共和国	Continue to push forward the reform on re-education through labour according to China’s national conditions and timetable; 继续根据中国的国情和时间表推进劳教改革	Accepted and already implemented 接受并已经执行 See 186.117: On December 28, 2013, the 6th Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 2013年12月28日, 第十二届全国人大常委会第六次会议通过的《全国人民代表大会常务委员会关于废止有关劳动教养法律规定的决定》, 废除了劳动教养制度。劳教制度废止后, 对正在被依法执行劳动教养的人员, 解除劳动教养, 剩余期限不再执行。	Implemented 执行 China abolished the RTL system in December 2013, although other forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm Poor Recommendation As an extra-judicial detention system, RTL should have been abolished much sooner according to international human rights standards, not conditionally “reformed” according to China’s own “national conditions and timetable.”
181.185	Korea, Democratic People’s Republic of 朝鲜民主主义人民共和国	Continue to provide comprehensive protection to citizens’ economic, social and cultural rights; 继续全面保护公民的经济、社会和文化权利	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5 Poor Recommendation It calls for the continuation of something that has not been practiced, i.e., providing “comprehensive protection” of these rights.
186.13	Korea, Republic of 大韩民国	Expedite the efforts to ratify the ICCPR; 加快努力批准《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.214	Korea, Republic of 大韩民国	Continue to make efforts to promote the right to education for children of migrant workers from rural areas; 继续努力促进农民工子女的受教育权	Accepted 接受	Partial Implemented 部分执行 See Report: Section 3.3 Poor Recommendation: This recommendation presupposed that such efforts had been made by government. Yet, China has rejected or punished civil society for trying to protect migrant children’s right to education.

186.242	Korea, Republic of 大韩民国	Accept the recommendations of UNHCR on refugee issues including the adoption of national asylum legislation; 接受联合国难民署关于难民问题的各项建议, 包括通过国家庇护法律	Accepted and already implemented 接受并已经执行 China's Constitution stipulates that asylum may be granted to foreigners who request it for political reasons in China. The Exit and Entry Administration Law of China which came into force on July 1, 2013 stipulates that foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs. China places importance on the refugee legislation, and is actively promoting the relevant legislation along with its domestic legislation progress. 中国《宪法》规定, 对于因为政治原因要求避难的外国人, 中国可以给予受庇护的权利。2013年7月1日起实施的《出入境管理法》规定: “申请难民地位的外国人, 在难民地位甄别期间, 可以凭公安机关签发的临时身份证明在中国境内停留; 被认定为难民的外国人, 可以凭公安机关签发的难民身份证件在中国境内停留居留。”中国重视难民立法, 正结合国内立法进程积极推进。	Not Implemented 未执行 While CAT welcomed the adoption of the 2012 Exit-Entry Administrative Law, which contains provisions on the treatment of refugees, it said in its 2015 COB that it remains concerned over the absence of national asylum legislation and administrative procedures. (CAT/C/CHN/CO/5, paras. 4, 46)
186.243	Korea, Republic of 大韩民国	Provide adequate protection to asylum seekers and cross-border refugees including especially those from neighbouring countries, in accordance with humanitarian considerations and relevant international norms such as the principle of non-refoulement; 出于人道主义考虑并依照不驱回原则等相关国际规范, 对寻求庇护者和跨境难民提供适足保护, 特别是来自邻国的寻求庇护者和跨境难民	Not Accepted 不接受 The Chinese government has consistently followed the principle of non-refoulement and other international practice in refugee management. China follows the non-refoulement principle and offers corresponding protection for all asylum seeker and cross-border refugees, be they from neighbouring countries or other countries. Therefore, there is no need to make a special request concerning “refugees from neighbouring countries”. 中国政府在难民管理中一直遵循“不推回”等国际惯例, 无论寻求庇护者或者难民来自于邻国还是来自于其他国家, 中方都遵循“不推回”原则, 对其提供相应的保护。因此, 没有必要专门对“来自邻国的难民”提出特殊的要求。	Not Implemented 未执行 The UN Commission of Inquiry on Human Rights in DPRK stated in a 2014 report that China had violated international law on non-refoulement in forcibly repatriating DPRK citizens (A/HRC/25/63, para. 43). CAT also expressed concern in its 2015 COB with the continued repatriation of North Korean refugees (CAT/C/CHN/CO/5, para. 46).
186.81	Kuwait 科威特	Increase the number of institutions providing professional services for the upbringing and protection of orphans, protection of homeless children and the rehabilitation	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.4

		of children with disabilities; 增加提供孤儿抚养和保护、 无家可归儿童保护和残疾儿 童康复专业服务的机构数量		
186.125	Kyrgyzstan 吉尔吉斯斯坦	Continue implementation of the comprehensive judicial reform which ensures that the judicial authorities exercise their powers in accordance with the law; 继续实施全面 司法改革, 确保司法部门依 法行使权力	Accepted 接受	Not Implemented 未执行 See Report: Section 2.8 Judicial reform in China has not been comprehensive, and CESCR expressed concern in its 2014 COB about the lack of independence of the judiciary in China. (E/C.12/CHN/CO/2, paras. 10)
186.8	Latvia 拉脱维亚	Continue its national reforms with an aim to ratify the ICCPR; 继续推行国家改 革, 目标是批准《公民权利 和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1
186.27	Latvia 拉脱维亚	Explore options to accede to the Rome Statute of the ICC; 探讨加入《国际刑事法院罗 马规约》的可能方式	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1 Poor Recommendation Given the lack of government transparency, it is hard to know or assess whether the government has “explored options.”
186.70	Latvia 拉脱维亚	Step up cooperation with the special procedures and consider extending a standing invitation to all special procedures mandate holders of the Human Rights Council; 加强与各特别程序的合作, 并考虑向人权理事会所有特 别程序任务负责人发出长期 邀请(拉脱维亚); 向联合国 各人权特别程序发出长期邀 请, 并接受各任务负责人提 出的所有访问请求	Not Accepted 不接受 The government will assess its decision to extend a standing invitation to special procedures based on its national conditions. Although China has not extended a standing invitation, China has received many visits by special procedures. China takes every visit by special procedures seriously, and these visits have produced good overall results. 邀请特别机制访问及发出永久 邀请应由各国政府根据国情自主决 定。尽管中国没有发出永久邀请, 但 中国接待了很多特别机制访华。中方 认真接待每一个特别机制来访, 总体 效果良好。	Not Implemented 未执行 See Report: Section 1.3
186.249	Lebanon 黎巴嫩	Strengthen standing efforts aiming at the realization of the right to development especially through sharing experiences and best practices with other developing countries; 加强旨在实现发 展权的长期努力, 特别是与 其他发展中国家分享经验和 最佳做法	Accepted 接受	Assessment Unavailable 无法评估 CESCR expressed concern in its 2014 COB over human rights violations stemming from China’s economic and technical assistance in developing countries. (E/C.12/CHN/CO/2, para. 12) Inappropriate Recommendation Other countries may face the same human rights problems as China today if they follow its experiences of pursuing economic growth at the expense of the environment, public health, rights of workers and migrants, while suppressing freedom of expression, association, and assembly, and democratic participation.
186.213	Lesotho	Continue to attach great	Accepted 接受	Not Implemented 未执行

	莱索托	importance to safeguarding the compulsory education rights of children accompanying rural migrant workers; 继续高度重视保障农民工随迁子女接受义务教育的权利		See Report: Section 3.3 Poor Recommendation The Chinese government has not been attaching great importance to education of migrant workers' children, so it is problematic to recommend China "continue" to do so.
186.139	Malaysia 马来西亚	Continue promoting the freedom of religious belief and safeguarding social and religious harmony among its people; 继续促进宗教信仰自由并保障中国人民的社会与宗教和谐	Accepted 接受	Not Implemented 未执行 See Report: Section 2.7 Poor Recommendation This recommendation asks for the "continuation" of something that the government hasn't done, "promoting the freedom of religious belief."
186.189	Malaysia 马来西亚	Redouble its efforts in implementing poverty alleviation projects and promoting the development of impoverished areas; 加倍努力实施扶贫工程, 推动贫困地区发展	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5
186.1	Maldives 马尔代夫	Ratify the ICCPR, which was signed by China in 1998; Accede to the First OP to the ICCPR; 批准中国已于 1998 年签署的《公民权利和政治权利国际公约》; 加入《公民权利和政治权利国际公约》的《第一项任择议定书》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.97	Mali 马里	Combat the crimes of abduction of and trafficking in women, provide women victims with physical and psychological rehabilitation services with a view to their integration into the society, continue improving the pension system covering urban and rural areas; 打击拐卖妇女的犯罪行为, 向妇女受害者提供身心康复服务以便她们重返社会, 继续完善城乡养老金制度	Accepted and already implemented 接受并已经执行 China has established and continued to improve the unified social old-age pension system covering both rural and urban residents. 中国已建立并继续健全覆盖城乡居民的统一的社会保障体系。See also 189.96: The Chinese government attaches great importance to combating human trafficking. It has adopted resolute and comprehensive measures to effectively prevent and crack down on human trafficking, worked actively for the rescue, settlement and rehabilitation of victims, and conducted effective cooperation with related countries and international organizations in the field of combating human trafficking. 中国政府一贯高度重视反对拐卖人口工作, 坚决采取综合措施, 有效预防、严厉打击拐卖犯罪活动, 积极开展对拐卖受害人的救助、安置和康复工作, 在打击人口拐卖领域与	Partially Implemented 部分执行 See Report: Sections 3.1, 3.5

			有关国家和国际组织开展了卓有成效的合作。	
186.77	Mauritius 毛里求斯	Continue to protect the rights of children; 继续保护儿童权利	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.3
186.188	Mauritius 毛里求斯	Intensify its efforts to eradicate poverty and improve health care facilities for its people; 加大努力, 消除贫困并改善人民群众的医疗设施	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.5
186.35	Mexico 墨西哥	Consider including civil society in the assessment sessions of the National Action Plan on Human Rights and in the formulation and preparation of the corresponding National Report; 考虑让民间社会参与《国家人权行动计划》评估会议以及相应国家报告的制定和编写工作	Accepted 接受	Not Implemented 未执行 See Report: Section 1.2
186.49	Mexico 墨西哥	Harmonize the definition of torture contained in the national legislation with the requirements of the CAT and ensure that statements obtained under duress are not admitted in court; 使国内法律所载的酷刑定义符合《禁止酷刑公约》的要求, 并确保法院对胁迫所得供词不予采信	Accepted and already implemented 接受并已经执行 The amended Criminal Procedure Law of China further makes it clear that confessions obtained through extortion or other illegal means should be excluded. 中国修改后的《刑事诉讼法》进一步明确采用刑讯逼供等非法方式收集的言词证据应当予以排除。	Not Implemented 未执行 See Report: Section 2.3
186.86	Mexico 墨西哥	Ensure proper registration of all boys and girls born in China in order to protect their rights to legal personality and equality before the law; 确保对所有在中国境内出生的男童和女童进行适当登记, 以保护他们的法律人格权利和在法律面前平等的权利	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3
186.91	Moldova, Republic of 摩尔多瓦共和国	Take further measures to promote gender equality and eradicate stereotypes regarding the roles and responsibilities of women in society; 采取进一步措施, 促进性别平等, 并消除有关妇女在社会中作用和责任的定型观念	Accepted 接受	Not Implemented 未执行 See Report: Section 3.1
186.95	Moldova, Republic of 摩尔多瓦共和国	Adopt a comprehensive law for combatting domestic violence; 通过一项全面法律, 打击家庭暴力行为	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.1
186.28	Mongolia 蒙古	Continue its efforts on the ratification of other human	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1

		rights instruments and relevant protocols; 继续努力批准其他人权文书和相关议定书		
186.191	Morocco 摩洛哥	Continue its national policy aimed at improving the access of citizens to subsistence and to development, and improve continuously the standard of living of the population according to the national conditions of China; 继续实施旨在改善公民生计和发展机会的国家政策, 并按照中国国情不断改善民众的生活水平	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5
186.202	Morocco 摩洛哥	Improve the quality of maternity services in urban and rural areas, increase the proportion of children born in hospitals and reduce the child mortality rate; 改进城乡孕产服务质量, 提高在医院出生的儿童比例, 并降低儿童死亡率	Accepted 接受	Partially implemented 部分执行 CRC in its 2012 COB welcomed the reduction of female and child mortality, but expressed serious concern with the persistence of health disparities between urban and rural areas (CRC/C/CHN/CO/3-4 para. 62) UNDP highlighted China's progress in eliminating child mortality, but warned of challenges due to urban-rural disparity and lack of coverage for marginal groups. http://www.cn.undp.org/content/china/en/home/post-2015/mdgoverview/overview/mdg4.html However, concerns have been raised after the government reported that the rate of maternal deaths in the first six months of 2016 was 30% higher than in 2015. http://english.caixin.com/2016-09-29/100993345.html
186.192	Mozambique 莫桑比克	Continue to increase the investment in poverty alleviation and gradually raise the standards for poverty alleviation, and thereby reduce the number of impoverished population; 继续增加对扶贫工作的投入, 逐步提高扶贫标准, 从而减少贫困人口数目	Accepted 接受	Partially Implemented 部分执行 See Report: Section 3.5
186.195	Mozambique 莫桑比克	Ensure the safety of drinking water by promoting the construction of a monitoring network for the safety of drinking water; 促进建设饮用水安全监督网络, 从而确保饮用水安全	Accepted 接受	Not Implemented 未执行 Chinese government monitoring data on water quality is kept secret. According to a 2015 NGO report from China Water Risk and China Dialogue, civil society groups have been forced to self-test water to check the safety of drinking water. In one test, half of the cities tested failed under the National Drinking Water Standard, highlighting the need for the government to publish

				its data. http://chinawaterrisk.org/wp-content/uploads/2015/03/Chinas-Long-March-To-Drinking-Water-2015-EN.pdf
186.165	Myanmar 缅甸	Strengthen institutional guarantees for the legitimate rights and interests of news agencies and journalists; 加强新闻机构和记者合法权益的制度保障	Accepted 接受	Not Implemented 未执行 See Report: Section 2.5 Poor Recommendation News agencies in China are state controlled. Their “legitimate rights and interests” are largely those of the state – controlling information and carrying out censorship, which differ from individual journalists’ rights and interests – and journalists’ right to free press has not been protection.
186.176	Myanmar 缅甸	Continue to use the platform of All-China Federation of Trade Unions to safeguard the rights of employees to get employed, paid and social security; 继续利用中华全国总工会的平台保障职工就业、得到报酬和社会保障的权利	Accepted 接受	Assessment Unavailable 无法评估 Inappropriate Recommendation The ACFTU is a government-run organization, not an independent or free trade union, hence not a platform where workers’ rights could be “safeguarded.” Supporting the “continued” use of this state-controlled platform contravenes ICESCR, which protects the right to form and join independent trade union. China ratified ICESCR, but made a reservation on the article on trade union rights.
186.21	Namibia 纳米比亚	Ratify outstanding core human rights instruments, including the ICCPR; 批准尚未加入的核心人权文书, 包括《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1. China has ratified many core human rights conventions. China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.112	Namibia 纳米比亚	Abolish the death penalty; 废除死刑	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China’s position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011,	Not Implemented 未执行 See Report: Section 2.2

			<p>Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.144	Namibia 纳米比亚	Strengthen the human rights framework to ensure religious freedoms; 加强人权框架，确保宗教自由	Accepted 接受	Not Implemented 未执行 See Report: Sections 1.1, 2.7
186.244	Namibia 纳米比亚	Continue promoting the right to development; 继续促进发展权	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3, 3.4, 3.5 Poor Recommendation The Chinese government has not promoted the “right to development” as a human right to equitable and participatory human development. Expanding income disparities and worsening pollution in China demonstrate that economic development, per se, does not benefit protection of social and economic rights.
186.196	Nepal 尼泊尔	Continue advancing the right to housing for farmers and herdsmen; 继续推进农牧民的住房权	Accepted 接受	Not Implemented 未执行 CESCR raised concerns over the forced resettlement of nomadic persons in its 2014 COB (E/C.12/CHN/CO/2, para. 31). Poor Recommendation This presupposes that housing right of farmers and herdsmen had been “advancing” without showing any recognition of the country’s widespread forced eviction/relocation and violent demolition affecting these groups.
186.227	Nepal 尼泊尔	Continue promoting economic development in all regions and strengthening their self-development capacity; 继续促进所有地区	Accepted 接受	Not Implemented 未执行 CESCR expressed concern over widespread discrimination against ethnic minorities in the fields of employment, social security,

		的经济发展，加强其自我发展能力		housing, health and education (E/C.12/CHN/CO/2, para. 14). See also, Andrew Martin Fischer, <u>The Disempowered Development of Tibet in China: A Study in the Economics of Marginalization</u> (ISBN-10: 0739134388).
186.90	Netherlands 荷兰	Include a prohibition of discrimination of any kind, including discrimination based on sexual orientation and gender identity, ethnicity, religion and infection with HIV, in labour and employment law in line with international standards; 按照国际标准，在劳动和就业法律中加入禁止一切歧视的规定，包括基于性取向和性别身份、族裔、宗教和艾滋病感染情况的歧视	Accepted and already implemented 接受并已经执行 The Labour Law of China stipulates that workers shall not be discriminated on grounds of ethnicity, race, sex and religious beliefs. The Law on the Promotion of Employment of China contains systematic stipulations against employment discriminations. 中国《劳动法》规定，劳动者就业，不因民族、种族、性别、宗教信仰不同而受歧视。《就业促进法》对反对就业歧视作出较为系统的规定。	Not Implemented 未执行 See Report: Section 3.2
186.150	Netherlands 荷兰	Allow national and international NGOs to play a full and active role in promoting and protecting human rights, specifically by expanding registration to all categories of NGOs and social organizations in China and by expanding their freedom to operate effectively; 允许国内和国际非政府组织在促进和保护人权方面发挥充分和积极的作用，特别是将许可登记的范围扩大至中国所有类别的非政府组织和社会组织，并给予它们更大的自由以有效开展工作	Accepted 接受	Not Implemented 未执行 See Report: Section 2.6
186.10	New Zealand 新西兰	Move towards ratification of the ICCPR at the earliest possible date; 争取尽早批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1
186.59	New Zealand 新西兰	Establish a national human rights institution, in accordance with the Paris Principles; 按照《巴黎原则》设立国家人权机构	Not Accepted 不接受 China has not established a national human rights institution in terms of the Paris Principles. However, many government agencies in China assume and share similar responsibilities. The issue of establishing a national human rights institution falls into China's sovereignty, and should be considered in a holistic manner in accordance with its national conditions. 中国尚未设立《巴黎原则》意义上的国家人权机构，但许多部门承担着类似的职责。是否及何时设立国家人权机构是中国	Not Implemented 未执行 See Report: Section 1.2

			主权范围内的事情，将按照实际需要予以综合考虑。	
186.107	New Zealand 新西兰	Continue reform towards eventual abolition of the death penalty, including greater transparency around its use; 继续改革，争取最终废除死刑，包括让死刑的使用情况更加透明	Not Accepted See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	Not Implemented 未执行 See Report: Section 2.2 Poor Recommendation Authorities have not indicated there will be reforms towards abolishing the death penalty or greater transparency. It's problematic to ask China to "continue" such non-existing reforms.
186.236	New Zealand 新西兰	Resume the two-way dialogue in Tibet; 恢复西藏的双向对话	Not Accepted 不接受 The position of the Chinese central government on contact and negotiation with the Dalai Lama is consistent, and its attitude serious, and the door for dialogue is always open. The key to continue the dialogue is in the Dalai Lama's hands. The Dalai Lama must fundamentally reassess and thoroughly correct his political claims, stop plotting and instigating violent criminal activities and activities aimed at seeking "Tibet independence" and splitting the	Not Implemented 未执行 According to the NGO International Campaign for Tibet, the two-way dialogue has stalled due to longstanding preconditions set by the Chinese government, despite the Tibetan Central Administration and Dalai Lama's stated desire for peaceful negotiations on the Middle Way Approach (genuine autonomy within the People's Republic of China). https://www.savetibet.org/pol-icy-center/chronology-of-tibetan-chinese-relations-1979-to-2013/ ;

			<p>motherland, so as to create conditions for progress in contact and negotiation. The persons to contact and negotiate should only be the personal representatives of the Dalai Lama, instead of the “Tibetan government-in-exile”. 中国中央政府与达赖喇嘛接触商谈的立场是一贯的，态度是认真的，对话的大门始终是敞开的。能否继续关键看达赖喇嘛。达赖喇嘛必须对自己的政治主张进行根本反思和彻底改正，停止策划煽动暴力犯罪活动和一切谋求“西藏独立”、分裂祖国的活动，为接触商谈取得进展创造条件。接触商谈的对象只能是达赖喇嘛的私人代表，而不是什么“西藏流亡政府”。</p>	<p>http://www.dalailama.com/messages/middle-way-approach In a 2012 statement, the High Commissioner for Human Rights said, “Social stability in Tibet will never be achieved through heavy security measures and suppression of human rights.” http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12729&LangID=E However, The Chinese government has instead responded to legitimate human rights concerns by Tibetans with violence. A 2015 report from the International Campaign for Tibet documented widespread use of torture and impunity, and a 2015 report by the US State Department highlighted severe restrictions on Tibetan’s human rights. https://www.savetibet.org/torture-and-impunity-29-cases-of-tibetan-political-prisoners/; https://www.state.gov/documents/organization/252967.pdf</p>
186.50	Niger 尼日尔	Continue to improve the legal system, so that it reflects the will expressed through the reform of 2012, in order to further ensure the protection of human rights; 继续完善法律制度，使之体现 2012 年改革表达的意愿，以便进一步确保保护人权	Accepted 接受	Not Implemented 未执行 See Report: Section 2.8
186184	Niger 尼日尔	Continue to improve living conditions in rural areas through the realization of social infrastructures and guaranteeing better services for its population; 继续改善农村地区的生活条件，落实社会基础设施并保证为民提供更好的服务	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.5
186.65	Nigeria 尼日利亚	Continue to maintain contact and constructive dialogue with the human rights treaty bodies; 继续保持与各人权条约机构的联络和建设性对话	Accepted 接受	Not implemented 未执行 See Report: Section 1.3
186.126	Nigeria 尼日利亚	Continue with judicial reforms with a view to strengthening human rights safeguards; 继续推行司法改革，以期强化各项人权保障措施	Accepted 接受	Not Implemented 未执行 See Report: Section 2.8 Judicial reform in China has not been comprehensive, and CESCR expressed concern in its 2014 COB about the lack of independence of the judiciary in China. (E/C.12/CHN/CO/2, paras. 10)
186.148	Nigeria 尼日利亚	Intensify efforts to facilitate the participation of NGOs, academic institutions and the	Accepted 接受	Not Implemented 未执行 See Report: Sections 2.5, 2.6, 2.9

		media in safeguarding human rights; 加紧努力, 为非政府组织、学术机构和媒体参与保障人权提供便利		
186.11	Norway 挪威	Move towards ratification of the ICCPR in the near future; 争取在不久的将来批准《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.128	Norway 挪威	Increase judicial transparency in the use of the death penalty; 提高使用死刑过程中的司法透明度	Not accepted 不接受	Not Implemented 未执行 See Report: 2.2
186.154	Norway 挪威	Make further efforts towards safeguarding the freedom of expression of all citizens; 作出进一步努力, 力求保障所有公民的言论自由	Accepted 接受	Not Implemented 未执行 See Report: Section 2.5 Poor Recommendation China cannot be said to have made “efforts” toward “safeguarding” free expression. It’s thus misleading to recommend it to make “further efforts.”
186.99	Oman 阿曼	Exert more efforts and take measures to promote women’s rights and protection in accordance to traditional Chinese norms and values, to achieve more progress in various fields; 作出更大努力并采取措施, 按照中国的传统规范和价值观促进妇女权利和对妇女的保护, 从而在各个领域取得更大进展	Accepted 接受	Assessment Unavailable 无法评估 See Report: Section 3.1 Inappropriate Recommendation This recommendation gives “traditional norms & values” a higher priority or importance than women’s rights as human rights; it’s thus incompatible to the guiding principles of UPR.
186.237	Pakistan 巴基斯坦	Strengthening of efforts to take action against criminals who instigate, intimidate or help others to commit self-immolations; 进一步努力, 对煽动、恐吓或协助他人自焚的犯罪分子采取行动	Accepted 接受	Assessment Unavailable 无法评估 The High Commissioner for Human Rights said she was disturbed by allegations of rights violations in Tibet which led to an alarming escalation in self-immolations as a form of protest. The High Commissioner urged China in 2012 to allow independent and impartial monitors to visit and assess the conditions on the ground in Tibet, but to date no access has been granted to the High Commissioner or Special Procedures. http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12729&LangID=E Inappropriate Recommendation This recommendation in effect urges China to systematically persecute ethnic Tibetans whom the

				government accused of “inciting self-immolation.” Such a recommendation is not oriented to address human rights abuses at the roots of ethnic repression, cultural destruction, deprivation of religious freedom, exploitation of natural resources, and ecological and environmental degradation in Tibet, which ultimately led to this desperate form of protest. Rather, it advocates further political repression.
186.239	Pakistan 巴基斯坦	Continue to counter the East Turkistan terrorist organizations to prevent their violent activities, and assist the ordinary people being deceived and victimized by these organizations to resume their normal lives; 继续打击“东突厥斯坦”恐怖组织，防止其从事暴力活动，帮助受这些组织蒙骗和伤害的普通大众恢复正常生活	Accepted 接受	Assessment Unavailable 无法评估 Inappropriate Recommendation This is not a human rights-based recommendation: The Chinese government has systematically suppressed the right to religious freedom and cultural rights of ethnic Uyghurs in the name of countering “terrorists” and “separatists.” This recommendation supports such “counter-terrorism” measures that have been used to override human rights.
186.45	Palestine, State of 巴勒斯坦国	Integrate human rights knowledge into relevant courses and the legal education curriculum; 将人权知识纳入相关课程和法律教育课程	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进，已在公务员培训班次中纳入人权教育的有关内容。	Partially implemented 部分执行 See Report: Chapter 4
186.88	Palestine, State of 巴勒斯坦国	Improve the collection and publishing of gender-specific data in the fields of economic and social development; 改善经济和社会发展领域性别分列数据的收集和公布情况	Accepted and already implemented 接受并已经执行 The China National Bureau of Statistics has established gender-specific statistics mechanism, and formulated relatively complete gender-specific statistical indicator system that covers economy, population, health care, education, employment, social security, social service, women’s participation in state affairs, law protection, social living environment and other areas. Through the gender-specific statistical system, China has collected a large quantity of gender-specific statistical data, and edited many gender-specific statistical publications, reflecting the status of Chinese women’s development, progress in achieving gender equality and the living conditions of the two genders. 中国国家统计局建立了性别统计制度，形成一整套较为完善	Partially implemented 部分执行 See Report: Section 3.1

			的分性别统计指标体系，涵盖了经济、人口、卫生保健、教育、就业、社会保障、社会服务、妇女参政议政、法律保护、社会生活环境等领域。通过性别统计报表制度，收集了大量性别统计数据，编辑了多种性别统计出版物，从多方面反映中国妇女的发展现状、实现男女平等的进程与两性生存状况。	
186.175	Palestine, State of 巴勒斯坦国	Strengthen efforts to promote and protect the rights of people living in rural areas and the situation of rural migrant workers; 加强努力，促进和保护农村地区人民的权利，改善和维护农民工的境况	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5
186.138	Poland 波兰	Take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China; 采取必要措施，确保在中国的每个行政实体均充分尊重和保护宗教、文化和言论自由权	Accepted and already implemented 接受并已经执行 China's Constitution provides for citizens' freedom of religious belief. All civil servants in administrative entities are citizens of the People's Republic of China, and enjoy the freedom of religious belief. The Chinese government does not interfere in their religious belief. Meanwhile, according to the Civil Servant Law of China, the government shall not take religions belief into consideration when recruiting, selecting, and appointing civil servants. 中国《宪法》规定，公民有宗教信仰自由。中国所有行政机关公务员都是中华人民共和国公民，都享有宗教信仰自由。中国政府不干涉公务员的宗教信仰。同时，中国政府在录取、选拔任用公务员时，依照《公务员法》有关规定，不将个人宗教信仰状况列为考核考察条件。	Not Implemented 未执行 See Report: Chapter 2.7
186.151	Poland 波兰	Repeal any unreasonable restrictions on freedom of expression particularly for the media; 废除任何对言论自由的不合理限制，尤其是对媒体言论自由的不合理限制	Not Accepted 不接受 See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law.	Not Implemented 未执行 See Reports: Section 2.5

			中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究。	
186.158	Poland 波兰	Ensure that proper investigations are conducted in all cases of attacks on journalists, media workers and human rights defenders; 确保对所有攻击记者、媒体工作者和人权卫士的案件均予以妥善调查	Accepted and being implemented 接受并正在执行 See 186.149: In accordance with China's Constitution and relevant national laws, citizens enjoy freedom of expression, the press, assembly, association, procession, demonstration, and religious belief. The Chinese government guarantees citizens' right to exercise these freedoms in accordance with the law. Chinese judicial organs impartially deal with all violations of citizens' personal and democratic rights according to law. There is no so-called issue of suppressing "human rights defenders". 根据中国《宪法》和有关法律的规定，公民享有言论、出版、集会、结社、游行、示威和宗教信仰的权利，中国政府保障公民依法行使上述权利。对于任何侵害公民人身权利、民主权利的行为，中国司法机关将依法公正处理，不存在所谓打压“人权卫士”问题。	Not Implemented 未执行 See Report: Sections 2.5, 2.9
186.12	Portugal 葡萄牙	Continue its endeavours to ratify the ICCPR in the very near future; 继续努力在近期批准《公民权利和政治权利国际公约》	Not Accepted 不接受 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.19	Portugal 葡萄牙	Sign and ratify the OP-ICESCR and the OP-CRC-IC; 签署和批准《经济、社会、文化权利国际公约任择议定书》和《儿童权利公约关于来文程序的任择议定书》	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first	Not Implemented 未执行 See Report: Section 1.1

			<p>exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.85	Portugal 葡萄牙	Inscribe the legal definition of discrimination in Chinese laws as a means to enhance Chinese efforts in this regard; 将歧视的法律定义写入中国法律，以便加强中国在这方面的努力	<p>Accepted and already implemented 接受并已经执行</p> <p>China's Constitution clearly stipulates that all citizens are equal before the law. China prohibits all possible discriminations via enacting specific laws. China's Law on Regional National Autonomy, Law on the Protection of Rights and Interests of Women, Law on the Protection of Rights and Interests of Elderly, Law on the Protection of Minors, Law on the Protection of Rights and Interests of Disabled Persons, Law on the Promotion of Employment and other laws clearly prohibit discriminations based on ethnicity, religion, gender, age, disability and other aspects. 中国《宪法》明确规定公民在法律面前一律平等，并通过制定各项单行法律禁止可能出现的歧视现象和问题。中国《民族区域自治法》、《妇女权益保障法》、《老年人权益保障法》、《未成年人保护法》、《残疾人保障法》、《就业促进法》等法律明确禁止基于民族、宗教、性别、年龄、残</p>	Not Implemented 未执行 See Report: Section 3.2

			疾等方面的歧视。	
186.107	Portugal 葡萄牙	Continue to work towards the full abolition of death penalty and consider adopting an immediate de facto moratorium; 继续努力争取完全废除死刑并考虑立即在事实上暂停执行死刑	<p>Not Accepted 不接受</p> <p>See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	<p>Not Implemented 未执行</p> <p>See report: section 2.2</p> <p>Poor Recommendation</p> <p>Authorities have not indicated that abolishing the death penalty is a goal. It's problematic to ask it to "continue to work towards" something that does not exist; and it is impossible to know or measure any "consideration" towards adopting a moratorium.</p>
186.206	Portugal 葡萄牙	Continue to invest and take appropriate measures to ensure that all school age children enjoy fully the right to education; 继续投入并采取适当措施，确保所有学龄儿童充分享有受教育权	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3
186.58	Qatar 卡塔尔	Continue efforts in theoretical research related to national human rights organs; 继续开展有关国家人权机构的理论研究	Accepted 接受	<p>Not Implemented 未执行</p> <p>See Section 1.2</p> <p>Poor Recommendation:</p> <p>This recommendation did not ask China to undertake any concrete actions relevant to a specific human rights goal, such as establishing an independent National Human Rights</p>

				Institute, and instead it uses indirect language like “continue efforts in theoretical research,” which is difficult to measure a concrete outcome.
186.203	Qatar 卡塔尔	Improve maternity care services especially in rural areas and work to increase the percentage of women who give birth in hospitals and to decrease maternal mortality rate during birth; 改进孕产服务, 特别是农村地区的孕产服务, 并努力提高在医院生产的妇女比例, 并降低产妇分娩期间死亡率	Accepted 接受	Partially implemented 部分执行 CRC in its 2012 COB welcomed the reduction of female and child mortality, but expressed serious concern with the persistence of health disparities between urban and rural areas (CRC/C/CHN/CO/3-4 para. 62) UNDP highlighted China’s progress in eliminating child mortality, but warned of challenges due to urban-rural disparity and lack of coverage for marginal groups. http://www.cn.undp.org/content/china/en/home/post-2015/mdgoverview/overview/mdg4.html However, concerns have been raised after the government reported that the rate of maternal deaths in the first six months of 2016 was 30% higher than in 2015. http://english.caixin.com/2016-09-29/100993345.html
186.96	Romania 罗马尼亚	Continue to adopt appropriate measures in combating the trafficking of human beings; 继续采取适当措施, 打击贩运人口行为	Accepted and already implemented 接受并已经执行 The Chinese government attaches great importance to combating human trafficking. It has adopted resolute and comprehensive measures to effectively prevent and crack down on human trafficking, worked actively for the rescue, settlement and rehabilitation of victims, and conducted effective cooperation with related countries and international organizations in the field of combating human trafficking. 中国政府一贯高度重视反对拐卖人口工作, 坚决采取综合措施, 有效预防、严厉打击拐卖犯罪活动, 积极开展对拐卖受害人的救助、安置和康复工作, 在打击人口拐卖领域与有关国家和国际组织开展了卓有成效的合作。	Not Implemented 未执行 See Report: Sections 3.1, 3.3
186.168	Russian Federation 俄罗斯联邦	Expand channels and mechanism of direct dialogue between the Government and the population; 拓宽政府与民众直接对话的渠道和机制	Accepted 接受	Not Implemented 未执行 See Report: Sections 2.1, 2.5, 2.9
186.183	Russian Federation 俄罗斯联邦	Continue the policy of strengthening guarantees of social and economic rights of citizens, in particular in the area of education, health care, social protection and labour, and give special attention to the vulnerable groups such as children, persons with	Accepted 接受	Not implemented 未执行 See Report: Sections 3.3, 3.4, 3.5 Poor Implementation There has hardly been such a national “policy of strengthening” these protections; current policies need to be reformed and fixed, not simply “continued.”

		disabilities and national minorities; 继续实施加强公民的社会和经济权利保障的政策，特别是在教育、医疗、社会保障和劳动领域，并特别关注儿童、残疾人和少数民族等弱势群体		
186.209	Russian Federation 俄罗斯联邦	Increase the provision of resources for education establishments in remote and rural areas, as well as regions inhabited by ethnic minorities; 提高对偏远和农村地区以及少数民族居住区教育机构的资源供给	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.3
186.107	Rwanda 卢旺达	Continue towards the abolition of death penalty; 继续争取废除死刑	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	Not Implemented 未执行 See Report: Section 2.2 Poor Recommendation Authorities have not indicated abolishing the death penalty is a goal, so they cannot "continue" efforts that don't exist. Reducing the number of crimes punishable by death is not necessarily a step towards abolishing the death penalty.
186.145	Saudi Arabia	Improve the organization and	Accepted 接受	Partially Implemented 未执行

	沙特阿拉伯	management of, and service to pilgrimage to Saudi Arabia to provide convenience and guarantee for Muslims to complete their pilgrimage smoothly; 改善前往沙特阿拉伯的朝圣旅程的组织管理和服务, 为穆斯林顺利完成朝圣提供便利和保障		See Report: Section 2.7
186.146	Saudi Arabia 沙特阿拉伯	Strengthen legislation to prevent the unlawful from undermining other people's interests in the name of human rights defenders; 强化法律, 防止违法人员以人权卫士的名义危害其他民众的利益	Accepted 接受	Assessment Unavailable 无法评估 See Report: Section 2.9 Inappropriate Recommendation This recommendation overrides protection of HRDs with a dubious claim of “other people’s interests” and supports China’s status quo legislations that legitimizes persecution of HRDs in the name of “national security.” Such a recommendation is not human rights based: It is opposed to protection and promotion of human rights.
186.102	Senegal 塞内加尔	Continue actions to address the needs of persons with disabilities; 继续采取行动, 满足残疾人的需求	Accepted 接受	Partially implemented 部分执行 See Reports: Section 3.4 Poor recommendation: The language is vague; it fails to recommend any concrete actions. The word “continue” also presupposed that there had been such “actions,” about which we have raised doubts.
186.210	Senegal 塞内加尔	Improve access to education for disadvantaged people; 提高困难人群的受教育机会	Accepted 接受	Not Implemented 未执行 See Report: Sections 3.3, 3.4
186.193	Serbia 塞尔维亚	Continue its activities in bridging the gap in economic and social development between rural and urban areas and among geographical regions, as well as its efforts to eradicate poverty through the implementation of alleviation projects and the employment strategy; 继续开展活动, 缩小城乡之间和地域之间的经济社会发展差距, 并继续努力通过实施扶贫工程和就业战略消除贫困	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.5
186.29	Seychelles 塞舌尔	Consider signing and ratifying the third OP-CRC-IC; 考虑签署和批准《儿童权利公约关于来文程序的第三项任择议定书》	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1 Poor Recommendation Given the lack of government transparency, it’s very difficult to assess whether the government has “considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.44	Seychelles 塞舌尔	Strengthen human rights education with a view of	Accepted and already implemented	Not Implemented 未执行 See Report: Chapter 4

		enhancing human rights awareness; 强化人权教育, 以期加强人权意识	接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	
186.1	Sierra Leone 塞拉利昂	Ratify ICCPR and OP-CAT; 批准《公民权利和政治权利国际公约》和《禁止酷刑公约任择议定书》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.37	Sierra Leone 塞拉利昂	Prioritize the implementation of its NHRAP and its 12th Five-Year Plan for Economic and Social Development in the ethnic regions of minority groups as well as for other under-privileged communities; 在少数民族地区以及面向其他弱势群体优先实施《国家人权行动计划》及《国民经济和社会发展第十二个五年规划》	Accepted 接受	Not Implemented 未执行 See Report: Section 1.2
186.252	Sierra Leone 塞拉利昂	Develop programme for sharing of its experiences in addressing the right to development with African countries in the context of the Forum on China-Africa cooperation. 在中非合作论坛下制定与非洲国家分享解决发展权问题经验的方案	Accepted 接受	Assessment Unavailable 无法评估 CESCR expressed concern in its 2014 COB over human rights violations stemming from China's economic and technical assistance in developing countries. (E/C.12/CHN/CO/2, para. 12) Inappropriate Recommendation Sharing China's development model in African countries would likely lead to an increase in human rights violations. China has pursued economic growth at the expense of the environment, public health, rights of workers and migrants, and forcibly demolished homes, while suppressing freedom of expression, association, and assembly, and democratic participation. Citizens, especially ethnic minorities and disadvantaged and marginalized groups, are often blocked from receiving redress for rights violations.
186.124	Singapore 新加坡	Continue its efforts to strengthen the judicial system	Accepted 接受	Not Implemented 未执行 See Reports: Section 2.8

		to enhance public security and the rule of law; 继续努力强化司法系统, 以加强公共安全和法治		
186.207	Singapore 新加坡	Continue to improve its education system and access to quality education for its people; 继续完善教育制度, 提高民众获得优质教育的机会	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3
186.55	Slovakia 斯洛伐克	Follow the approach it took for economic, social and cultural rights with respect to civil and political rights, including freedom of religion or belief and the right to a fair trial; 以对待经济、社会和文化权利的相同方式对待公民权利和政治权利, 包括宗教或信仰自由和公平审判权	Accepted 接受	Not Implemented 未执行 See Report: Sections 2.7, 2.8
186.73	Slovakia 斯洛伐克	Organize a visit of the High Commissioner in the coming future; 安排高级专员近期访华	Accepted 接受	Not Implemented 未执行 See Report: Section 1.3
186.87	Slovenia 斯洛文尼亚	Give priority to protecting the rights of girl children by ensuring that all girls are registered at birth, implement wide awareness raising campaigns on the human rights of girls and promote their education; 确保所有女童得到出生登记从而优先保护女童的权利, 广泛开展关于女童人权的提高认识运动, 扶持女童教育	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3
186.113	Slovenia 斯洛文尼亚	Establish a moratorium on the death penalty as a first step towards abolition of the death penalty; 暂停执行死刑, 作为迈向废除死刑的第一步	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable	Not Implemented 未执行 See Report: Section 2.2

			<p>to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.56	South Africa 南非	Further guarantee the rights of life, education and health; 进一步保障生命权、受教育权和健康权	Accepted 接受	Not Implemented 未执行 See Report: Sections 3.3, 3.5
186.78	South Africa 南非	Further enhance the rights of children, especially orphaned and disabled children, children affected by HIV/AIDS and children from poor households; 进一步加强儿童权利，特别是孤残儿童、受艾滋病影响儿童和贫困家庭儿童的权利	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.4 Poor Recommendation This seems to presume that these vulnerable children have already enjoyed rights protection, which only needed to be “further enhanced.” But that presumption is problematic: These children’s rights have been seriously neglected.
186.250	South Africa 南非	Strengthen international cooperation with other countries on poverty reduction, the realization of the MDGs and good governance; 加强与其他国家在减贫、实现千年发展目标 and 善治方面的国际合作	Accepted 接受	Partially implemented 部分执行 CESCR expressed concern in its 2014 COB over human rights violations stemming from China’s economic and technical assistance in developing countries. (E/C.12/CHN/CO/2, para. 12) The high-level Johannesburg Summit and 6 th Ministerial Conference of the Forum on China-Africa Cooperation was held in 2015, with promises to increase sharing on governance and development. http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1323159.shtml
186.215	South Sudan 南苏丹	Allocate more educational resources to central and western regions, rural areas, remote and border areas, and in ethnic minority areas; 向中西部地区、农村地区、边远地区以及少数民族地区划拨更多教育资源	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.3
186.216	South Sudan 南苏丹	Better the conditions of urban schools, especially in the poor	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3

		neighborhoods; 改善城镇学校条件, 特别是贫困社区的学校条件		
186.1	Spain 西班牙	Ratify the ICCPR, which it signed in 1998; 批准于 1998 年签署的《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See Report: Section 1.1
186.22	Spain 西班牙	Ratify OP-CEDAW; 批准《消除对妇女一切形式歧视公约任择议定书》	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题, 中国认为, 国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府, 如公民某项权利遭受侵害, 应通过本国申诉机制得到救济和解决。关于死刑问题, 保留死刑、严格限制和慎重适用死刑是中国的政策, 中国一直为逐步减少死刑适用创造法律和制度条件。2011 年 2 月 25 日, 第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了 13 个罪名的死刑。中国还将根据经济社会的发展情况, 继续研究逐步减少死刑罪名的问题。	Not Implemented 未执行 See Report: Section 1.1
186.107	Spain 西班牙	Proceed to the establishment of a moratorium on the application of the death penalty as a first step to its	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the	Not Implemented 未执行 See Report: Section 2.2

		<p>definitive abolition; 着手规定暂停适用死刑，作为最终废除死刑的第一步</p>	<p>view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.137	Spain 西班牙	<p>Stop all criminal prosecutions, arrests and all other forms of intimidation of individuals as a result of the peaceful exercise of their rights to freedom of expression, freedom of association, and assembly, or freedom of religion and belief; 对和平行使言论自由、结社和集会自由或宗教和信仰自由的个人，停止一切刑事起诉、逮捕和其他所有形式的恐吓行为</p>	<p>Not Accepted 不接受</p> <p>In accordance with China's Constitution and relative legislation, citizens enjoy freedom of speech, association and religious belief. The Chinese government guarantees, in accordance with law, citizens' rights to exercise these freedoms. Meanwhile, the exercise of the above-mentioned freedoms shall abide by the Constitution and laws, and shall not harm the national, social, collective interests and the legitimate rights of other citizens. Illegal and criminal activities shall be prosecuted according to law. 根据中国《宪法》和相关法律规定，公民有言论、结社、宗教信仰等方面的自由权利，政府依法保障公民行使这些自由权</p>	<p>Not Implemented 未执行 See Report: Sections 2.5, 2.6, 2.7</p>

			利。同时，公民在行使上述自由和权利时，必须遵守《宪法》和法律，不得损害国家的、社会的、集体的利益和其他公民的合法权利，如果从事违反中国法律的违法犯罪活动应当受到依法追究。	
186.204	Sri Lanka 斯里兰卡	Continue its efforts in improving health conditions of the people with a view to further reducing maternal and infant mortality, including through awareness-raising; 继续努力改善人民的健康状况，以期进一步降低孕产妇和婴幼儿死亡率，包括开展提高认识活动	Accepted 接受	Partially implemented 部分执行 CRC in its 2012 COB welcomed the reduction of female and child mortality, but expressed serious concern with the persistence of health disparities between urban and rural areas (CRC/C/CHN/CO/3-4 para. 62) UNDP highlighted China's progress in eliminating child mortality, but warned of challenges due to urban-rural disparity and lack of coverage for marginal groups. http://www.cn.undp.org/content/china/en/home/post-2015/mdgoverview/overview/mdg4.html However, concerns have been raised after the government reported that the rate of maternal deaths in the first six months of 2016 was 30% higher than in 2015. http://english.caixin.com/2016-09-29/100993345.html
186.240	Sri Lanka 斯里兰卡	Continue to counter terrorist and ethnic separatist activities undertaken by certain individuals and groups; 继续打击某些个人和团体从事的恐怖主义和民族分裂活动	Accepted 接受	Assessment Unavailable 无法评估 Inappropriate Recommendation This is not a human rights-based recommendation: The Chinese government has systematically suppressed the human rights to religious freedom and cultural rights of ethnic Uyghurs in the name of countering "terrorists" and "separatists." This recommendation supports such "counter-terrorism" measures that have been used to override human rights.
186.33	Sudan 苏丹	Implement the national plan of action for human rights for 2012 -2015 and assess its implementation; 实施《国家人权行动计划(2012-2015年)》并评估实施情况	Accepted 接受	Partially implemented 部分执行 See Report: Section 1.2
186.118	Sweden 瑞典	Ensure that any reformed prison or compulsory care system meets international human rights standards, and abolish system of arbitrary detention, including Re-Education Through Labour; 确保所有劳改监狱或强制护理制度都符合国际人权标准，并废除任意拘留制度，包括劳教制度	Accepted and being implemented 接受并正在执行 The amended Criminal Procedure Law of China clearly stipulates that the compulsory mental health treatment for mentally ill people should be decided by courts. At present, the relevant Chinese authorities are formulating rules to regulate the treatment, rehabilitation, management, diagnose and assessment conducted by the institutions of compulsory mental	Partially Implemented 部分执行 See Report: Section 2.4 Prisons and compulsory detention facilities do not meet international human rights standards. China abolished the RTL system in December 2013, although other forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm

			<p>health treatment and the protection of the rights of the people under compulsory mental health treatment. As for re-education through labour, see 186.117. 修改后的《刑事诉讼法》明确规定，对精神病人强制医疗需由法院决定。目前，有关方面正着手制定配套规定，将对强制医疗机构开展治疗、康复、管理、诊断评估、被强制医疗人员的权利保障等作出规范。劳教制度同 186.117。</p> <p>186.117: On December 28, 2013, the 6th Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 2013年12月28日，第十二届全国人大常委会第六次会议通过的《全国人民代表大会常务委员会关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。</p>	
186.151	Sweden 瑞典	Remove restrictions on freedom of information and expression that are not in accordance with international human rights law-established by law, and deemed necessary and proportionate; 撤销不符合国际人权法规定(由法律所规定的、认定有必要的和适度的)的对新闻和言论自由的限制	<p>Not Accepted</p> <p>See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究。</p>	<p>Not Implemented 未执行 See Report: Section 2.5</p>

186.152	Sweden 瑞典	Urgently release those being held in detention or imprisonment for exercising their right to freedom of expression; 立即释放因行使言论自由权而被拘留或关押的人员	<p>Not Accepted 不接受</p> <p>See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留, 所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定, 公民有言论、出版、集会、结社、宗教信仰等方面的自由权利, 但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利, 从事违法犯罪活动将被依法追究。</p>	<p>Not Implemented 未执行</p> <p>See Report: Section 2.5</p>
186.230	Sweden 瑞典	Take urgent steps to fully respect the rights of ethnic minorities, including peaceful political and religious practices and expressions of cultural identity; 即刻采取措施, 充分尊重少数民族的权利, 包括奉行和平的政治和宗教习俗以及表达文化身份的权利	<p>Not Accepted 不接受</p> <p>China's Constitution clearly stipulates that all ethnic groups are equal. The state guarantees the legal rights and interests of all ethnic minorities and forbids discrimination and oppression against any ethnic group. The relevant laws and regulations also fully guarantee all equal rights of ethnic minorities, including participation in the political and religious affairs and expression of cultural identity. Thus, there is no need to take any urgent step in this regard. 中国《宪法》明确规定, 各民族一律平等, 国家保障少数民族的合法权利和利益, 禁止对任何民族的歧视和压迫。有关法律法规亦作出规定, 充分保障少数民族享有包括参与政治和宗教事务及文化认同表达等在内的一切平等权利, 不需要为此采取任何紧急措施。</p>	<p>Not Implemented 未执行</p> <p>The UN High Commissioner for Human Rights said in a March 2016 statement that he remains concerned about the human rights situation in TAR and XUAR. http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E CESCR and CAT expressed concern over rights violations in their 2014 and 2015, respectively, COBs (E/C.12/CHN/CO/2, paras. 14, 38; CAT/C/CHN/CO/5, para. 40-41).</p>
186.62	Switzerland 瑞士	Ensure that human rights defenders can exercise their legitimate activities, including participation in international mechanisms, without being subjected to reprisals; 确保人权卫士可以开展合法活动, 包括参与国际机制而不遭报复	<p>Accepted and already implemented 接受并已经执行</p> <p>There are a large number of organizations and individuals that safeguard others' rights and interests in China. Their activities are encouraged, protected and supported by the Chinese government. No one suffers reprisal for taking part in lawful activities or</p>	<p>Not Implemented 未执行</p> <p>See Report: Section 2.9</p>

			international mechanisms. As for the individuals or organizations engaging in illegal activities in the name of safeguarding human rights, they will be duly prosecuted by the Chinese government will enforce punishment according to law. 中国有许多维护他人权益的组织和个人，他们的活动得到政府的鼓励、保护和扶持，没有人因从事合法活动或参与国际机制而遭受报复。对于打着“维权”旗号从事违法犯罪的个人或组织，中国政府依法进行惩处。	
186.73	Switzerland 瑞士	Facilitate the visits of the UN High Commissioner and the special procedures, including to Tibetan and Uighur areas; 为联合国高级专员和特别程序访华提供便利，包括访问西藏和维吾尔地区	Accepted 接受	Partially implemented 部分执行 See Report: Section 1.3
186.108	Switzerland 瑞士	Publicize the statistics on executions; 公布处决情况的统计数据	Not Accepted 不接受 The statistics of death penalty and death penalty with reprieve is included in that of fixed-term imprisonment of more than five years and life imprisonment. There is no separate statistics on death penalty. 在中国法院的司法统计中，死刑和死缓的数字是与被判处五年以上有期徒刑、无期徒刑的罪犯的数字合并统计的，无单独的死刑统计数字。	Not Implemented 未执行 See Report: Section 2.2
186.67	Syrian Arab Republic 阿拉伯叙利亚共和国	Continue to play an active role in the works of the Human Rights Council and continue to contribute in solving the issues relating to human rights in a fair, objective and non-selective manner; 继续在人权理事会的工作中发挥积极作用，并继续为以公正、客观和非选择性方式解决人权相关问题作出贡献	Accepted 接受	Not Implemented 未执行 See Report: Sections 1.1, 1.2, 1.3 Poor Recommendation The premises of this recommendation & the baseline for comparison are misleading: China has not played a positive role on the HRC nor always contributed to solving problems in a “fair, objective and non-selective manner.”
186.231	Tajikistan 塔吉克斯坦	Continue measures to further economic and social development of Xinjiang Uygur Autonomous Region, to protect the right to freedom of religion and belief as well as to maintain stability in this autonomous region; 继续有关措施，推进新疆维吾尔自治区的经济社会发展，保护宗教和信仰自由权，并维护该自治区的稳定	Accepted 接受	Not Implemented 未执行 The UN High Commissioner for Human Rights said in a March 2016 statement that he remains concerned about the human rights situation in TAR and XUAR. http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E CESCR and CAT expressed concern over rights violations in their 2014 and 2015, respectively, COBs (E/C.12/CHN/CO/2, paras. 14, 38; CAT/C/CHN/CO/5, para. 40-41).

186.57	Thailand 泰国	Look into the possibility of establishing the national human rights institution in China; 研究在中国成立国家人权机构的可能性	Accepted 接受	Not Implemented 未执行 See Report: Section 1.2 Poor Recommendation Due to lack of government transparency, it's difficult to know or assess whether the government has "looked into the possibility" of doing this. "Looking into" this doesn't mean taking a step forward as long as no NHRI has been established.
186.46	Thailand 泰国	Keep up its efforts in raising awareness among law enforcement officers and security personnel throughout the country; 坚持努力, 提高全国执法官员和安全人员的意识	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	Partially Implemented 部分执行 See Report: Chapter 4 Poor Recommendation HR training for officials barely exists, and relevant governmental depts. rarely disclose the contents of training materials, so it is unclear if materials promote universal human rights. Therefore, asking for its "continuation" doesn't address the problem. Additionally, this contains vague language about raising "awareness" but does not specify awareness about what.
186.123	Timor-Leste 东帝汶	Adjust and specify the applicable conditions and stipulations for the adoption of compulsory measures such as arrest, release on bail pending trial and residential surveillance; 调整和说明逮捕、审判前保释和监视居住等强制措施的适用条件和规定	Accepted and already implemented 接受并已经执行 Based on the amended Criminal Procedure Law, Chinese public security organs have revised the Regulations on Procedures of Handling Criminal Cases for Public Security Organs, including revising the applicable conditions of bail, residential surveillance and arrest, and imposing a stricter requirement on the duration between arrest and custody. 公安机关根据修改后的《刑事诉讼法》对《公安机关办理刑事案件程序规定》进行了修改, 其中调整了取保候审、监视居住、逮捕的适用条件, 严格了逮捕后送看守所羁押的时限要求。	Not Implemented 未执行 See Report: Section 2.8
186.132	Timor-Leste 东帝汶	Inform the suspects of their rights and obligations in a timely manner in accordance with the law, as well as to actively create conditions for lawyers to get involved in a lawsuit from the stage of criminal investigation; 及时依法告知嫌疑人他们的权利和义务, 并积极创造条件, 以便律师在犯罪调查阶段就可参与诉讼	Accepted 接受	Not Implemented 未执行 See Report: Section 2.8
186.47	Togo 多哥	Continue the human rights awareness and training of the population; 继续开展全民人权意识宣传和培训	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human	Not implemented 未执行 See Report: Chapter 4 Poor Recommendation State-controlled media does not raise awareness of universal human rights

			rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	or the content of international human rights conventions, and other forms of HR training and education for the general population in China don't exist. It is problematic to recommend China "continue" to do something that does not exist.
186.74	Togo 多哥	Pursue its policies in favour of the vulnerable strata of society; 推行向社会弱势群体倾斜的政策	Accepted 接受	Not Implemented 未执行 See Report: Section 3.5
186.14	Tunisia 突尼斯	Accelerate administrative and legislative reforms with a view of ratifying the ICCPR; 加快行政和立法改革, 以期批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1
186.16	Tunisia 突尼斯	Ratify the CPED, OP-CAT as well as the Rome Statute; 批准《保护所有人免遭强迫失踪国际公约》、《禁止酷刑公约任择议定书》及《罗马规约》	Not Accepted 不接受 Concerning the enforced disappearance, China has enacted related regulations, and will carry out the study on the possibility of acceding to the CPED in due time. As for OP-CAT, the Chinese government believes that the promotion and protection of human rights is mainly realized through the efforts of countries themselves, not through the means of visits to state parties. 关于免遭强迫失踪问题, 中国已制定相应规定, 将适时就加入该公约的可能性进行研究。关于《禁止酷刑公约》任择议定书问题, 中国政府认为, 促进和保护人权主要依赖各国政府通过自身努力实现, 而非基于对缔约国查访的方式。	Not Implemented 未执行 See Report: Section 1.1
186.59	Tunisia 突尼斯	Set up a national institution in line with the Paris Principles and ensure a climate that is favourable to the activities of human rights defenders, journalists and other civil society actors; 按照《巴黎原则》设立国家人权机构(新西兰); 按照《巴黎原则》设立一个国家机构, 并保障利于人权卫士、记者和其他民间社会活动人士开展活动的氛围	Not Accepted 不接受 China has not established a national human rights institution in terms of the Paris Principles. However, many government agencies in China assume and share similar responsibilities. The issue of establishing a national human rights institution falls into China's sovereignty, and should be considered in a holistic manner in accordance with its national conditions. 中国尚未设立《巴黎原则》意义上的国家人权机构, 但许多部门承担着类似的职责。是否及何时设立国家人权机构是中国主权范围内的事情, 将按照实际需要予以综合考虑。	Not Implemented 未执行 See Report: Sections 1.2
186.54	Turkmenistan 土库曼斯坦	Continue its ongoing review of national laws to ensure that they are in line with its international human rights law obligations; 继续审议国内法律, 确保这些法律符合	Accepted 接受	Not Implemented 未执行 See Report: Section 1.3

		该国的国际人权法律义务		
186.197	Turkmenistan 土库曼斯坦	Continue advancing the construction of permanent houses for farmers and herdsmen in the region on a voluntary basis and in their real needs; 继续本着自愿原则、按照真实需求推进该区域农牧民永久住宅的建设	Accepted 接受	Not Implemented 未执行 China has subjected approximately two million Tibetans to forced relocation and rehousing, according to a 2013 Human Rights Watch report. https://www.hrw.org/news/2013/06/27/china-end-involuntary-rehousing-relocation-tibetans CESCR raised concerns over the forced resettlement of nomadic persons in its 2014 COB (E/C.12/CHN/CO/2, para. 31).
186.147	Uganda 乌干达	Adopt further measures to firmly crack down on cult organizations to safeguard freedom of worship and the normal religious order; 采取进一步措施, 严厉打击邪教组织, 保障礼拜自由和正常宗教秩序	Accepted 接受	Not Implemented 未执行 See Report: Section 2.7 Poor Recommendation This recommendation practically supports China's persecution of Falun Gong, which the government has labelled a "cult," in the name of "safeguarding" "normal" "religious order," while it says nothing about the officially unrecognized and persecuted house church Christians.
186.172	Uganda 乌干达	Ensure the implementation of the Electoral Law; 确保实施《选举法》	Accepted 接受	Not Implemented 未执行 See Report: Section 2.1
186.173	Uganda 乌干达	Further guarantee citizens' right to express themselves, to vote and to be elected; 进一步保障公民的言论、选举和被选举权	Accepted 接受	Not Implemented 未执行 See Report: Sections 2.1, 2.5 Poor Recommendation Since these rights have not been "guaranteed" in China, it makes little sense to ask the state to "further guarantee" them. Such wording has the effect of misguidedly praising the government.
186.38	Ukraine 乌克兰	Continue its efforts for promotion of human rights with particular attention to the fulfilment of the NHRAP for 2012 – 2015; 继续努力促进人权, 重点落实《国家人权行动计划(2012-2015年)》	Accepted 接受	Not Implemented 未执行 See Report: Sections 1.2
186.79	United Arab Emirates 阿拉伯联合酋长国	Continue its efforts to successfully achieve the Child Development Plan 2011-2020 set by the State Council in 2011; 继续努力成功实现国务院 2011 年作出的《中国儿童发展纲要(2011-2020年)》	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.3 Poor Recommendation This recommendation incorrectly presumes China has made "successful efforts" to achieve the stated goals, and asks China to "continue" actions that it has not yet done.
186.15	United Kingdom of Great Britain & N. Ireland 大不列颠及北爱尔兰联合王国	Set out a clear legislative timetable for ratification of the ICCPR; 规定批准《公民权利和政治权利国际公约》明确的立法时间表	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和	Not Implemented 未执行 See Report: Section 1.1

			行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	
186.116	United Kingdom of Great Britain & N. Ireland 大不列颠及北爱尔兰联合王国	Abolish all forms of arbitrary and extra-judicial detention; 废除一切形式的任意拘留和法外拘留	Not Accepted 不接受 See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究。	Not Implemented 未执行 See Report: Section 2.4
186.115	United States of America 美国	End the use of harassment, detention, arrest, and extralegal measures such as enforced disappearance to control and silence human rights activists as well as their family members and friends; 不再使用骚扰、拘留、逮捕以及强迫失踪等非法措施控制和压制人权活动人士及其家人和朋友	Not Accepted 不接受 There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的	Not Implemented 未执行 See Report: Sections 2.4, 2.8, 2.9

			利益及其他公民的合法权利，从事违法犯罪活动将被依法追究。	
186.127	United States of America 美利坚合众国	Reform its administrative justice system, including by eliminating “reeducation through labour”, and ratify the ICCPR 改革中国的行政司法制度，包括废止“劳教”并批准《公民权利和政治权利国际公约》	Not Accepted 不接受 Concerning ICCPR ratification, see 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. Concerning the abolition of re-education through labour, see 186.117: Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 关于批准《公民权利和政治权利国际公约》问题，同 186.1: 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。关于废除劳教问题，同 186.117: 2013 年 12 月 28 日，第十二届全国人大常委会第六次会议通过的《全国人民代表大会常务委员会关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。	Partially implemented 部分执行 See Report: Sections 1.1, 2.4 China abolished the RTL system in December 2013, although other forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm
186.234	United States of America 美利坚合众国	Protect the rights of ethnic minority groups, including Tibetans, Uighurs, and Mongolians, in accordance with China’s Constitution and international human rights commitments; 依照中国《宪法》和国际人权承诺，保护包括藏族、维吾尔族和蒙古族在内的少数民族的权利	Accepted and already implemented 接受并已经执行 In accordance with China’s Constitution and international human rights commitments, the Chinese government guarantees that all ethnic minorities fully exercise political, economic, cultural, social, educational, religious and other basic rights, and vigorously promotes development of all undertakings for ethnic minorities and in ethnic minority areas. 中国政府切实依照中国《宪法》和国际人权承诺，保障所有少数民族充分行使政治、经济、文化、社会、教育、宗教等各项基本权利，大力推动少数民族和民族地区各项事业繁荣发展。	Not Implemented 未执行 China has not protected the rights of ethnic and religious minorities in accordance with China’s Constitution and international human rights commitments. The UN High Commissioner for Human Rights said in a March 2016 statement that he remains concerned about the human rights situation in TAR and XUAR. http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E CESCR and CAT expressed concern over rights violations in their 2014 and 2015, respectively, COBs (E/C.12/CHN/CO/2, paras. 14, 38; CAT/C/CHN/CO/5, para. 40-41).
186.30	Uruguay 乌拉圭	Consider the possibility of acceding to the Rome Statute of the ICC as well as its Agreement on Privileges and Immunities; 考虑加入《国际	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1 Poor Recommendation Given the lack of government transparency, it’s very difficult to assess whether the government has

		刑事法院罗马规约》及其《特权和豁免协定》的可能性		“considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.31	Uruguay 乌拉圭	Consider the possibility of acceding to the CPED and recognize the competence of its Committee; 考虑加入《保护所有人免遭强迫失踪国际公约》的可能性，并承认《公约》委员会的职权	Accepted 接受	Not Implemented 未执行 See Report: Section 1.1 Poor Recommendation Given the lack of government transparency, it’s very difficult to assess whether the government has “considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.101	Uruguay 乌拉圭	Increase efforts to combat the stigma associated with boys and girls with disabilities and review the family planning policy with the aim of combatting the deep causes of abandonment of boys and girls with disabilities as well as to provide sufficient community services and assistance in rural regions; 加大努力，消除残疾男童和女童被视为耻辱的现象，审视计划生育政策，解决遗弃残疾男童和女童的深层原因，并在农村地区提供充分的社区服务和援助	Accepted 接受	Partially implemented 部分执行 See Reports: Section 3.4
186.238	Uzbekistan 乌 兹别克斯坦	Step up measures to bring to justice persons who instigate others to commit acts of self-immolation; 加强措施，将煽动他人自焚的人员绳之以法	Accepted 接受	Assessment Unavailable 无法评估 The High Commissioner for Human Rights said she was disturbed by allegations of rights violations in Tibet which led to an alarming escalation in self-immolations as a form of protest. The High Commissioner urged China in 2012 to allow independent and impartial monitors to visit and assess the conditions on the ground in Tibet, but to date no access has been granted to the High Commissioner or Special Procedures. http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12729&LangID=E Inappropriate Recommendation Uzbekistan in effect urged China to systematically persecute ethnic Tibetans whom the government accused of “inciting self-immolation.” Such a recommendation is not oriented to address human rights abuses at the roots of ethnic repression, cultural destruction, deprivation of religious freedom, exploitation of natural resources, and ecological and environmental degradation in Tibet,

				which ultimately led to this desperate form of protest. Rather, it advocates further political repression.
186.48	Uzbekistan 乌兹别克斯坦	Include human rights education in training programme for the government officials; 将人权教育纳入面向政府官员的培训方案	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进，已在公务员培训班次中纳入人权教育的有关内容。	Partially implemented 部分执行 See Report: Chapter 4
186.223	Venezuela, Bolivarian Republic of 委内瑞拉(玻利瓦尔共和国)	Continue to guarantee the rights of ethnic minorities on an equal footing and in accordance with the law; 继续保障少数民族依法平等享有各项权利	Accepted 接受	Not Implemented 未执行 The UN High Commissioner for Human Rights said in a March 2016 statement that he remains concerned about the human rights situation in TAR and XUAR. http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E CESCR and CAT expressed concern over rights violations in their 2014 and 2015, respectively, COBs (E/C.12/CHN/CO/2, paras. 14, 38; CAT/C/CHN/CO/5, para. 40-41). Poor Recommendation Ethnic minorities' rights are not guaranteed – it makes little sense to ask the government to “continue” something that it has not done.
186.162	Viet Nam 越南	Further develop and manage internet and communications sectors, ensuring the legitimate rights and interests of ordinary people enjoying safe and secure internet usage; 进一步发展和管理互联网和通信部门，保障普通大众安全安心上网的合法权益	Accepted 接受	Assessment Unavailable 无法评估 See Report: Section 2.5 Inappropriate Recommendation This recommendation supports the Chinese government's draconian cyber policies and censorship in the name of “public security” at the expense of freedom of expression and a free Internet. It's counter-productive to the UPR's objective to protect and promote human rights.
186.228	Viet Nam 越南	Continue to carry out the system of regional autonomy in ethnic areas and give more favourable conditions to ethnic minorities for participating in the fields of politics, economy and culture; 继续在少数民族地区实行区域自治制度，并为少数民族参与政治、经济和文化领域工作提供更多便利条件	Accepted 接受	Not Implemented 未执行 See Report: Section 2.1 Poor Recommendation This recommends “continuing” a system that has not provided genuine autonomy in ethnic areas, where the conditions for ethnic minorities to exercise their political, economic and cultural rights have deteriorated. CESCR expressed concerns over rights violations in ethnic minorities autonomous regions in its 2014 COB (E/C.12/CHN/CO/2, paras. 14, 38).
186.245	Yemen 也门	Give priority to the right of people to development and to continue efforts to uplift the	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3, 3.4, 3.5 Poor Recommendation

		standard of living of the people in the framework of China's efforts to protect and promote human rights; 优先处理人民的发展权问题，并在中国保护和促进人权的工作框架内，继续努力提高人民的生活水平		The language of “right of people to development” is vague and it's unclear whether it refers to the human right to development. The Chinese government has not promoted the “right to development” as a human right to equitable and participatory human development in compliance to international standards. Expanding income disparities and worsening pollution in China demonstrate that such unsustainable development does not protect social and economic rights.
186.32	Zambia 赞比亚	Consider ratifying the ICCPR and establishing a National Human Rights Institution; 考虑批准《公民权利和政治权利国际公约》并设立一个国家人权机构	Accepted 接受	Not Implemented 未执行 See Report: Sections 1.1, 1.2 Poor Recommendation Given the lack of government transparency, it's very difficult to assess whether the government has “considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.105	Zimbabwe 津巴布韦	Continue to implement policies and programmes aimed at fulfilling the interests of the disabled; 继续实施旨在实现残疾人利益的政策和方案	Accepted 接受	Not Implemented 未执行 See Report: Section 3.4 Poor Recommendation This is based on a problematic presumption about the existence of adequate policies & programs for protecting the rights of persons with disabilities; in their absence, the govt cannot “continue” to implement them.
186.218	Zimbabwe 津巴布韦	Continue to extend its State scholarship programmes to ensure that students do not drop out of school because of poverty; 继续扩大国家奖学金方案，确保学生不因贫辍学	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3

**Annex 3. Updates on 24 Cases of Arbitrary Detention
Based on UN WGAD Opinions (2009-2016)¹**

Names of Individuals	Document # of UN WGAD Opinion	Year of WGAD Opinion	Detention Status (information available as of November 2016)
Gao Zhisheng	A/HRC/WGAD/2010/26	2010	Released in Aug 2014 into house arrest: https://www.nchrd.org/2011/02/prisoner-of-conscience-gao-zhisheng/
Thamki Gyatso, Tseltem Gyatso, Kalsang Gyatso	A/HRC/WGAD/2010/29	2010	In prison: http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/WGAD/2010/29&Lang=E; http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/WGAD/2010/29&Lang=E; http://www.rfa.org/english/news/tibet/released-09092016163542.html
Liu Xiaobo	A/HRC/WGAD/2011/15	2011	In prison: https://www.nchrd.org/2011/03/prisoner-of-conscience-liu-xiaobo/
Liu Xia	A/HRC/WGAD/2011/16	2011	Under house arrest: https://www.nchrd.org/2011/03/prisoner-of-conscience-liu-xiaobo/
Liu Xianbin	A/HRC/WGAD/2111/23	2011	In prison: https://www.nchrd.org/2011/03/prisoner-of-conscience-liu-xianbin/
Zhou Yongjun	A/HRC/WGAD/2011/29	2011	In prison: http://www.asianews.it/news-en/Tiananmen%E2%80%99s-legacy:-after-26-years,-participants-still-in-prison-for-human-rights-34414.html
Chen Wei	A/HRC/WGAD/2012/7	2012	In prison: https://www.nchrd.org/2011/01/prisoner-of-conscience-chen-wei/
Gulmira Imin	A/HRC/WGAD/2012/29	2012	In prison: http://www.chinaaid.org/2015/04/gulmira-imin.html
Qi Chonghuai	A/HRC/WGAD/2012/36	2012	In prison: https://www.nchrd.org/2011/04/prisoner-of-conscience-qi-chonghuai/
(North Koreans)	A/HRC/WGAD/2012/51	2012	N/A
Guo Quan	A/HRC/WGAD/2012/59	2012	In prison: https://www.nchrd.org/2011/02/prisoner-of-conscience-guo-quan/
Chen Kegui	A/HRC/WGAD/2014/2	2014	Served full sentence, released: http://www.voanews.com/a/ap-nephew-of-blind-activist-chen-released-from-china-prison/2886642.html
Ilham Tohti	A/HRC/WGAD/2014/3	2014	In prison, serving life sentence: https://www.nchrd.org/2014/07/prisoner-of-conscience-ilham-tohti/

Ma Chunling	A/HRC/WGAD/2014/4	2014	Released. Fled to Thailand: http://www.theepochtimes.com/n3/1918003-capitol-hill-forum-discusses-persecution-and-torture-of-falun-gong-demise-of-the-ccp/
Xing Shiku	A/HRC/WGAD/2014/8	2014	Involuntary detained in psychiatric institution: https://www.nchrd.org/2016/03/xing-shiku/
Wang Hanfei	A/HRC/WGAD/2014/21	2014	Served full sentence, released: https://www.nchrd.org/2013/05/prisoner-of-conscience-wang-hanfei/
Tang Jingling, Qingying Wang, Qinting Yuan	A/HRC/WGAD/2014/49	2014	In prison: https://www.nchrd.org/2014/10/prisoner-of-conscience-tang-jingling/
Ren Ziyuan	A/HRC/WGAD/2014/55	2014	Served full sentence, released: https://www.nchrd.org/2014/05/prisoner-of-conscience-ren-ziyuan%C2%9F/
Ding Jiayi	A/HRC/WGAD/2015/3	2015	In prison: https://www.nchrd.org/2013/10/prisoner-of-conscience-ding-jiayi/
Su Changlan	A/HRC/WGAD/2015/39	2015	In detention: https://www.nchrd.org/2015/05/prisoner-of-conscience-su-changlan/
Yu Shiwen	A/HRC/WGAD/2016/11	2016	Released from detention into residential surveillance in Aug 2016: https://www.nchrd.org/2015/02/prisoner-of-conscience-yu-shiwen/
Phan (Sandy) Phan-Gillis	A/HRC/WGAD/2016/12	2016	In detention: http://www.nytimes.com/2016/08/31/world/asia/china-us-spy-phan-gillis.html
Tang Zhishun, Xing Qingxian	A/HRC/WGAD/2016/30	2016	In detention: https://www.nchrd.org/2015/10/xing-qingxian/ ; https://www.nchrd.org/2015/10/tang-zhishun/
Xia Lin	A/HRC/WGAD/2016/43	2016	In prison: https://www.nchrd.org/2015/02/prisoner-of-conscience-xia-lin/

¹ The list of cases is based on information provided by the UN Working Group on Arbitrary Detention:
<http://www.ohchr.org/EN/Issues/Detention/Pages/OpinionsadoptedbytheWGAD.aspx>.