

China's Response to the List of Issues

Article 1 and Article 4

1. The 2014 amendment to the Criminal Law does not involve the definition of torture. Relevant clauses of the current Criminal Law cover all aspects of the definition on torture in the Convention, including: (1) Clauses on the conviction and punishment of behaviors whose subjects are public officials, such as the crime of unlawful detention stipulated in Article 238, the crime of extorting confession by torture or extorting testimony by violence stipulated in Article 247 for judicial officers, and the crime of maltreating a person held in custody or instigating a person held in custody to maltreat another person held in custody stipulated in Article 248 for officer of institutions of confinement; (2) Clauses on the conviction and punishment of behaviors whose subjects are not limited to public officials and may be applicable to torture according to the circumstances, such as the crimes of unlawful detention, intentionally injury, insult, unlawful search, unlawful intrusion into another person's residence, unlawful depriving a citizen of his or her freedom of religious belief or infringing upon the customs and habits of an ethnic group.

As to the crimes whose subjects of behavior are public officials as stipulated by the Criminal Law, such as the crime of extorting confession by torture or extorting testimony by violence, where a person who is not a public official commits any of such crimes at the instigation of or with the consent or acquiescence of public officials, he or she shall be investigated for criminal liability as an accomplice in accordance with the provisions of the Criminal Law on joint offence (refer to paragraphs 60-64 of the fourth and fifth reports cited below in Article 4 of the Appendix to this Report for details).

As to the behavior of "torture" implemented for purposes other than "extorting confession", the criminal liability shall be investigated for according to the type and consequence of such behavior in accordance with relevant provisions of the Criminal Law, such as the crime of intentionally injury or unlawful detention.

2. In accordance with the Chinese law, the Convention shall have legal force once it is ratified by the top legislative body of China, and the Chinese government

shall undertake obligations in accordance with the Convention as well as strictly implement provisions of the Convention through domestic laws. At present, there is no such a case in which the Convention is directly invoked in a Chinese court in practice. Chinese courts have been implementing provisions of the Convention by applying domestic laws whose contents are consistent with those of the Convention (including laws and judicial interpretations), so as to ensure all rights enjoyable by the citizens in accordance with the Convention.

Article 2

3. (1) Procuratorial organs are the state's legal supervision organs; they have the function of supervising the legality of coercive measures such as criminal detention taken in criminal proceedings.

The Criminal Procedure Law of China stipulates the time limit for the detention of criminal suspects in the investigation stage. In accordance with Article 69 of the Law, where the public security organ deems it necessary to arrest a detainee, it shall, within three days after the detention, submit a request to the People's Procuratorate for examination and approval. Under special circumstances, the time limit for submitting a request for examination and approval may be extended by one to four days. As to the arrest of a major suspect involved in crimes committed from one place to another, repeatedly, or in a gang, the time limit for submitting a request for examination and approval may be extended to 30 days. Where the time limit of detention needs to be extended for a case handled by the public security organ, the extension shall be approved by the person in charge of a public security organ at or above the county level. The People's Procuratorate shall decide either to approve or disapprove the arrest within seven days from the date of receiving the written request for approval of arrest submitted by a public security organ.

In accordance with the Chinese law, the public security organ shall not apply indefinite detention with the excuse that state secrets are involved, so the report cited in the LOI does not tell the truth.

(2) Detention houses in China detain criminal suspects according to detention warrants and arrest warrants, and register such information as the time and time limit of coercive measures such as detention and arrest for such detainees as well as the names of investigators bringing such detainees to detention facilities. At the same time, the detention house establishes the medical archives for each detainee, recording

his or her medical history, physical examination results upon arrival, physical examination results during the detention, diseases, medications, treatments inside and outside of the detention house. At present, the registration system has been established in all detention houses.

With the approval of the public security organ, a detainee's direct relatives may have access to the management registration and medical records of the detention house. Law enforcement supervision departments of public security organs at various levels and resident procuratorial offices take the implementation of relevant registration and record-taking systems as the emphasis of their inspection, so as to ensure the sound implementation of such systems; those who fail to take records faithfully shall be held accountable in accordance with relevant provisions.

(3) In accordance with the Detention Centre Regulations, when a detention house takes in a detainee, its doctor shall carry out the health and body surface examination on the criminal suspect or criminal. Where any injury is discovered, the doctor shall make inquiries and record the relevant information in the form of physical examination upon arrival, which shall be signed for confirmation by the officer who accompanies the detainee to the detention house, the detainee and the police of the detention house. Where the detention house does not have the conditions for physical examination, the public security organ shall send the detainee to the local hospital at or above the county level for physical examination. At present, all detention houses in China adopt the system of physical examination upon arrival, and the examination process is not intervened by the case-handling organs.

Public security organs have been constantly improving the infrastructure and equipment for detention houses, so as to give more humanized care to detainees. The socialized medical and health care services are actively promoted, hospitals establish outpatient offices or clinics in detention houses, doctors make tour visits to detention rooms periodically and give medical treatment to ill detainees timely, detainees with serious illnesses are timely transferred to hospitals for treatment, so as to sufficiently safeguard the life and health rights and interests of detainees. In 2014, the Ministry of Public Security printed and distributed the Work Program for Professionalization of Medical and Health Care Services in Detention Facilities of Public Security Organs together with the department of health of the State, aiming at realizing the professional operation mode with "detention facilities of public security organs being responsible for safety supervision and departments of health being responsible for

medical and health care services”. Various efforts related to the program are in progress.

Where a doctor discovers any injury that may be caused by torture during the physical examination or medical treatment of a detainee, he or she may report to the supervision department of the public security organ or the resident office of the people’s procuratorate. The relevant department shall carry out the investigation in accordance with law; where any torture is confirmed through investigation, the liability of relevant persons shall be investigated for in accordance with law.

(4) Articles 102-112 in the Criminal Law of China explicitly stipulate various crimes of endangering national security, including the crime of betraying the State and the crime of splitting the State. In accordance with the Criminal Procedure Law, when a defence lawyer files a request for a meeting with a criminal suspect in such cases, the public security organ shall, after reporting to the person in charge of a public security organ at or above the county level for approval, make a decision of permission or refusal no later than 48 hours after receiving the request. A decision of permission shall be made unless the criminal investigation might be obstructed or state secrets might be disclosed. Where the public security organ refuses the request, it shall notify the defence lawyer in writing and explain the reasons. Circumstances that “obstruct criminal investigation” include: (1)the possibility of destroying or forging evidence, interfering in any way with the testimony of witnesses or making a false confession in collusion; (2)the possibility of causing the self-inflicted injury, suicide or escape of the criminal suspect; (3)the possibility of causing any joint offender of the case to avoid or obstruct criminal investigation; and (4)the involvement of the criminal suspect’s family members with the crime.

In practice, public security organs carry out the criminal investigation in strict accordance with law as required by the Criminal Procedure Law and the Requirements on Handling Criminal Cases by Public Security Organs, legally safeguard the right of lawyers to practice law, and are not allowed to infringe upon the right of any criminal suspect to seek the help of a lawyer or the right of any lawyer to meet with a criminal suspect. There is no maximum time limit for the refusal of such meet with a lawyer for such cases. After the disappearance of circumstances that might obstruct criminal investigation or disclose state secrets, the public security organ shall permit such meet in accordance with law.

As stipulated in Paragraph 4, Article 37 of the Criminal Procedure Law, a

meeting between a defence lawyer and a criminal suspect or defendant shall not be monitored. The Ministry of Public Security prohibits detention houses from monitoring contents of dialogue in the meet with lawyers. No monitoring equipment is installed in rooms of detention houses for the meet with lawyers, and public security organs will not monitor the meet with lawyers.

(5) Article 83 of the Criminal Procedure Law stipulates: “The family of a detainee shall be notified within 24 hours after detention, unless such notification is impossible or such notification may obstruct criminal investigation in a case regarding compromising national security or terrorist activities.” In order to prevent the abuse of this Article, Article 133 of the Rules for People’s Procuratorates in Criminal Proceedings (for Trial Implementation) and Article 123 of the Procedural Provisions on Handling Criminal Cases by Public Security Organs clearly stipulate the circumstances in which such notification “is impossible” and “may obstruct criminal investigation” in “a case regarding compromising national security or terrorist activities” respectively. The circumstances in which such notification “is impossible” include that the detainee has no family, it is impossible to get in touch with the detainee’s family or the notification is prevented by the force majeure such as natural disasters. The circumstances in which such notification “may obstruct criminal investigation” include the possibility of destroying or forging evidence, interfering in any way with the testimony of witnesses or making a false confession in collusion, the possibility of causing any joint offender of the case to avoid or obstruct criminal investigation, and the involvement of the criminal suspect’s family members with the crime. After the disappearance of circumstances that might obstruct criminal investigation, the public security organ shall notify the detainee’s family.

Besides, in accordance with Article 564, Subparagraph 19 of Article 565 and Paragraph 1 of Article 566 in the Rules for People’s Procuratorates in Criminal Proceedings (for Trial Implementation), people’s procuratorates shall supervise the legality of criminal investigation activities of public security organs in accordance with law, including the failure to notify the family in accordance with law after a criminal suspect is detained or arrested; where any illegal act is discovered, a people’s procuratorate shall be entitled to notify a public security organ to correct orally or in writing in accordance with law; where a crime is discovered, a people’s procuratorate shall investigate for the criminal liability in accordance with law.

The “report” about the incommunicado detention of some “dissidents” for more

than three months and about the “torture” they have suffered is not true.

(6) In accordance with the Detention Centre Regulations, a detainee shall, upon being detained, be informed rules to be obeyed and his or her lawful interests and rights during the detention. In order to further regulate the notification of detainees’ rights and obligations, the Ministry of Public Security adopted and promulgated the Provisions on the Notification of Detainees’ Rights and Obligations by Detention Houses in September 2011 (Note: the Report’s English version wrongly use the word “draft”, and such Provisions have been adopted and promulgated), requiring detention houses to distribute the notice of rights and obligations upon the arrival of each detainee, clarify rights enjoyable and obligations must be performed by detainees in accordance with law as well as remedy approaches when his or her rights are infringed upon, and paste rights enjoyable by detainees in accordance with law in detention rooms. Detention houses shall distribute notices of rights and obligations to detainees of ethnic groups or foreign countries in their native languages. Detainees without reading ability such as illiterates shall be notified their rights and obligations orally, and relevant videos and pictures shall be displayed over and over again in detention houses. Detention houses shall manage the transition of new arrivals, with policemen guiding them to know well about their relevant rights and relevant rules of detention houses, telling them methods to deal with common issues in detention houses, and especially informing them their right of not being subject to beat, scold, physical punishment and maltreatment. All detention rooms in detention houses are equipped with alarm devices, detainees may report any of such ill-treatment with such devices, they may also report and complain against such ill-treatment by making appointment to meet resident procurators. Law enforcement supervision departments of public security organs at various levels and resident procuratorial offices take the implementation of such mechanism as the priority of their inspection, so as to earnestly safeguard the lawful rights and interests of detainees.

4. (1) The Law on Lawyers of China established the immunity of lawyers in the expression of their opinions in court hearings; Paragraph 2, Article 37 of the Law explicitly stipulates: the representation or defence opinions presented in court by a lawyer shall not be subject to legal prosecution, however, except speeches compromising the national security, maliciously defaming others or seriously disrupting the court order. Besides, Article 306 of the Criminal Law stipulates that a

defender or agent ad litem who commits acts of impairing judicial administration such as destroying or forging evidence, helping any of the parties destroy or forge evidence shall be investigated for criminal liability. These provisions aim at safeguarding the right of lawyers to practice law while preventing and punishing their acts in violation of laws and rules, so as to ensure judicial justice. The Criminal Procedure Law of China is prudent in investigating for criminal liability of lawyers who are suspect of constituting the crime of impairing judicial administration, and stipulates special procedures. In accordance with Article 42 of the Law, a lawyer who helps a criminal suspect or defendant conceal, destroy, or forge evidence or make a false confession in collusion, intimidate or induce a witness into committing perjury, or otherwise interfere with the procedures of judicial authorities and is suspected of a crime shall be handled by a criminal investigation authority other than the one handling the case in which the lawyer provides representation, and the law firm employing the lawyer or the bar association to which the lawyer belongs shall be informed in a timely manner. These provisions conform to the requirements on rule of law and use relevant legal systems of other countries for reference, and they do not impair the independence of lawyers in their practice. In order to further define the boundary between crime and non-crime and to prevent the abuse of relevant provisions, the Amendment (IX) to the Criminal Law adopted on August 29, 2015 amended the crime of disrupting the order of the court stipulated in Article 309 of the Criminal Law, specifying “other acts that seriously disrupt the order of the court” in the original Subparagraph 4 as “committing acts that disrupt the order of the court such as destroying facilities of the court and seizing or damaging litigation documents or evidences and the circumstances are serious”. The Amendment will come into force as of November 1, 2015.

Article 39 of the Criminal Procedure Law referred to in the issue should be Article 38 of the 1996 Criminal Procedure Law, which stipulates: “Defence lawyers and other defenders shall not help criminal suspects or defendants to conceal, destroy or falsify evidence or to tally their confessions, and shall not intimidate or induce witnesses to modify their testimony or give false testimony or conduct other acts to interfere with the proceedings of judicial organs.” “Whoever violates the provisions of the preceding paragraph shall be investigated for legal liability in accordance with law.” In order to avoid the possibility in practice that an individual criminal investigation organ initiates a case against a defender at will to carry out criminal

investigation and take coercive measures against him or her with the excuse that he or she is suspected of committing the crime of perjury, thus not only infringing upon the defender's lawful rights and interests but also affecting the criminal suspect or defendant in the exercise of his or her right to defence, as well as taking into consideration that the provision of "intimidating or inducing witnesses to modify their testimony" is not precise enough, the Fifth Session of the Eleventh People's Congress adopted the decision to revise the aforesaid provisions of the Criminal Procedure Law in March 2012. Article 42 of the revised Criminal Procedure Law stipulates: "No defender or other person shall help a criminal suspect or defendant conceal, destroy, or forge evidence or make a false confession in collusion, intimidate or induce a witness into committing perjury, or otherwise interfere with the procedures of judicial authorities." "Whoever violates the preceding paragraph shall be subject to legal liability, and a defender suspected of a crime shall be handled by a criminal investigation authority other than the one handling the case in which the defender provides representation. If the defender is a lawyer, the law firm employing the lawyer or the bar association to which the lawyer belongs shall be informed in a timely manner."

On September 20, 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 promulgated the Provisions on Legally Safeguarding the Right of Lawyers to Practice Law. As the latest effort to the safeguard mechanism for lawyers to practice law, these Provisions improve and regulate the safeguard for lawyers' right to practice law in the following four aspects: firstly, these Provisions improve safeguard measures for lawyers' right to practice law, providing special safeguard for lawyers' right to practice law in aspects such as the right to be informed, to make applications, to make complaints, to meet with their clients, to consult relevant materials, to collect evidences and ask questions, to make cross-examination, to defend their clients and to act as agents. Secondly, these Provisions improve the remedy mechanism for lawyers' right to practice law, making specific requirements on how relevant judicial organs should provide safeguard for lawyers to implement and exercise their right to practice law. Thirdly, these Provisions improve the accountability system for infringing upon lawyers' right to practice law, requiring relevant authorities to make corrections and strictly punish relevant responsible persons after investigating and confirming complaints, appeals and charges made by

lawyers. Fourthly, these Provisions regulate the order of legal services, proposing strictly investigation of and punishment on practicing law by pretending to be lawyers and illegally providing legal services by lawyers. These measures are of significant meaning to further improving the system for lawyers, safeguarding lawyers' right to practice law, and bringing into full play lawyers' functions and roles.

About Lawyer Wang Quanzhang: on April 3, 2013, when Jingjiang People's Court was trying the case involving the public prosecution initiated by Jingjiang People's Procuratorate against a defendant whose family name is Zhu for using a weird religious organization to undermine the implementation of laws, the defendant's defender Wang Quanzhang violated the order of the court hearing and the circumstances were serious, so Jingjiang People's Court decided to detain Wang Quanzhang in accordance with law. On April 6, 2013, Jingjiang People's Court decided to terminate the detention of Wang Quanzhang ahead of time as the detention has played the role as discipline.

About Lawyer Wu Liangshu: on May 30, 2014, the official blog of Guangxi Hezhou Intermediate People's Court released a piece of news, saying that on May 21, 2014 when Hezhou Intermediate People's Court was holding a hearing to try the case involving the intentionally damage of properties by seven appellants including Yang Biao'an and Yang Changfang, some lawyers and audience created a disturbance and forced the hearing to suspend, and the hearing was resumed afterwards. In the court hearing on May 20 and 21, Chief Judge Chen Yilin summoned 6 new witnesses applied by the defenders to give testimony, and the collegiate panel provide sufficient safeguard to the right to defence and other procedural rights enjoyable by litigant participants in accordance with law. In the court hearing on May 21, after the Chief Judge declared the beginning of court debate, Lawyer Wu Liangshu criticized the court for depriving him of his right to defence in a loud voice, and the Chief Judge made the decision of ordering bailiffs to take Wu Liangshu out of the court in accordance with Article 194 of the Criminal Procedure Law after making repeated explanations and preventions as well as giving repeated warnings in vain.

About Lawyer Zhang Keke and Lawyer Gong Xiangdong, we could not find any data showing they were evicted from the courtroom or barred from court.

Tang Jitian and Liu Wei were revoked their licences to practice law in 2010 due to the reason of "disrupting the court order or interfering with the normal conduct of litigation" in accordance with Article 49 of the Law on Lawyers. The licences of Teng

Biao, Jiang Tianyong, Liu Shihui, Chen Wuquan, Wang Cheng and Wang Quanping to practice law were taken back or revoked by original verifying and issuing authorities of the places where they practice law due to reasons such as they do not practice law as members of law firms. Li Heping and Wen Haibo are still practicing law as lawyers at present.

(2) Lawyers constitute an important force in China's efforts to implement the fundamental strategy of rule of law and to build a State ruled by law. The Chinese government has always attached great importance to the role of lawyers, and has been continuously strengthening and improving the system on lawyers. The Law on Lawyers, which has been implemented for 11 years, was amended in 2007 (the amendment came into force as of June 1, 2008). Firstly, the amendment further clarifies the professional mission of lawyers, requiring that lawyers should maintain the legal rights and interests of a client, maintain the correct enforcement of law, and maintain the social fairness and justice. Secondly, the amendment enriches contents of the safeguard to lawyers' right to practice law and their independence, explicitly stipulating that the legal practice of a lawyer shall be protected by law, no organization or individual shall infringe upon the legal rights and interests of a lawyer, and the personal rights of a lawyer in practicing law shall not be infringed upon; increasing the provisions on safeguarding lawyers' exercise of their right to meet with clients, to consult case materials, to investigate and take evidences in accordance with law; increasing the clauses on the immunity of lawyers concerning their speeches in litigation and the safeguard for lawyers' rights when they are taken coercive measures for any suspected criminal involvement during participation in a legal proceeding. Thirdly, the amendment further perfect the code of conduct of lawyers in practicing law, the industry self-regulation as well as the necessary administrative management and supervision measures. In order to implement the amended Law on Lawyers, the Ministry of Justice amended the Measures for the Administration of Practicing Law by Lawyers in 2008, making specific provisions on regulating the licenses of lawyers to practice law, safeguarding lawyers' practice of law in accordance with law and defining the management responsibilities of judicial administration organs. The aforesaid measures start from the actual need of China to build a State ruled by law and to improve the system on lawyers, use for reference the universal practice of other countries, and aim at providing powerful safeguard to lawyers' practice of law as well as preventing and punishing acts in violation of laws and rules. It is improper to

consider internationally universal administrative measures as the “limitation or deprivation of lawyers’ rights”.

What’s more, the perfection of the system on lawyers is an important part in the comprehensive promotion of rule of law in China, and relevant competent departments are actively carrying out research on the introduction of specific measures, so as to further strengthen and perfect the safeguard for lawyers’ right to practice law as well as relevant services and administration. Lawyers will play a bigger role in China in terms of promoting rule of law, safeguarding the lawful rights and interests of relevant parties as well as maintaining the social fairness and justice.

(3) Article 3 of the Law on Lawyers of China stipulates that the legal practice of a lawyer shall be protected by law, and no organization or individual shall infringe upon the legal rights and interests of a lawyer. Article 37 stipulates that the personal rights of a lawyer in practicing law shall not be infringed upon. China always encourages and supports lawyers to perform their duties and practice law in accordance with law, and does not allow the so-called “retaliation” to the normal practice of law by lawyers.

After inquiry, the information about the persons involved in the issue is as follows:

Teng Biao, male, 42 years old, a Beijing resident, former Lecturer of the Law School of China University of Political Science and Law, a visiting scholar to the Harvard University in September 2014. It is found out that the public security organ did not take coercive measures on Teng Biao, and there is no so-called “torture”.

Yu Wensheng and Wang Yonghang were not ill-treated.

On March 22, 2014, Heilongjiang Jiansanjiang Agricultural Reclamation Public Security Bureau imposed a five-day administrative detention on Zhang Junjie in accordance with law because he used cultic activities to disturb the social order, imposed a fifteen-day administrative detention on Jiang Tianyong, Wang Cheng and Tang Jitian, and imposed a fine of 1,000 Yuan. The licences of Jiang Tianyong and Wang Cheng to practice law as lawyers were taken back and revoked by the original verifying and issuing authorities of the places where they practices law. Tang Jitian was revoked his licences to practice law due to the reason of “disrupting the court order or interfering with the normal conduct of litigation”. Zhang Junjie still practices law as a lawyer at present. There were no so-called “assault and torture” during the detention of these persons.

5. In accordance with the amendment to the Law on the Preservation of State Secrets by the Standing Committee of the National People's Congress in 2010, state secrets shall be matters that have a vital bearing on state security and national interests and, as specified by legal procedure, are entrusted to a limited number of people for a given period of time. Matters that involve national security and interests whose divulgence will cause harm to national security and interests in the fields of politics, economy, national defence and diplomacy shall be classified as state secrets in accordance with law. The Regulations on Implementing the Law on the Preservation of State Secrets promulgated by the State Council in 2014 explicitly stipulate that state organs and units shall not classify matters that should be made public in accordance with law as state secrets. The information about torture is not within the scope of state secrets stipulated in the Law on the Preservation of State Secrets.

In accordance with the Law on the Preservation of State Secrets, relevant authorities of China shall classify whether a matter is a state secret according to legal procedures. When people are not sure whether a certain matter is a state secret or which category of state secrets it should be classified into, the question shall be determined by the state secrecy administration, the secrecy administration of a province, an autonomous region or a municipality directly under the Central Government. Besides, the Regulations on Implementing the Law on the Preservation of State Secrets also stipulate the correction system for errors in the classification of state secrets: where any state organ or unit discovers an error of itself or any state organ or unit discovers an error of any state organ or unit at the inferior level in the classification, alteration and declassification of state secrets, the error shall be corrected in time.

Besides, the Chinese government attaches importance to information disclosure, and has taken earnest measures to ensure its citizens' right for knowledge about the State and the society. In accordance with the Regulations of the State Council on Information Disclosure, where any citizen, legal person or any other organization thinks any specific administrative act of an administrative organ in the work of government information disclosure infringes upon his or its lawful rights and interests, he or it may apply for administrative reconsideration or file an administrative litigation in accordance with law.

In accordance with the Criminal Procedure Law, where a defence lawyer files a

request during the period of criminal investigation for a meeting with a criminal suspect in custody who is suspected of compromising national security, terrorist activities, or extraordinarily significant bribery, the meeting shall be subject to the permission of the criminal investigation authority. In accordance with the Procedural Provisions on Handling Criminal Cases by Public Security Organs, the permission shall be given to the application of a defence lawyer for meeting with his or her client unless such meeting might obstruct criminal investigation or divulge state secrets. Where the application is denied, the public security organ shall permit such meeting after the circumstance of obstructing criminal investigation or divulging state secrets has disappeared.

A person in custody may raise an objection to the decision on whether the matter involved is a state secret, the state secrecy administration or the secrecy administration of the people's government at the provincial level shall make the appraisal.

In accordance with the Law on the Preservation of State Secrets, the person in charge of a state organ or unit and the persons designated by him shall be the responsible person for classifying state secrets, who shall take charge of the classification, alteration and declassification of state secrets in the state organ or unit. When the state organ or unit classifies, alters or declassifies its state secrets, the undertaker shall submit detailed opinions for the verification and approval by the responsible person for classifying state secrets. At the same time when a state secret is generated in the state organ or unit, the undertaker shall propose the category, duration of confidentiality and scope of entrusted persons according to matters related to confidentiality for the verification and approval by the responsible person for classifying state secrets, and the corresponding confidentiality measures shall be taken.

In accordance with the Law on the Preservation of State Secrets and the Regulations on Implementing the Law on the Preservation of State Secrets, state secrets shall fall into three categories: top secret, classified and confidential. Most confidential state secrets are vital ones, the divulgence of which will cause extremely serious harm to national security interests; classified state secrets are important ones, the divulgence of which will cause serious harm to national security and interests; and confidential state secrets are ordinary ones, the divulgence of which will cause harm to national security and interests.

Central state organs as well as state organs at the provincial level or the level of city with districts or autonomous prefecture may, according to the needs of confidentiality or the applications of relevant state organs or units, make authorizations as to the classification of state secrets within the jurisdiction and scope of authorization stipulated by the state secrecy administration. The authorization as to the classification of state secrets shall be made in writing. The authorizing state organ shall supervise the use of such authorization by the authorized state organ or unit.

6. China has always attached importance to safeguarding the rights and interests of women and children. Apart from specially formulating the Law on the Protection of Women's Rights and Interests and the Law on the Protection of Minors, China also stipulates severe punishments in the Criminal Law, the Law on Penalties for Administration of Public Security and other laws on illegal and criminal acts infringing upon the rights and interests of women and children, including:

(1) Abduction and human trafficking. China has enacted a series of laws and regulations including the Law on the Protection of Women's Rights and Interests, the Law on the Protection of Minors, the Law on Adoption, the Law on Maternal and Infant Health Care, the Labour Law, the Employment Promotion Law, the Education Law and the Law on the Prevention of Juvenile Delinquency, so as to punish abduction and human trafficking in accordance with law and earnestly safeguard the lawful rights and interests of victims. Article 240 (the crime of abducting and trafficking women or children), Article 241 (the crime of buying abducted women or children), Article 244 (the crime of compelling others to work or employing child labourers to do dangerous or heavy work), Article 262 (the crime of abducting children, organizing persons with disabilities or children to go begging or organizing minors to engage in activities disturbing public order), Article 358 (the crime of arranging for, forcing or assisting in arranging for others to engage in prostitution) and Article 234 (the crime of arranging for the sale of human organs) of the Criminal Law generally cover various acts of human trafficking. Amendment (VIII) to the Criminal Law adopted by the Standing Committee of the National People's Congress in February 2011 specially amended or increased the crimes of compelling others to work, assisting in arranging for others to engage in prostitution and arranging for the sale of human organs, explicitly confirmed recruitment, transport and other assisting acts as crimes, and stipulated the corresponding statutory sentences, so as to perfect

the legal provisions on the strike at and punishment of relevant crimes. Amendment (IX) to the Criminal Law deliberated and adopted by the Sixteenth Session of the Twelfth Standing Committee of the National People's Congress on August 29, 2015 abolished the provision on exempting buyers from being investigated for criminal responsibility, which is better for containing the sale and purchase of women and children.

Domestic violence. The Marriage Law, the Law on the Protection of Women's Rights and Interests, the Law on the Protection of Disabled Persons, the Law on the Protection of Minors, the Law on the Protection of the Rights and Interests of the Elderly and the Mental Health Law all include provisions on prohibiting domestic violence. In December 2014, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice jointly promulgated the Opinions on Several Issues Concerning Dealing with Acts Infringing upon the Rights and Interests of Minors by Guardians in Accordance with Law, stipulating how to deal with acts of domestic violence against minors. In March 2015, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice jointly promulgated the Opinions on Handling Criminal Cases Involving Domestic Violence in Accordance with Law (F.F. [2015] No. 4), providing instructions on how to handle criminal cases involving domestic violence in accordance with law. The Anti-Domestic Violence Law is included in the legislation plan of the Twelfth Standing Committee of the National People's Congress. The Sixteenth Session of the Twelfth Standing Committee of the National People's Congress held on August 27, 2015 deliberated the draft of the Anti-Domestic Violence Law. At present, public security organs in most provinces of China have set up "110" anti-domestic violence alarm centers, and have established complaint stations or anti-domestic violence alarm points at police stations and community police affairs offices. Many people's courts at the primary level have set up collegiate panels on protecting women's rights and anti-domestic violence collegiate panels. The Supreme People's Court is expanding the pilots for rulings on the protection of personal security, and has initiated the reform of criminal justice related to domestic violence. Based on local help centers and communities, departments of civil affairs have set up shelters or relief stations for victims of domestic violence, so as to provide temporary remedies to women who are subjects of domestic violence. Departments of judicial administration have established the legal

aid and judicial mediation system for women who are subjects of domestic violence, and have assigned special staff in legal aid centers to help women who are subjects of domestic violence. Departments of health are carrying out a pilot project of establishing the system for screening victims of domestic violence, and the medical records of victims provided by doctors of pilot hospitals may act as evidences in the court. Social organizations such as the Women's Federation actively cooperate with functional departments of the government, participate in the work of anti-domestic violence, and directly provide services to women in the protection of their rights.

Sexual harassment. Amendment (IX) to the Criminal Law deliberated and adopted by the Sixteenth Session of the Twelfth Standing Committee of the National People's Congress on August 29, 2015 amended Article 237 of the Criminal Law as "Whoever constraints or threatens another person or insults a woman by violence, coercion or any other means shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention." "Whoever gathers a number of people to commit the crime mentioned in the preceding paragraph or commits the crime before the public in a public place or is involved in other flagrant circumstances shall be sentenced to fixed-term imprisonment of not less than five years." Article 44 of the Law on Penalties for the Administration of Public Security stipulates that a person who molests another person or intentionally exposes his/her body in a public place, if the circumstances are abominable, shall be detained for not less than five days but not more than 10 days; if a person molests a mentally disabled person, or a person suffering mental disorder, or a person who has not attained to the age of 14, or commits such act with other serious circumstances, he shall be detained for not less than 10 days but not more than 15 days. As to acts of sexual harassment, penalties for public administration may be given in accordance with law or the criminal liability may be investigated for. The Law on the Protection of Women's Rights and Interests stipulates that the sexual harassment on women is prohibited, women who are victims of sexual harassment shall be entitled to complain to their units or relevant organs. Where the sexual harassment on a woman constitute an act against the administration of public security, the victim may request the public security organ to impose administrative penalty on the law-breaker in accordance with law, and may bring a civil action before the people's court.

Sexual assault of girls in schools. In October 2013, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of

Justice jointly issued the Opinions on Punishing the Crime of Sexual Assault on Minors in Accordance with Law, making detailed requirements on strictly punishing the crime of sexual assault on minors in accordance with law based on laws such as the Criminal Law, the Criminal Procedure Law and the Law on the Protection of Minors as well as relevant judicial interpretations, and further specifying procedures for case handling and issues related to the application of law, so as to strengthen the protection to minors who are victims of sexual assault. The Opinions stipulate that “strict punishment shall be imposed on the crime of sexual assault on minors in accordance with law”, “special and preferential protection shall be given to minors who are victims of sexual assault by taking into sufficient consideration of their characteristics of immature physical and mental development as well as vulnerability to injuries in handling cases related to the crime of sexual assault on minors”, “the inquiry of a minor who is a victim shall be carried out in his or her domicile or at a place where he or she feels psychologically safe, and his or her statutory representative shall be notified to be present”, “a minor who is a victim shall be inquired only once in principle, repeated inquiries shall be avoided as much as possible”.

Abandonment of baby girls. Article 261 of the Criminal Law stipulates the crime of abandonment.

Other acts of ill-treatment and abuse. For example, Article 236 of the Criminal Law stipulates the crime of having sexual intercourse with a girl under the age of 14, Article 260 stipulates the crime of maltreatment. Amendment (IX) to the Criminal Law deliberated and adopted by the Sixteenth Session of the Twelfth Standing Committee of the National People’s Congress on August 29, 2015 improves the provision that the crime can be handled only upon complaint by revising Article 260(3) of the Criminal Law as “the crime mentioned in the first paragraph of this Article shall be handled only upon complaint, unless the victims does not has the capacity to complain or is unable to complain under constraint or threat”, strengthening the protection to victims of maltreatment.

In accordance with the Criminal Law, whoever does not only commit the aforesaid act but also commits any other illegal act at the same time constituting a crime may be investigated for criminal liability according to his or her specific acts and in accordance with provisions of the Criminal Law on crimes such as the crime of intentional homicide, the crime of intentional injury and the crime of unlawful

detention respectively.

(2) From 2008 to 2013, procuratorial organs of China prosecuted 20,118 criminal suspects for abducting and trafficking women or children: 2,511 in 2008, 3,776 in 2009, 4,422 in 2010, 3,315 in 2011, 3,699 in 2012, 2,395 in 2013. From 2008 to 2013, procuratorial organs of China prosecuted 1,231 criminal suspects for buying abducted women or children: 125 in 2008, 241 in 2009, 297 in 2010, 177 in 2011, 189 in 2012, 202 in 2013.

Data of convictions during the period under review are as follows:

Year	Crime	Cases after first instance	Number of criminals
2009	Crime of abducting and trafficking women or children	1,636	2,413
2009	Crime of buying abducted women or children	75	106
2010	Crime of abducting and trafficking women or children	1,919	3,679
2010	Crime of buying abducted women or children	71	138
2011	Crime of abducting and trafficking women or children	1,773	3,043
2011	Crime of buying abducted women or children	81	125
2012	Crime of abducting and trafficking women or children	1,918	2,830
2012	Crime of buying abducted women or children	65	103
2013	Crime of abducting and trafficking women or children	1,131	2,018
2013	Crime of buying abducted women or children	51	97
2014	Crime of abducting and trafficking women or children	978	1,585
2014	Crime of buying abducted women or children	53	170

	women or children		
January to June of 2015	Crime of abducting and trafficking women or children	368	687
January to June of 2015	Crime of buying abducted women or children	16	71

(3) The Opinions on Punishing the Crime of Sexual Assault on Minors in Accordance with Law jointly promulgated by the Supreme People’s Procuratorate, the Supreme People’s Court, the Ministry of Public Security and the Ministry of Justice in October 2013 stipulate: the personnel who are familiar with the physical and mental characteristics of minors shall handle cases involving sexual assault on minors; the information related to minors and details of cases shall be kept confidential; various departments shall join hands to provide minor victims with psychological comforting and counselling; where the guardian or another person with the guardianship carries out sexual assault on a minor, relevant units and organizations such as the civil affairs department may apply to the people’s court for cancelling the qualification of the guardian or designate another guardian, and the people’s court shall approve such application in accordance with law. The Opinions on Handling Criminal Cases Involving Domestic Violence in Accordance with Law stipulate: the priority in handling a criminal case involving domestic violence is protecting the victim’s safety; domestic violence shall be stopped and prevented from happening again by offering emergency aid and temporary placement to victims and by take measures such as criminal coercive measures, imposition of penalties and declaration of injunctions on persons who use domestic violence, so as to eliminate the actual harm and potential hazards of domestic violence; the personal privacy related to cases shall be kept confidential. In accordance with laws and cases, the judicial protection to minors, the elderly, persons with disabilities, pregnant women, lactating women and patients of serious illnesses shall be strengthened by means of making complaints on their behalf and giving them legal aid, so as to earnestly safeguard their lawful rights and interests.

In 2014, the Supreme People’s Procuratorate promulgated the Circular on Strengthening the Procuratorial Work in Criminal Cases Involving Minors, requiring

procurators to pay attention to their manners and skills in handling criminal cases related to sexual assault on minors, protect the lawful rights and interests of minors such as their right of reputation and right of privacy in accordance with law, and avoid secondary injuries; requiring people's procuratorates to strengthen their connections and collaborations with relevant departments for justice, public administration, civil affairs, education and health as well as with organizations for the protection of minors, join hands with such departments and organizations in ensuring the physical health of minor victims as well as providing them with psychological counselling, legal aid and judicial relief, ensure the implementation of various special protection policies and systems in procuratorial organs, so as to better protect the lawful rights and interests of minor victims.

Article 3

7. (1) The Constitution stipulates that China may grant asylum to foreigners who request it for political reasons. The Exit and Entry Administration Law came into force as of July 1, 2013, and stipulates that foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates. At present, the formulation of provisions on the screening and administration of refugees is being studied.

Article 8 of the Extradition Law stipulates that "the person sought has been or will probably be subjected to torture or other cruel, inhuman or humiliation treatment or punishment in the Requesting State" is one of the reasons for rejecting the request for extradition. Article 23 stipulates: "When examining an extradition case, the Higher People's Court shall hear the pleadings of the person sought and the opinions of the Chinese lawyers entrusted by the person". Article 25 stipulates where the person sought refuses to accept the decision made by the Higher People's Court that the request meets the conditions for extradition, he and the Chinese lawyers entrusted by him may submit their opinions to the Supreme People's Court for review. Article 26 stipulates that the Supreme People's Court shall review the decision made by the Higher People's Court in accordance with this Law and extradition treaties, and shall correspondingly approve the decision, quash the decision and send the case back to the People's Court which has originally reviewed it for fresh review, or modify the decision directly. The extradition will not be executed before the completion of all

aforesaid procedures.

(2) The Exit and Entry Administration Law stipulates that foreigners and other overseas personnel who are dissatisfied with the measure of repatriation imposed on them in accordance with this Law may apply for administrative reconsideration in accordance with law, and the administrative reconsideration decision shall be final. In accordance with the Administrative Reconsideration Law, during the time of administrative reconsideration, execution of the specific administrative act shall not be suspended; execution of the specific administrative act may be suspended under one of the following circumstances: (1) where suspension of execution is deemed necessary by the applicant; (2) where suspension of execution is deemed necessary by the administrative reconsideration organ; (3) where suspension of execution is decided by the administrative reconsideration organ at the request of the applicant because the administrative reconsideration organ considers the request to be reasonable; (4) where suspensions of execution is required by the provisions of laws.

(3) The legal aid is applicable to persons subject to extradition and asylum seekers in China.

8. (1) About the number of asylum requests registered: as of August 31, 2015, there are 173 refugees and 588 asylum seekers in China.

(2) As for asylum seekers and refugees identified by the UNHCR Regional Representation for China, the Chinese government permit them to stay in China within the period of validity of their refugee identity certificates issued by the Representation or their identity certificates as asylum seekers in accordance with the principle of non-refoulement stipulated in the Convention relating to the Status of Refugees. Refer to the preceding paragraph for specific number of persons.

(3) The relevant information is temporarily unavailable.

(4) Persons who have been extradited in recent years and their countries of destination:

Park Joo Tak, a Korean citizen who was extradited to Korea in 2011 as a suspect of the crime of fraud.

Fujie Shoyu, a Japanese citizen who was extradited to Japan in 2009 as a suspect of the crime of homicide.

Solovyeva, a Russian citizen who was extradited to Russia in 2010 as a suspect of the crime of human trafficking.

Price, a UK citizen who was extradited to the UK in 2011 as a suspect of the crime of holding children's pornographic images.

(5) The people's courts have not yet received any appeal against expulsion or extradition decisions lodged on the basis that applicants might be in danger of being subject to torture in their countries of destination.

9. In July 2014, the public security organ of China seized 13 illegal immigrants from the Democratic People's Republic of Korea according to the notification of the DPRK side, and transferred them to the DPRK side in accordance with the agreement between China and the DPRK.

Since the 1990s, some illegal immigrants from the DPRK have entered the territory of China due to the slow economic development, food shortage and other factors in the DPRK, harming the public order in border regions of China. These illegal immigrants do not meet the conditions stipulated in the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees for refugees, and there are no unambiguous evidences showing that Article 3 of the Convention shall be applicable. Entry and exit administration departments of the Chinese public security organ have been prudently and properly dealing with these illegal immigrants and especially women and their minor children as well as unaccompanied minors among them, in accordance with the international law, domestic laws and principles of humanitarianism, so as to safeguard their lawful rights and interests to the utmost.

10. Foreigners who are determined to be detained for investigation in accordance with law are taken into custody in detention houses. The infrastructure of detention houses is constructed in strict accordance with the Detention Centre Regulations and the Construction Standards for Detention Houses. A detention house is composed of the detention area, the administrative area and other functional areas; there are detention rooms, classrooms, clinics, cultural and sports activity rooms, meeting rooms, inquiry rooms, storerooms, canteens and outdoor activity spaces in the detention area, all functional rooms are equipped with complete facilities, so as to ensure the personal safety as well as the lawful rights and interests of detainees in accordance with law, and to satisfy the demand of detainees for cultural and sports activities.

Detention houses have established the health and disease prevention system,

detainees with illnesses are provided with timely treatment and services free of charge. Detention houses safeguard the lawful rights and interests of detainees in accordance with law, and detainees are provided with timely legal aid free of charge. Detention houses execute the detention by strictly following the period of detention for investigation determined by relevant departments in accordance with law.

The Exit and Entry Administration Law stipulates that the period of detention for investigation of foreigners suspected of violating the regulations on exit/entry administration shall not exceed 30 days; for complicated cases, the period may be extended to 60 days upon approval. For foreigners whose nationalities and identities are unknown, the period of detention for investigation shall be calculated from the date when their nationalities and identities are found out. China has not statistical data on the average period of detainees in custody for the time being.

In accordance with Paragraphs 2 and 3, Article 61 of the Exit and Entry Administration Law, detention for investigation is not applicable to foreigners who are “pregnant or breast-feeding their own infants under one year of age” or “under 16 years of age or have reached the age of 70”, however, their movements may be restricted. For foreigners with minor children who are subject to detention for investigation, manners such as restricting their movements and putting their children under the care of civil affairs departments may be adopted in consideration of the situation of their children, humanitarianism as well as the protection of their children’s physical and mental health, so as to safeguard their lawful rights and interests in accordance with law.

Article 5 and Article 7

11. With regard to Article 5(1)(b) of the Convention, Article 7 of the Criminal Law stipulates: “This Law shall be applicable to any citizen of the People’s Republic of China who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People’s Republic of China; however, if the maximum punishment to be imposed is fixed-term imprisonment of not more than three years as stipulated in this Law, he may be exempted from the investigation for his criminal responsibility.”“ This Law shall be applicable to any State functionary or serviceman who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People’s Republic of China.”

With regard to Article 5(1)(c) of the Convention, Article 8 of the Criminal Law

stipulates: “This Law may be applicable to any foreigner who commits a crime outside the territory and territorial waters and space of the People’s Republic of China against the State of the People’s Republic of China or against any of its citizens, if for that crime this Law prescribes a minimum punishment of fixed-term imprisonment of not less than three years; however, this does not apply to a crime that is not punishable according to the laws of the place where it is committed.”

With regard to Article 5(2) of the Convention, Article 9 of the Criminal Law stipulates: “This Law shall be applicable to crimes which are stipulated in international treaties concluded or acceded to by the People’s Republic of China and over which the People’s Republic of China exercises criminal jurisdiction within the scope of obligations, prescribed in these treaties, it agrees to perform.”

There are no cases related to torture in the exercise of personal and extraterritorial jurisdiction for the time being.

12. There are no relevant cases for the time being.

Article 10

13. (1) Trainings to law enforcement personnel. In accordance with the Ordinance on Trainings of Policemen in Public Security Organ amended in 2014, public security organs at all levels take the knowledge about laws and regulations as well as law enforcement skills as important contents in the training to newly recruited policemen, and the training regarding their promotion, profession and development, and specifically establish courses on the rule of law including the prohibition of torture and the protection of human rights, **regularly** organize trainings on legal knowledge, professional knowledge and law enforcement skills for policemen with relevant laws and regulations as the emphasis as well as in combination with relevant international conventions, so as to earnestly reinforce their awareness of rule of law, procedures, evidences and human rights, as well as to reduce and eliminate issues such as torture at source.

Trainings to detention personnel (in detention houses). The Ministry of Public Security has a base for training officers of department for the administration of institution of confinement of the whole country on contents such as international human right conventions, relevant legal requirements and operational specifications. For example, the Ministry of Public Security organized a one-week training for

general directors for the administration of institutions of confinement from all provincial level public security organs in January 2015. In April 2015, the Ministry of Public Security organized a training class on the knowledge about human rights for the detention facility administration system of the whole country with the support of the Human Rights Institute of Guangzhou University, with the emphasis on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Human Rights and Prisons (brochure of international standards on human rights for the staff of prisons). The Ministry of Public Security has carried out cooperation and exchanges with foreign countries including Australia, Switzerland and Canada as well as with the UNHCHR, so as to strengthen the anti-torture consciousness and professional training of officers of an institution of confinement by means of seminars and exchange of visits. Departments for the administration of institutions of confinement in all provincial level public security organs are responsible for training the management staff of all detention houses under their jurisdiction; departments for the operational guidance to the administration of institutions of confinement in public security organs at or above the prefecture or city level organize centralized off-job trainings for police officers of an institution of confinement under their jurisdiction in a planned manner in training bases based on detention houses. Each detention house shall formulate and implement its annual plan for the education of policemen according to the performance of the police force and problems in the previous year, and organize targeted trainings in response to problems discovered by the inspection of the superior operational guidance department. So far, the staff in detention houses of all public security organs have received trainings on the administration of law enforcement in detention houses, including anti-torture.

Trainings to detention personnel (in prisons). Pre-job trainings and on-job trainings are organized for prison policemen: concentrated pre-job trainings on legal knowledge, knowledge about law enforcement and rules of prison are offered to newly recruited prison policemen, and regular on-job trainings are offered to in-service prison policemen. The education of legal system is carried out regularly with relevant laws and regulations such as the Constitution, the Criminal Law, the Criminal Procedure Law, the Prison Law and procedural provisions on the execution of criminal punishment as the emphasis as well as in combination with the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, so as to strengthen the education of professional knowledge and the training of law enforcement skills, reinforce the law enforcement philosophy of ensuring criminals' right in accordance with law, improve the law enforcement capacity of policemen, as well as enhance policemen's awareness of rule of law, procedures, evidences and human rights. An important content of such trainings is safeguarding criminals' rights in accordance with law as well as prohibiting the extortion of confession by torture, physical punishment and maltreatment. At present, all prison policemen must accept such trainings.

Trainings on issues related to violence against women, domestic violence and trafficking. The Ministry of Public Security organizes two anti-abduction training classes every year for persons in charge of the anti-abduction work in all provincial level public security organs and liaisons from member units of the Inter-ministerial Joint Conference on Anti-abduction under the State Council. Public security organs in various localities also provide operational trainings to primary-level anti-abduction policemen in batches in accordance with requirements of the Ministry of Public Security. The Anti-abduction Office of the Criminal Investigation Bureau, Ministry of Public Security actively participate in international conferences and trainings, earnestly promote the international cooperation in anti-abduction, and exchange experiences with other countries. The project of "Promoting the Legislation on Anti-domestic Violence, Spreading the Mode of Multi-department Cooperation" is carried out in three pilots located at Ningxiang of Hunan Province, Jingyuan of Yunnan Province and Yilong of Sichuan Province, providing trainings to policemen, the staff of civil affairs departments and asylums for domestic violence, cadres of women's federations, community and legal workers for more than 1,000 person-times. The All-China Women's Federation offered technical support and operational guidance to such trainings, and developed a anti-domestic violence workbook as the basic teaching material; responses in questionnaires before and after such trainings show that the consciousness and capability of participants related to anti-domestic violence have been improved.

(2) People's courts and people's Protectorates in China have always attached importance to the education and training of judges and procurators on rule of law and the protection of human rights. For example, the Supreme People's Court organized several training classes from 2012 to 2014 for over 10,000 person-times, judges who

have received trainings on the principle of “respecting and safeguarding human rights” stipulated in the amended Criminal Procedure Law and rules related to the protection of human rights such as the exclusion of illegal evidences amount to 23.1% of all participants, enhancing judges’ recognition of the importance of “respecting and safeguarding human rights” and their professional proficiency in criminal justice. Procuratorial organs of the whole county organize the procuratorial personnel to thoroughly study the amended Criminal Procedure Law and the Rules for People’s Procuratorates in Criminal Proceedings (for Trial Implementation), guide the procuratorial personnel to form the judicial concept of attaching equal importance to the punishment of criminals and the assurance of human rights, collect evidences in accordance with law, regulate their case-handling behaviors, and strictly prohibit extorting confession by torture. From 2012 to present, a total of 24,039 procuratorial personnel at various levels have participated in formal trainings in this field, amounting to 9.4% of all procuratorial personnel; and a total of 233,000 procuratorial personnel have received television, telephone and Internet trainings in relevant fields, amounting to 91% of all procuratorial personnel.

(3) In combination of their actual work, public security organs in China organize regular operational trainings on the administration of detention facilities at various levels and in multiple forms, including anti-torture trainings for the medical staff and relevant personnel in detention facilities. In recent years, the Ministry of Public Security have promulgated the Circular on Earnestly Strengthening and Improving the Medical and Health Care Work in Detention Facilities of Public Security Organs, the Circular on Printing and Distributing the Basic Standards for the Establishment of Medical Institutions in Detention Houses and the Circular on Printing and Distributing the Work Program for Professionalization of Medical and Health Care Services in Detention Facilities of Public Security Organs jointly with the department of health of the State, continuously strengthened relevant operational trainings to the medical staff by means of concentrated training as well as the printing and distribution of detailed rules of law enforcement and work books at the same time of enhancing the construction of medical institutions and medical forces in detention facilities of public security organs, and constantly reinforced the operational guidance conforming to international standards. The Ministry of Public Security and the International Committee of the Red Cross Regional Delegation for East Asia have jointly organized seminars on monitoring and improving the health status in detention

facilities of public security organs in Shenzhen, Shanghai, Tianjin, Beijing and Yinchuan successively, urging detention facilities to establish sound working mechanism for disease prevention and cure, facilitating the philosophy change in the medical work in detention facilities, and playing a positive role in further promoting the standardized and scientific health work in detention facilities. At present, there is more than 10,000 medical staff in detention houses, all of them have received professional trainings on medical treatment and anti-torture.

(4) The staff for the entry/exit administration in all public security organs of China must accept trainings with respect to the non-refoulement obligation and the identification of victims of trafficking or sexual offences.

14. In order to assess the effectiveness of trainings, the Ministry of Public Security has kept promoting the grade examination system on law enforcement qualification in public security organs all over the county in recent years, requiring that policemen without the basic grade law enforcement qualification shall not handle cases, and that major persons in charge of agencies with the duty of law enforcement in public security organs at the county or prefecture (city) level, such as heads of police stations or criminal police forces, must obtain the middle grade law enforcement qualification. In this examination for all policemen, the Ministry of Public Security has always taken the prohibition of extorting confession by torture, collecting evidences by force and maltreatment by officers of an institution of confinement as an important content, so as to ensure and enhance the policemen's awareness of human rights and standard law enforcement. Besides, public security organs strengthen the supervision on the prohibition of torture in law enforcement, intensify the accountability, take the prohibition of torture as an important content in assessing the law enforcement quality of public security organs, as well as timely discover and correct wrong doings in the strict assessment and inspection of daily law enforcement activities.

Procuratorial organs have established the quality assessment system for the relevant education and trainings. Before the completion of a training class, participants are organized to make a comprehensive assessment and satisfaction evaluation of training programs, curriculum, teachers and teaching management, so as to know the actual effect of trainings, as well as to improve the training organization and management, optimize the design of training programme and earnestly improve

the level and benefit of trainings according to the feedback.

Law enforcement organs and judicial organs welcome and carefully listen to the opinions and suggestions of social organizations, and accept the supervision of the public.

Article 11

15. In accordance with a series of regulations promulgated by the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Civil Affairs separately or jointly from 2010 onwards, procuratorial organs shall carry out independent and impartial investigation of all instances of deaths in custody, so as to identify the cause of death and ascertain the responsibility. If any torture, ill-treatment or malpractice is discovered in such cases, the liability of relevant personnel shall be investigated for in accordance with law and discipline.

When a detainee dies, his or her family members will be provided with sufficient information and remedies, including: after the detainee dies, the detention house will immediately inform his or her close relatives. After the procuratorate, the public security organ and the prison complete the investigation into the death, and they will notify the result of such investigation to the detainee's close relatives in writing. If the detainee's close relatives raise doubts with the procuratorate as to the investigation result, the procuratorate may carry out a reinvestigation. Article 55 of the Prison Law stipulates that if a prisoner dies during imprisonment, the prison shall immediately inform the prisoner's family members, the people's procuratorate and the people's court. If a prisoner dies from a disease, the prison shall make a medical appraisal. If the people's procuratorate suspects the prison's medical appraisal, it may make an appraisal anew on the cause of the death. If the family members of the prisoner suspect the prison's medical appraisal, they may raise their suspicion to the people's procuratorate. Article 27 of the Detention Centre Regulations stipulates that if a detainee dies in custody, the matter shall be immediately reported to the procuratorate and the case-handling organ, forensic experts or doctors shall identify the cause of death, which shall be notified to relatives of the deceased.

When the procuratorate organizes the autopsy, it shall notify close relatives of the deceased to be present, and invite persons irrelevant to the case or lawyers employed by close relatives of the deceased to be present as witnesses. If the procuratorate entrust the autopsy to another institution with the qualification of forensic assessment,

it shall solicit the opinions of close relatives of the deceased; if close relatives of the deceased propose that the autopsy should be entrusted to another institution with the qualification of forensic assessment, the procuratorate shall permit.

Lin Lifeng was sent to Wuchuan No. 2 Detention House of Guangdong Province on June 25, 2009 as a suspect of taking hostage with a knife. The detention house found that the heartbeat and breath of Lin Lifeng were abnormal at about 12:50 of June 26, and immediately sent Lin Lifeng to a hospital for rescue. The rescue failed and Lin Lifeng died at 13:45 of June 26. It was found through investigation that Lin Lifeng suffered a sudden cardiac death.

Yu Weiping was approved to be arrested on September 18, 2009 as a suspect of the crime of intentional injury, and was detained in Rushan Detention House. Yu Weiping was found dead in the detention room at about 6:00 of November 13. The expert conclusion after the autopsy by Shanghai Forensic Center of the Ministry of Justice is: Yu Weiping died from the cardiac rupture and breeding in the pericardial cavity caused by repeated stabbing at the breast with sharp needles. It was found through investigation that Yu Weiping committed suicide.

Wang Huixia was summoned by warrant on December 11, 2009 as a suspect of purchasing booty, and was later taken the measure of residential surveillance. On December 12, Wang Huixia fell in a faint on the way to the toilet, and died after unsuccessful rescue in the hospital. The appraisal result of forensic experts is that Wang Huixia suffered a sudden death due to primary cardiomyopathy. After investigation, the procuratorate thought there was no extortion of confession by torture.

Chen Xujin was approved to be arrested on January 13, 2010 as a suspect of the crime of theft and was detained in Xiushui County Detention House. At about 5:20 of February 16, Chen Xujin fell in a faint in the detention room, the detention house immediately sent Chen Xujin to a hospital, Chen Xujin died later after unsuccessful rescue. According to the appraisal of forensic experts, Chen Xujin died of the non-function of multiple organs including heart and lung caused by pulmonary and renal insufficiency.

Li Wangyang was sentenced to fixed-term imprisonment of 10 years for the crime of compromising national security in 2001. After being released from prison in May 2011, Li Wangyang accepted treatment for illness in Shaoyang Daxiang District Hospital. In the morning of June 6, 2012, Li Wangyang was found dead in his hospital

ward. It was confirmed through investigation that Li Wangyang committed suicide. On July 11, Shaoyang Public Security Bureau notified appraisal opinions of forensic experts and the investigation result to relatives of Li Wangyang, and they had no doubts.

Cao Shunli was subject to criminal investigation by the public security organ as a suspect of causing disturbances in September 2013, and died in a hospital on March 14, 2014 due to multiple organ failure caused by phthisis and severe pneumonia after unsuccessful rescue. Cao Shunli received timely treatment in custody, and relevant lawful rights of Cao's lawyers and relatives including the right to meet with Cao were safeguarded in accordance with law.

16. In recent years, the Ministry of Public Security has promulgated several documents jointly with the National Health and Family Planning Commission and other competent departments, so as to constantly improve the construction of medical institutions and medical forces in detention facilities of public security organs. Particularly, the Ministry of Public Security printed and distributed the Work Program for Professionalization of Medical and Health Care Services in Detention Facilities of Public Security Organs together with the National Health and Family Planning Commission in 2014, aiming at realizing the professional operation mode with "detention facilities of public security organs being responsible for safety supervision and departments of health being responsible for medical and health care services" in all detention facilities of public security organs.

Documents including the Measures for the Administration of AIDS Prevention and Control in Detention Facilities jointly printed and distributed by the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of Justice and the National Health and Family Planning Commission stipulate that medical institutions in detention facilities or medical institutions with the duty to provide medical services in detention facilities shall, on the basis of informed consent of people with HIV meeting the conditions of antiviral therapy, sign treatment agreements with such people and provide antiviral therapy. At the same time, procuratorial organs shall supervise the legality of activities in detention houses in accordance with law, so as to ensure that drug addicts and people with HIV enjoy the right of receiving treatment and basic medical services.

The "scope of serious illnesses subject to medical parole" in the Appendix to the

Provisions on Temporary Execution of Sentence outside Prison acts as a reference for criteria used to qualify an illness as “serious” in accordance with Article 26 of the Detention Centre Regulations, such illnesses can not be cured after long treatment and have seriously impact on the physical and mental health, including serious infectious diseases and serious diseases of the respiratory system, cardiovascular system, digestive system, nervous system or blood system.

No relevant organ has been found to deprive detainees of timely and adequate medical treatment as a form of retaliation. In accordance with the Constitution and other laws of China, all citizens of the People’s Republic of China are equal before the law, and all citizens’ lawful rights are subject to the equal protection of laws. Criminal suspects and criminals enjoy the right to receive timely treatment in accordance with law. Detention houses and prisons shall be equipped with necessary medical devices and medicines in common use, set up health archives for detainees, keep records of detainees’ health conditions, and ensure detainees with illness receive timely treatment. At the same time, all prisons in China adopt the system of transparent prison affairs, and accept the supervision of criminals and their family members.

The information about individual cases is as follows:

Chen Xi was sentenced to fixed-term imprisonment of 10 years for the crime of inciting others to subvert the State power in 2011. Chen Xi is now serving the sentence in Guizhou Xingyi Prison, and Chen’s health conditions are good.

Xie Fulin was sentenced to fixed-term imprisonment of 6 years for the crime of stealing power resources in 2010, and has been released from prison on July 22, 2015.

Zhu Yufu was sentenced to fixed-term imprisonment of 7 years for the crime of inciting others to subvert the State power in 2012. Zhu suffers from high blood pressure and cholecystitis, and needs to take medicines for a long time. At present, the conditions of Zhu are stable and the statutory conditions for medical parole are not met.

Pu Zhiqiang was prosecuted in accordance with law as a suspect of the crime of inciting national enmity and the crime of creating disturbances in 2015, and the proceedings are still going on.

Gao Zhisheng was released from prison in August 2014.

Gongpo Tsezin was sentenced to fixed-term imprisonment of 3 years and 6 months for the crime of splitting the State, and the term of imprisonment will end on August 2, 2018. At present, the conditions of Gongpo Tsezin are stable and the

statutory conditions for medical parole are not met.

The right to receive treatment of the aforesaid persons has been safeguarded by judicial organs including public security organs in accordance with law, so as to ensure their health conditions are not subject to illegal damage.

17. In accordance with the Measures for the Detention and Education of Persons Engaged in Prostitution and Whoring promulgated by the State Council, the public security organ of a province, autonomous region or municipality directly under the Central Government or of a autonomous prefecture or a city with districts shall propose the establishment of an education centre according to the need for the approval by the people's government at the corresponding level.

Management systems for education centres mainly include: the Measures for the Detention and Education of Persons Engaged in Prostitution and Whoring promulgated by the State Council as well as the Measures for the Administration of Education Centres and the Measures for the Rating of Education Centres promulgated by the Ministry of Public Security. In accordance with the aforesaid documents, education centres shall offer legal and moral education; strictly prohibit the maltreatment or physical punishment of persons detained for education or the insult in other forms; and permit visits by family members of persons detained for education.

Conditions of education centres shall measure up to requirements in the Construction Standards for Education Centres; detention rooms shall have ventilation and day light as well as shall be heat-proof, cold-proof and moisture-proof; the average usable area per capita shall not be less than 3 m². Education centres shall have clinics or infirmaries, and shall establish the health and disease prevention system. Areas for detention and education shall be kept clean and sterilized regularly, and the environmental greening and beauty shall be ensured.

If any person detained for education has objection to the decision on his or her detention, he or she may apply for administrative reconsideration or file an administrative litigation to the people's court in accordance with law, and the education centre shall timely transfer relevant materials to the department concerned.

Compulsory isolation drug treatment centres in China are set up in accordance with the conditions and procedures stipulated in the Anti-drug Law, the Anti-drug Regulations and other relevant laws and regulations, they are places for public security organs to provide drug addicts with scientific and formal drug treatment,

psychotherapy, rehabilitation training, health, moral and legal education as well as vocational training through administrative coercive measures in accordance with law.

As to the remedy for the object to a decision on compulsory isolation for drug rehabilitation, Article 40 of the Anti-drug Law stipulates that if the person against whom the decision on compulsory isolation for drug rehabilitation is made by the public security organ is dissatisfied with the decision, he may, according to law, apply for administrative reconsideration or bring an administration litigation before the court in accordance with law. If a person for treatment of drug addiction makes a report, complaint or accusation, applies for administrative reconsideration or files an administrative litigation, the compulsory isolation drug treatment centre shall timely transfer relevant materials to the department concerned after making registration.

Article 43 of the Anti-drug Law stipulates that the compulsory isolation drug treatment centre may, in light of the need for treatment of drug addiction, organize the persons receiving such treatment to engage in the necessary production or other work and train them in vocational skills. Where persons receiving treatment of drug addiction are organized to engage in production or other work, remunerations shall be paid to them. The Provisions on Compulsory Isolation for Drug Rehabilitation by Judicial Administrative Organs include explicit provisions on the production or other work of persons for treatment of drug addiction, so as to earnestly safeguard their various rights and interests. Firstly, strict limits are set for the labour time, it is stipulated that the labour time of persons for treatment of drug addiction shall not exceed 5 days a week and 6 hours a day, and they shall not be arranged to engage in production or other work in statutory holidays. Secondly, requirements are made on the assurance of labour safety and on enhancing labour protection. Thirdly, explicit provisions are made on remunerations of labour.

Measures to ensure that the Measures for the Administration of Compulsory Isolated Drug Rehabilitation Facilities of the Public Security Authorities (the Measures) are respected and implemented include: firstly, relevant contents and requirements of the Measures are refined and incorporated in the rating of compulsory isolation drug treatment centres; secondly, compulsory isolation drug treatment centres are urged to be open to the public, to accept the social supervision, to listen to opinions of different sectors of the society, and to proactively improve their work; thirdly, the Detailed Rules for Law Enforcement in Compulsory Isolated Drug Rehabilitation Facilities has been made to make clear the responsibilities,

specifications and requirements of law enforcement posts in compulsory isolation drug treatment centres, as well as specify the contents related to detention, management, education, rehabilitation and medical treatment; fourthly, several training classes on the work of compulsory isolation drug treatment centres are organized every year, so as to provide training to both leaders and policemen; fifthly, strict accountability is adopted, if any violation of the Measures is discovered, the liability of relevant persons shall be investigated for in accordance with law.

In accordance with the Counter-Espionage Law and the Criminal Procedure Law, state security organs must abide by the Criminal Procedure Law when handling criminal cases regarding compromising national security such as cases involving the crime of espionage, and shall accept the supervision of people's procuratorates. Article 4 and Article 85 of the Criminal Procedure Law stipulate that the procuratorial organ shall carry out the legal supervision in accordance with law on the arrest of a criminal suspect proposed and executed by state security personnel; when a state security organ requests for the arrest of a criminal suspect, it shall submit the request to the people's procuratorate together with case files and evidences for examination and approval. Article 35 of the Counter-Espionage Law stipulates that if a party concerned has objection to a decision of administrative penalty or administrative coercive measure (including detention), he or she shall be entitled to apply for administrative reconsideration or file an administrative litigation.

"Shuanggui" is a legal system and Party discipline of China; it is based on explicit provisions in national laws and Party rules. The torture to persons subject to "Shuanggui" is not allowed by national laws, Party disciplines or government disciplines. Discipline inspection and supervision organs strictly administer and supervise the use of "shuanggui" measures, so as to ensure they are used according to disciplines, in accordance with law as well as in a safe and proper manner. If there is any individual wrongdoing in the implementation of "shuanggui", the liability of relevant persons shall be investigated for according to disciplines and in accordance with law.

18. The Chinese law prohibits illegal detention, strictly strikes at and bans private detention facilities, and investigates for the criminal liability of relevant persons. In June 2012, Beijing Changping District People's Court made judgement to a case related to private detention facilities, all 9 persons involved were investigated for

criminal liability for the crime of illegal operation and the crime of unlawful detention.

The “relief services centres” in Beijing include the Beijing Relief Management Service Centre and Beijing Majialou Relief Services Centre, their functions include the reception of persons coming to Beijing for making complaints, and the provision of services related to the relief and placement such as food, accommodation and medical care to such persons.

19. Detention houses in China have detention rooms for solitary confinement. The solitary confinement is a management manner but not a punitive measure. Detention houses carry out the security risk assessment of detainees in accordance with their performance, the nature of their cases as well as their physical, psychological and mental conditions, divide such risks into substantial security risks and general security risks, and further classify substantial security risks into Grade I, Grade II and Grade III according to risk factors. Detention houses adopt solitary confinement to detainees of Grade I substantial risk. Measures adopted by the competent department in practice include: Firstly, strict limitation on objects. detainees of Grade I substantial risk are those with signs of self-injury, self-mutilation, physical assault or escape or have committed any of the aforesaid acts; those with insanity or abnormal behaviors who are suspected to have mental diseases and need to be appraised; those who bully the weak, cause disturbances, often bully and oppress others, fights with others, disobey the management or serious disturb the order of detention houses. Secondly, strict examination and approval procedures. To adopt the solitary confinement, the policeman in charge of a detainee shall fill in an application form, and the solitary confinement can only be adopted after such application is approved by the director of the detention house. A doctor shall carry out the physical examination of the detainee, and put forward a suggestion in writing to stop the solitary confinement if the detainee is not suitable for solitary confinement. Thirdly, strict management. When a detainee is subject to solitary confinement, the policeman in charge shall talk with the detainee every day, so as to know about the detainee’s conditions. The medical care shall be strengthened, a doctor shall make two visits to the detainee every day, one in the morning and one in the afternoon, so as to know about the detainee’s physical conditions. A physical examination of the detainee shall be made every 24 hours, so as to make sure whether the detainee is still suitable for

solitary confinement. Fourthly, the normal diets, rest and outdoor activities of the detainee in solitary confinement shall be ensured in accordance with law.

In accordance with the Measures for the Administration of Compulsory Isolated Drug Rehabilitation Facilities of the Public Security Authorities, compulsory isolation drug treatment centres may use protective restraints against persons for treatment of drug addiction who might commit self-injury, self-mutilation or other dangerous acts when the drug addiction kicks in or when they are in mental disturbance in accordance with medical treatment specifications formulated by administrative departments for health. Policemen and the medical staff shall keep persons for treatment of drug addiction who are subject to protective restraints in close observation, and such protective restraints shall be released once the circumstance leading to self-injury, self-mutilation or other dangerous acts disappears. The Measures also stipulate that the measure of confinement may be adopted to any person for treatment of drug addiction in the following circumstances: violating the code of conduct for persons for treatment of drug addiction, disobeying the disciplines of the compulsory isolation drug treatment centre and failing to make corrections after being educated; hiding, taking or injecting drugs, or concealing forbidden items; infringing upon the rights of others, such as bullying, beating or mistreating other persons for treatment of drug addiction or seizing the property of others; communicating the information about drug use, teaching methods of committing crimes or inciting others to commit illegal acts or crimes; premeditating or executing suicide, escape or physical assault.

After a detention house adopts the solitary confinement, it shall immediately report to the resident procuratorial office in writing. If the procuratorial office thinks it is improper to adopt the solitary confinement and puts forward correction opinions, the detention house shall make corrections immediately and notify such corrections to the procuratorial office. The detainee subject to solitary confinement may make an appointment to meet resident procurators for complaints.

Detention houses use interrogation chairs measuring to the national standards in accordance with law, there are no non-formal interrogation chairs such as the so-called “tiger chairs”.

20. China has not yet established a national human rights institution in the meaning of the Paris Principles, however, many departments are undertaking duties

similar as such an institution. For example, there are offices for letters and calls in the Standing Committee of the National People's Congress and the people's governments at various levels to accept, investigate and deal with all kinds of complaints. People's procuratorates are special legal supervision organs, they carry out the supervision of detention facilities in accordance with law, so as to safeguard detainees' lawful rights. The Chinese government also formulated the National Human Rights Action Plan, and specially established a joint conference mechanism to be responsible for the implementation, supervision and assessment of the Plan. The leading units of the joint conference are the State Council Information Office and the Ministry of Foreign Affairs, and the members include more than 50 departments such as the Law Committee of the Standing Committee of the National People's Congress, the Supreme People's Court and the Supreme People's Procuratorate.

At present, there are a total of 686 prisons in China, including 31 women's prisons and 29 education centres for minors. In recent years, the prisons in China have further expanded their openness, invite deputies to the people's congresses and CPPCC members to inspect them every year, and are open to the public at fixed period. Apart from the prisons, each detention house has specially invited supervisors, and more than two supervisors may inspect the detention house at any time; and the detention house also invite deputies to the people's congresses and CPPCC members to inspect it regularly and listen to their opinions and suggestions. From 2009 onwards, the Ministry of Public Security has been promoting the openness of detention houses to the public in the whole country, requiring detention houses to put their law enforcement and management under public scrutiny by multiple means such as symposia of lawyers, interviews to news media and reception of personages of all circles, so as to comprehensively solicit the opinions from various sides and improve their work. A detention house shall choose a working day every month to be its open day to the public, and such date shall also be announced through the media. It can also accept the reservation of a unit and make the corresponding arrangements according to the actual situation. Local state organs, organizations, enterprises, public institutions, individuals and family members of detainees may, with valid certificates or letters of introduction, make reservations with and visit the detention house in such open day after being examined by the detention houses and handling relevant formalities. At present, there are no statistical data about community organizations.

According to statistics, from 2008 to this May, procuratorial organs in the whole

country organized 14,070 unscheduled visits to detention facilities for deputies to the people's congresses. In which, there were 1,498 visits in 2008, 1,618 in 2009, 1,743 in 2010, 1,729 in 2011, 1,792 in 2012, 1,981 in 2013, 2,342 in 2014, 1,367 in January to May of 2015.

21. In accordance with the Organic Law of People's Procuratorates, the Prison Law, the Detention Centre Regulations as well as other laws and regulations, special protective measures are provided for women detained in detention houses and prisons, including: (1) detention houses shall be equipped with female staff members for the management of female detainees, female criminals in prisons shall be under the direct management of female policemen. When detention houses are taking criminal suspects into custody, the body check of female criminal suspects shall be carried out by female staff members. When prisons are taking criminals into custody, the body check of female criminals shall be carried out by female policemen. When escorting a female detainee out of the detention house, a female staff member shall be responsible for managing the detainee's life on the way. (2) China has specially built and transformed women's detention houses or detention areas for female detainees, male and female detainees as well as adult and minor detainees are detained separately. Adult male criminals and female criminals are subject to separate custody and separate control in prisons. Detention houses stick to the humanistic management of female detainees in accordance with law, pay attention to the protection of their rights; for example, detention houses set up psychological counseling rooms for counselors to provide psychological guidance to female detainees according to their psychological and physiological characteristics, give special care to the life of female detainees during their menstrual periods, and organize female detainees to carry out cultural and sports activities. (3) Procuratorial organs carry out the supervision on the detention and management of female detainees in detention houses and prisons. If any officer of a detention house or prison gives physical punishment or maltreats any female detainee and constitutes a crime, a case shall be initiated in accordance with law so as to investigate for the officer's criminal liability. At present, the China National Narcotic Control Commission is studying on the formulation of the Measures for the Strike at and Punishment of Special Groups Involved in Drug-related Crimes according to suggestions from the All-China Women's Federation and other sides, with the aim of paying attention to and protecting the

basic human rights of special groups involved in drug-related crimes such as pregnant women and women in the lactation period in detention facilities.

Article 12 and Article 13

22. According to statistics, from 2008 to the first half of 2015, the numbers of cases related to the extortion of confession by torture as well as the physical punishment and ill-treatment of detainees reported through the 12309 reporting platform of the procuratorate are 1,321 and 17 respectively. From 2008 to the first half of 2015, procuratorial organs in the whole country prosecuted 396 and 268 criminal suspects related to the extortion of confession by torture and the ill-treatment of detainees respectively: 92 criminal suspects related to the extortion of confession by torture and 42 criminal suspects related to the ill-treatment of detainees in 2008, 60 and 36 in 2009, 81 and 37 in 2010, 55 and 28 in 2011, 48 and 33 in 2012, 37 and 44 in 2013, 20 and 43 in 2014, 3 and 5 in January to June of 2015.

The specific information about convictions is as follows:

Date	Conviction related to the extortion of confession by torture	Conviction related to the collection of evidences by force	Conviction related to the ill-treatment of detainees
2009	60	2	26
2010	60	2	34
2011	36	1	26
2012	49	0	22
2013	32	0	32
2014	31	2	36
January to June of 2015	11	0	19

If any doctor discovers any case of possible torture in the physical examination in a detention facility, he or she may report to the supervision department of the public security organ or the resident office of the people’s procuratorate. The relevant department shall carry out the investigation in accordance with law, and shall hold relevant persons accountable in accordance with law if the torture is confirmed through investigation.

23. As to this issue, the Chinese government has made clear its standpoint in its comments on the Committee's concluding observations and recommendations in 2009 (CAT/C/CHN/CO/4/Add.2). China hopes that the Committee could strictly perform its own duties, and avoid the politicalization of its review.

24. The Regulations on Human Organ Transplantation of China make strict provisions on organ transplantation, the donation of any human organ must obtain the written consent of the donator himself or herself. The allegation that "China takes organs from 'Falun Gong' practitioners" is just a rumor of the "Falun Gong" cult. On the contrary, the "Falun Gong" cult offers false reasoning and heresy as well as implements spiritual control, causing the self-mutilation and suicide of a lot addicts.

The Chinese government believes that most "Falun Gong" practitioners went astray because they are cheated by Li Hongzhi as well as the false reasoning and heresy of "Falun Gong", they are also victims. The Chinese government banned the "Falun Gong" cult in accordance with law as well as struck at and punished a few diehards of the "Falun Gong" cult who committed law-breaking and criminal acts, so as to safeguard the public interest and protect the rights of all Chinese people including victims of the "Falun Gong".

25. The Urumqi incident of July 5, 2009 is a serious violent crime incited by overseas "violent terrorist forces, regional separatist forces and religious extremist forces", with the vicious purpose of undermining national unity, social stability and ethnic unity. On October 12, 2009 and afterwards, Urumqi Intermediate People's Court held open hearings of several serious criminal cases related to the July 5th incident in accordance with law. In these proceedings, judicial organs handled cases in accordance with law, so as to safeguard the lawful rights and interests of all defendants, including their various procedural rights stipulated by laws. There is no so-called "torture". The court used the native languages of defendants and provided simultaneous interpretation, so as to facilitate the participation of other litigant participants, and help the audience to timely know details of these cases and litigation progress. Some deputies to the people's congresses and CPPCC members of Xinjiang Uygur Autonomous Region and Urumqi as well as the masses of various ethnic groups and all circles, media reports and relatives of the victims acted as audience in

these hearings.

Ilham Tohti committed the crime of splitting the State. The judicial organ tried his case and made judgement in strict accordance with the Chinese law. In the hearing of his case, sufficient safeguards were provided to various rights of Ilham Tohti and his defenders in accordance with law. Ilham Tohti now enjoys good health and is service his sentence in prison, his family members may apply for meets with him in accordance with relevant provisions. The allegation about the torture of Ilham Tohti after he was arrested and put in prison is not based on facts.

26. The Chinese government earnestly implements the Declaration of the Cairo International Conference on Population and Development, and its family planning measures mainly are publicity, advocacy and contraception. Doctors give medical guidance to unwanted pregnancy caused by unsuccessful contraception, and respect the choice made by a couple or individual. Family planning and medical service institutions provide safe services to women who want the termination of pregnancy, so as to ensure their physical and psychological health. In China, an induced abortion operation must obtain the consent of the person accepting such operation, no forced operations or unlawful detentions are permitted. Functionaries of state organs who violate laws shall be investigated for their liability in accordance with law.

Article 39 of the Population and Family Planning Law of the People's Republic of China stipulates: Any functionary of a State organ who commits one of the following acts in the work of family planning, if the act constitutes a crime, shall be investigated for criminal liability in accordance with law; if it does not constitute a crime, he shall be given an administrative sanction in accordance with law; his unlawful gains, if any, shall be confiscated. Local regulations on population and family planning also stipulate punishments on law-breaking acts in administrative actions.

In June 2012, Shaanxi Province made the responsibility investigation on the incident of labour induction in the later stage of pregnancy happened in Zhenping County of Ankang, imposing disciplinary and administrative sanctions on 7 persons including the deputy county chief in charge of the population and family planning work. After the incident that Shandong Linyi Family Planning Office resorted to coercive measures to implement the family planning policy happened, the National Health and Family Planning Commission immediately dispatches some staff to Linyi

for investigation. The local government also took timely measures, imposed sanctions such as removal from office or warning to 6 responsible persons, and required relevant departments at various levels to take the incident as a lesson and bring success to various tasks, so as to improve the level of administration by law.

27. Chinese citizens will not be detained due to their disagreement with official policies, so relevant allegations are not the truth. Any detainee can enjoy legal safeguards and humane treatment when he or she is in custody. The following is the information about relevant persons:

Dolma Kyab entered and exited China illegally during November 2003 and June 2004 for separatist activities with the support of the “Security Ministry” of the Dalai clique, an espionage apparatus. His acts constitute the crime of illegally crossing the national border (frontier) and the crime of espionage, and he was sentenced to fixed-term imprisonment of ten years and six months. All lawful rights of Dolma Kyab haven been properly safeguarded.

Tenzin Deleg Rinpoche, with the trivial name of Aan Tashi, was sentenced to death penalty with a two-year suspension of execution for the crime of explosion and the crime of inciting others to split the State, his punishment was commuted to life imprisonment later. He died on July 12 of this year in a hospital due to sudden cardiac death after unsuccessful rescue. During the period when Aan Tashi served his sentence, his lawful rights were safeguarded in accordance with law. The cause of his death is clear, and the treatment and rescue of him were timely and proper.

The Law of the People’s Republic of China on Assemblies, Processions and Demonstrations includes explicit provisions on assemblies, processions and demonstrations held by Chinese citizens within the territory of China. Local judicial organs shall deal with individual illegal and criminal acts in accordance with law. The allegations about “arbitrary arrest and detention of relevant persons”, “deaths resulting from indiscriminate firing by the police”, “excessive use of force in quelling demonstrations” and “torture of relevant detainees” are just distortion of fact.

28. (1) The Constitution of China explicitly stipulates that the people’s procuratorates are state organs for legal supervision, they exercise procuratorial power independently, in accordance with the provisions of the law, and are not subject to interference by any administrative organ, public organization or individual. Though

procuratorial organs have the right of prosecution and the right to supervise criminal execution, these rights were exercised by different departments so as to ensure their independence and impartiality. The Criminal Procedure Law, the Organic Law of People's Procuratorates and the Prison Law specifically stipulate that procuratorial organs shall supervise the activities in detention facilities. All these provisions provide explicit legal basis for ensuring the independence of procuratorial organs. At the same time, procuratorial organs may, through various supervision systems and mechanisms such as tour procuratorial work, resident procuratorial work and circuit procuratorial work, ensure the independence of the procuratorial personnel. The procuratorial personnel may inspect detention facilities without prior notification.

The main functions of Committee of Political and Legislative Affairs in the aspect of anti-torture are to, through coordinating the work of various judicial organs, urge the performance of duties in accordance with law, create the environment for judicial justice, take the lead in handling affairs in accordance with law, as well as ensure the implementation of the Constitution and laws in a correction and unified manner. The Committee of Political and Legislative Affairs support judicial organs to shoulder independent responsibilities and to work through coordination in accordance with the Constitution and laws, it does not directly involve in the investigation, or give specific opinions on admissibility of evidences, fact-finding and judicial adjudication.

The discipline inspection and the supervision department of a public security organ independently exercises its official powers and carries out investigations according to disciplines and in accordance with law. If there are evidences of torture or ill-treatment by a policeman, the discipline inspection and supervision department of the public security organ shall be entitled to get involved in the investigation according to disciplines and in accordance with law. If the policeman is suspected of any job-related crime, he or she shall be transferred to the procuratorial organ to investigate for criminal liability in accordance with law; if his or her behavior does not constitute a crime, he or she shall be given sanctions in accordance with Party disciplines and administrative rules.

(2) Since 2005, the discipline inspection and the supervision departments of public security organs and the departments against malfeasance of procuratorial organs have adopted the joint conference mechanism, so as to strengthen the cooperation in aspects such as information sharing and case handling. Both sides hold

one or two conferences every year, so as to communicate on their relevant work, especially cases involving job-related crimes of policemen.

(3) Resident offices of the people's Protectorates in detention houses and prisons have established various working mechanisms and systems such as the procurator's mailbox, appointment with procurators by detainees actively, as well as dialogues between procurators and detainees, procurators may accept the accusations and reports of detainees at any time, they may also have talks with detainees to find out the existence of illegal acts such as torture, ill-treatment or reprisal, and shall correct discovered unlawful practices in accordance with law.

(4) In accordance with the laws and disciplines related to supervision, the supervision department of a procuratorial organ may, in the investigation of cases involving torture or ill-treatment by any procurator, propose that the procurator under investigation should be suspended according to the actual situation and need. If the existence of torture or ill-treatment is confirmed through investigation, the supervision department may, at the same time of investigating for the prosecutor's disciplinary responsibility, suggest the personnel department to adjust the prosecutor's post or transfer the prosecutor out of the procuratorial organ if it thinks the prosecutor is no longer suitable for the procuratorial work. If the procurator commits the crime of extorting confession by torture, the crime of collecting evidences by force or any other crime, his or her criminal liability shall be investigated for in accordance with law. Please refer to the reply to Issue 22 for specific data.

29. (1) Relevant experts provide psychological counseling to victims of domestic violence. Services for rescued women and children who have been abducted include showing care to them, helping them to solve relevant problems, doing painstaking ideological work on their relatives and neighbours, eliminating of discrimination, making efforts for their equal economic and social treatment, and restoring their faith of life.

(2) In accordance with Article 17(4) and (5) of the Law of the People's Republic of China on State Compensation stipulate that "categories of torture-related cases that are subject to state compensation" include: 1. state compensation for the extortion of confession by torture which causes the bodily injury of any citizen; 2. state compensation for the extortion of confession by torture which causes the death of any citizen; 3. state compensation for beating or ill-treatment or inciting or indulging

others to engage in beating or ill-treatment which causes the bodily injury of any citizen; 4. state compensation for beating or ill-treatment or inciting or indulging others to engage in beating or ill-treatment which causes the death of any citizen; 5. state compensation for the unlawful use of weapons or police apparatuses which causes the bodily injury of any citizen; and 6. state compensation for the unlawful use of weapons or police apparatuses which causes the death of any citizen.

In accordance with the Law on State Compensation, the main form of state compensation is the payment of damages, other forms include elimination of ill effects for the victim, restoration of reputation, apology, and payment of the corresponding solatium for spiritual damages.

(3) Upon receiving an accusation of torture, the competent organ shall immediately initiate the investigation, inquire the victim and his or her relatives, carry out necessary physical examinations as well as psychological counseling and treatment; if the torture is confirmed through investigation, the perpetrator's liability shall be investigated for in accordance with law, and the victim shall be given compensation in manners such as payment of damages, elimination of ill effects, restoration of reputation, apology, and payment of the corresponding solatium for spiritual damages.

Article 11 of the Regulations on Legal Aid stipulates that if a victim of a case of public prosecution or his or her close relatives fail to entrust an agent ad litem because of financial difficulty, the victim or his or her close relatives may apply for legal aid. If a victim of torture or ill-treatment measures up to the standards of financial difficulty for legal aid, he or she may apply for legal aid free of charge.

30. From January 2013 to June 2015, the people's courts at various levels completed the trial of 6,311 cases for state compensation, the total amount of compensation is RMB 251,871,100. The people's courts accepted a small amount of cases for criminal compensation involving bodily injuries or death caused by the extortion of confession by torture, the number of cases from 2009 to June 2015 is 12. It needs to be noted that the cases accepted by the people's courts all involve the objection to decisions of public security organs and procuratorial organs on compensation, most cases have been properly handled by public security organs and procuratorial organs in practice, and were not brought to the people's courts. All such cases were brought to the people's courts by organs, and the people's courts

completed the trial within the time limit stipulated by the Criminal Procedure Law, there were no applications time barred owing to the inaction of courts.

If there is a case related to the irregular death of any persons involved during the law enforcement and case handling of a public security organ, the procuratorial organ will get involved in the investigation at the earliest time, if any policeman is suspected of the crime of extorting confession by torture, the procuratorial organ shall initiate the investigation against him or her. If the conditions of state compensation are met, the state compensation process shall be initiated in accordance with law, and reasonable compensation shall be given in a timely manner.

The information about some cases is as follows:

The Shen Weifeng case: it was found out that when the Goutang Town Police Station of Xinmi Public Security Bureau was handing a criminal case, Niu Haoyi, Deputy Head of the police station, imposed the extortion of confession by torture on Shen Weifeng and injured the latter's right ear on May 7, 2000. Henan Higher People's Court made a written decision on compensation on December 11, 2013, ordering Xinmi Public Security Bureau to pay Shen Weifeng RMB 190,372 for his disability.

The Li Tiewing case: Fugou County Public Security Bureau paid Li Tiewing RMB 9,299.85 as the compensation for his custody of 51 days, and paid another RMB 2,000 as the solatium for spiritual damages (both for the extortion of confession by torture and for the unlawful criminal detention).

The Hugjiltu case: Inner Mongolia Higher People's Court paid a total amount of RMB 2,059,621.40 (including RMB 1,047,580 as the compensation for death and funeral expenses, RMB 12,041.40 as the compensation for the limitation of personal freedom and RMB 1,000,000 as the solatium for spiritual damages) to Hugjiltu's father Li Sanren and mother Shang Aiyun.

The Zhang Hui case: Zhejiang Higher People's Court paid a total amount of RMB 1,105,730.60 (including RMB 655,730.60 as the compensation for the infringement upon personal freedom and RMB 450,000 as the solatium for spiritual damages) to Zhang Hui.

The Zhang Gaoping case: Zhejiang Higher People's Court paid a total amount of RMB 1,105,730.60 (including RMB 655,730.60 as the compensation for the infringement upon personal freedom and RMB 450,000 as the solatium for spiritual damages) to Zhang Gaoping.

The Tian Weidong case: the custody of the claimant Tian Weidong for 17 years caused grave spiritual damages, the obligatory organ for compensation agreed that the solatium for spiritual damages shall be about 70% of the compensation for the limitation of personal freedom after taking into comprehensive consideration of relevant factors, it was decided that the total amount of compensation shall be RMB 1,824,041.50, including the solatium for spiritual damages of RMB 750,000.

Article 15

31. Some representative cases related to the application of Article 54 of the Criminal Procedure Law are as follows:

The Wang Zhigao case: the defendant Wang Zhigao was arrested as a suspect of the crime of drug-trafficking in 2013. In the hearing, Wang Zhigao said his confession on March 13, 2013 was made after being beaten by the personnel handling the case; his confession on March 14, 2013 was made according to the hints of the personnel handling the case; his confession on March 28, 2013 was forged by the personnel handling the case, and requested for the exclusion of the aforesaid confessions.

The court thinks, there are multiple doubtful points in Wang Zhigao's confessions of guilt on March 12, March 14 and March 28 of 2013, these confessions shall be excluded. Apart from the aforesaid confessions, only the testimony of the witness Xiong Kangfei can act as the evidence for the accusation that Wang Zhigao implemented drug-trafficking for two times, the requirement for hard and sufficient evidences can not be satisfied, therefore, the accusation of drug-trafficking is not confirmed.

The Tang Qihua case: the defendant Tang Qihua was arrested as a suspect of the crime of robbery in 2012. In the hearing, Tang Qihua said his confession during the criminal investigation was extorted by torture, and his act does not constitute the crime of acting indecently against a woman by coercion.

The court thinks, it is recorded in the physical examination form of Tang Qihua upon his arrival at the detention house that there are skin wounds on his legs, the statement on the nonexistence of extorting confession by torture provided by the public security organ can not act as the single proof for lawful collection of evidence, therefore, the existence of unlawful obtainment of confession is not beyond reasonable doubt, the confession of Tang Qihua during the criminal investigation is excluded.

The Lu Wu case: the defendant Lu Wu was arrested as a suspect of the crime of transporting drugs in 2013. In the hearing, while Lu Wu said his confession of guilt to the public security organ was extorted by torture, and his act does not constitute the crime of transporting drugs.

The court thinks, multiple evidences can prove the condition of Lu Wu with cyanosis around eyes and a swollen face, while the procuratorial organ fails to provide more powerful objective evidences such as synchronous audio or video recording. According to the existing evidences and clues, the existence of the unlawful collection of evidences by the public security organ is not beyond reasonable doubt, all confessions of Lu Wu before the hearing are excluded.

The Xiang Fazhi case: the defendant Xiang Fazhi was arrested as a suspect of the crime of offering bribes in 2013. In the hearing, Xiang Fazhi said that the confessions made in the criminal investigation are false, and are made due to extortion by torture, extended interrogation, hints and inducement.

The court thinks, as the procuratorial organ fails to provide sufficient evidences to prove the legality of Xiang Fazhi's confessions before the hearing, such confessions can not serve as the basis of conviction.

The Liao Bing case: the defendant Liao Bing was arrested as a suspect of the crime of intentional homicide in 2011. In the hearing, Liao Bing said his confession of guilt was obtained through the extortion by torture, such confession can not serve as the basis of conviction and shall be excluded.

The court thinks, the existing evidences can not prove that nonexistence of extortion by torture in obtaining Liao Bing's confession is beyond reasonable doubt, therefore, such confessions shall be excluded in accordance with law and can not serve as the basis of conviction.

Article 53 of the Criminal Procedure Law explicitly stipulates that credence shall not be readily provided for confessions, a defendant shall not be convicted and sentenced to a criminal punishment merely based on the defendant's confession without other evidence. Such provisions have always been strictly obeyed in China's judicial practice.

Relevant provisions of the Criminal Procedure Law ensure that the request of a defendant to exclude any evidence obtained through extorting confession by torture will be quickly and seriously reviewed. Article 55 and Article 57 of the Law respectively stipulate: after receiving a report, accusation, or tip on any illegal

obtainment of evidence by investigators, a people's procuratorate shall conduct investigation and verification; during the investigation in court regarding the legality of obtainment of evidence, a people's procuratorate shall prove the legality of obtainment of evidence. These are legal provisions of China on the exclusion of illegal evidence, and such provisions have always been strictly obeyed in China's judicial practice. Please refer to the preceding part for specific cases.

Article 192 of the Criminal Procedure Law stipulates: "The public prosecutor or a party or the defender or litigation representative thereof may request the court to call a person with expertise to appear before court to offer an opinion on the expert opinion of an identification or evaluation expert". A medical expert is "a person with expertise", and may appear before court as a witness. The aforesaid cases include ones in which medical experts appeared before court as witnesses, and their expert opinions are important evidences for the confirmation of extorting confession by torture.

32. Please refer to the reply to Issue 22 for the number of cases related to the extortion of confession by torture and the outcomes of their investigations.

With regard to video and audio recording of interrogation, public security organs all over the country are required to install electronic monitoring equipment covering the whole case-handling area, and such equipment should be connected with the monitoring centre, so that all law enforcement acts of policemen are under the monitoring of "electronic eyes". In accordance with the aforesaid requirements, the transformation of case-handling area has been completed in most regions. All law enforcement acts in the case-handling area must be subject to video and audio monitoring and recording, so as to completely eradicate safety accidents in law enforcement. In 2014, the Ministry of Public Security printed and distributed the Provisions on Audio and Video Recording in the Interrogation of Criminal Suspects by Public Security Organs, which, on the basis of the Criminal Procedure Law, makes further detailed provisions on the scope of cases subject to the video and audio recording of interrogation, explicitly requires that ongoing video and audio recording shall apply to each interrogation, and stipulates strict supervision administration and accountability mechanisms, so as to ensure that interrogations are regulated and lawful.

In accordance with Article 201 of the Rules for People's Procuratorates in

Criminal Proceedings, in the criminal investigation of a case of job-related crimes by the people's procuratorate, each interrogation of the criminal suspect shall be subject to video and audio recording in the whole process, and such recording shall be noted in the interrogation record. In 2014, the Supreme People's Procuratorate printed and distributed the Provisions on the Whole-process and Synchronous Audio and Video Recording in Interrogations of Criminal Suspects of Job-related Crimes by the People's Procuratorates, which further improve the whole-process and synchronous audio and video recording mechanism, and especially stipulates the corresponding liability of the personnel handling the case for acts such as selective audio and video recording and intentionally shutting down the audio and video recording system to avoid supervision, so as to ensure the comprehensive implementation of the whole-process and synchronous audio and video recording mechanism.

With regard to the right to silence, relevant provisions of the China's Criminal Procedure Law are consistent with the right to silence in essence. Article 49 of the Criminal Procedure Law stipulates the burden of proof of guilty of the defendant in a public prosecution case shall fall on the people's procuratorate, Article 50 stipulates it shall be strictly prohibited to extort confessions by torture or force anyone to commit self-incrimination, and Article 53 stipulates a defendant shall not be convicted merely based on the defendant's confession without other evidence.

33. According to our knowledge, with regard to the Yang Chunlin case, the defendant Yang Chunlin did not mention that he had been subjected to the extortion of confession by torture in the hearing or in the appeal, and his defender did not mention that Yang Chunlin had been subjected to the extortion of confession by torture in the hearing.

With regard to the Liu Ping case, the defendant said in the hearing that someone broken her head and caused bleeding on April 28, 2013, and requested the exclusion of illegal evidences, her defender also raised such request. The court reviewed whether the procedure of excluding illegal evidences shall be initiated, and required the public procurator to make explanations. The public procurator said no wound or blood was found on the head of the defendant according to the physical examination form upon her arrival at the detention house on April 28, and the defendant did not mention that she had been beaten in the follow-up interrogation record. The Chief Judge thinks after listening to the defendant's statement as well as the opinions of the

defender and the public procurator that the public procurator can provide evidences such as the physical examination form while the clues or materials provided by the defendant are ambiguous and not specific; therefore, the procedure of excluding illegal evidences was not initiated after the court's review.

Article 16

34. The lawful rights of Chinese citizens are protected by laws. There are no intimidations and retaliations against citizens by the government in China. At the same time, public security organs shall investigate criminals who subvert the State power, incite the subversion of the State power and disturb public order with serious consequences for their criminal liability in accordance with the Criminal Law and the Criminal Procedure Law.

Liu Xiaobo was sentenced by Beijing No. 1 Intermediate People's Court to the fixed-term imprisonment of 11 years and the deprivation of political rights for 2 years for committing the crime of inciting the subversion of the State power. Liu Xiaobo is now serving his sentence. Relevant departments make arrangements for his family members to meet with him, and safeguard his various lawful rights. Liu Xiaobo's wife Liu Xia is not under house arrest or subject to coercive measures.

Wang Debang is not residing at Guilin, Guangxi Province, the public security organ safeguards his lawful rights in strict accordance with law, and he is not subject to the so-called "torture, harassment, threat and intimidation".

Zhang Zuhua is now residing at Beijing, the public security organ safeguards his lawful rights in strict accordance with law, and he is not subject to the so-called "torture, harassment, threat and intimidation".

Xu Yishun, a resident of Baoding, Hebei Province, the public security organ safeguards his lawful rights in strict accordance with law, and he is not subject to the so-called "torture, harassment, threat and intimidation".

Liu Shasha, a resident of Nanyang, Henan Province, the public security organ safeguards her lawful rights in strict accordance with law, and she is not subject to the so-called "torture, harassment, threat and intimidation".

Chen Guangcheng was sentenced to fixed-term imprisonment of 4 years and 3 months in accordance with law for committing the crime of intentional destruction or damage of properties and the crime of gathering a crowd to disturb the traffic order in 2006, and was released from prison in September 2010. On May 19, 2012, Chen

Guangcheng went to the USA for overseas study accompanied by his wife and children.

To raise personal claims through letters and calls is a right of citizens stipulated in the Constitution, and is protected in accordance with law. The act of illegally limiting the personal freedom of citizens making complaints through letters and calls is not permitted by laws, and shall be punished once it is discovered.

The Chinese government pays attention to the regulation of the enforcement procedure during the process of land requisition and housing demolition, so as to ensure fair compensation, as well as safeguard the lawful rights and interests of and provide legal guarantees to related persons. Related persons may apply for the settlement of any dispute in such process in accordance with the Regulations on Housing Demolition and the Regulations on Land Requisition.

35. A psychiatric hospital in China makes decisions on the reception of a patient based on the patient's conditions and in strict accordance with the Mental Health Law (please refer to the reply to Issue 38), such decision is irrelevant to the patient's identity.

Article 53 of the Mental Health Law stipulates: "Persons with mental disorders who violate the Law on Penalties for Public Administration or the Criminal Law shall be dealt with in accordance with relevant laws". The Criminal Law and the Criminal Procedure Law of China explicitly stipulates that a mental patient with criminal capacity according to the verification through legal procedure who violates the Criminal Law shall be given the corresponding penalty by the people's court in accordance with law; as to a mental patient who shall not bear criminal responsibility in accordance with law after the verification through legal procedure, the people's court shall decide whether the mandatory medical treatment shall apply (the Criminal Procedure Law amended in 2012 specially adds "the procedure for mandatory medical treatment of a mental patient who shall not bear criminal responsibility in accordance with law"), the mandatory medical treatment can only apply to a mental patient who has committed violent acts, endangers public security or seriously endangers the personal safety of other citizens, causes social hazard that reaches the extent of crime, and is possible to keep on endangering the society. During the enforcement of mandatory medical treatment, if the condition of a person subject to the mandatory medical treatment has improved after the treatment by the medical

personnel according to the diagnostic assessment, and the person is no longer a danger to others' personal safety, the institution implementing the mandatory medical treatment as well as the person or his or her relatives may propose to the people's court on the termination of mandatory medical treatment. The people's procuratorates shall supervise the mandatory medical treatment.

36. (1) All Chinese citizens are equal before the law, and are subject to the equal protection by law. Whoever is suspected of committing criminal acts such as extorting confession by torture, obtaining evidences by force or maltreating detainees, the procuratorial organ will deal with him or her in strict accordance with the legal procedure, this is the consistent judicial practice in China.

(2) The Chinese law prohibit the ethnic discrimination. The Constitution and the Law on Regional Ethnic Autonomy explicitly prohibit the discrimination against and oppression of any nationality, and prohibit any act that undermines the unity of the nationalities or instigates national division. The Law on Penalties for Public Administration and the Criminal Law stipulate relevant punitive measures for ethnic discrimination. Besides, multiple laws including the Advertising Law, the Trademark Law, the Postal Law and the Employment Promotion Law explicitly stipulate the prohibition of ethnic discrimination.

(3) The Ministry of Public Security attaches great importance to improving the law enforcement quality of public security officers, especially policemen in regions inhabited by ethnic groups. Ever since 2013, the Ministry of Public Security has organized several professional training classes for in-service Tibetan policemen with the support of the People's Public Security University and the National Police University, training 100 grassroots backbone policemen and 50 instructors of police affairs for public security organ in the Tibetan region, as well as coordinate with subordinate colleges and police colleges in some eastern regions to expand the recruitment of Tibetan students. At the same time, it actively communicates and negotiates with competent departments of civil servants, jointly study on preferential policies for the recruitment of Tibetan students, so as to ensure to the utmost extent that they can work in public security organs after graduation.

The 2015-2019 Plan for Education and Training to Courts All over China of the Supreme People's Court takes "basically solving the shortage of bi-lingual judges in regions inhabited by ethnic groups" as one of the overall objectives, and makes

specific arrangements for strengthening the cultivation and training of bi-lingual judges in the western region and regions inhabited by ethnic groups, such as regularly organizing lecturer missions to teach in the western region, organizing special training classes for judges in regions inhabited by ethnic groups, and organizing courts in developed regions to provide training to courts in the western region and regions inhabited by ethnic groups. The Supreme People's Court organized three lecturer missions to teach in the western region in 2009, 2011 and 2013 respectively, training policemen in courts of the western region with a total amount of over 206,000 person times. The Supreme People's Court organizes trainings classes for judges from ethnic groups, judges in the Tibetan region, judges in courts of Xinjiang, Tibet and Qinghai every year. In April 2015, the Supreme People's Court printed and distributed the Opinions on Further Strengthening and Improving the Cultivation and Training of Judges Using Both Minority Language and Chinese in Regions Inhabited by Ethnic Groups together with the State Ethnic Affairs Commission, making arrangement for the "1,000 Persons Plan", i.e. cultivating 1,500 bi-lingual judges by 2015. The Supreme People's Court set up the "Special Fund for Training Bi-lingual Judges" in 2013, allocates RMB 2,000,000 every year for training bi-lingual judges in regions inhabited by ethnic groups, and cultivated 742 bi-lingual judges in 2013 and 2014. The Supreme People's Court successively approved the establishment of training bases for bi-lingual judges (Tibetan language & Chinese, Mongolian language & Chinese) in Lhasa of Tibet, Xining of Qinghai, Zhouqu of Gansu and Hohhot of Inner Mongolia, and will organize the courts in relevant regions to establish training bases for bi-lingual judges (Uygur language & Chinese, Kazak language & Chinese, Korean language & Chinese) before 2017.

The Supreme People's Procuratorate attaches great importance to solving the shortage of legal talents in grassroots people's procuratorates of regions inhabited by ethnic groups, and has adopted a series of effective measures including the improvement of recruitment methods. Firstly, the cultivation and selection of the procuratorial personnel from ethnic groups are accelerated. Ever since 2008, applied legal talents with strong capability in actual practice have been cultivated specially for grassroots people's procuratorates in the western region and other economic less-developed regions, and the scale of "bi-lingual classes" for grassroots people's procuratorates in regions inhabited by ethnic groups has been expanded. Secondly, the requirements on participants of judicial examinations have been relaxed. With the

implementation of pilot policies such as relaxing the requirements of the National Judicial Examination on participants' educational background, expanding the applicable regions for the recruitment at lower scores, setting a separate recruitment score for Tibet, uniform examination for regions inhabited by ethnic groups, separate examination for the in-service staff and separate recruitment through uniform examination, the number of personnel with legal professional qualification at professional posts has increased markedly. Thirdly, the requirements on education background of procurators are relaxed in some localities including regions inhabited by ethnic groups. In consideration of the unbalanced economic and cultural development in different regions of China and in accordance with the provision that "in localities with actual difficulties" to apply the requirement on graduates from law specialties with a bachelor's degree, "the requirement on the educational background of procurators may be lowered to graduates from law specialties in junior colleges within a certain period with the examination and approval of the Supreme People's Procuratorate" in the Public Procurators Law, the Supreme People's Procuratorate and the Supreme People's Court distributed the Circular on Relaxing Requirements on the Educational Background of Judges and Procurators in Some Localities. In 2012, the Supreme People's Procuratorate issued a circular, continuing the practice of relaxing requirements on the educational background of procurators in some localities, stipulating that the requirement on the educational background of procurators in the following people's procuratorates may be lowered to graduates from law specialties in junior colleges: grassroots people's procuratorates of autonomous counties and banners under all provinces, autonomous regions and municipalities directly under the Central Government; grassroots people's procuratorates of counties and banners under all autonomous regions and counties under all autonomous prefectures; branches of Tibet Autonomous Regional People's Procuratorate as well as municipal people's procuratorates and grassroots people's procuratorates of county-level cities and districts in Tibet. This policy has been implemented for 3 years and achieved good effects.

Till the end of 2014, there were more than 310,000 policemen, including more than 24,000 policemen from ethnic groups, in the prisons all over China, and all of them have received relevant education and training.

37. The courts in China have always stuck to the principle of strictly controlling

the application of and prudently applying death penalty, adopt strict requirements on fact, evidence and application of law in capital cases, so as to ensure that death penalty only applies to a few criminals who have committed extremely serious crimes. The trial of cases by the people's courts shall be openly held unless there are otherwise stipulations in laws. Therefore, the trial and judgement of capital cases are all open to the public. China merges the statistical data of death penalty, death penalty with a two-year suspension of execution, life imprisonment and fixed-term imprisonment of more than five years, and can not provide the data on death penalty alone.

With regard to the use of restraint implements on criminals of death row inmates, Article 17 of the Detention Centre Regulations stipulates that restraint implements must be used on criminals who have been sentenced to death penalty but have not been executed. The use of restraint implements on death row inmates is a temporary and preventive measure to prevent them from using violence, escaping, committing suicide and disturbing the order of detention facilities, it is not a cruel, inhumane or degrading treatment or punishment. With regard to the solitary confinement of death row inmates, the Chinese law has not relevant provisions. With regard to the visits of death row inmates, they are entitled to meet with their close relatives in accordance with relevant provisions, the people's courts will approve the request of their families to meet with them and will make the corresponding arrangement. Their lawyers may meet with them during the review of death sentences.

The donation and use of human organs in accordance with law are good for saving the lives of critical patients, and in conformity with medical ethics and the humanitarian spirit. If anyone, no matter he or she is a common citizen or has been sentenced to death penalty in accordance with law, sincerely and proactively proposes the voluntary donation of his or her organs after death, such a will shall be duly respected. As a member state of the World Health Organization, China has always carried out the transplantation of human organs in accordance with the WHO's 1991 Guiding Principles. In 2007, China enacted the Regulations on the Transplantation of Human Organs and the Interim Provisions on the Administration of Clinic Application of Human Organ Transplantation Technologies, reiterating: human organs can not be purchased and sell, and the donation of organs must follow the principles of free will and free of charge; the transplantation of human organs by medical institutions can only be implemented with the written consent of donators, and a donator shall be

entitled to refuse the donation before such transplantation; medical institutions must have the corresponding qualification for the transplantation of human organs, ensure the quality and safety of medical treatment, and conform to ethical principles.

38. The Mental Health Law stipulates that inpatient treatment of mental disorders shall generally be voluntary. The law strictly restricts the implementation of involuntary hospitalization and specifies relevant conditions; it also explicitly stipulates the requirements on diagnostic reassessment, timely appraisal and periodic examination as well as the assurance of the access to legal counseling and relief of the party concerned.

Article 30 of the Law stipulates that a medical institution can only impose inpatient treatment on a person who has a severe mental disorder according to the result of psychiatric evaluation and is in one of the following circumstances: having committed acts of or having the danger of harming himself or herself; having committed acts of or having the danger of harming the safety of others.

Article 50 of the Law stipulates that the administrative department for health shall periodically inspect medical institutions on matters such as whether the procedures of inpatient treatment conform to legal provisions. During the inspection, it shall listen to the opinions of patients and their guardians; if any illegal act is discovered, it shall immediately stop such act or order to correct such act, and shall deal with such act in accordance with law.

Article 46 of the Law stipulates medical institutions and the medical personnel shall respect the inpatients' right to communicate with others and to meet with visitors, which shall include the access to legal counselling.

In order to safeguard the right to legal relief of the party concerned, Article 82 of the Law explicitly stipulates that if a patient or its guardian or close relatives think that the administrative department or the medical institution infringes upon the patient's lawful rights and interests, they may bring a lawsuit in accordance with law.

Others

39. The declaration under Articles 21 and 22 of the Convention is optional, and the right of making reservations to the Convention belongs to the sovereignty of a member state. The Chinese government has always earnestly performed its obligations under the Convention and respected the recommendations proposed by the

Committee, however, it shall also take into sufficient consideration of its national conditions at the same time. China will continue to seriously consider this issue.