

Recommendations

Cooperation with UN Human Rights Bodies

- Provide a clear legislative timetable with the earliest possible dates for completing all the necessary administrative and judicial reforms toward compliance with the ICCPR and for ratifying the ICCPR;
- End violations of civil and political rights immediately and fulfill China's commitment as a signatory to the ICCPR, despite having not yet ratified the Covenant;
- Sign the remaining human rights treaties and Optional Protocols that China has not signed, and accede to the Rome Statute of the International Criminal Court.
- Establish an independent National Human Rights Institution that protects and promotes human rights without government interference and retaliation;
- Allow and facilitate civil society participation in the drafting, monitoring, and assessment of China's National Action Plan on Human Rights (2016-20);
- Investigate allegations of reprisal against Chinese citizens who sought to participate in the drafting and evaluation of NHRAPs, and provide information about any measures taken to provide remedies and hold the perpetrators accountable.
- Fulfill China's obligations under all the international human rights treaties that it has ratified, and amend all national laws and regulations that are not in full compliance with these treaties;
- Fully cooperate and constructively interact with the UN High Commissioner for Human Rights, the Special Procedures and treaty bodies;
- Extend standing invitations to all Special Procedures, end obstruction and intimidation to SP mandate holders during their visits; and facilitate a visit from the High Commissioner for Human Rights, including to Tibetan and Uyghur autonomous regions;
- Recognize the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea and facilitate a visit by the Commission to Northeast China to meet North Korean refugees.

Political Participation

- Guarantee elections are free and fair and make sure citizens are able to exercise their right to vote and be elected as provided for in the Universal Declaration of Human Rights, including by ensuring the implementation of all electoral laws, making all relevant regulations and rules open to the public, and abolishing non-transparent Party "evaluation" processes;
- Ensure women's equal participation in elections and public affairs, in part by educating and training women regarding political leadership, and by adopting a specific quota system for women members in villagers' committees and in local and national people's congresses;
- Guarantee, through legislative and other measures, ethnic and religious minorities equal participation in elections and decision-making;

- Investigate allegations of harassment and violence against potential candidates, candidates, or delegate-elects in elections at all levels, and make public the results of such investigations, prosecute the perpetrators, and compensate the victims.

Death Penalty

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

Enforced Disappearances

- Abolish Article 73 of the Criminal Procedure Law and end the practice of enforced disappearances; and
- Amend regulations on counter-extremism to ensure that individuals are not held in extra-legal detention under the guise of “re-education.”

Torture

- Strictly enforce relevant legal provisions to ensure that illegal evidence extracted through torture is excluded in court trials;
- Hold state agents criminally accountable for committing acts of torture; and
- Establish effective and confidential monitoring procedures in all incarceration facilities, and ensure that any designated monitoring body can function with independence.

Freedom of Expression & Internet Use

- Amend laws and remove restrictions on freedom of expression and press, including freedom of information on the Internet, that are not in accordance with the ICCPR and UDHR;
- Immediately release those being held in detention or in prison for exercising their right to freedom of expression and press;
- Take steps to ensure that all persons including bloggers, journalists, and human rights defenders, can freely exercise their right to freedom of expression, online and offline, without fear of persecution.

Freedom of Peaceful Assembly & Association

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

Human Rights Defenders: Persecution & Reprisals

- End all forms of reprisal against Chinese citizens who seek to participate in, or cooperate with, UN human rights mechanisms, and ensure their freedom and safety without being subjected to police interrogation, banned travel, and detention or imprisonment;
- Facilitate the development, in law and practice, of a safe and enabling environment in which human rights defenders can operate without fear, obstruction, and threats;
- Release all detained and imprisoned human rights defenders including lawyers for promoting and protecting human rights; and
- Ensure that independent and impartial investigations are conducted in all cases of retaliation and attacks on human rights defenders, including lawyers.

Freedom of Religion

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

Administrative Detention: Involuntary Commitment to Psychiatric Institutions

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

Independence of Lawyers & Access to Justice

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

Women's Rights

- Guarantee gender equality and eradicate stereotypes regarding the roles and responsibilities of women in society;
- Adopt a comprehensive law on discrimination that defines gender discrimination in line with the UN Convention on the Elimination of All Forms of Discrimination against Women;
- Eliminate gender discrimination in employment, including in the relevant laws and regulations, which must be accompanied by appropriate enforcement mechanisms, sanctions, and dispute resolution procedures;
- Amend the Anti-Domestic Violence Law to fully apply to all types of relationships;
- Amend the Criminal Law to hold all offenders—sellers and buyers—involved in female trafficking into all types of exploitation and servitude criminally accountable, and abolish state birth-control measures that contribute to trafficking in women and children.
- Ensure that women have effective access to justice, including women involved in land claims, by providing legal aid and supporting women's rights NGOs;
- Establish independence of the judiciary by preventing government and ruling party interferences, and guarantee that all disputes involving the human rights of women are handled in accordance with the rule of law;
- To adopt concrete measures to promote women's full and equal participation in political and public life and accelerate women's full and equal participation in elected and appointed bodies;
- To thoroughly investigate allegations of violence and abuse against women who stand for election as independent candidates and ensure that the perpetrators are prosecuted and adequately punished;
- To adopt specific measures to promote and facilitate the participation of ethnic and religious minority women and end violations of their freedom of religion.

Discrimination Based on Sexual Orientation & Gender Identity

- Expedite adoption of a proposed "Employment Anti-Discrimination Law" and ensure prohibitions against discrimination based on sexual orientation and gender identity are included and robustly enforced;

- Adhere to international standards by completely depathologizing homosexuality in the Chinese Classification of Medical Disorders-3, as well as in school education curricula, and follow the Yogyakarta Principles to ensure sexual orientation and gender identity are incorporated into public education;
- Ban “gay conversion therapy” treatments throughout China through legal statute, penalize hospitals or clinics that utilize the “therapy,” and provide remedies to individuals who were forced to undergo the illegal therapy.

Discrimination Against Rural Residents

- Abolish the discriminatory household registration (*hukou*) system and ensure all citizens, whether rural or urban, equal access to health care, employment, and other social services and benefits in line with principles of non-discrimination;
- Protect the equal rights of migrant laborers from rural areas and their families, as provided to urban residents, including the rights to education, healthcare, housing, and other social security benefits and services;
- Implement effective measures and programs of poverty alleviation in remote rural and ethnic minority areas, in order to provide socioeconomic services and benefits to the most marginalized population groups.

Rights of the Child

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

Disability Rights

- Fully protect the rights and interests of disabled persons by introducing a human rights model of disability into national disability law and policy;

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

Human Rights Education

- Revise or create new human rights education and training materials for all law enforcement, judicial, and other officials, as well as education materials for schools at all levels that are in compliance with international human rights standards, and ensure that they promote respect for universal rights;
- Include in National Human Rights Action Plans specific and measurable goals related to human rights education that comply with international human rights standards;
- Stop using a “south to south human rights model” to undermine the concepts of universality and indivisibility of universal human rights;
- Do not discriminate against or criminalize human rights NGOs that are not affiliated with the government/Party, allow them to register, and let them use public platforms to raise awareness of human rights.
- Involve more independent domestic NGOs and UN institutions in designing, implementing, and evaluating human rights education and training materials.