













CHRD Suggestions for UPR Recommendations to China








Key for assessing China's progress on issues related to human rights since 2009 UPR








Status R: “Same” – Same as last UPR; “Revised” – Revised language from last UPR; “New” – Not raised in last UPR
A: 1 - “No action”; 2 - “Minimal action”; 3 - “Some action”; 4 - “Many actions”
SG: 1 - Deteriorating (worse than conditions before 2009); 2 - No progress since 2009; 3 - Improving; 4 - N/A






Recommendations to China in 2013 UPR (RC 2013)	Status of Recommendation Compared to 2009 UPR (Status R)	Recommending States during 2009 UPR (RS2009)	Responses from China to 2009 UPR (R2009)	Actions in terms of Legislation, Regulations/Policies, or Signing/Ratifying International Conventions since 2009 UPR (A)	Situation on the Ground since 2009 UPR (SG)
Release human rights defenders who are detained for exercising & advocating human rights; hold legally accountable any government agents responsible for subjecting HRDs to reprisals for their human rights activities and for participating in UN human rights activities; ensure that all human rights defenders can freely take part in all steps of the UPR process.	New				1
Revise the Law on Assembly, Procession and Demonstration by removing the power of the police to reject applications for holding peaceful assemblies; end the practice of criminalizing peaceful demonstrators for “unlawful assembly” or “gathering a crowd to disrupt public order”; release all activists detained for exercising their rights to peaceful assembly & association.	New, revised	Czech Republic EEG EU			1
End harassment and violence against human rights lawyers, including the practice of using the annual evaluation of lawyers’ performance and the lawyers’ licensing process to intimidate and retaliate against these lawyers.	New				1
Revise laws and regulations to include all elements of the definition of torture as stipulated in Article 1 of the Convention Against Torture.	New				2









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Release information on the implementation of measures to prevent torture, including those measures that are listed in the National Human Rights Action Plans.	New				1
Revise Article 73 of the amended Criminal Procedural Law so that “residential surveillance” cannot be used to allow authorities to disappear an individual; hold legally accountable any individuals responsible for disappearing human rights defenders.	New				1
Further revise the Mental Health Law to accord with the Convention on the Rights of Persons with Disabilities, namely by prohibiting involuntary commitment of people on the basis of psychosocial disabilities and ensuring that individuals who are involuntary committed have access to legal counsel.	New				2
End coercive measures for implementing the “one child” family planning policy, and take concrete measures to eradicate forced sterilization and forced abortion, including abolishing the policy of linking birth rates to local government officials’ promotions and bonuses.	New				2
Ratify the International Covenant on Civil and Political Rights immediately.	Revised	Austria  WEOG EU Sweden  Brazil  GRULAC OAS, OEI	Accepted one that had no time table	1	1
Invite a visit by the High Commissioner for Human Rights within two years.	Revised	Canada  WEOG, OAS, OIF, Commonwealth	Accepted one that had no time table	1	N/A

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Immediately abolish the Re-education through Labor detention system and all other forms of detention without judicial review, such as detention in "black jails".	Revised	Sudan  Africa AU, OIC, AL	Accepted one calling for reform	2	2
End suppression on civil society and non-governmental organizations; keep the promise in China's "voluntary pledge" to "promote and protect human rights and fundamental freedoms."	Revised	Malaysia  Asia ASEAN, OIC, Commonwealth	Accepted a much weaker one	1	1
Take effective measures to eradicate discrimination against persons with disabilities.	Revised	Yemen  Asia OIC, AL	Accepted a version without mention of discrimination	3	2
Inscribe a legal definition of discrimination against people on the basis of gender, race, ethnicity, disability, sexual orientation, religion or belief in the national law in accordance with international standards.	Revised	Portugal  WEOG EU, OEI Argentina  GRULAC	General Response	1	2
In accordance with the international standards set out in CERD, allow ethnic minorities to fully exercise their human rights, preserve their cultural identity, and ensure their participation in decision-making (and address these issues in the National Plan of Action).	Same	Austria  WEOG EU Japan  Asia	No Response	1	1
Strictly enforce the International Labor Organization's standard, defining 18 as the minimum age for admission to any type of employment or work that is likely to jeopardize the health, safety, or morals of minors, and develop and adopt a comprehensive policy to combat child labor.	New, revised	Finland  WEOG EU	No Response	2	2

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<p>Guarantee that all detainees, regardless of their crimes, are held in facilities with humane standards and treatment in accordance with the Convention against Torture.</p>	<p align="center">Same</p>	<p>Germany WEOG  EU</p>	<p align="center">No Response</p>	<p align="center">2</p>	<p align="center">2</p>
<p>Establish a national human rights institution that is run by independent experts in accordance with the Paris Principles.</p>	<p align="center">Revised</p>	<p>Australia WEOG  PIF, Commonwealth</p>	<p align="center">Rejected</p>	<p align="center">1</p>	<p align="center">N/A</p>
<p>Investigate reports of harassment and detention of human rights defenders, including alleged mistreatment while in police custody, ending criminal impunity.</p>	<p align="center">Revised</p>	<p>Australia WEOG  PIF, Commonwealth</p>	<p align="center">Rejected</p>	<p align="center">1</p>	<p align="center">1</p>
<p>Adopt specific legislation on domestic violence, allow and support NGOs to provide shelters and other services for victims of domestic violence.</p>	<p align="center">New, revised</p>	<p>Brazil  GRULAC OAS, OEI</p>	<p align="center">Rejected</p>	<p align="center">1</p>	<p align="center">2</p>
<p>Provide those held on state security charges with all fundamental legal safeguards, including access to counsel, public trial and sentencing, and eligibility for sentence reduction and parole.</p>	<p align="center">Same</p>	<p>Canada WEOG  OAS, OIF, Commonwealth</p>	<p align="center">Rejected</p>	<p align="center">2</p>	<p align="center">2</p>
<p>Shut down all black jails immediately, take effective measures to prevent black jails, and hold officials or those acting with officials' permission legally accountable for operating black jails.</p>	<p align="center">Revised, new</p>	<p>Czech Republic EEG  EU</p>	<p align="center">Rejected</p>	<p align="center">2</p>	<p align="center">2</p>
<p>Accede to the Optional Protocol of the Convention Against Torture (OPCAT), improve its national implementation of CAT, establish an independent and effective complaints procedure for victims of torture, and review its compliance with the principle of non-refoulement, esp. of refugees from North Korea.</p>	<p align="center">Same</p>	<p>Czech Republic EEG  EU</p>	<p align="center">Rejected</p>	<p align="center">2</p>	<p align="center">2</p>

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Investigate allegations of brutality and torture committed by police and city management officers (<i>chengguan</i>).	Revised	Czech Republic  EEG EU	Rejected Added “city management officers”	2	2
Become a party to the Rome statute of the International Criminal Court (ICC).	Same	France  WEOG EU, OIF	Rejected	1	N/A
Abolish the household registration (<i>hukou</i>) system, ensure all citizens equal access to basic education, health care, housing, work, and other social services in line with the principles of non-discrimination.	Same	Sweden  WEOG EU	Rejected	2	2
Immediately lift the current reservation to Article 8.1(a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which ensures the right of everyone to form trade unions and join the trade union of his or her choice.	Same	Sweden  WEOG EU	Rejected	1	2
Grant greater access to Tibetan areas for OHCHR and other UN bodies, as well as international human rights organizations and the international media, in order to conduct independent investigation of reports of rights violations.	Revised	United Kingdom  WEOG EU, Commonwealth	Rejected	1	1
Immediately take measures to implement the recommendations of the Committee against Torture in November 2008, particularly on the inadmissibility in court of statements made under torture.	Same	Canada  WEOG OAS, OIF, Commonwealth	Rejected	3	2
Abolish the Political & Legal Committees that interfere in court rulings and dictate verdicts, and ensure the independence of judges and lawyers.	Revised	Czech Republic  EEG EU	Rejected	1	2

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Reform its State Secrets Law and definition of the crime “inciting subversion of state power” so that they cannot be abused for persecution of human rights defenders, particularly dissident writers or journalists.	Revised	Czech Republic  EEG EU	Rejected	1	1
Take effective measures to ensure that lawyers can defend their clients independently without fear of harassment and retaliation, and can participate in the management of their own professional associations.	Revised	Finland  WEOG EU	Rejected	1	1
Guarantee that all citizens of China, including minority groups and religious groups, can exercise religious freedom, freedom of belief, and the freedom of private worship.	Same	Germany  WEOG EU	Rejected	1	1
Ensure civil society participation in drafting and evaluating the National Human Rights Action Plans, and end harassment and retaliation against citizens demanding participation.	New, revised	New Zealand  WEOG PIF, Commonwealth	Rejected	1	1
Ensure that nine-year primary and middle-school education attains the constitutionally guaranteed universal compulsory status.	Revised	Portugal  WEOG EU, OEI	Rejected	2	2

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<p>Revoke restrictions in law and regulations on freedom of information and expression, especially the new “Judicial Interpretation Concerning Several Questions of Applicable Law When Handling Uses of Information Networks to Commit Defamation and Other Such Criminal Cases,” jointly issued by the Supreme People’s Court and the Supreme People’s Procuratorate on Sept. 9, 2013; release all persons detained for free expression online.</p>	<p align="center">New, revised</p>	<p>Sweden  WEOG EU Czech Republic</p>	<p align="center">Rejected</p>	<p align="center">1</p>	
<p>Respect the fundamental rights of ethnic minorities in Xinjiang and Tibet, notably freedom of religion and movement.</p>	<p align="center">Same</p>	<p>Switzerland  WEOG OIF</p>	<p align="center">Rejected</p>	<p align="center">1</p>	
<p>Sign and ratify the Convention for the Protection of All Persons Against Enforced Disappearances, accepting the competency of the Committee on Enforced Disappearances in accordance with the Convention, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention against Transnational Organized Crime.</p>	<p align="center">Revised</p>	<p>Argentina  GRULAC OAS, OEI</p>	<p align="center">Rejected a weaker version</p>	<p align="center">1</p>	
<p>Continue efforts to change its legal practice in a way conducive to markedly reducing the number of death sentences being imposed and persons executed, and further reduce the application of the death penalty, in particular for non-violent crimes; consider establishing a moratorium on the death penalty, take steps toward abolition of the death penalty, including greater transparency around its use, and provide statistics on the number of death sentences as well as on the Supreme People’s Court review procedure (how many cases are remanded for trial; in how many cases are defendants heard by the SPC); provide the statistics of the total number of executions since the introduction of SPC review to allow measurement of the decline in numbers; conduct a review of its application of the 1984 safeguards, as adopted by ECOSOC 1984-50.</p>	<p align="center">Revised</p>	<p>Brazil  GRULAC Mexico  OAS, OEI, ACS OAS, OEI Germany  WEOG EU New Zealand  Australia  PIF, Commonwealth</p>	<p align="center">Rejected</p>	<p align="center">2</p>	