

**Collection of
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for 3rd Universal Periodic Review
of the People's Republic of China**



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List of Contributing Organizations

Children's Rights Project (CRP) is a small group of children's rights and labor rights activists, who investigate labor conditions, especially the use of child labor, collect information, and file reports on related issues.

Civil Society Monitor on Basic-Level Elections is an independent group created in 2013 to monitor village elections and local legislative elections with the aim to report on local elections and foster free and fair democratic elections and citizens' right to political participation.

Independent Association of Human Rights Lawyers in China (IAHRL China) is a group of human rights lawyers working for the promotion and protection of human rights and rule of law in China. We defend human rights cases, analyze legal trends, and issue statements.

Initiative to Advance Human Rights Education in China is based in mainland China, established by a group of human rights activists in 2012. Its objective is to promote human rights education through translating and making available human rights documents and educational materials, watching the government's implementation of its plans of action to increase human rights education for government employees, police, judges, and other public servants, as well as in public schools and universities.

Labor Education Initiative (LEI) is a China-based labor organization, operating since 2012, focusing on providing legal aid and education about labor law to migrant laborers in Southeastern China.

Law and Accountability Project, created in 2012, conducts trainings, provides legal aid, and empowers rural residents and migrant workers to use the law to hold government officials accountable for corruption and violation of legal rights.

Legal Rights Education Initiative since 2013 has been assisting citizens file complaints and lawsuits against government officials or companies accused of rights abuses, and providing trainings.

Migrant Workers Support Group, a labor NGO based in China, providing training about labor law and legal assistance to migrant workers

Network of Chinese Human Rights Defenders (CHRD), founded in 2005, is a coalition of Chinese and international human rights non-governmental organizations. The network is dedicated to the promotion of human rights through peaceful efforts to push for democratic and rule of law reforms and to strengthen grassroots activism in China.

Rainbow Project is an independent group of LGBTQ activists, based in China, created in 2013, to promote equal rights for members of the LGBTQ community through litigation, proposing legislative changes, and building network to provide mutual support to members of the community facing discrimination.

Rights Defense Network (RDN) is a China-based network of human rights defenders working in coordination to monitor rights development, investigate allegations of rights violations, report updated news, and assist victims of rights abuses. For protecting the security of its staff and affiliates, specific identification information has been withheld.

Social-Economic Rights Watch (SERW) is a China-based NGO, created in 2005 to monitor human rights conditions in China, especially social and economic rights, including labor rights, the right to education, health, and the rights of women and children, through conducting investigation, information gathering, reporting update news and publishing research reports.

List of Abbreviations & Acronyms

CAC	Cyberspace Administration Office
CAT	Committee Against Torture
CCMD	Chinese Classification of Medical Disorders
CCP	Chinese Communist Party
CEDAW	Committee on the Elimination of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CHRD	Network of Chinese Human Rights Defenders
CL	Criminal Law
CPL	Criminal Procedure Law
CPPCC	Chinese People's Political Consultative Conference
CRC	Committee on the Rights of the Child
CRLW	Civil Rights and Livelihood Watch
CRPD	Committee on the Rights of Persons with Disabilities
GONGO	government-run "non-governmental organization"
HRC	Human Rights Council
HRD	human rights defender
ICCPR	International Covenant on Civil and Political Rights
LGBTQ	Lesbian, Gay, Bisexual, Transgender, and Queer
MHL	Mental Health Law
NGO	non-governmental organization
NHRAP	National Human Rights Action Plan
NPC	National People's Congress
NPCD	National Plan for Child Development
PRC	People's Republic of China
RMB	Renminbi (currency of PRC)
RSDL	residential surveillance at a (police)-designated location
RTL	Re-education Through Labor
TAR	Tibet Autonomous Region
TB	Treaty Body
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UPR	Universal Periodic Review
USD	US dollars (currency of USA)
VPN	virtual private network
XUAR	Xinjiang Uyghur Autonomous Region

Executive Summary

This collection combines reports that CHRD and several China-based NGOs submitted in March 2018 for the United Nations' third Universal Periodic Review of China. The reports provide assessments of whether and how the Chinese government has implemented other State parties' recommendations made to China during the 2nd UPR in 2013. The assessments cover recommendations concerning the government's cooperation with the United Nations human rights system, China's implementation of the promotion and protection of civil and political rights, as well as economic, social, and cultural rights, and China's efforts at promoting human rights education. The reports provide civil society organizations' research findings, analyses of systemic changes, and suggestions for the Chinese government, as well as helpful information for UN Member States to facilitate their meaningful participation in the 3rd UPR in November 2018.

Since China's 2nd UPR in 2013, the human rights situation in the country has rapidly deteriorated. In particular, authorities have systematically used enforced disappearances against human rights defenders, drastically reduced the space for civil society organizations to operate, jailed a large number of lawyers for defending their clients' legal rights, and committed gross and systematic rights abuses against the ethnic minorities and religious groups in the Xinjiang Uyghur Autonomous Region and the Tibetan Autonomous Region.

The compiled reports acknowledge limited positive steps in some areas. Among such developments are: reducing the number of crimes punishable by death, passing measures toward more inclusive educational opportunities for the disabled, adding new criminal and administrative penalties for violating environmental regulations, adopting an Anti-Domestic Violence Law, and taking some small steps to tackle unequal access to education. The overarching systemic problems in China that prevent the full realization of human rights in these areas are the lack of government accountability, independent judiciary, and freedom of expression, association, and assembly; as well as severe persecution of human rights defenders. The only areas where the Chinese government has fully implemented a 2013 UPR recommendation was in abolishing the re-education through labor system, in 2013; however, the system has been replaced by other forms of extrajudicial administrative detention.

In preparation for these reports, NGOs based inside China conducted research, held discussions, and shared information for the assessments. Such individuals, due to their participation in the UPR process, have often faced aggressive persecution by the Chinese government. For example, human rights defender Cao Shunli, who led efforts in preparing non-government reports for the 2009 and 2013 rounds of UPR, was arrested, mistreated, and eventually died in custody in March 2014.

The Table in Annex 2 (page 124), presents our assessments of China's implementation of the 2nd UPR recommendations. Out of the total number of the 252 recommendations State parties made in 2013, we have determined that **236** are relevant, actionable, and measurable suggestions. Of these 236 recommendations, we find that the Chinese government has not implemented **188**, partially implemented **45**, and only implemented **3**.

We did not grade 16 recommendations because they were *inappropriate*; that is, they undermine the principle of universal human rights, under which the UPR operates, by recommending a perpetuation of or endorsement of human rights violations. Of the 236 recommendations, we also found that 55 recommendations were poorly phrased: they made vague suggestions for non-specific actions, or they were based on unsound, controversial, or false presuppositions, such that the recommended courses of action are confusing or misleading. In 2013, the Chinese government accepted 204 recommendations and did not accept 48.

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.

Chapter 1. Cooperation with UN Human Rights Bodies

By CHRD

1.1. Acceding to Core UN Human Rights Instruments

1. Since the 2013 UPR, China has not signed or ratified any new human rights treaties and relevant optional protocols, including those specifically recommended by UN Member States. Of particular importance, given the large number of States' recommendations made during UPR, is China's continued refusal to ratify the International Covenant on Civil and Political Rights (ICCPR), which it signed in 1998. China has also not set out a clear legislative timetable for ratifying the ICCPR.¹
2. Despite "accepting" over half of the relevant recommendations, China has made no progress in signing or ratifying these specific treaties or optional protocols:
 - *Optional Protocol to the ICCPR;*
 - *Second Optional Protocol to the ICCPR (aimed at the abolition of the death penalty);*
 - *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;*
 - *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;*
 - *Optional Protocol to the Convention on the Rights of the Child on a communications procedure;*
 - *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;*
 - *International Convention for the Protection of all Persons from Enforced Disappearance;*
 - *Optional Protocol to the Convention on the Rights of Persons with Disabilities.*²
3. China rejected outright Estonia's recommendation (186.20) to accede to the Rome Statute of the International Criminal Court, though it accepted recommendations that called for China to "explore the option" and "consider the possibility" of doing so.³ Yet, there has been no visible action in implementing these recommendations.
4. This lack of progress in acceding to core human rights instruments demonstrates China's resistance to governing its behavior according to international human rights standards. It epitomizes China's non-cooperation with the UN human rights system.
5. In another indication of China's non-cooperation, the government has also ignored several UN human rights treaty bodies' repeated recommendations urging China to sign and ratify treaties and Optional Protocols since 2013:
 - In October 2013, the Committee on Rights of the Child (CRC) recommended that China "ratify the core human rights instruments to which it is not yet a party, particularly the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Covenant on Civil and Political Rights, the International Convention for the Protection of All

Persons from Enforced Disappearances and the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families.”⁴

- In June 2014, the Committee on Economic, Social and Cultural Rights (CESCR) recommended China sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and “encouraged” the government “to ratify the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of all Persons from Enforced Disappearance, as well as International Labour Organization (ILO) Convention No. 189 (2011) concerning decent work for domestic workers.”⁵
 - In November 2014, the Committee on the Elimination of Discrimination against Women (CEDAW) “encourage[d] the State party to ratify CEDAW Optional Protocol and consider acceding to the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.”⁶
 - In December 2015, the Committee Against Torture (CAT) recommended China consider “acceding to the Second Optional Protocol of the International Covenant on Civil and Political Rights,” “encourage[d]” it “to consider making the declaration under Articles 21 and 22 of the Convention,” and repeated its recommendation that it “consider withdrawing its reservations and declarations to the Convention.”⁷
 - In August 2018, the Committee on the Elimination of Racial Discrimination (CERD) urged China “to consider ratifying those international human rights instruments that it has not yet ratified, including the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and ILO Conventions No. 81 on Labor Inspections, No. 143 on Migrant Workers, No. 169 on Indigenous Peoples and No. 189 on Domestic Workers.”⁸
6. In China’s own assessment of its implementation of the National Human Rights Action Plan (2012-15), the government simply pointed to its participation (i.e., submitting state reports and attending dialogues) in treaty body reviews as “evidence” of its “implementation of international treaty obligations” between 2012 and 2015.⁹

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

Non-existing independent national human rights institution

1. China has continued to disregard the Paris Principles, which call for UN Member States to establish independent National Human Rights Institutions (NHRI).¹⁰ The government has not established any independent National Human Rights Institution.
2. In rejecting New Zealand and Tunisia’s recommendation (186.59), China stated that: “[M]any government agencies in China assume and share similar responsibilities. The issue of establishing a national human rights institution falls into China’s sovereignty, and should be considered in a holistic manner in accordance with its national conditions.”¹¹ We have two responses to this position:

- Government agencies in China do not “assume and share similar responsibilities” of NHRIs based on the Paris Principles. This is because these agencies are not independent from the government; they are run or controlled by the government. The Paris Principles requires “guarantees of independence” of NHRIs—that they be established “by powers which will enable effective cooperation to be established with, or through the presence of, representatives of,” among other things, “[n]on-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists.”¹² No Chinese government agency currently meets this requirement of the Paris Principles.
 - To insist that establishing an NHRI “falls under China’s sovereignty,” China has rejected the Paris Principles themselves. By requiring that Member States establish independent national human rights institutions, the Paris Principles, in China’s view, have interfered in States’ sovereignty. This response reveals that China continues to put its national sovereignty above human rights and the international consensus on the need for an independent NHRI.
3. In August 2018, CERD raised concern about the absence of an NHRI, and recommended that China establish an independent national human rights institution in accordance with the Paris Principles.¹³ CERD’s recommendation is in line with similar concerns raised in May 2014 by CESCR¹⁴ and November 2014 by CEDAW, which recommended China “establish, within a clear time frame, an independent national human rights institution...in accordance with the Paris Principles.”¹⁵

Civil society participation excluded in national human rights action plans

4. In June 2016, China issued an assessment of its second National Human Rights Action Plan (NHRAP) (2012-15).¹⁶ However, in this process, the government completely excluded non-governmental organizations and members of civil society.
5. Two of the recommendations concerning NHRAPs are poorly worded. Azerbaijan (186.34) asked China to “continue the successful implementation” of the NHRAP for 2012-2015, which problematically presupposes yet-to-be demonstrated “success.” Indonesia (36) made similarly problematic assumptions about China’s “progressive efforts and measures to implement the second NHRAP” and asked it to “continue” such efforts, despite the absence of any clear demonstration that these efforts have been made.¹⁷
6. China may have allowed some government-run “non-governmental organizations” (GONGOs) and state academic institutions to be involved in the drafting and evaluation of the 2012-15 NHRAP. However, according to local activists, the government did not hold open consultations with NGOs and the public.¹⁸ From the drafting to the evaluation of its implementation, everything involving the NHRAP was conducted virtually in a “black box.” Chinese human rights defenders who requested information regarding participation of independent experts or NGOs, concrete information about the substance of “actions” accomplished, or tried to submit their input during the drafting or evaluation of the NHRAP, have either been blocked by officials or faced police harassment and suffered reprisals.¹⁹ (See also Section 2.7.)
7. On June 14, 2016, the Chinese government held a conference to publicize its own “evaluation” of its implementation of the 2012-15 NHRAP. Government agencies, GONGOs, state-run universities and other academic institutions attended the conference, and some Western diplomats were also invited.²⁰ Missing at the conference were any truly independent NGOs, legal scholars and lawyers, or human

rights activists. The government concluded, following its own close-door “evaluation,” that “every measure” of the NHRAP “has been effectively implemented.”²¹ However, authorities said nothing about how the NHRAP goals were implemented, or how the evaluation results were measured, nor even what the specific targets were. The available state media reports provided no specific facts or data to back up the government’s vague and generalized conclusion, except one slightly more-detailed account appearing in the state-run *People’s Daily*; but the few numbers and examples mentioned in this media report only raise further questions about the lack of transparency.²²

8. More seriously, no available state media reports about the government’s conclusions from the evaluation included any critical or independent commentaries from non-government actors or civil society representatives. An independent and critical assessment of the NHRAP’s implementation by Chinese civil society groups has become practically impossible. Such groups have come under unprecedented assault by the Xi Jinping government and many civil society organizations have been forced to shut down.²³ CERD raised concern in its August 2018 Concluding Observations over reports that the number of NGOs in China “has decreased tremendously in the past few years.”²⁴ (See also Section 2.6)
9. One example of the government’s self-evaluation glossing over serious problems in implementing the 2012-15 NHRAP involves the issue of prolonged pretrial detention. The government claimed that it has “guaranteed the right of the accused to obtain rapid trial and sentencing.”²⁵ However, prolonged pre-trial detention has become an entrenched problem in recent years. Authorities held several human rights defenders in pre-trial detention for more than two years during this period.²⁶ Also, the government claims that it has “improved the state compensation system, guaranteeing the legitimate rights of applicants for compensation.”²⁷ This claim is problematic according to a civil society report that documented the lack of fair procedures for obtaining state compensation, and the obstacles faced and systematic denial of compensation to victims of torture and other rights abuses.²⁸
10. We acknowledge that the government took some legislative actions as proposed in the NHRAP—such as the adoption of the Mental Health Law and Anti-Domestic Violence Law. Some of the new laws and regulations, however, do not meet international human rights standards.²⁹

1.3. Engagement with Special Procedures & Treaty Bodies

1. We have examined China’s cooperation with UN mechanisms by looking at several indicators: country visits by Special Procedures (SP), concrete data requested by Treaty Bodies (TBs), and responses to SP communiqués, inquiries and recommendations for remedial measures. China has systematically denied visits by Treaty Bodies (TBs) by expressing reservations about relevant articles in treaties that it ratified, or by refusing to accede to Optional Protocols that require State parties to receive visits from TB committee members. In short, we find that China has a poor record in engaging with UN human rights mechanisms in a constructive and cooperative fashion. While China accepted the majority of the recommendations in this section, it only partially implemented one: Ecuador’s recommendation (186.68) to “consider the possibility” of inviting special procedures to visit China.³⁰ China’s behavior does not lend itself to the presumptions made by several states in recommending China “continue” its “constructive” cooperation with UN human rights mechanisms.³¹

Most requests from SPs for country visits are ignored or delayed

2. Since the 2013 UPR, China has not assented to Special Procedures’ visits to specific regions in China, including Tibetan and Uyghur areas, nor has not it taken the necessary concrete steps to facilitate a visit by the UN High Commissioner for Human Rights. China has not invited the UN Commission of

Inquiry on Human Rights in the Democratic People's Republic of Korea to visit Northeast China to meet officials and North Korean refugees, and thus has not implemented Canada's recommendation (66).

3. In not accepting Canada's recommendation, China stated that its rejection is based on China's opposition to "politicizing human rights issues" and it "disapproves exerting pressure on a country in the name of human rights, and does not support establishing a UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea." In this statement, China demonstrates opposition to Human Rights Council (HRC) resolution 16/21, which called on Member States to cooperate with the Special Procedures.³² As a member of the HRC during this time, it displays a particular lack of cooperation that the government of China is preventing SPs from fulfilling their role to enhance the Human Rights Council's capacity to address human rights situations in all UN Member States, including on country-specific issues.
4. China still has not joined the 118 UN Member States that have extended "standing invitations" to all thematic Special Procedures and the government rejected recommendations from Hungary and Latvia (70) and Australia (72) to do so.³³ The Chinese government has not extended invitations to the majority of the multiple mandate holders who made requests, in some cases repeatedly, to visit China in the past decade.³⁴
5. Two mandate holders have been invited, but China has not facilitated the visits, and they consequently have not taken place at the time of writing:
 - The Special Rapporteur on Freedom of Religion or Belief: No visit has taken place, though the SR received an invitation following a request made in 2003; and
 - Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health: No visit has taken place, though the SR received an invitation in second half of 2015.
6. In the past five years, only three SP mandate holders have visited China:
 - Working Group on the Issue of Discrimination against Women in Law and in Practice, visited December 12-19, 2013³⁵;
 - Independent Expert on the Effects of Foreign Debt and Other Related International Financial Obligations of States on the Full Enjoyment of All Human Rights, particularly economic, social and cultural rights, visited June 29-July 6, 2015³⁶; and
 - Special Rapporteur on Extreme Poverty and Human Rights, in August 15-23, 2016—11 years after the request was made in 2005.³⁷
7. In stating its opposition to recommendations asking China to extend "standing invitations" to SPs, China cited "its national conditions" but at the same time has claimed that the visits that China received "have produced good overall results."³⁸ However, the SR on Extreme Poverty and Human Rights, Philip Alston, told reporters at the end of his nine-day visit that the Chinese government interfered with his work by blocking access to individuals whom he had hoped to meet.³⁹ One human rights defender that met with Alston, lawyer Jiang Tianyong, was later convicted of "inciting subversion of state power" and sentenced to two years in prison.⁴⁰

8. Since the 2013 UPR, all of the Special Procedures mandate holders that visited have been related to social and economic rights, which means that China has only *partially implemented* the UPR recommendation made by Ecuador (68) that China take into account “the appropriate balance between economic, social and cultural rights and civil and political rights.” There are 17 outstanding requests from SPs to visit China, the majority of which focus on civil and political rights.⁴¹

Lack of substantive responses to SP communiqués & concrete data for TB reviews

9. From November 2013 to September 2018, China responded to just over 70 percent of communiqués sent to the government by Special Procedures.⁴² Sources familiar with the communiqués say China has in recent years been responsive to SPs’ inquiries.⁴³ However, China’s responses to SPs’ communiqués are usually not substantive or informative; the government tends to shed very little light on the individual cases in response to inquiries by SPs, and often just briefly repeats police accusations against the suspects or quotes directly from court verdicts.
10. For instance, in March 2018, the Working Group on Arbitrary Detention and the special rapporteurs on freedom of expression and on human rights defenders sent a “joint urgent action” to the Chinese government, raising concerns about the detention on human rights lawyer Yu Wensheng:

“Serious concern is expressed over the alleged arbitrary arrest, incommunicado detention and charges against Mr. Yu Wensheng for reasons that appear to be connected with his work as a human rights lawyer and with his exercise of the right to freedom of expression. We recall the importance of the activities of those in the legal profession as they pertain to the protection of human rights defenders and human rights overall.

The use of the measure of “residential surveillance at a designated location” by authorities also raises serious concerns over the treatment of Mr. Yu Wensheng, along with the conditions he is being kept in. Concern is similarly expressed over the lack of the guarantees of due process, including Mr. Yu Wensheng’s alleged lack of access to legal counsel and family members, due to the effects this may have on his ability to mount an effective defence to the charges which may potentially be levelled against him.”⁴⁴

11. In its very brief response, the government simply stated:

“Yu Wensheng is a male Chinese citizen from Beijing, born in 1967. On 20 January 2018 he was placed in criminal detention by the public security authorities, in accordance with the law, on suspicion of obstructing State personnel from discharging their duties. On 27 January, the public security authorities, in accordance with the law, converted the coercive measures into house arrest [residential surveillance at a designate location] and provided his family with written notification. The case is currently pending.”⁴⁵

12. This example, which is typical of the Chinese government’s responses, illustrates China’s lack of constructive cooperation with SPs despite its comparatively higher rate of replies. We suggest that a higher rate of responses to SPs’ communiques should not be a criterion for assessing “constructive cooperation” with SPs. Instead, the *quality* of responses is far more significant. More specifically, the quality of government responses can be assessed by the amount of useful and relevant information provided by the State and the government’s own willingness to handle the cases, or provide remedies if needed, strictly according to international human rights standards.
13. At the same time, China has continued to resist providing concrete data and specific information requested by treaty bodies in relevant lists of issues.⁴⁶ This lack of cooperation violates specific

articles in human rights treaties that China has ratified. Repeatedly, following reviews of China, treaty bodies have urged in their “Concluding Observations” that China provide numerical data, disaggregated statistics, and substantive details to assist their reviews of China’s implementation of its treaty obligations.⁴⁷

14. Without exception since 2013, all the treaty bodies that reviewed China have been forced to repeat their requests for disaggregated data and concrete information due to the government’s non-compliance:
 - In concluding its 2013 review, CRC stated that it “reiterates its concern about the limited public accessibility to reliable and comprehensive statistical data in mainland China in all areas covered by the Convention (CRC/C/CHN/CO/2, para. 22). It is particularly concerned that due to laws and regulations on guarding State secrets in mainland China, disaggregated data and important statistics critical for effective implementation and monitoring of the Convention are often not available in the State party.”⁴⁸ CRC said it “recommends that the State party review the secrecy laws and regulations in mainland China in order to ensure that information concerning children, ... is systematically collected, made publicly available and discussed and used for the development of policies and plans on children’s rights. In this regard, the Committee further recommends that the State party establish in mainland China an independent review mechanism for the classification of State secrets.”⁴⁹
 - In concluding its 2014 review, CESCR “notes the absence of reliable statistics that would allow for an accurate assessment of the fulfilment of economic, social and cultural rights in the State party,” and “urges the State party, ... to develop systematic data collection and the production and use of statistics for human rights indicators, including for economic, social and cultural rights based upon such data... The Committee requests the State party to include in its next periodic report statistical data on the enjoyment of each Covenant right, disaggregated by age, sex, ethnic origin, urban/rural population and other relevant status on an annual comparative basis.”⁵⁰
 - In concluding its 2014 review, CEDAW said it was “concerned that some critical information required to assess the status of women is classified as a State secret under various security regulations, which unduly restricts access to information on women’s rights issues. The Committee is further concerned that the system of data collection and sharing remains too weak to enable adequate monitoring and evaluation of the implementation of the Convention,” and CEDAW “recommends that the State party study the obstacles, including the impediments presented by the State party’s State secret law, to the collection, sharing and dissemination of sex-disaggregated data so that the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and advancing women’s human rights can be accessed by all stakeholders.”⁵¹
 - In concluding its 2015 review, CAT said it “remains concerned at the use of State secrecy provisions to avoid the availability of information about torture, criminal justice and related issues. While appreciating the State party’s assertion that “information regarding torture does not fall within the scope of State secrets”, the Committee expresses concern at the State party’s failure to provide a substantial amount of data requested by the Committee in the list of issues and during the dialogue. In the absence of the information requested, the Committee finds itself unable to fully assess the State party’s actions in the light of the provisions the Convention.” CAT further “call[ed] for the declassification of information related to torture, in particular, information about the whereabouts and state of health of detained persons whose cases fall under the scope of the State Secrets Law.”⁵²

- In concluding its 2018 review, CERD made multiple requests for statistics and data, including on: complaints related to racial discrimination, ethnicity of individuals stopped by law enforcement, extralegal detention in Xinjiang, convictions and sentences on charges of terrorism and separatism, employment rates and labor inspections, victims of trafficking and investigations conducted, racist hate speech, poverty rate statistics, and health indicators.⁵³

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

Lack of remedial measures as recommended by SPs & TBs

16. UN Member States' cooperation with Special Procedures can also be assessed by the remedial measures States take to address issues that SPs have considered to be violations of international human rights standards. Such remedial measures include providing remedies to victims of human rights violations and amending laws to make them fully comply with international human rights treaties that China has ratified.
17. In most cases, when SPs have jointly issued statements about serious rights abuses in China, the government has responded with strident defiance. Just as one example, on August 11, 2016, the spokesperson for the Chinese Ministry of Foreign Affairs dismissed a joint SP statement concerning reports that jailed activist Yang Maodong (aka Guo Feixiong) was being deprived of proper medical treatment, stating that the statement was based on "false information," contained "irresponsible speech," and constituted "rude intervention" in "China's internal politics and judicial sovereignty."⁵⁴
18. One example of China's inaction in taking remedial measures is, since China underwent its first UPR in 2009, it has refused to take any of the remedial actions recommended by the Working Group on Arbitrary Detention (WGAD). Since 2009, the WGAD has issued "opinions" on 31 individual cases that it declared involved "arbitrary detention or arrest" and asked the Chinese government to "immediately and unconditionally" release the detainees or prisoners and provide state compensation. Most of these individuals remain in prison or in detention, under house arrest or residential surveillance, except a few who were released after serving their sentence. (See: Annex 3. Updates on 31 Cases of Arbitrary Detention Based on UN WGAD Opinions (2009-2018).)⁵⁵
19. China has also taken little action in implement treaty bodies' recommendations. This problem is discussed above in the context of TBs' repeated requests for disaggregated data and concrete information. Some TB recommendations have been made repeatedly in consecutive "Concluding Observations" of periodic reviews on China, indicating an ongoing lack of action on the part of the Chinese government to implement these recommendations.
20. For instance, in its 2015 Concluding Observations, CAT recalled its previous recommendation in 2008 and again urged China to ensure that all allegations of excessive use of force, torture and other ill-treatment perpetrated by State officials during the suppression of protestors in 1989 be effectively investigated by an independent authority and that perpetrators are prosecuted.⁵⁶ In 2008, CAT asked China to remove the main obstacles to the effective implementation of the Convention, including the

1988 Law on the Preservation of State Secrets and the harassment of lawyers and human rights defenders. In the following review in 2015, CAT repeated this request in the Concluding Observations, where the Committee also went as far as to request China specifically follow up, within one year, on this recommendation.⁵⁷ To date, China has continued to ignore the Committee's recommendations on these issues. (See Section 2.9)

21. It is common for treaty bodies to be forced to repeat recommendations in subsequent reviews of China's compliance with international conventions. In another example, in 2014, CESCR reiterated its previous recommendation from 2005 and called upon China "to strengthen its efforts to abolish the household registration system (*hukou*) and to ensure that all rural-to-urban migrants are able to enjoy the work opportunities, as well as social security, housing, health and education benefits, enjoyed by residents in urban areas."⁵⁸ Again, to date, the government has not implemented this recommendation.

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

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

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

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

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

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

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

⁸ Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined fourteenth to seventeenth periodic reports of China including Hong Kong, China and Macao, China, August 30, 2018, CERD/C/CHN/CO/14-17, para. 54.

⁹ Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. VI, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

¹⁰ UN General Assembly, "Principles relating to the Status of National Institutions (The Paris Principles)," Resolution 48/134, 1993, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

¹¹ UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review," A/HRC/25/5/Add.1, 2014.

¹² Ibid.

¹³ Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined fourteenth to seventeenth periodic reports of China including Hong Kong, China and Macao, China, August 30, 2018, CERD/C/CHN/CO/14-17, paras. 9-10.

¹⁴ Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of China, including Hong Kong, China, and Macao, China, CESCR/E/C.12/CHN/CO/2, June 2014, para. 8.

¹⁵ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of China, November 2014, CEDAW/C/CHN/CO/7-8, paras. 16-17.

¹⁶ Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

¹⁷ We also consider other recommendations assessed in this section to be “poor.” For instance, Zambia (186.32) recommended that China “consider” establishing a NHRI, and Thailand (57) asked China to “look into the possibility of” doing so. It is difficult to assess whether the government has “considered” or “looked into the possibility” of doing so, due in part to the lack of government transparency. Qatar (58) asked China to “continue efforts in theoretical research.” This recommendation is poor because it did not ask China to undertake any concrete actions relevant to a specific human rights goal.

¹⁸ We held several direct consultations with Chinese NGOs and individual human rights defenders in 2016. All the people we spoke with had no knowledge of public or civil society participation in the NHRAP process. CHRDR interviews 2016.

¹⁹ See, for instance, the case of Cao Shunli. CHRDR, Cao Shunli (曹顺利) & Her Legacy, <https://www.nchrd.org/2014/04/prisoner-of-conscience-cao-shunli/>.

²⁰ *Xinhua News Agency*, “National Human Rights Action Plan (2012-15) Implementation Evaluation Concluding Conference Held in Beijing” (国家人权行动计划(2012—2015年)实施评估总结会议在京召开) June 14, 2016 http://www.gov.cn/xinwen/2016-06/14/content_5082040.htm.

²¹ The government declared that “major objectives and tasks [of NHRAP] have been realized in a timely fashion”; and “48% of the binding targets and more than 50% of targets that involved people’s livelihood have been reached ahead of schedule or over-fulfilled.” *Ibid.*

²² *People’s Daily*, “Excerpts of Speeches from NHRAP (2012-15) Implementation Evaluation Concluding Conference” (《国家人权行动计划(2012—2015年)》实施评估总结会议发言摘登) June 16, 2016, <http://politics.people.com.cn/n1/2016/0616/c1001-28448543.html>.

²³ See CHRDR 2013, 2014, and 2015 Annual Reports. CHRDR, “A Nightmarish Year Under Xi Jinping’s “Chinese Dream”: 2013 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrd.org/2014/03/a-nightmarish-year-under-xi-jinpings-chinese-dream-2013-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; CHRDR, ““Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrd.org/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; CHRDR, ““Too Risky to Call Ourselves Defenders”: CHRDR 2015 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrd.org/2016/02/too-risky-to-call-ourselves-defenders-chrdrs-2015-annual-report-on-the-situation-of-human-rights-defenders-in-china/>.

²⁴ Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined fourteenth to seventeenth periodic reports of China including Hong Kong, China and Macao, China, August 30, 2018, CERD/C/CHN/CO/14-17, para. 32

²⁵ *People’s Daily*, “Excerpts of Speeches from NHRAP (2012-15) Implementation Evaluation Concluding Conference.”

²⁶ For example, activist Huang Wenxun (黄文勋) spent three years without a trial, before being convicted and sentenced to five years in prison. CHRDR, Portrait of a Defender – Huang Wenxun, <https://www.nchrd.org/2014/01/prisoner-of-conscience-huang-wenxun/>; Lawyer Xia Lin (夏霖) spent 19 months before his first trial took place, before he received a 12-year prison sentence. CHRDR, Portrait of a Defender – Xia Lin, <https://www.nchrd.org/2015/02/prisoner-of-conscience-xia-lin/>.

²⁷ *People’s Daily*, “Excerpts of Speeches from NHRAP (2012-15) Implementation Evaluation Concluding Conference.”

²⁸ CHRDR, Joint Civil Society Report Submitted to UN Committee against Torture, October 2015, paras. 100-110, <https://www.nchrd.org/2015/11/joint-civil-society-report-submitted-to-un-committee-against-torture-october-2015>.

²⁹ For instance, the 2013 Mental Health Law does not guarantee the rights of persons with disability in accordance with international human rights law, as Brazil recommended China to do (186.100). See Sections 2.4 and 3.4.

³⁰ We consider this recommendation to be “poor,” because it is impossible to assess whether the government has “considered” doing this due to lack of government transparency.

³¹ Azerbaijan problematically recommended China “continue” what it has not engaged in— “constructive and cooperative dialogue with the UN human rights system” (186.63). Kenya (64) and Nigeria (65) made similarly *poor* recommendations.

³² HRC resolution 16/21 reaffirmed the obligation of States to cooperate with the Special Procedures. It also reaffirmed the principles of cooperation, transparency and accountability and the role of the system of Special Procedures in enhancing the capacity of the Human Rights Council to address human rights situations. UN Human Rights Council, Resolution 16/21 - Review of the work and functioning of the Human Rights Council, A/HRC/RES/16/21, April 2011.

³³ As of September 25, 2018, 118 Member States and 1 non-Member Observer State have extended standing invitations to thematic special procedures. UN Human Rights Office of the High Commissioner for Human Rights (OHCHR), Standing Invitations, <http://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/StandingInvitations.aspx>.

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- ³⁴ Click on the China flag symbol to see a list of SPs' requests and reminders. OHCHR, View Country visits of Special Procedures of the Human Rights Council since 1998, <http://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en>.
- ³⁵ UN Human Rights Council, "Report of the Working Group on the issue of discrimination against women in law and in practice - Mission to China," A/HRC/26/39/Add.2., June 2014.
- ³⁶ UN Human Rights Council, "Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights on his mission to China," A/HRC/60/31/Add.1, March 2016.
- ³⁷ OHCHR, "End-of-mission statement on China, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights," August 23, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20402&LangID=E>.
- ³⁸ UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, China. Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review," A/HRC/25/5/Add.1, February 2014.
- ³⁹ Ben Blanchard, "U.N. rights envoy says Chinese authorities interfered with his work," *Reuters*, August 23, 2016, <http://uk.reuters.com/article/uk-china-un-rights-idUKKCN10Y186>.
- ⁴⁰ CHRD, Portrait of a Defender – Jiang Tianyong, <https://www.nchrd.org/2017/02/jiang-tianyong/>; OHCHR, "China: UN experts condemn jailing of human rights lawyer Jiang Tianyong," November 23, 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=22437>.
- ⁴¹ As of September 25, 2018. The outstanding visits are from: 1) SR on freedom of religion (requested & accepted 2003, reminder 2005), 2) SR on extrajudicial, summary or arbitrary executions (requested 2005, reminder 2008, 2009), 3) SR on human rights defenders (requested 2005, reminder 2008, 2015), 4) SR on toxic waste (requested 2005, reminder 2014, 2017, 2018), 5) SR on housing (requested 2008, reminder 2014, 2015), 6) SR on minority issues (requested 2009, reminder 2009, 2010, 2015, 2018), 7) SR on water and sanitation (requested 2010, reminder 2013), 8) SR on freedom of assembly (requested 2011, reminder 2013, 2017), 9) SR on independence of judges (requested 2011, reminder 2013, 2014, 2015), 10) WG on disappearances (requested 2013, reminder 2013, 2014, 2018), 11) SR on health (requested & accepted 2015), 12) SR on torture (requested 2015, reminder 2017), 13) SR on freedom of expression (requested 2015, reminder 2018), 14) SR on privacy (requested 2016), 15) WG on business enterprises (requested 2017), 16) SR on human rights and counter terrorism (requested 2017), 17) WG on people of African Descent (requested 2017). See: OHCHR, Country visits of Special Procedures of the Human Rights Council since 1998, <http://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en>.
- ⁴² SPs sent 60 communications to the Chinese government since November 1, 2013, of which China replied to 43, a reply rate of 72%. See, OHCHR, Communication report and search, <https://spcommreports.ohchr.org/>. The average reply rate among UN Member States for 2017 was 68%.
- ⁴³ CHRD interviews 2015, 2016.
- ⁴⁴ Special Procedures Communication Database, Communication from Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders – Yu Wensheng, March 6, 2018, China, JUA, CHN 5/2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23655>.
- ⁴⁵ Special Procedures Communication Database, translated reply from the Chinese government, March 15, 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=84626>.
- ⁴⁶ This lack of cooperation precedes the 2013 UPR. In concluding its 2009 review, the Committee on the Elimination of Racial Discrimination (CERD) stated that it "regrets that the State party did not provide more detailed information on illiteracy among different minority groups and the measures taken by the State party to target those groups that are most affected," and "notes the lack of information on complaints of racial discrimination and the absence of court cases regarding racial discrimination," which constitutes a failure to observe Articles 6 and 4 of the treaty. Committee on the Elimination of Racial Discrimination, Concluding observations on the tenth to thirteenth periodic reports of China, CERD/C/CHN/CO/10-13, September 2009, paras. 23, 26.
- ⁴⁷ This lack of cooperation precedes the 2013 UPR. For example, the Committee on the Rights of Persons with Disabilities (CRPD), in concluding its 2012 review, noted China's lack of compliance to Article 31 of the treaty and that it "takes note that disaggregated appropriate information, including statistical and research data which enables the state party to formulate and implement policies to give effect to the Convention is often not available due to laws and regulations on guarding state's secrets as revised in 2010. CRPD "recommends [China] to review the secrecy laws and appropriately revise them so that information on issues and problems regarding the implementation of the Convention – e.g. the number of sterilized women with disabilities or the number of involuntary commitments to institutions- can be publicly discussed. The Committee reminds the state party that this information should be accessible to persons with disabilities." Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of China, CRPD/C/CHN/CO/1, October 2012, paras. 47, 48.

⁴⁸ Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of China, CRC/C/CHN/CO/3-4, October 2013, paras. 15-16,

⁴⁹ Ibid., paras. 15-16,

⁵⁰ Committee on Economic, Social, and Cultural Rights (CESCR), Concluding observations on the second periodic report of China, E/C.12/CHN/CO/2, June 2014 para. 61.

⁵¹ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of China, CEDAW/C/CHN/CO/7-8, November 2014, paras. 20-21

⁵² Committee against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, paras. 30-31.

⁵³ Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined fourteenth to seventeenth periodic reports of China including Hong Kong, China and Macao, China, August 30, 2018, CERD/C/CHN/CO/14-17.

⁵⁴ *Xinhua News Agency*, “Ministry of Foreign Affairs: Resolutely Oppose UN HRC Special Procedures Expressing Irresponsible Speech Involving China” (外交部：坚决反对联合国人权理事会特别机制发表的不负责任的涉华言论) August 11, 2016, <http://m.apdnews.com/XinHuaNews/465370.html>.

⁵⁵ The chart is based on data provided by the UN WGAD (unless referenced otherwise). UN Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention, 1992-present, <http://www.ohchr.org/EN/Issues/Detention/Pages/OpinionsadoptedbytheWGAD.aspx>.

⁵⁶ See CAT, Concluding observations on the fourth periodic report of China, CAT/C/CHN/CO/4, December 2008, para. 21 and CAT, Concluding observations on the fifth periodic report of China, para. 54.

⁵⁷ See CAT, Concluding observations on the fourth periodic report of China, paras. 15 and 44, and CAT, Concluding observations on the fifth periodic report of China, paras. 6, 31, 36, 37.

⁵⁸ See CSECR, Concluding observations on the first periodic report of China, E/C.12/1/Add.107, May 2005, para. 46. and CESCR, Concluding observations on the second periodic report of China, para. 15.

Chapter 2: Civil & Political Rights

2.1. Political Participation

By Civil Society Monitor on Basic-Level Elections and CHR

1. During the 2013 UPR of China, UN Member States made seven recommendations, six of which China accepted, including Russia's (186.168), India's (171), Uganda's (172), Austria's (222), and Vietnam's (228). China did not accept Germany's recommendation (186.232) to "[e]nsure democratic participation of members of all ethnic minorities and allow unhindered access to all minority areas, including Tibet."¹
2. Since the 2013 UPR review, China has not implemented any of the six accepted recommendations related to elections and political participation, including the role of women in public affairs, or the one authorities did not accept.
3. Three of the six accepted recommendations are "poor" because of the presumption that citizens' in China have rights that do not exist and in the absence of those achievements, it makes little sense to ask the state to "further guarantee" those rights (173); because there are few measures to ensure participation in decision-making by any citizens, including by ethnic minorities, so it makes no sense to take "further" measures in that regard (222); and because continuing a system that has not provided autonomy in ethnic areas and has been the foundation for human rights violations in China is counter to the goals of the UPR (228).²
4. Women continue to be underrepresented in the Chinese Communist Party (CCP), and government and legislative bodies at all levels. Chinese authorities have not fully implemented election laws, and the CCP has excessive influence over who can be a candidate in elections. Party and governmental interference in people's congress and village elections has been pervasive, and political institutions have not complied with international norms. CCP and government officials often retaliate against independent candidates, including through harassment, detentions, and prison sentences. In addition, discrimination against ethnic and decision-making bodies affecting religious minorities continues to be a concern.
5. To understand the situation in China, a brief description of elections in China is necessary. China only has direct elections for people's congress delegates in local townships, counties, municipal districts, and cities not divided into districts. Above these levels, including at the national level, there are no direct elections; congress delegates are selected by people's congresses at the next lower level.³ Direct elections are also held at the lowest administrative levels for village committees and urban community-level "residence committees." Village-level administration is particularly complex— involving Party, village committee, and village "supervision" and "assembly" groups⁴—but according to law, the Party committees play the leading role.⁵

Low women's' public participation & election laws not fully implemented

6. Women in China continue to be underrepresented in Party and government leadership positions, a fact that the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about in its 2014 Concluding Observations.⁶ Chinese authorities have not met the 30 percent goal for women's participation in government and political agencies, which was set out in the 1995 Beijing Declaration and Platform for Action, and reiterated in China's 2011-2020 Women's Development Program.⁷ Underrepresentation is particularly grave at the top. Of the 204 members of the Party Central Committee selected in October 2017, only 10 are female (4.9%). There is only one woman on the 25-member Politburo (4%), and no women in the seven-member Politburo Standing

Committee.⁸ As of 2017, there were no female provincial party secretaries, the highest Party position at the provincial level.⁹

7. Since the 2013 UPR review, Chinese authorities have not made additional efforts to ensure equal political participation for women in China's legislative and advisory bodies at all levels, and women continue to be underrepresented¹⁰; hence, China has not implemented India's recommendation (171). In the 13th National People's Congress (NPC) (2018-2023), women delegates hold 24.9 percent of the seats. According official Chinese statistics, the percentage of women in the NPC has hovered around 21 percent since the late 1970s.¹¹ Even fewer women are in leadership positions; in the 13th NPC women hold just 11.32 percent of the NPC Standing Committee positions, and only one woman is in a leadership position on the Standing Committee (6.25%).¹² The percentage of women in the advisory body, the Chinese People's Political Consultative Conference (CPPCC), is even less; women hold just 20.4 percent of the total seats in the 13th National Committee of the CPPCC (2018-2023).¹³ Even fewer women are in CPPCC leadership positions; in the 13th CPPCC National Committee Standing Committee, women hold only 13 percent of the positions, and just 8 percent of the Standing Committee's leaders are women (2 women).¹⁴
8. Authorities have not implemented the two recommendations from Uganda (172 and 173) because they have not fully implemented the 2010 revisions to the Organic Law of Villagers Committees; nor have they taken additional measures since then,¹⁵ thereby not taking steps to ensure equal representation for women in village committees. The percentage of women on village committees has not changed much since the early 1990s; in 2014, the national average percentage of women on village committees was 22.8 percent, an increase of 1.4 percent from 2010, but only 1.8 percent higher than in 1993.¹⁶ One delegate of the CPPCC noted that, in some provinces, women's representation on village committees had not reached 20 percent, and reports note that committees in other villages have no women representatives at all.¹⁷ The percentage of women leaders of village committees was even lower, at 11.5 percent in 2015 and 10.5 percent in 2016.¹⁸ While the percentage of village committee women leaders meets Chinese official targets, the target is extremely low.
9. Moreover, numerous reports from within China note problems with discrimination against women in elections since 2013.¹⁹ In addition, gender-specific roles in politics also remain deeply ingrained. One Chinese People's Political Consultative Conference (CPPCC) delegate noted that women on village committees still mostly work on family planning policy issues, propagating gender-specific stereotypes.²⁰ While the percentage of women in urban residence committees in 2014 was 48.9 percent, 49.2 percent in 2015, and 48.7 percent in 2016,²¹ these committees have always been considered "women's work," and so women traditionally have dominated these committees.²²

No guarantee of the rights to vote & be elected

10. The government has not implemented Uganda's recommendation—that Chinese authorities guarantee citizens' right to vote, to be elected, and to express themselves (186.173)—since the CCP and government officials wield undue influence over who can be a candidate in people's congress elections. Without protection of the right to be elected, elections in China are not necessarily free and fair, and political institutions do not comply with international standards.²³ Interference by officials in elections includes judging potential candidates using criteria not disclosed to the public or that conflicts with national laws. For example, the 2015 revision to the Election Law for people's congresses included a new provision that gives an "examination committee" the authority to "examine" the credentials of individuals who win people's congress elections before they assume office.²⁴ The "criteria" the Examination Committee uses are not disclosed to the public, and are above and beyond the scope of the basic criteria in Article 2 of the Election Law.²⁵ The additional

“examination” further opens the door to arbitrariness and increased government or CCP interference in elections.

11. This problem of interference also takes place at the village level. Higher-level authorities impose secondary eligibility criteria for candidates that go beyond the law, sometimes under the banner of having members of the committee be “broadly representative.” Since the 2013 UPR, officials in some parts of China prohibited certain types of individuals from becoming candidates in, being elected to, or assuming office in village committees by imposing requirements not stipulated in China’s Organic Law of Village Committees. These criteria include age, education, and loyalty to the Party line.²⁶ Other arbitrary criteria authorities utilized to prohibit individuals from becoming village committee candidates include, among other activities: the lack of Party membership, alleged distribution of “suggestions that counter Party theories, guidelines, and policies,” “creating or disseminating political rumors,” or initiating mass incidents or inspiring people to file petitions (*xinfang*).²⁷ Documents from higher-level officials or local leaders outline additional “criteria” that are not included in the Election Law, which local “election work leading small groups” or other Party or government agencies use to “disqualify” individuals from running in elections.²⁸

Reprisals against independent candidates & election monitors

12. As one local observer pointed out, elections have deteriorated to the point that that “not only do people not have the right to participate in elections, but even if you are considering it, you may be punished. People are frightened to join elections.”²⁹ In 2014, CEDAW expressed its deep concern over reports that women who have stood in elections as independent candidates have been “subjected to abuse and violence.”³⁰ In the latest round of people’s congress elections in 2016, authorities have cracked down on unsanctioned candidates across the country.³¹ Would-be candidates for village committees also face reprisals and have been prevented from running in elections. Some examples of reprisals against independent candidates, their supporters, and election monitors include:
 - a. In June 2016, Guangdong Province authorities detained Wukan Village committee chief, Lin Zulian (林祖恋), assigned him a government-appointed lawyer, likely forced him to make a televised confession—which he later retracted—and then tried and convicted him in September on charges of “bribery.”³² Lin received a 37-month sentence and a fine of 200,000 RMB (approx. 29,500 USD),³³ and lost his appeal in October.³⁴ Lin’s initial detention came just days after Lin published an open letter saying he would initiate protests and mass-complaints to higher-level authorities regarding continuing illegal land sales and failure to provide compensation for land confiscations in Wukan.³⁵ Lin had led past demonstrations against such land deals, and had been freely elected by his peers in 2012.³⁶
 - b. In August 2016, local authorities in Zixi County, Jiangxi Province administratively detained Yang Wei (aka, Yang Tingjian, 杨霆剑) for 10 days after he tried to submit an application to become a candidate in people’s congress elections in Hecheng Township.³⁷ Yang has said he would continue his efforts to seek office, despite threats to himself and his family and 24-hour surveillance around his house.³⁸
 - c. Also in October, officials in Qianjiang City, Hubei Province forced election expert Yao Lifa (姚立法) into a vehicle and took him away³⁹ on the same day he and 57 others declared their candidacy for local people’s congress elections.⁴⁰ Not long before, officials had shut down Yao’s popular election monitoring blog, likely for his reporting on Shanghai and Beijing independent candidates.⁴¹
 - d. Beijing authorities harassed Ye Jinghuan (野靖环) after she and 17 others issued an open letter declaring their intention to run in elections in October.⁴² Authorities in Fangshan district, Beijing, followed and prevented Liu Huizhen (刘惠珍), who was among the very few of 60 independent

- candidates to get onto the ballot, from meeting with voters or carrying through with a rally.⁴³ Beijing police also harassed, intimidated, or beat up other independent candidates to prevent them from running, meeting journalists,⁴⁴ and voters, making campaign speeches,⁴⁵ or canvassing.⁴⁶
- e. In December 2016, Hubei-based Peng Feng attempted to participate in local people's congress elections and obtain information about elections in Qian Jiang city but was detained by authorities and then arrested on suspicion of "picking quarrels and provoking trouble." While in detention, he alleged he was beaten. The local procuratorate reportedly recommended a prison sentence of one to two years in his case, which went to court on December 22, 2017.⁴⁷
 - f. In 2017, Chengdu resident Zi Su, a CCP member and retired CCP School professor, was detained in April and arrested in June after he released an open letter calling for direct intraparty elections at the 19th Party Congress in October 2017 and the dismissal of Xi Jinping as General Secretary. In December he was indicted on charges of "subversion of state power" and faces a potential life sentence.⁴⁸ People who supported him and shared the open letter in postings online were also detained.⁴⁹
13. Other recent instances of detention or harassment of independent candidates and their supporters in 2016 include the criminal detention of Guan Guilin (管桂林), a Hunan man, on suspicion of "disrupting elections" after he tried to register as a candidate,⁵⁰ and the detention of individuals in Shanghai who were handing out flyers in support of one independent candidate.⁵¹
 14. In 2014, also in Wukan Village, independent candidates Yang Semaο (楊色茂) and Hong Ruichao (洪銳潮) were detained on trumped-up bribery charges. Authorities had warned Hong not to participate in the election, but he did anyway and won a seat on the village committee, even though he was detained at the time. In late 2014, courts sentenced Yang to two years' imprisonment and Hong to four years.⁵² Both candidates had been leaders in 2011 demonstrations against land seizures and the death of a villager in custody, and were subsequently voted into the village committee in 2012 elections.⁵³

Discrimination against minorities & interference in decision-making

15. Discrimination against ethnic and religious minorities in village and people's congress elections and in decision-making bodies continues to be a problem, and China has not implemented recommendations related to this issue made by Austria (222), Viet Nam (228), and Germany (232). CEDAW expressed concern in 2014 over the underrepresentation in political decision-making of ethnic and religious minority women as well as rural and migrant women.⁵⁴ Between 2013 and 2017, some government job postings indicated that only Han Chinese citizens would be eligible to apply, reducing opportunities for non-Han to participate in decision-making.⁵⁵ In 2014, CCP authorities in a prefecture in the Tibet Autonomous Region (TAR) restricted certain individuals from becoming village committee candidates because they were not Party members, or because they had attended religious gatherings abroad that had been organized by the Dalai Lama.⁵⁶
16. Authorities in the TAR not only interfere in elections, they also interfere in decision-making at the organizational level, and even intrude at the household level in attempts to monitor political thought and behavior. Party and government officials removed some members of management committees in monasteries and nunneries in the TAR and reportedly replaced them with "government and Party appointees," and have demand that monks and nuns "demonstrate their support" for the Party.⁵⁷ The intrusion of government and Party officials at the household-level in the TAR, and other areas, is particularly worrisome, because such behavior is likely to stifle freedom of thought and speech. According to a Human Rights Watch report, teams of officials were "categorizing Tibetans according to their religious and political thinking, and establishing institutions to monitor their behavior and

opinions.”⁵⁸

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

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

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

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

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

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

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

⁸ The Washington Post, “Xi Jinping and six other men will rule China, but women are left behind,” October 25, 2017, https://www.washingtonpost.com/news/worldviews/wp/2017/10/25/chinese-women-sidelined-as-xi-takes-center-stage/?utm_term=.3394ba432717.

⁹ Cheng Li, “Status of China’s women leaders on the eve of 19th Party Congress,” Brookings, March 30, 2017, <https://www.brookings.edu/opinions/status-of-chinas-women-leaders-on-the-eve-of-19th-party-congress/>.

¹⁰ For example, authorities made no changes to the language in the 2015 revisions to the PRC Law on Elections of the NPC and Local People’s Congresses at All Levels (Election Law) to try to encourage higher female representation. The language has been the same since 2004, when authorities added an amendment that stipulates “[a]mong the deputies to the National People’s Congress and local people’s congresses at various levels, there shall be an appropriate number of women deputies, and the proportion thereof shall be raised gradually.” Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布：中华人民共和国全国人民代表大会和地方各级人民代表大会选举法), (1979, amended 2015), http://news.xinhuanet.com/legal/2015-08/30/c_128180126.htm.

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

¹² Name List of the 175 Members of the National People’s Congress Standing Committee (175位全国人大常委会委员全名单), Sohu, March 19, 2018, http://www.sohu.com/a/225833327_203783. The leadership positions include the Secretary of the Standing Committee.

¹³ Women of China, “Quota of Female Members Increased at 13th CPPCC National Committee, January 29, 2018, <http://www.womenofchina.cn/womenofchina/html/features/politics/1801/4150-1.htm>.

¹⁴ Chinese People’s Political Consultative Conference Net, “Chinese People’s Political Consultative 13th National Committee Standing Committee Name List” (中国人民政治协商会议第十三届全国委员会常务委员名), March 14, 2018, <http://www.cppcc.gov.cn/zxww/2018/03/14/ART11521024517368985.shtml>; Chinese People’s Political Consultative Conference Net, CPPCC 13th National Committee (政协十三届全国委员会), <http://www.cppcc.gov.cn/zxww/newcppcc/zxld/index.shtml>.

¹⁵ The 2010 revisions stipulated that village committees “should” have women members and that women should make up at least one-third of the total number of representatives on the Villagers’ Representatives’ Conference; China has not even met this meager goal. Article 9, Organic Law of the Villagers Committees of People’s Congress of China (中华人民共和国村民委员会组织法).

- ¹⁶ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; Dui Hua Foundation, “Measures on the Custody and Education of Prostitutes and their Clients: State Council Decree of the People’s Republic of China No. 127,” September 4, 1993, <http://www.duihuaresearch.org/2013/12/custody-and-education-worse-than.html>; People’s CPPCC Net, “Village Committee End of Term Elections Should Raise the Percentage of Women,” (村委会换届选举应提高女性比例), March 03, 2014, <http://www.rmzxb.com.cn/2014qqlh/hsy/zz/300930.shtml>.
- ¹⁷ Rights Defense Network (RDN), “China Election Monitor (2015), No. 4, Discrimination Against Women in the Hebei, Beiding Anxin County Government Led Village Election” (中国选举观察 (2015) 之四——河北保定安新县政府指导的村官选举歧视妇女 (图) (之二)), April 6, 2015, http://wqw2010.blogspot.ca/2015/04/2015_6.html; RDN, “China Election Monitor (2014), No. 63, Guangxi, Guilin, Chuazhou County Government Led Election Discriminated Against Women” (中国选举观察 (2014) 之六十三——广西桂林全州县政府指导的村官选举歧视妇女), February 15, 2015, http://wqw2010.blogspot.ca/2015/02/2014_15.html.
- ¹⁸ State Council National Working Committee on Children and Women, “Summary of the Accomplishments in Women’s Participation in Politics and Political Life Since the Party’s 18th Party Congress” (Dang de shibada yi lai wo guo funu canzheng yezheng chengjiu zongshu), September 30, 2017, http://www.nwccw.gov.cn/2017-09/30/content_178282.htm; People’s Republic of China National Statistics Bureau, “2016 Statistics Monitoring Report on the China Women’s Development Plan 2011-2020” (2016年《中国妇女发展纲要(2011-2020年)》统计监测报告), October 27, 2017, http://wap.stats.gov.cn/fb/201710/t20171027_1546819.html.
- ¹⁹ RDN, “China Election Monitor (2015), No. 4, Discrimination Against Women in the Hebei, Beiding Anxin County Government Led Village Election” (中国选举观察 (2015) 之四——河北保定安新县政府指导的村官选举歧视妇女 (图) (之二)); RDN, “China Election Monitor (2014), No. 63, Guangxi, Guilin, Chuazhou County Government Led Election Discriminated Against Women” (中国选举观察 (2014) 之六十三——广西桂林全州县政府指导的村官选举歧视妇女); RDN, “China Election Monitor (2014) No. 60, Henan Ye County Government-Led Village Election Discriminated Against Women” (中国选举观察 (2014) 之六十——河南省叶县政府指导的村官选举歧视妇女), January 25, 2015, http://wqw2010.blogspot.ca/2015/01/2014_25.html.
- ²⁰ People’s CPPCC Net, “Village Committee End of Term Elections Should Raise the Percentage of Women” (村委会换届选举应提高女性比例).
- ²¹ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; State Council National Working Committee on Children and Women, “Summary of the Accomplishments in Women’s Participation in Politics and Political Life Since the Party’s 18th Party Congress” (Dang de shibada yi lai wo guo funu canzheng yezheng chengjiu zongshu), September 30, 2017; People’s Republic of China National Statistics Bureau, “2016 Statistics Monitoring Report on the China Women’s Development Plan 2011-2020” (2016年《中国妇女发展纲要(2011-2020年)》统计监测报告), October 27, 2017, http://wap.stats.gov.cn/fb/201710/t20171027_1546819.html.
- ²² Asian Development Bank, “Country Gender Assessment: People’s Republic of China,” December 2006, p. 54, <http://www.adb.org/sites/default/files/institutional-document/32230/cga-prc.pdf>.
- ²³ Specifically, China’s political institutions do not conform with the standards set forth in Article 21 of the Universal Declaration of Human Rights, which stipulates that the “will of the people” should be “expressed in periodic and genuine elections which shall be by universal and equal suffrage.” Article 21, Universal Declaration on Human Rights, <http://www.un.org/en/universal-declaration-human-rights/>.
- ²⁴ Article 46, Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布: 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法).
- ²⁵ The criteria made public in the Election Law stipulate that a potential candidate must not have had their political rights taken away and they are at least 18 years of age. Article 3, Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布: 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法).
- ²⁶ Other “criteria,” not included in the Election Law are often found in documents discussing the “Five Elect, Seven Don’t Elect” or “Five Elect, Eight Don’t Elect,” and are raised by local “election work leading small groups” or other Party or government agencies in several provinces that “disqualify” individuals to run in elections. Officials who have not strongly implemented higher-level Party Committee directives” or have “outdated thinking” are also disqualified. RDN, “China Election Monitor Bulletin, (2015), No. 29, A Citizen-Elected Village Chief Sues Ministry of Civil Affairs Agency for Denying His Eligibility To Run Because He Was Not a Party Member (选举观察简报之二十九——前民选村长控告民政机构以非党员名义剥夺其选举资格), May 8, 2015, http://wqw2010.blogspot.ca/2015/05/blog-post_17.html; RDN, “China Election Monitor (2015), No. 11, Hebei Province Chengde County Government Led Village Elections Illegal,” May 17, 2015,

http://wqw2010.blogspot.ca/2015/05/2015_17.html; RDN, “China Election Monitor (2015), No. 30, ‘Five Elects, Eight Don’t Elects,’ Violate the Constitution and the Election Law” (中国选举观察 (2015) 之十一——河北省承德县政府指导的村官选举是非法的), May 17, 2016, http://wqw2010.blogspot.ca/2015/05/blog-post_560.html; RDN, “China Election Monitor (2015) No. 25, Fujian Province, Pingnan County Government Led Resident Committee Election Suspected of Being Illegal (No. 1)” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), August 17, 2015, http://wqw2010.blogspot.com.br/2015/08/2015_17.html; RDN, “China Election Monitor (2015) No. 25, Fujian Province, Pingnan County Government Led Resident Committee Election Suspected of Being Illegal (No. 1)” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), August 17, 2015, http://wqw2010.blogspot.com.br/2015/08/2015_17.html; CECC, 2014 Annual Report, October 9, 2014, p 142, http://www.cecc.gov/sites/chinacommission.house.gov/files/2014%20annual%20report_0.PDF.

²⁷ CECC, 2014 Annual Report, p 142.

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

²⁹ CHRD interview 2016.

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

³¹ Javier C. Hernández, “‘We have a Fake Election’: China Disrupts Local Campaigns,” *The New York Times*, November 15, 2016, <http://www.nytimes.com/2016/11/16/world/asia/beijing-china-local-elections.html>.

³² In June 2016, government/Party officials in Wukan, Guangdong province detained and later arrested Lin Zulian. A district court in Foshan City tried Lin on September 9, 2016, and found him guilty of the two bribery counts but acquitted him of a charge of rigging tenders. Thousands of citizens in Wukan joined mass demonstrations that began on June 19, 2016, demanding Lin’s release, which peaked at 8,000 in mid-August. Lin Zulian was among the villager candidates who had been leaders in the 2011 prolonged demonstrations against land seizures and the death of a villager in custody and were subsequently voted into the village committee in 2012 elections. Yang Fan (扬帆), “Former Village Chief Sentenced to Three Years and One Months’ Imprisonment for Crimes, Villagers Initiate a Merchants Strike and Demonstration Activities In Support of Lin Zulian” (乌坎前村支书罪成获刑3年1个月 村民发起罢市游行活动声援林祖恋), *Radio Free Asia*, September 8, 2016, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/yf2-09082016095246.html>; Qiao Long, “Jailed Former Head of China’s Rebel Village Retracts ‘Confession.’” *Radio Free Asia*, October 12, 2016, <http://www.rfa.org/english/news/china/wukan-trial-10122016134225.html>.

³³ CHRD, *China Human Rights Briefing September 13-20, 2016*, <https://www.nchrd.org/2016/09/chrb-police-stamp-out-protests-in-wukan-village-new-developments-in-709-crackdown-cases-913-20-2016/>.

³⁴ *Radio Free Asia*, “Former Village Secretary Lin Zulian Loses Appeal, Affirms Original Verdict” (乌坎前村书记林祖恋败诉维持原判), October 20, 2016, <http://www.rfa.org/cantonese/news/wukan-10202016103457.html?encoding=simplified>.

³⁵ *Al Jazeera*, “China Wukan Leader Arrested Ahead of Planned Protests,” June 18, 2016, <http://www.aljazeera.com/news/2016/06/china-wukan-leader-arrested-160619034526131.html>; RDN, “China Elections Monitor, Wukan’s Lin Zulian To Be Tried in Foshan Courtroom on September 8” (乌坎林祖恋案9月8日将在佛山开庭), September 6, 2016, <http://wqw2010.blogspot.com.br/2016/09/98.html>; *Radio Free Asia*, “Wukan Villager Protests Uncontainable, Lin Zulian To Be Tried This Thursday” (乌坎村民游行不遏 林祖恋料周四开庭), September 6, 2016, <http://www.rfa.org/cantonese/news/wukan-09062016094007.html>; RDN, “China Election Monitor, Wukan Bulletin, Villagers in Wukan Have Taken to the Streets in Spontaneous Protest Continuously for 74 Days (No. 4)” (中国乌坎维权快讯——村民自发连续游行示威已七十四天 (之四)), September 1, 2016, http://wqw2010.blogspot.com.br/2016/09/blog-post_63.html.

³⁶ CECC, 2014 Annual Report, pp. 142-143.

³⁷ He had tried to submit his application at the township level first but was blocked by township officials, so he tried to submit it at the county-level. In early September, Yang said he would continue his efforts to seek office, despite threats to himself and his family and 24-hour surveillance around his house. Qiao Long, “Independent People’s Congress Election Hopeful Jailed in China’s Jiangxi,” *Radio Free Asia*, August 25, 2016, <http://www.rfa.org/english/news/china/independent-peoples-congress-election-hopeful-jailed-in-chinas-jiangxi-08252016105705.html>; RDN, “People’s Congress Delegate Independent Candidate

Yang Wei (Yang Tingjian) Administratively Detained for 10 Days by Jiangxi Province, Zixi County Public Security Bureau” (江西人大代表独立候选人杨微 (杨霆剑) 遭江西省资溪县公安局行政拘留十天), August 24, 2016, http://wqw2010.blogspot.com/2016/08/blog-post_68.html.

³⁸ Qiao Long, “Independent Candidate Vows to Fight Local Election in China’s Jiangxi,” *Radio Free Asia*, September 6, 2016, <http://www.rfa.org/english/news/china/election-09062016122823.html>.

³⁹ RDN, “Hubei Qianjiang City People’s Congress Independent Candidate, Former People’s Congress Delegate, Well Known Elections Expert, Yao Lifa Kidnapped Forced to Leave Qianjiang” (湖北潜江市人大代表独立候选人、前人大代表、著名选举专家姚立法先生遭绑架强制离开潜江) November 2, 2016, http://wqw2010.blogspot.com/2016/11/blog-post_2.html.

⁴⁰ RDN, “Declaration of Yao Lifa and 58 Others To Run In the Hubei Qianjiang City People’s Congress Elections” (湖北潜江市姚立法等 58 位竞选市人大代表的宣言), November 1, 2016, <http://wqw2010.blogspot.com/2016/11/58.html>; RDN, “China Election Monitor (2016) No. 21: Japanese Television Station (NTV) Blocked From Interviewing Beijing Independent Candidate Ye Qinghuan” (中国选举观察(2016)之二十一:日本电视 (NTV) 采访北京独立候选人野靖环受阻), October 18, 2016, <http://wqw2010.blogspot.com/2016/10/2016ntv.html>; RDN, “Zhu Xiuling: Beijing People’s Congress Independent Candidate Fan Sujun’s Elder Sister Blocked From Conducting Election Campaigning” (朱秀玲: 北京人大代表独立候选人范素君大姐进行选举宣传遭阻拦破坏), November 1, 2016, http://wqw2010.blogspot.com/2016/11/blog-post_67.html.

⁴¹ RDN, “China Elections Expert, Previous People’s Congress Delegate in Qianjiang City, Yao Lifa’s Wangyi Blog ‘China Elections Monitor’ Shut Down” (中国选举专家、前潜江市人大代表姚立法先生的网易博客“中国选举观察”被封杀), October 16, 2016, http://wqw2010.blogspot.ca/2016/10/blog-post_89.html.

⁴² RDN, “China Elections Monitor (2016), No. 21: Japanese TV (NTV) Blocked From Meeting Beijing Independent Candidate Ye Jinghuan” (中国选举观察(2016)之二十一:日本电视 (NTV) 采访北京独立候选人野靖环受阻); RDN, “China Elections Monitor (2016) No. 21: 18 Independent Candidates in Beijing Issue Joint Declaration of Their Intent to Participate in Elections” (中国选举观察 (2016) 之二十一:北京 18 位独立候选人联名发出参选宣言), October 14, 2016, <http://wqw2010.blogspot.ca/2016/10/201618.html>.

⁴³ RDN, “Beijing Fangshan District Independent Candidate Liu Huizhen November 8, 2016, Record of Movements: Personal Freedom Restricted” (北京房山区独立候选人刘惠珍 2016 年 11 月八日出行记: 人身自由遭侵害), November 9, 2016, <http://wqw2010.blogspot.com/2016/11/2016118.html>; Tom Mitchell, Lone Beijing Independent Intimidated Ahead of China Elections,” *Financial Times*, November 4, 2016, <https://www.ft.com/content/ccac1148-a248-11e6-82c3-4351ce86813f>. Javier C. Hernández, “‘We have a Fake Election’: China Disrupts Local Campaigns,” *The New York Times*; Helene Franchineau and Christopher Bodeen, “China Harasses Independent Candidates for Low-Level Offices,” *Associated Press*, November 15, 2016, <http://bigstory.ap.org/article/e6ac147b9f4e4489a1e682348478d18b/china-harasses-independent-candidates-low-level-offices>.

⁴⁴ *BBC*, “BBC stopped from visiting China independent candidate,” November 17, 2016, <http://www.bbc.com/news/world-asia-38005603?SThisFB%E3%80%82%E7%8E%B0%E5%9C%A8%E6%AD%A3%E5%9C%A8%E6%8E%A8%E7%89%B9%E4%B8%8A%E7%83%AD%E6%8E%A8%E3%80%82>.

⁴⁵ RDN, “Beijing People’s Congress (58 People) Independent Candidates: Strongly Protest The Beating of Beijing Independent Candidate Li Meiqing by Thugs” (北京人大代表 (58 人) 独立候选人: 强烈抗议黑社会成员殴打北京独立候选人李美青), November 10, 2016, http://wqw2010.blogspot.com/2016/11/58_10.html; RDN, “Beijing Police Wantonly Interfere in Grassroots People’s Congress Delegate Elections, Completely Restrict Freedom of 18 Independent Candidates” (北京警方肆意破坏干扰基层人大代表选举 18 名独立候选人全部被限制自由), October 24, 2016, <http://wqw2010.blogspot.com/2016/10/18.html>.

⁴⁶ Authorities detained human rights lawyer Cheng Hai for several days because of his canvassing efforts in his bid to run for office. Yang Fan, “Police in Shanghai, Beijing Detain More Independent Election Candidates,” *Radio Free Asia*, November 14, 2016, <http://www.rfa.org/english/news/china/election-detentions-11142016160141.html>.

⁴⁷ Trial Opens in Case of Hubei Independent Candidate Peng Feng Charged with “Picking Quarrels and Provoking Trouble” (湖北独立参选人彭峰被控“寻衅滋事”案开庭), Civil Rights and Livelihood, December 23, 2017, <http://msguancha.com/a/lanmu1/2017/1223/16847.html>.

⁴⁸ RDN, “Zi Su, Who Requested CCP 19th Party Congress Directly Elect Generally-Secretary, Indicted on Charges of “Subversion of State Power (Indictment Attached)” (要求中共 19 大直选总书记的中共党员子肃被以“颠覆国家政权罪”起诉 (附: 起诉书图)), March 9, 2018, <http://wqw2010.blogspot.com.au/2018/03/19.html>.

⁴⁹ CHR, China Human Rights Briefing, September 28-October 17, 2017, October 17, 2017, <https://www.nchr.org/2017/10/chr-china-stop-detaining-activists-silencing-political-expression-around-19th-ccp-congress-928-10172017/>. (based on Chinese sources: RDN, “CCP Member Zi Su Arrested on the charge of “Inciting Subversion of State Power,” for Calling for Direct Elections at the 19th Party Congress (要求中共 19 大直选的中共党员子肃被以“煽动颠覆国家政权罪”正式逮捕), June 15, 2017, https://wqw2010.blogspot.com.au/2017/06/19_15.html; RDN, “Because of ‘Zi Su Calling

for Replacement of General Secretary at 19th Party Congress Case' Three People Detained, Huang Jiaping of Nanchang, Jiangxi; Zhang Ai of Kunming, Yunnan; and Shao Zhongguo of Yuncheng, Shanxi" ("子肃建言十九大更换总书记案" 江西南昌黄剑平、云南昆明张艾、山西运城邵重国三人被拘留), May 6, 2017, https://wqw2010.blogspot.com/2017/05/blog-post_69.html.

⁵⁰ Authorities later changed the charges to "using a cult organization to undermine implementation of the law," a charge often leveled against Falun Gong practitioners. RDN, "Hunan, Hengyang City, Qidong County People's Congress Independent Election Candidate Guan Guilin Criminally Detained After Being Administratively Detained" (湖南衡阳祁东县人大代表独立参选人管桂林被行政拘留后又遭刑事拘留), October 14, 2016, http://wqw2010.blogspot.ca/2016/10/blog-post_67.html.

⁵¹ Authorities detained Zheng Peipei, Xu Peiling, and Cui Fofang when they were handing out leaflets to canvass on November 13th for Feng Zhenghu's candidacy. As of November 14, the three were still under detention. Yang Fan, "Police in Shanghai, Beijing Detain More Independent Election Candidates," *Radio Free Asia*.

⁵² Yang Fan, "China Jails Two Former Wukan Village Protest Leaders for 'Graft,'" *Radio Free Asia*, October 10, 2014, <http://www.rfa.org/english/news/china/wukan-10102014124824.html>.

⁵³ CECC, 2014 Annual Report, pp. 141-142.

⁵⁴ CEDAW, Concluding Observations on the Combined Seventh and Eight Periodic Reports of China, para. 30.

⁵⁵ CECC, 2017 Annual Report, p. 290; CECC, 2015 Annual Report, p. 289.

⁵⁶ *Ibid*, 240-241.

⁵⁷ CECC, 2014 Annual Report, p. 179.

⁵⁸ Human Rights Watch, "China: 'Benefit the Masses' Campaign Surveilling Tibetans," June 19, 2013, <https://www.hrw.org/news/2013/06/18/china-benefit-masses-campaign-surveilling-tibetans>.

2.2. Death Penalty

By CHRD (last updated 2016)

1. China did not accept and did not implement most of the 11 recommendations made on the death penalty. However, we assess that the government has partially implemented two recommendations.¹ China pledged in 2013, as a candidate in the elections for the Human Rights Council, that judicial organs would “continue to strengthen the prudent application of the death penalty.”² Since then, however, it appears that China has not kept its pledge, nor has it taken seriously most recommendations about the death penalty made during its 2nd UPR. The trend of small reductions in the number of annual executions seems to have stalled, non-transparency remains the rule, various reform measures have been extraneous or inadequate, and China’s application of the death penalty does not conform to international standards.

Stalled decline in estimated number of executions

2. Chinese authorities continue to classify information about executions as a state secret.³ In 2015, the Committee Against Torture (CAT) expressed concern over the “lack of specific data on the application of the death penalty,” which prevented the Committee from verifying whether legislative reforms are being implemented in practice.⁴ According to NGO estimates, China executes more people per year than all other countries combined.⁵ While Chinese authorities have gradually provided more data on individual executions over the past five years, reporting is selective and limited information is still only available about a very small percentage of executions.⁶ In addition, since the Supreme People’s Court (SPC) took back the authority to review death penalty cases, it has rejected the penalty in a small percentage of cases.⁷ According to one NGO’s analysis of 525 cases reviewed by the SPC of individuals facing the death penalty between April 2011 and November 2015, the SPC rejected the penalty in only 11 cases, a rate of 2 percent. This rate, though based on what is understood as incomplete data, is significantly lower than the 10 percent figure reportedly provided by SPC officials.⁸

Extraneous measures to reduce crimes punishable by death

3. Although China did not take action to implement the majority of UPR recommendations on the death penalty, Chinese authorities have reduced the number of crimes punishable by death, thereby partially implementing recommendation 186.109 (Italy, Bulgaria, Germany, Belgium). During the November 2013 Third Plenum of the 18th Chinese Communist Party Central Committee, the Party issued a decision that included language on reducing the crimes punishable by death.⁹ Following this, in 2015, the National People’s Congress passed the Ninth Amendment to the Criminal Law, which reduced the number of crimes punishable by death by nine (55 reduced to 46).¹⁰ However, these reductions do not appear to be meaningful and impactful; Chinese press reports, cited in an Amnesty International report, acknowledged that there are few death sentences issued for the crimes that are no longer capital offenses, so the reductions would likely have little impact on the total number of executions.¹¹ In 2015, the two UN special rapporteurs on Summary Executions and on Torture welcomed China’s measures (to reduce the number of crimes punishable by death), but the latter also urged the Chinese government to take “further steps towards abolishing the death penalty...”¹²

Death penalty implementation & review do not conform to international standards

4. In 2012, China issued new provisions in the amended Criminal Procedure Law that restricted application of the death penalty.¹³ One Chinese scholar and expert on the death penalty concluded, however, that these provisions and other measures have not been fully implemented, and that there has been little or no improvement in China’s application of the death penalty.¹⁴ After 2013 and

China's 2nd UPR, the government made fewer efforts to reform the use of the death penalty than it reportedly had in previous years. In the 2012-2015 National Human Rights Action Plan (NHRAP), China made a vague pledge that "more strict standards will be adopted" with regard to evidence used in capital cases, without detailing what these standards would be or how they would be measured.¹⁵ The official assessment of the implementation of this plan simply reiterates mostly pre-2013 judicial interpretations passed, regulatory measures put in place, and institutional changes, but does not discuss how all of these measures have been implemented in practice.¹⁶ In January 2015, the SPC issued so-called "new" measures, which simply clarified existing procedures for how defense lawyers may present their opinion to judges during the SPC review of death sentences.¹⁷

5. In June 2016, the SPC instructed second-instance courts to, in principle, review capital crime cases remanded by the SPC instead of just returning the case to the court of first-instance, except under special circumstances.¹⁸ Some believe this process may help to reduce local government protectionism leading to interference in court cases.¹⁹ Nevertheless, in 2015-2016, some Chinese scholars reportedly expressed concerns about the lack of clear legal standards in the death penalty review process. They called on officials to issue guidelines for sentencing, expressed concerns about the sufficiency of procedures relating to meaningful representation by lawyers, and called on the government to be more transparent about statistical data on the review of capital cases.²⁰
6. Application of the death penalty in China still does not conform to international standards. China has signed but not ratified the International Covenant on Civil and Political Rights (ICCPR), the major covenant with provisions pertaining to application of the death penalty.²¹ Having signed the ICCPR, the Chinese government is obliged to not take measures that defeat the treaty's purpose, but China's application of the death penalty fails to conform to the ICCPR in multiple ways.²² For example, the ICCPR stipulates death sentences "may be imposed only for the most serious crimes..." but China continues to condemn to death individuals for non-violent and economic crimes.²³ Furthermore, the ICCPR stipulates that "no one shall be arbitrarily deprived of his life," which has been interpreted to mean States should guarantee the right to a fair defense.²⁴ In China, the judiciary is subservient to the CCP, the legal system lacks political independence,²⁵ and state-run media may influence outcomes in death penalty cases,²⁶ so there is no guarantee of a fair trial for those facing a possible death sentence. Chinese authorities also continue to use torture to extract confessions and use them in court convictions, including those leading to executions.²⁷ There are other issues inherent in the judicial system that prevent defendants from receiving a fair trial, including the lack of the assumption of innocence and standards of evidence to eliminate reasonable doubt, inhumane treatment of detainees on death row, and denial of their rights to see and communicate with family members.²⁸
7. Inadequacies of other measures from the Chinese government also undermine the right to a fair defense in death penalty cases:
 - The 2012 revisions to the CPL stipulate that legal aid agencies assign an attorney to a defendant facing capital punishment in a lower court trial, but this does not apply when the case comes under the mandatory SPC review.²⁹
 - Measures issued in early 2015 by the SPC, further clarifying the role of lawyers in final death penalty reviews, are too weak and exclusory to help ensure a fair legal defense for detainees facing execution.³⁰
 - The government has proposed instituting a ranking system for lawyers; however, if enacted, there is fear it could be used to prohibit certain lawyers from representing their defendants in death penalty cases.³¹

8. Additionally, China lacks a system whereby death row inmates may apply for a pardon, and executions typically take place a short period after the SPC conducts its review. The NGO Dui Hua reviewed about 500 SPC review verdicts and found that, on average, executions take place within two months of the SPC verdict, indicating sometimes there is a time lag between a SPC verdict and the signing of the warrant of execution.³² By law, executions should take place within 7 days after the SPC president issues a warrant of execution after the SPC finishes its review of a case.³³
9. In 2016, public outcry erupted over the case of Jia Jinglong (贾敬龙), who was executed in November 2016 after he killed a village chief who had arranged for Jia's house to be demolished just before Jia's wedding.³⁴ Many Chinese and international law experts found it problematic that authorities executed Jia Jinglong so soon after the lawyer received the verdict, and argued that the court did not sufficiently weigh mitigating circumstances in his case or adhere to the state policy stipulating caution in death penalty cases.³⁵ Initially, calls for a delay included an opinion piece in government-affiliated media, but following the execution, state media published articles justifying the SPC's decision, perhaps to counter the public uproar.³⁶
10. In 2015, CAT encouraged China to "establish a moratorium on executions and commute all existing death sentences," as well as accede to the Second Optional Protocol of ICCPR on abolishing the death penalty.³⁷ However, the government has not implemented these recommendations.

¹ We consider four recommendations to be "poor" because authorities have not indicated abolishing the death penalty is a goal, so they cannot "continue" efforts that don't exist (186.107), and it is impossible to know whether authorities have "considered" abolition of or a moratorium on the death penalty (186.107 and 114). In addition, there is a problematic presumption that current stipulations on evidence are sufficient and have been implemented (186.110), and the problematic presumption of the existence and implementation of "legal safeguards" in the absence of an examination of the adequacy of such "safeguards" (186.111)

² UN General Assembly, "Note verbale dated 5 June 2013 from the Permanent Mission of China to the United Nations addressed to the President of the General Assembly," A/68/90.

³ Congressional-Executive Commission on China (CECC), "Criminal Justice," 2015 CECC Annual Report, p. 8, <http://www.cecc.gov/sites/chinacommission.house.gov/files/documents/2015%20AR%20Criminal%20Justice.pdf>.

⁴ Committee against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, para. 49.

⁵ Estimates by one NGO suggest that since 2013, the downward trend in executions that began in the early 2000s appears to have stalled. Dui Hua estimates that there have been approximately 2,400 executions per year in 2013, 2014, and 2015. Dui Hua Foundation, "China Executed 2,400 People in 2013," http://duihua.org/wp/?page_id=9270; Dui Hua Foundation, "Can Recognizing Poverty Reduce Executions in China?," June 9, 2016, <http://www.duihuahrjournal.org/2016/06/can-recognizing-poverty-reduce.html>; A Chinese organization puts the estimate higher, at 4,000 or more cases each year. China Against the Death Penalty, "Overview of China's Death Penalty 2015" (中国死刑概述 2015), March 23, 2016, <http://www.chcadp.org/index.php?a=shows&catid=48&id=2667>; James Griffiths, "China is the World's Top Executioner, But It Doesn't Want You To Know That," *CNN*, April 7, 2016, <http://www.cnn.com/2016/04/06/asia/china-death-penalty/>.

⁶ Dui Hua Foundation, "China's Average 'Death Row' Prisoner Waits 2 Months for Execution," April 27, 2016, <http://www.duihuaresearch.org/2016/04/chinas-average-death-row-prisoner-waits.html>.

⁷ This figure is also down from the 15 percent reported in the first few years the SPC began to review cases. *Ibid.*

⁸ *Ibid.*

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

¹⁰ Offenses whose maximum punishment was reduced from death to life imprisonment in 2015 are: smuggling of weapons, ammunition, nuclear materials and counterfeit currency; the counterfeiting of currency; fraudulently raising funds; arranging for a person or forcing a person to carry out prostitution; the obstruction of duty of a police officer; and creating rumors during

wartime to mislead people. Ninth Amendment to the Criminal Law of the People's Republic of China (中华人民共和国刑法修正案(九)), November 2015, <http://npc.people.com.cn/n/2015/1126/c14576-27857512.html>.

¹¹ Amnesty International, "China 2015-2016," The State of the World's Human Rights Report 2015/16, <https://www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/>.

¹² UN Office of the High Commissioner for Human Rights (OHCHR), "UN Human Rights Experts Welcome Encouraging Steps Away From Death Penalty in China and India," September 11, 2015, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16412&LangID=E>.

¹³ Dui Hua Foundation, "China's New Criminal Procedure Law: Death Penalty Procedures," April 3, 2012, http://www.duihuahrjournal.org/2012/04/chinas-new-criminal-procedure-law-death_03.html; Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016 Chap. III Sec. 3, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

¹⁴ CHR D interview with Chinese legal scholar, 2016.

¹⁵ Information Office of the State Council of the People's Republic of China, National Human Rights Action Plan (2012-2015), Chap. II Sec. 3, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>.

¹⁶ Apart from the reduction of crimes in the 9th Amendment to the Criminal Law, the government mostly reiterated pre-2013 steps, such as: "In 2012, the Supreme People's Procuratorate established the Oversight Office on the Review of the Death Penalty, in an effort to strengthen legal supervision procedures on the review of the death penalty. Since 2012, the Supreme People's Court has issued 56 exemplary cases of guiding importance, with three of them involving criminal acts where the death penalty was applicable. Second trials of death penalty cases have all been conducted in open courts. More importance is given to listening to the opinions of defense lawyers in the course of reviewing death penalty cases. When a higher people's court reviews a death penalty, for which the defendant didn't ask for a defense lawyer, it is required to ask legal aid agencies to designate a lawyer for defense service." Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), Chap. III Sec. 3.

¹⁷ Supreme People's Court, "SPC Measures on Hearing Defense Opinions In Final Review of Death Penalty Cases" (最高人民法院关于办理死刑复核案件听取辩护律师意见的办法), January 29, 2015, http://www.legaldaily.com.cn/index_article/content/2015-01/29/content_5950322.htm; CECC, 2015 Annual Report, pg. 9.

¹⁸ Supreme People's Court, "Reply Concerning issues related to the Application of Article 225 (para 2) of the Criminal Procedure Law" (最高人民法院关于适用刑事诉讼法第二百二十五条第二款有关问题的批复), June 23, 2016, <http://www.court.gov.cn/zixun-xiangqing-22501.html>.

¹⁹ One scholar believes the interpretation could be a positive development because it may help to reduce government interference in court cases, especially those that relate to the interests of officials. The court's interpretation was issued as an "official response" to answer a "request for instructions" from a lower court. Susan Finder, "Supreme People's Court Tweaks Capital Punishment Review Procedure," Supreme People's Court Monitor, June 27, 2016, <https://supremepeoplescourtmonitor.com/2016/06/27/supreme-peoples-court-tweaks-capital-punishment-review-procedure/>.

²⁰ CECC China, 2016 Annual Report, October 8, 2016, pg. 107 (original sources include, Shan Yuxiao, "Tsinghua Scholar Calls on the Supreme People's Court To Make Public Annual Data on Death Penalty Review Cases," Caixin, October 19, 2015; Zhao Bingzhi and Xu Wenwen, "Observations and Reflections on Death Penalty Reform in the 'Ninth Amendment to the Criminal Law,'" Legal Forum, No. 1 (2016), 34; Li Wenchao, "The Flaws and Ways of Improving the Death Penalty Review Process," Journal of Hubei Correspondence University, Vol. 29, No. 9 (2016), 92. 167; Tang Tong, "Research on the Supervision of the Death Penalty Review Process by the Procuratorate," Culture and History Vision (March 2016), 45; Feng Yun, "Discussion of the Right of Defense in the Death Penalty Review Process," People's Tribune, April 2016, 124; Wang Yanling, "Thoughts on the Current Status and Ways To Improve Our Nation's Death Penalty Review Procedure" Shanxi Youth, No. 5 (2016), 102.)

²¹ In response to Recommendation 186.1, Chinese authorities have only stated that China is still making judicial and administrative reforms to prepare for the ratification of the ICCPR but that they have not set a specific timetable for ratification; See also, Article 6, International Covenant on Civil and Political Rights, 1976, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

²² As laid out in Article 18, Vienna Convention on the Law of Treaties, 1969, <http://www.oas.org/legal/english/docs/Vienna%20Convention%20Treaties.htm>.

²³ Amnesty International, "Death Penalty 2016: Alarming Surge in Recorded Executions Sees Highest Toll in More Than 25 Years," April 6, 2016, <http://www.amnestyusa.org/news/press-releases/death-penalty-2016-alarming-surge-in-recorded-executions-sees-highest-toll-in-more-than-25-years>.

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2.3. Enforced Disappearances

By CHRD and Rights Defense Network

1. China has expanded its use of enforced disappearance since the previous cycle of UPR, 2013-14, especially targeting human rights defenders, ethnic minorities, and government critics. The government did not accept recommendation 186.115 and 186.122 on eliminating enforced disappearances, instead claiming, “There are no arbitrary or extrajudicial detentions in China.”¹ However, authorities have increasingly leveraged Article 73 of the Criminal Procedure Law (CPL) to present a veneer of legality for forcibly disappearing individuals. Article 73, in effect since January 2013, allows police to put an individual under “residential surveillance at a (police-) designated location” (RSDL), whereby police can hold individuals in secret for up to six months if they are suspected of “endangering state security,” “terrorism,” or significant bribery crimes.
2. Since 2013, the government has increasingly disappeared human rights defenders (HRDs) into such “designated locations.” The Chinese government does not provide statistics on the number of RSDL cases or the number of RSDL detainees granted a visit by their lawyer (only police can grant access to legal counsel, which they rarely do). However, we have documented 42 cases between 2015-2017 of HRDs forcibly disappeared in RSDL for up to six months.² None of these individuals were granted a meeting with a lawyer of their or their families’ choosing. There is a significant risk of torture in RSDL; at least eight of these 42 individuals later alleged that police tortured and ill-treated them while they were under RSDL.³
3. RSDL has also been applied to detain HRDs who have not been charged with offenses stipulated in Article 73, including “picking quarrels and provoking trouble”⁴ and “disrupting court order.”⁵ This indicates that police may be exploiting legal loopholes which allow police to label any criminal act as a threat to “national security.”⁶
4. Authorities have continued to use “black jails”—unlawful temporary detention facilities run by state agents or government-hired thugs—even as government officials have declared that such facilities do not exist in China. Black jails have been used to deprive the liberty of individuals without due process, and often to enforce government policies or punish dissent.⁷ Though no official statistics on black jails have been made available, civil society rights groups in China tracking their use documented at least 189 cases of HRDs held in black jails between 2013-2017.⁸ There are likely many more unreported or undocumented cases.
5. Reports indicate the use of enforced disappearance has vastly expanded in the Xinjiang Uyghur Autonomous Region since the August 2016 appointment of a new Communist Party secretary for the region.⁹ Based solely on their ethnicity and religion, thousands of ethnic Uyghurs, Kazaks, and Kyrgyz have reportedly been held in “camps,” or essentially black jails, which China’s state media has referred to as “counter-extremism training centers” or “education and transformation training centers.”¹⁰ New regulations on counter-extremism in Xinjiang, which went into effect in April 2017, have provided “legal basis” for forcibly disappearing individuals to force them undergo ideological “re-education.”¹¹ Eating Halal meat, having a beard, or wearing a headscarf are all grounds for detention in “re-education” camps. The regulations do not ensure that provisions in the Criminal Procedure Law on deprived liberty are adhered to, including written notification to families stating the reason for detention and location of the detention.
6. One Chinese NGO reported that many villagers in Southern Xinjiang had been sent to “counter-extremism” camps before the 19th Party Congress in October 2017.¹² There have been reports that, in January 2018, approximately 120,000 ethnic Uyghurs were being held in such re-education camps in

the prefecture of Kashgar, and that one township had 10% of its population in camps in December 2017.¹³

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

By CHRD and Rights Defense Network

Overview

7. The Chinese government has not taken effective steps nor adopted effective measures to prevent and prohibit torture, and instead has perpetuated impunity for perpetrators while denying victims the right to seek compensation, rehabilitation, and redress. The government has continued to violate provisions of the Convention against Torture, which China ratified in 1988.¹⁴ Our documentation shows that China has failed to establish mechanisms within law-enforcement and criminal justice systems to ensure that measures to curb torture are implemented. Specifically, the government has not provided protection for detainees during interrogations, established receptive channels for alleged torture victims to safely file complaints, or prosecuted alleged torturers according to law.
8. Few victims of alleged torture in China file complaints or seek accountability, underscoring a lack of public confidence in the country's law-enforcement and justice systems. Specifically, those who wish to seek justice confront numerous obstacles, including ineffective legal and administrative channels for filing allegations, a strong possibility of reprisals, and the absence of state bodies that can investigate torture allegations with independence from Chinese Communist Party (CCP) influence.¹⁵

Definition of torture & non-transparency on data

9. There is no clear and comprehensive definition of torture in Chinese law that complies with the standards in the Convention, even though national legislators in 2014 amended the definition in both the Criminal Law (CL) and Criminal Procedure Law (CPL). Chinese law still only criminalizes some forms of physical mistreatment and does not consider psychological abuse to be torture.¹⁶ At the previous UPR, China claimed to be "implementing" recommendation 186.49 on harmonizing the definition of torture in Chinese law with the Convention, but this has not happened.
10. China's Criminal Law's provisions prohibiting torture do not cover all public officials and persons acting in an official capacity, and do not address the use of torture for purposes other than extracting confessions. Very few state agents accused of torture have been criminally prosecuted in China, and those who have been convicted are given light punishments relative to the severity of their crimes, creating a cycle of impunity for torturers.¹⁷
11. The Chinese government has essentially treated information on torture as "state secrets." While China's Law on Guarding State Secrets does not specifically refer to "torture," information related to torture can be retroactively classified as a "state secret" under Chinese law.¹⁸ China has consistently refused to publish or provide to the UN concrete data and specific information on torture, including disaggregated data on individual cases, investigations into allegations, and criminal punishments of perpetrators.¹⁹

Torture remains widespread & largely unpunished

12. The Chinese government has perpetuated a cycle of impunity for perpetrators, largely denying victims the right to seek compensation or any means to obtain rehabilitation and redress. In 2016-17, four individuals reportedly died in police custody in China due to suspected torture, but no credible investigation has been conducted on any of these incidents.²⁰ The government has not taken effective

steps needed to eliminate torture, including mandating the use of audio and video equipment to record criminal interrogations and other police behavior in incarceration facilities, which can conceivably function as a check on acts of torture. As we have documented, the CCP-controlled judicial system rarely prosecutes state agents accused of torture. Torture victims in China often have no other choice for seeking justice beyond filing complaints through an ineffective petitioning system.²¹

13. Deprivation of medical treatment is a particular form of torture used against incarcerated HRDs.²² We have documented 16 currently detained or imprisoned HRDs who have been subjected to such abuse. In these cases, authorities have rejected applications to release these individuals on medical grounds. Since the previous UPR, deprivation of timely and necessary medical treatment has also led to or contributed to the deaths of at least five HRDs, including activist Cao Shunli (曹顺利) in March 2014 and Nobel Peace Prize Laureate Liu Xiaobo (刘晓波) in July 2017.²³
14. Other HRDs have reportedly been tortured in custody, including with physical assaults, forced medicating, denied medical care, sleep deprivation, excessive shackling, and other types of abuse. At least 10 individuals detained in the 2015 crackdown on human rights lawyers alleged they were tortured, including four lawyers.²⁴ There have not been any independent investigations into the circumstances behind the aforementioned cases of alleged torture, including those that led to the deaths of HRDs.²⁵

Torture-extracted evidence & confessions used in court

15. Despite the government's acceptance of recommendation 186.51 (on excluding evidence in court extracted through torture), authorities have not fully implemented relevant legal provisions, and such evidence is still being allowed in Chinese courts. We have documented cases where judges allowed such evidence to be introduced, declined requests by lawyers to exclude the admissibility of such evidence, or interrupted testimony by defendants about being tortured to force them to confess.²⁶ According to one human rights lawyer, even when courts have excluded evidence obtained via torture, case verdicts have not indicated whether the evidence was used to support conviction.²⁷ Chinese judicial authorities disbarred a lawyer in January 2018, citing, among other behavior, "misconduct" from trying to gather evidence of torture by photographing his client's injuries allegedly caused by guards.²⁸
16. The government has provided virtually no data on cases in which the exclusionary rule has been invoked, creating doubts about the validity of its claim that courts are dismissing torture-related evidence. Information provided by the government for the CAT review in 2015 listed just five cases (that occurred between 2011 and 2013) where courts had thrown out evidence extracted through torture.²⁹
17. We have documented cases in which Chinese police have allegedly tortured or coerced human rights defenders (HRDs) partly to extract confessions used later to convict them. In some cases, it is believed authorities had offered individuals "clemency" (i.e. lighter or suspended sentences) in exchange for their confessing. For example, lawyer Li Heping (李和平) and activists Gou Hongguo (勾洪国) and Zhai Yanmin (翟岩民) were given suspended sentences in 2016 and 2017 after "confessing" and pleading guilty at trial; each man revealed after release that he had been tortured.³⁰ In 2017, trials of HRDs that featured coerced confessions were broadcast on state television, in the cases of lawyers Xie Yang (谢阳) and Jiang Tianyong (江天勇) and Taiwanese activist Li Mingzhe (李明哲). (Xie and Li were given suspended sentences, while Jiang was handed a two-year prison term.) In October 2017, the UN Working Group on Arbitrary Detention issued a ruling on Xie Yang's

case, and stated it was not convinced that Xie had freely confessed to criminal acts and expressed concern that he might have been tortured.³¹

2.5. Freedom of Expression & Internet Use

By CHRD and Rights Defense Network

Overview

18. The government has intensified suppression on free expression under Xi Jinping, leveraging laws and policies to control access to and sharing of information online, and escalating criminal persecution of speech.³² The government has grown increasingly intolerant of expression of political dissent, including criticisms of government policies, both online and in physical space. HRDs in particular have been persecuted for speech critical of human rights violations by the government or for sharing information online on rights abuses. The stifling environment for free expression undermines the government's claim that it was implementing the 2013 UPR recommendation to "increase transparency of traditional and social media by guaranteeing the rights of Chinese citizens to freely critique any state organ or functionary" (186.170).
19. In recent years, Chinese authorities have developed an increasingly sophisticated surveillance state. China's rapid growth in the number of Internet users³³ has made available more communication channels for reporting on human rights abuses or disclosing official corruption. In response, however, the government has stepped up its suppression of print, online, and social media outlets. Via the "Great Firewall," the state's extensive cyber-policing apparatus, the government has fortified its virtually total monitoring and censorship of Internet activity and information. In addition, public security forces have begun using glasses powered by artificial intelligence to scan the faces of individuals for "anti-crime" purposes. There are concerns that such technology, in which the glasses are linked to centralized data that allows for facial recognition and other privacy invasions, will in part lead to intensified crackdowns on political dissent.³⁴

Laws & regulations target free expression

20. Since 2014, China has adopted or amended a trove of national laws and regulations that have further reduced the already restricted space for free expression by giving the government more power to control mass media, private communications, and access to information.³⁵ A common element among these laws and regulations is the criminalization of information-sharing in the name of "national security," a nebulously defined need that allows the government to target its critics.
21. In recent years, the Cyberspace Administration Office (CAC), China's central Internet oversight and censorship agency, has issued several new rules that restrict the sharing of news and other information via websites, software applications, blogs, social media accounts, and instant messaging. These regulations target content on news websites that have not been "verified" by the government, mandate that mobile app providers cut down the spread of "illegal information," order news sites to purge online comments espousing views prohibited by the government, and require app providers take action against users who post content that "endangers national security" or "disrupts the public order."³⁶
22. Instant messaging tools are increasingly monitored as their use has expanded. Since October 2017, the government has required group leaders on WeChat, the most popular private instant messaging tool in China, to be held responsible for content discussed by members. State control over messaging tools was clearly evident just prior to the 19th Party Congress in 2017; authorities interrupted use of

WeChat and closed tens of thousands of accounts, allegedly due to “rumor-mongering,” and severely disrupted WhatsApp, another popular messaging tool.³⁷

23. The Ministry of Industry and Information Technology issued regulations in January 2017 requiring that virtual private network (VPN) providers obtain state authorization. This move effectively outlawed most VPNs used by companies and citizens in the country, including those used by citizens to circumvent the “Great Firewall” and access government-blocked websites and social media platforms. Several individuals have since been detained or prosecuted for selling VPNs that are not government-approved.³⁸

Criminalizing free speech in human rights advocacy work

24. Chinese authorities have incarcerated individuals for exercising free expression, especially for speech involving critical comments on CCP leaders or government policies or that exposed human rights violations. Alleged offenses include “subversion of state power,” “inciting subversion of state power,” “picking quarrels and provoking trouble,” “libel,” and “illegal business activity.”³⁹ “Picking quarrels” in particular has been widely applied since China’s highest judicial bodies expanded the scope of the crime in September 2013 so that “cyberspace” is considered a “public place.”⁴⁰
25. In recent years, two particularly harsh prison sentences for speech-related activities have been given to Uyghur scholar Ilham Tohti (伊力哈木·土赫提),⁴¹ imprisoned for life in 2014 after advocating for the rights of the Uyghur ethnic group through a website that he founded, and activist Zhang Haitao (张海涛),⁴² a Xinjiang-based HRD who received a 19-year prison sentence in 2016 for making critical comments online about state policies. Chinese courts in 2015 convicted the veteran dissident journalist Gao Yu (高瑜) and the outspoken human rights lawyer Pu Zhiqiang (浦志强),⁴³ in two widely publicized speech cases emblematic of the state’s criminalization of information-sharing and free expression.
26. In a case of swiftly coordinated police operations meant to silence free speech, authorities suppressed and punished some Chinese citizens who memorialized dissident and Nobel Peace Prize laureate Liu Xiaobo (刘晓波) after his death in July 2017. State censors expunged online comments about Liu and the government’s handling of his medical treatment. Authorities blocked the communications and restricted the movements of Liu Xiaobo’s wife, Liu Xia (刘霞). Police detained several individuals for calling for Liu’s release prior to his death or, after he passed away, for memorializing him online or in public places.⁴⁴

Media censorship & persecution of journalists

27. Human rights NGOs regard China as one of the most repressive countries for exercising press freedom. In this area, China was ranked 176th of 180 countries in 2017 by one international NGO,⁴⁵ and that same year was named one of the biggest jailers of both citizen and professional journalists.⁴⁶ Chinese authorities have shut down many news websites and independent publications, often on the pretext that they had allegedly “spread falsehoods” or exposed “state secrets.” Government authorities have forced the dismissals of reporters, bloggers, and editors from their jobs for expression that challenged CCP orthodoxy.⁴⁷ The state has criminally prosecuted online writers, bloggers, editors, and publishers for exercising their free expression rights, convicting them for alleged offenses such as “subversion of state power,” “inciting subversion,” “illegal business activity,” “leaking state secrets,” “libel,” and “fabricating and spreading falsehoods.”⁴⁸

28. The government has enacted rules to censor media products and restrict public consumption of content that does not conform to official CCP ideology. For example, in December 2016, China's main media regulatory body issued rules requiring a government permit for sharing audio-visual materials on social media accounts, which also must be approved by state censors.⁴⁹ In addition, new legislation from 2016 and 2017 have further tightened state controls over the fields of online publishing and popular entertainment.⁵⁰

2.6. Freedom of Peaceful Assembly & Association

By CHRD and Rights Defense Network

Overview

29. Chinese laws and regulations curtail, prevent, or obstruct the exercise of the right to peaceful assembly and freedom of association, despite the recognition of these rights under Article 35 of China's Constitution. Police routinely punish those who exercise these rights, including by prosecuting them for engaging in alleged crimes. Rights-based organizations and their staff/volunteers in China have faced increased criminal prosecution and harassment since President Xi Jinping came to power in 2013.

30. China's Law on Assemblies, Processions, and Demonstrations (1989)⁵¹ includes stipulations that do not comply with international standards. The law bans gatherings based on message or content (Article 4).⁵² Police categorically deny permits for demonstrations and aggressively shut down peaceful protests. Those who gather in public or privately risk harassment, detention, and imprisonment.

31. Chinese regulations governing registration and management of domestic non-profit groups obstruct the exercise of the right to free association. Groups that wish to register as a legal entity are required to obtain sponsorship from a government department, thus compromising their independence.⁵³ Unregistered groups are considered "illegal" and can be shut down for lack of legality.⁵⁴ Such rules violate international norms, whereby the right to free association applies equally to all groups, regardless of official registration status.⁵⁵

Severely curtailed right to freedom of peaceful assembly

32. China has amended legislation since the 2nd UPR to further restrict the exercise of the rights to assembly. In 2015, authorities adopted an amendment to the Criminal Law, stipulating those who "organize" or "provide funding" for public gatherings can be issued a prison sentence of up to three years.⁵⁶ The amended provision allows for prosecution on charges of disrupting public or social order for those who "organize" or "fund" a demonstration but are not themselves present.

33. The government does not provide data on the number of protests or demonstrations. Two Chinese citizen journalists documented protests on an online blog for years.⁵⁷ Compared to 2014, they tracked a 34% increase in such incidents in 2015; they also documented over 14,000 incidents involving individuals detained in relation to protests.⁵⁸ In apparent retaliation for this work, authorities arrested the two journalists in July 2016. The blog's founder, Lu Yuyu (卢昱宇), received a four-year prison sentence in August 2017.⁵⁹

34. China has stepped up criminal prosecutions, arrests, and intimidation of individuals for exercising and promoting the right to peaceful assembly. In 2013, 70 individuals associated with (or inspired by) the "New Citizens' Movement," a loose network of activists working on rule of law issues, were detained for their roles in peaceful protests; 40 were later convicted of crimes.⁶⁰ Those involved had organized

or participated in demonstrations and made speeches denouncing government corruption, calling for press freedom, and demanding China to ratify the ICCPR. Several individuals who took part in peaceful demonstrations in mainland China in support of the 2014 “Occupy Hong Kong” protests received prison sentences up to four years in prison.⁶¹

NGOs & further restrictions on freedom of association

35. The government has investigated the funding sources of many independent Chinese organizations in an effort to intimidate them. Cutting off their funding is the government’s way to effectively shut them down. Rights-based advocacy groups working on a broad range of human rights issues are particularly targeted.⁶² Police have detained some NGO staff members or legal advisors for alleged financial crimes, including “illegal business activity.”⁶³ Such affected NGOs include groups working on issues of discrimination, social policy research and advocacy, rural education, disability rights, labor rights, and women’s rights.⁶⁴ In one case, the founder of labor rights group Panyu Worker’s Center, Zeng Feiyang (曾飞洋), received a three-year sentence, suspended for four years, in 2016.⁶⁵ Three other Panyu staff were also convicted of crimes. Authorities accused them of criminal activities for receiving funding or training from INGOs.
36. In 2016, the government put out draft revisions of three sets of regulations governing domestic non-profits.⁶⁶ The proposed changes would permit an easier registration process for certain types of social organizations, such as business and trade associations, but not for other independent advocacy groups. The draft regulations also include provisions to mandate CCP cells inside non-profit groups to perform political monitoring and supervisory functions (Article 4 in all three).
37. The Chinese government has made it more difficult for national and international NGOs to promote and protect human rights in China, despite the government’s resolution to accept recommendation 186.150 during the 2nd UPR. The government has restricted NGOs from operating effectively by introducing two new laws that curb these organizations’ funding: the Charity Law, enacted in September 2016,⁶⁷ and the Overseas NGO Management Law, enacted in January 2017.⁶⁸ The Charity Law restricts all online fundraising activities to government-registered charities while levying heavy fines on non-registered and/or non-profit groups that seek donations online.⁶⁹ The Overseas NGO Management Law, which is ostensibly aimed at governing the work of INGOs, also constricts funding for independent Chinese groups.⁷⁰ The law bans Chinese NGOs from receiving any funding from, or conducting “activities” with, INGOs that have not registered with, or received a temporary activity permit from, the Ministry of Public Security. Both laws ban civil society organizations from harming “national security.” In both laws, the lack of a clear definition of what activities constitute “endangering national security” gives police broad powers to impede and intimidate civil society groups.
38. The government has intensified its persecution of members or affiliates of human rights groups for allegedly “endangering national security.” For example, in July 2015, police launched a crackdown on human rights lawyers and activists, many of whom were part of an informal association called the “China Human Rights Lawyers Group.” The group had organized petitions and open letters to defend lawyers’ rights, expose human rights violations, and demand the government respect rule of law and judicial independence. To date, nine individuals seized in this crackdown have been convicted (three lawyers and six activists).⁷¹ Chinese authorities also launched a crackdown in 2016-7 on human rights NGOs that monitor, document, and report on human rights violations. Police detained on “endangering state security” criminal charges the directors of three such groups, including Liu Feiyue (刘飞跃), head of Civil Rights & Livelihood Watch, which had submitted information for China’s 2nd UPR.⁷²

2.7. Human Rights Defenders: Persecution & Reprisals

By CHRD and Rights Defense Network

Overview

39. Since the 2013 UPR, the Chinese government has escalated its suppression of human rights defenders (HRDs), including carrying out several crackdowns on human rights activists and lawyers, some of them remain in secret detention or jailed. HRDs seeking to engage with UN human rights mechanisms, including participating in human rights trainings and conducting advocacy campaigns at home and abroad, have also faced reprisals from government authorities. In retaliation for their human rights activities, the government has subjected HRDs to intimidation, harassment, physical assaults, enforced disappearances, torture, and arbitrary detention.⁷³ Such persecution of HRDs contradicts claims that China made at the previous UPR, that “[t]here is no so-called issue of suppressing ‘human rights defenders.’”⁷⁴

Gross & systemic abuses of the rights of human rights defenders

40. The government has persecuted many HRDs while systematically depriving them of due process rights. CHRD documented numerous cases involving 1,936 HRDs in China who have been detained in reprisal for their human rights advocacy between January 1, 2014 and December 31, 2017.⁷⁵ The government has further curtailed the basic liberties necessary for human rights defenders to promote and protect human rights—freedom of expression, peaceful assembly, and association. Authorities have imprisoned large numbers of HRDs by convicting them of crimes such as “subversion of state power,” “inciting subversion of state power,” “leaking state secrets,” “disrupting public order,” “picking quarrels and provoking trouble,” “fraud,” and “illegal business activity.” Human rights lawyers have faced political interference in their work, harassment, detentions, physical attacks, and criminal prosecution for representing clients in “sensitive” cases.⁷⁶

41. Government agents have retaliated against HRDs for their promoting and defending of human rights, including in such campaigns as: urging the government to ratify the ICCPR and eradicate official corruption (2014), expressing support for pro-democracy protests in Hong Kong (2014), and calling for justice for victims of the 1989 Tiananmen Massacre.⁷⁷ In addition, a crackdown was launched in July 2015 against human right lawyers and activists.⁷⁸ At least 64 HRDs have been convicted of crimes and issued prison sentences after being seized in these clampdowns, according to our documentation.

Reprisals against HRDs cooperating with the UN or participating in UN human rights activities

42. The Chinese government has aggressively obstructed civil society participation in UN human rights activities and cooperation with the UN, often labeling such efforts as “illegal” acts that may “endanger national security.” HRDs attempting to participate in or cooperate with UN rights mechanisms have faced various obstacles, including prohibited travel, confiscation of passports, intimidation, threats, and arbitrary detention. Among those affected, activists and NGO professionals have lost their jobs, and rights lawyers have faced delayed license renewal or been barred from practicing law.⁷⁹ Thus, the government has failed to implement an accepted UPR recommendation, to “ensure that human rights defenders can exercise their legitimate activities, including participation in international mechanisms, without being subjected to reprisals” (186.62).

43. There has been no independent or credible investigation into the death of activist Cao Shunli (曹顺利) in March 2014, in a clear example of government refusal to end retaliation against HRDs who seek to engage with the UN. Cao's family, lawyers, and supporters calling for an independent investigation and autopsy have faced harassment, threats, or detention. To date, no Chinese officials have been held accountable for Cao Shunli's death.⁸⁰ Additionally, activists who had taken part in civil society activities alongside Cao and demanded participation in UPR at the national level have experienced state reprisals.⁸¹
44. Several other HRDs besides Cao Shunli have been prevented or intimidated from traveling abroad for UN treaty body reviews or human rights trainings. Police in Henan Province blocked HIV/AIDS activist Wang Qiuyun (王秋云) from travelling to Geneva in October 2014 to attend CEDAW review on China. Hubei police detained another women's rights activist after she tried to draw attention to the review and its lack of civil society participation.⁸² Several HRDs also faced obstruction in 2014 when traveling to attend trainings on human rights, or were harassed after they returned.⁸³ In June 2015, police interrogated and barred one activist from attending a human rights training in Geneva.⁸⁴ Authorities prevented seven HRDs from attending CAT's November 2015 review, claiming that their trip to Geneva would "endanger national security."⁸⁵ In March 2016, national security officers intimidated a Chinese activist and barred one rights lawyer from traveling to a training program on UN human rights mechanisms; authorities explicitly warned the activist not to engage in UN-related activities. In 2017, police blocked at least three HRDs, including two lawyers, from traveling abroad for human rights training.⁸⁶ In 2018, a foreign NGO holding a training on UN human rights mechanisms received numerous anonymous threatening emails. The messages included threats to abduct and physically attack the staff of the organization if they didn't cancel the human rights training.
45. HRDs have also been punished for meeting with UN officials or trying to share information with UN bodies. In September 2015, authorities barred four human rights lawyers from traveling to attend a workshop to prepare a civil society report for the Committee against Torture (CAT)'s review of China. The criminal prosecution of lawyer Jiang Tianyong (江天勇) was perhaps partly in reprisal for his meeting with Philip Alston, the UN Special Rapporteur on extreme poverty and human rights during Alston's visit to China in August 2016. Jiang received a two-year prison sentence in November 2017.⁸⁷ Guizhou activist Mi Chongbiao (糜崇标) and his wife, Li Kezhen (李克珍), have been under house arrest since 2013, after Mi posted online a complaint that he had submitted to the Human Rights Council about rights violations that his family had suffered.⁸⁸ Mi and Li have been subjected to torture and never allowed to see a lawyer.

Retaliation for HRDs demanding government transparency & compliance to UN requested data

46. Since China's second UPR, authorities have refused HRDs' requests to disclose information concerning civil society participation in the preparation of the state's human rights reports to UPR, the "national human rights action plan," and other information submitted by the government for UN treaty body reviews. Instead, authorities have retaliated against some citizens who had made the requests through the government's Open Government Information system, by subjecting them to interrogation and, in some cases, detention on suspicion of "disturbing public order."⁸⁹

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¹⁹ Civil Society Follow-Up Report Submitted to the UN Committee Against Torture: Responses to the Committee’s Requests & to China’s Follow-up Report, para. 44.

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- ⁷⁹ CHRD, Risky prospects: Engagement of Chinese human rights defenders with the Human Rights Council, June 1, 2016, <https://www.nchrd.org/2016/06/risky-prospects-engagement-of-chinese-human-rights-defenders-with-the-human-rights-council/>.
- ⁸⁰ CHRD, “Cao Shunli (曹顺利) & Her Legacy,” <https://www.nchrd.org/2014/04/prisoner-of-conscience-cao-shunli/>.
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- ⁸⁵ CHRD interviews, 2015.
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- ⁸⁸ “Repression & Resilience: Annual Report on the Situation of Human Rights Defenders in China (2017),” pgs. 12-13.
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2.8. Freedom of Religion

By CHRD (last updated 2016)

Further limiting religious freedom & practice

1. Since 2013, religious freedom in China has deteriorated dramatically, even though China “accepted” over half of the recommendations related to protecting the rights to hold religious beliefs and engage in religious activities.¹
2. While China’s Constitution protects “normal” religious belief “in principle,” it also restricts religious practices that “disturb public order” or “interfere with the state’s system of education,” but without defining these exceptions (Article 36).² In practice, authorities ban some religious groups completely, deny registration of other groups, and rarely recognize groups outside of the five main approved religions.
3. Since the 2013 UPR, central and local authorities have implemented repressive policies that have systematically curtailed religious freedom; they have disrupted and demolished churches, imposed ongoing restrictions on Tibetan Buddhists and Uyghur Muslims, and imprisoned Falun Gong practitioners. The actions taken by the government are contrary to pledges concerning the protection and promotion of religious freedom, which China made in its National Human Rights Action Plan (2012-15).³ The government restricts religious activities, including by continuing to prohibit nearly 90 million Chinese Communist Party (CCP) members from believing in or practicing religion, further banning religious activities for Christians, reducing the size of Tibetan Buddhist schools, and restricting Muslims from completing their pilgrimages. In addition, Chinese authorities have continued to target and criminally prosecute religious leaders on religious and political charges.⁴
4. Since the 2013 UPR, China has adopted the National Security Law, Counter-Terrorism Law, Cyber Security Law, and amended its Criminal Law, which all contain provisions Chinese authorities use to legitimize ongoing systematic suppression of religious, cultural, and ethnic minorities.⁵ In particular, the National Security Law includes a broad and ill-defined definition of “national security,” and provisions that would allow criminal prosecution of dissenting views, religious beliefs, and information online.⁶ Through such laws and prevailing practices, China has suppressed religious freedoms in the name of “national security,” making the recommendation by Comoros (141) “inappropriate,” as it asks China to “guarantee freedom of religion in respect of national unity and the territorial integrity of the country.”
5. In a move to further criminalize religious expression and free speech, China drafted revisions to its “Regulations on Religious Affairs” in September 2016, that could, if passed and implemented, expand monitoring of religious schools, strengthen Internet censorship over religious writing and news sites, and expand restrictions on contacting religious groups overseas.⁷ The Regulations appear to have been revised not to protect, but to curtail the interests and rights of religious practitioners, which runs counter to the Chinese government’s pledge in its newest National Human Rights Action Plan (2016-2020).⁸
6. When China accepted the UPR recommendation to “take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China” (138), the State remarked that both citizens and civil servants enjoy freedom of religion.⁹ In reality, however, China has not implemented this recommendation, which it also claims has been implemented, as there has been a long-standing ban on CCP members practicing religion.¹⁰ Public servants must “uphold Marxism-Leninism and Mao Zedong thought,” and government officials are under the administration of the CCP, and a criteria for many government positions is CCP membership.¹¹ Therefore, the required atheism for Party members also directly spills into the administration of government.¹²

7. Top Chinese officials have reemphasized the policy of banning CCP members from practicing religion. In September 2014, at a national meeting on religious affairs, President Xi Jinping reportedly reaffirmed atheism as a ground rule of the Party. In an opinion piece published that November, Zhu Weiqun (朱维群), the director of the Subcommittee for Ethnic and Religious Affairs, condemned Party members who harbor religious beliefs and practice religion.¹³ In 2016, the offices of the Central Party Committee and State Council jointly issued an [opinion](#) stipulating that even retired civil servants must not engage in religious activities or adopt religious faith, because they remain Party members.¹⁴

Tibetan Buddhists

8. Punishment against religious leaders in the Tibet Autonomous Region (TAR) has been a part of the government's systematic repression of ethnic Tibetans. According to the NGO Tibetan Center for Human Rights and Democracy, more than 140 Tibetan monks and nuns have been detained since 2013, and 80 percent of them are still in custody and have not been brought before a judge.¹⁵ Many Tibetan monks, including [Karma Tsewang](#), who was sentenced to 2.5 years in prison in late 2014, have been denied medical treatment, access to legal counsel, family visitation, and been subjected to inhumane punishment. In the past two years, three Tibetan political prisoners have died in custody after years of torture and mistreatment: Goshul Lobsang and Tenzin Choedak, in 2014, and monk Tenzin Delek Rinpoche, in July 2015.¹⁶ The government refused to allow the family of Tenzin Delek Rinpoche to bury his body according to Tibetan religious customs.¹⁷
9. Government control of Tibetan monasteries has continued to expand, and authorities have issued new directives that impose stricter surveillance on monks and followers, tightening restrictions on religious activities and monastic staff and forcing monks and nuns to attend mandatory programs that promote CCP and pro-government ideology. Since 2011, Buddhist temples in Tibet have been required to replace their traditional self-governing bodies with a government-appointed "Monastery Management Committee."¹⁸ This committee consists of Party members stationed at each temple to oversee and report daily activities to higher government organs as well as review and approve any religious activity. The government has publicly commended some committees and officials for their performance and compliance.¹⁹
10. In September 2015, authorities in one Tibetan county issued a comprehensive notice (called Document No. 224) that further restricted the autonomy of monasteries and religious leaders, including strictly limiting mobility, interaction with practitioners, financial management, and topics addressed in religious services.²⁰ The directive details harsh punitive measures against anyone, including Party officials, who does not fully implement or follow the provisions in the notice.²¹
11. In July 2016, authorities demolished monastic dwellings at the largest Tibetan Buddhist Academy in Larung Gar, Sichuan Province, an action that reduced the academy's monastic staff by half.²² Authorities also have instituted measures to restrict, control, and monitor the travel of Tibetans to Lhasa, the center of Tibetan Buddhism in the TAR; they have prevented some Tibetans from taking a pilgrimage to temples in the city, and required those who are granted permission to go to Lhasa to register with police.²³

Uyghur Muslims

12. Since the 2013 UPR, central and provincial authorities in the Xinjiang Uyghur Autonomous Region have passed measures and increased efforts to restrict freedom of religion, affecting followers of Islam. In November 2014, authorities revised the region's regulations to further limit religious practices by making previous measures and directives more legally binding.²⁴ Authorities also continued to try to restrict children from participating in religious practices, and detained individuals who brought religious materials home for their children.²⁵ State media reported in January 2016 that the regional people's congress will begin drafting regulations about "religious

extremism.”²⁶ In March 2016, during China’s annual session of the National People’s Congress, the Party Secretary of Xinjiang announced that authorities will continue a “strike hard” anti-terror campaign, which was first launched in 2014, in order to impose more stringent restrictions on Uyghur Muslims.²⁷

13. This “strike hard” campaign in Xinjiang has been marked by a growing presence of military troops, increased reports of arrests of alleged “terrorists,” restrictions on travel, and intensified limits on religious expression, practices, and mosque activities. According to an overseas Uyghur rights organization, the number of soldiers dispatched has increased during “sensitive” periods, and Uyghurs are then subjected to heightened surveillance and more arbitrary detentions.²⁸ In late 2015, troops were seen assaulting four young Uyghurs on a public street and arresting seven Uyghurs afterward, accusing them of “illegal assembly and obstructing official business.”²⁹ In January 2016, authorities in Kashgar City detained at least 16 Uyghurs for having religious publications for children.³⁰
14. In addition, new government rules in Xinjiang punish acts that “encourage” youth to practice religion. Two new sets of rules adopted by the Standing Committee of Xinjiang People’s Congress in September 2016 expose deep-seated government concerns that contact with religion works to foster unrest in and beyond the region. Under these new regulations, Xinjiang police can jail people for “encouraging” or “forcing” youth to take part in religious activities. The rules are likely to further restrict religious expression while increasing ethnic tensions.³¹
15. Authorities have continued efforts to ban various forms of religious expression among Uyghur Muslims, such as the growing of beards for men and wearing of veils and burqas for women.³² In Urumqi, Xinjiang’s capital, officials implemented a directive in 2015 to ban full-face and full-body coverings in all public places, including schools, hospitals, public transportation, government buildings, and businesses. A fine of up to approximately 800 USD or criminal charges could be imposed on individuals who refuse to comply.³³ In the same year, authorities sentenced a husband and wife in Kashgar City to six and two years, respectively, for keeping a beard and wearing a face-covering veil. The Kashgar City government also implemented a directive requiring every household in the city to sign an agreement to “de-radicalize.”³⁴
16. Mosques are also under constant surveillance, and the content of prayers led by imams, religious leaders, must be approved by Chinese authorities. Traditionally, mosques do not close, but in recent years, the government has mandated they shorten their operating hours.³⁵ One mosque in Chengdu, Sichuan Province, has been listed for demolition to make way for real estate development. This has spurred an online petition by many people seeking to save this important historical landmark, which is sacred to Uyghur Muslims.³⁶ Authorities also have continued to shut down unauthorized “preaching sites.”³⁷
17. In addition, contrary to a white paper on religious freedom released by the Chinese government in June 2016, officials continue to prohibit Muslims from observing Ramadan in Xinjiang, as the local government forbids CCP members, civil servants, teachers, and students from fasting.³⁸ Civil servants, in particular, are also not allowed to enter mosques, since the Party requires its members to abandon religious faith and practice. Moreover, mobility for Uyghurs inside and out of China has been greatly restricted, as they are barred from travelling freely to other places of worship, including to make a pilgrimage to Mecca. Instead, State officials have organized and monitored such trips.³⁹

Christians

18. Chinese authorities continue to exert undue influence over Christian religious practices, including by trying to control the process through which Catholic bishops are chosen.⁴⁰ Both the State-sanctioned churches (known as “patriotic churches”) and non-sanctioned ones (known as underground or “house churches”) have faced more scrutiny and constraints in recent years.

Government officials in Zhejiang and Sichuan have launched a provincial-wide campaign called “Five Entries and Five Transformations” to expand government control over State-sanctioned churches.⁴¹ Zhejiang authorities openly interfere with and prohibit church activities, control church finances, change architectural designs of religious buildings, impose mandatory lectures by government officials, and force church members to meetings with officials to discuss their beliefs.⁴²

19. Although house churches are not allowed to register in China, at least half of the country’s nearly 70 million Christian adherents attend such churches.⁴³ New amendments to the “Regulations on Religious Affairs” will effectively make house churches illegal, as all churches will be pressed to register.⁴⁴ The government has also pressured house churches to become State-sanctioned, so authorities can monitor and control them more tightly. Church leaders and members have been punished for refusing to register with the government. Three houses churches in Zhejiang and Guizhou, for instance, were banned from holding services for congregations while pastors and members were criminally detained after they refused to follow orders from local authorities pressing them to become government-approved entities.⁴⁵
20. In Zhejiang, the provincial government issued an urban planning directive in 2013 that has since targeted both patriotic and underground churches, where officials have ordered the forced removal of crosses and demolition of buildings under the pretext of urbanization and redevelopment.⁴⁶ According to the Christian Council of Zhejiang, authorities removed more than 1,200 crosses between 2014 and 2015.⁴⁷ Pastors and church members who tried to defend their churches were criminally detained on charges of “disturbing public order” or “financial mismanagement,” and their lawyers also have been prosecuted.⁴⁸
21. The scope of the crackdown has extended beyond Zhejiang to other regions, where leaders of Christian communities have been given long prison sentences that are tied to their religious activities. Christian and activist Hu Shigen (胡石根), an elder in house churches in Beijing, was detained for more than one year and then sentenced to seven-and-a-half years in 2016 after a court convicted him of “subversion of state power.”⁴⁹ In Henan Province, pastor Zhang Shaojie (张少杰) was sentenced in 2014 to 12 years for “fraud” and “gathering a crowd to disrupt social order.”⁵⁰

Falun Gong

22. The Chinese government continues to persecute Falun Gong practitioners, as well as the activists and lawyers who try to defend their rights. The government banned Falun Gong in 1999, and fifteen years later in 2014, a government body called China Anti-Cult Association officially listed Falun Gong as one of 20 “cults” and began a sweeping crackdown against them.⁵¹ Thousands of practitioners reportedly were arrested that year, and more than 600 of them sentenced to prison and several received 12-year prison terms.⁵² The same year, Jiangxi-based activists Liu Ping (刘萍) and Wei Zhongping (魏忠平) were convicted of “using a cult to undermine implementation of the law”; Liu had posted a story online about a Falun Gong practitioner being abused by authorities, and Wei had mentioned Falun Gong during a media interview. Lawyers who have represented Falun Gong practitioners have also been subjected to government retaliation.⁵³

¹ In our assessment, the recommendation by Malaysia (139) is “poor” because it urges the “continued promotion” of conditions that do not currently exist. Additionally, the recommendation by Uganda (147) to “Adopt further measures to firmly crack down on cult organizations to safeguard freedom of worship and the normal religious order” is also “poor,” because it supports China’s persecution of Falun Gong, which the government has labelled a “cult,” in the name of “safeguarding” “normal” “religious order.”

² Constitution of the People’s Republic of China, (1982, amended 2004), http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content_1372964.htm.

³ China’s National Human Rights Action Plan includes pledges on: protecting citizens from being forced into believing or not believing in religion; protecting normal religious activities; and providing assistance and guaranteeing Muslims can complete

their pilgrimages. Information Office of the State Council of the People's Republic of China, Human Rights Action Plan (2012-2015), Chap. IV, <http://www.china-un.ch/eng/rqrd/jbcl/t953936.htm>.

⁴ Buddhist leader Wu Zeheng (吴泽恒) was sentenced to life in prison in a closed-door hearing for his beliefs and peaceful activities, including protecting human rights, which date back to his time as a student leader in the 1989 pro-democracy movement. One of the crimes Wu was convicted of was “organizing or using an illegal cult to undermine implementation of the law.” Another Buddhist leader, Xu Zhiqiang (徐志强), was convicted of a political crime in April 2016 and sentenced to four years in prison. CHRDR, Portrait of a Defender – Wu Zeheng, <https://www.nchrd.org/2016/07/wu-zeheng/>; CHRDR, Portrait of a Defender – Xu Zhiqiang, <https://www.nchrd.org/2016/08/xu-zhiqiang/>.

⁵ Effective January 2016, the Counter-terrorism Law could be used to criminalize peaceful activities of ethnic Uyghurs and Tibetans as well as any other political or religious dissidents as “terrorists” while systematically depriving their due process rights. Amendments to China's Criminal Law, went into effect in November 2015, targets individuals allegedly involved in “cults,” with the maximum punishment being extended to life imprisonment. In addition, the Cyber Security Law legalizes invasive and strict cyber-policing and authorizes shutting off the Internet to entire regions for “security” purposes. This would legalize actions authorities have already taken, such as shutting off the Internet for the entire Xinjiang Uyghur Autonomous Region (comprising one-sixth of Chinese territory) following unrest that occurred in 2009. Counter-terrorism Law of the People's Republic of China (反恐主义法), 2015, http://news.xinhuanet.com/politics/2015-12/27/c_128571798.htm; Ninth Amendment to the Criminal Law of the People's Republic of China (中华人民共和国刑法修正案(九)), November 2015, <http://npc.people.com.cn/n/2015/1126/c14576-27857512.html>; Cyber Security Law of the People's Republic of China (网络安全法), 2016, http://news.xinhuanet.com/politics/2016-11/07/c_1119867015.htm.

⁶ In particular, Article 27 of the National Security Law includes provisions on restricting religious or other spiritual practice, such as by “punishing the exploitation of religion to conduct illegal and criminal activities,” “maintaining the normal order of religious activities,” and banning “illegal cult organizations.” National Security Law, 2016. http://news.xinhuanet.com/legal/2015-07/01/c_1115787801_3.htm.

⁷ Legislative Affairs Office of the State Council, “Explanation Concerning ‘Draft Revision to Regulations on Religious Affairs (Submission for Review Draft),” September 2016, <http://zqyj.chinalaw.gov.cn/draftExplain?DraftID=1269>.

⁸ Information Office of the State Council of the People's Republic of China, National Human Rights Action Plan (2016-2020), September 29, 2016, http://news.xinhuanet.com/politics/2016-09/29/c_129305934_7.htm.

⁹ Specifically, authorities responded by saying: “China's Constitution provides for citizens' freedom of religious belief. All civil servants in administrative entities are citizens of the People's Republic of China, and enjoy the freedom of religious belief. The Chinese government does not interfere in their religious belief. Meanwhile, according to the Civil Servant Law of China, the government shall not take religious belief into consideration when recruiting, selecting, and appointing civil servants.” Report of the Working Group on the Universal Periodic Review, China, Addendum, Human Rights Council, A/HRC/25/5/Add.1, February 27, 2014, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CNSession17.aspx>.

¹⁰ *Radio Free Asia*, “Warning Over Religious Believers in Chinese Communist Party Ranks,” May 25, 2015, <http://www.rfa.org/english/news/china/china-religion-05252015112309.html>; Matt Sheehan, “China's Communist Party Bans Believers, Doubles Down on Atheism,” *Huffington Post*, February 2, 2015, http://www.huffingtonpost.com/2015/02/02/china-communist-party-atheism-zhejiang-ban-religious-members-christianity_n_6599722.html.

¹¹ Article 4, Civil Servant Law of the People's Republic of China, 2005, http://www.gov.cn/flfg/2005-06/21/content_8249.htm; “2016 National Civil Service Examination Job Forms Posted” (2016 年国家公务员考试职位表已发布), October 13, 2015, <http://www.gjgwy.org/201510/223385.html>.

¹² Eleanor Albert, “Religion in China,” CRF Backgrounders (updated June 10, 2015), <http://www.cfr.org/china/religion-china/p16272>.

¹³ Zhu Weiqun, “Principle of ‘Party Members Cannot Have Religious Faith’ Is Unshakeable,” *Global Times*, November 14, 2014, http://opinion.huanqiu.com/opinion_china/2014-11/5201895.html.

¹⁴ Xinhua, “Do a Comprehensive Job on Retirement for Cadres” (中组部：全面做好离退休干部工作), February 4, 2016, http://news.xinhuanet.com/politics/2016-02/04/c_1117996328.htm.

¹⁵ At the time of this report, 115 out of 144 are still being detained without trial. Tibetan Centre for Human Rights and Democracy (TCHRD), “Political Prisoner Database,” (Accessed November 8, 2016), http://www.tchrd.org/tchrd_pdb/.

¹⁶ CHRDR and Coalition of NGOs, Information Submission to the UN Committee Against Torture for Consideration in List of Issues, February 2015, para. 17 (c), <http://www.chrdnet.com/2015/02/chrd-information-submission-to-the-un-committee-against-torture-for-the-review-of-the-fifth-periodic-report-of-china-february-2015/>.

¹⁷ Andrew Jacobs, “China: 2 Relatives of a Tibetan Monk Who Died in Prison Have Been Arrested,” *The New York Times*, July 18, 2015, <http://www.nytimes.com/2015/07/19/world/asia/china-2-relatives-of-a-tibetan-monk-who-died-in-prison-have-been-arrested.html>.

¹⁸ “2015 Tibet Autonomous Region List of Outstanding Temple Management Committees and Cadres Stationed at Temples for Excellent Work Performance” (2015 年度西藏自治区先进寺庙管理委员会和优秀驻寺干部宗教工作优秀干部名单), November 20, 2015, http://www.tibetculture.net/2012whzx/zx/201511/t20151120_3978948.html.

¹⁹ In 2015, as many as 1,300 officials and 138 monastery committees have been listed in such commendation. Ibid.

²⁰ Other measures included weekly political and legal education class for monastic staff, banning donation and loan, and a prohibition on religious leaders from providing schools or classes. TCHRD, “Document Exposes Intensification of State-sanctioned Religious Repression in Troubled Tibetan County,” November 9, 2015, <http://tchrd.org/document-exposes-intensification-of-state-sanctioned-religious-repression-in-troubled-tibetan-county/>.

²¹ Monks and nuns are monitored and kept at a fixed number at each monastery; under the new directive, authorities have forcibly evicted some, including nuns over 50 years old. Punitive measures include: financial punishments such as up to six-months pay for a committee member and withholding benefits for monastic staff or banning them from engaging in certain business activities; job termination for officials; closing-down of monastery; and detention of monks who refuse to comply with the directive. “Trampling Religious Freedom and Other Basic Human Rights in Diru County in Tibet” (西藏比如县践踏宗教信仰等基本人权), December 7, 2015, <https://box1.global.ssl.fastly.net/news/gb/pubvp/2015/12/201512070003.shtml>.

²² Lhuboom, “Larung Gar Leaders Urge Calm as Demolition Appears Set to Proceed,” *Radio Free Asia*, July 12, 2016, <http://www.rfa.org/english/news/tibet/calm-07122016125946.html>.

²³ Tibetans coming into Lhasa have to first report to a police station, where their identification cards will be taken away, only to be retrieved when they leave the city. In addition, Tibetans from other provinces have to stay at a hotel designated by police. CHRDR interview with an ethnic Tibetan living in China, 2016.

²⁴ Julia Famularo, “Chinese Religious Regulation in the Xinjiang Uyghur Autonomous Region: A Veiled Threat to Turkic Muslims?,” Project 2049 Institute, April 8, 2015, pp. 1-2, http://www.project2049.net/documents/Famularo_PRC_Religious_Regulations_Xinjiang.pdf.

²⁵ Qiao Long, “China Clamps Down on ‘Underage Religion’ Among Muslim Uyghurs,” *Radio Free Asia*, October 30, 2014, <http://www.rfa.org/english/news/uyghur/underage-10302014120731.html>.

²⁶ Cui Jia, “Xinjiang Drafting 1st Statute Against Religious Extremism,” *China Daily*, January 14, 2016, http://www.chinadaily.com.cn/china/2016-01/14/content_23077898.htm.

²⁷ *Oriental Daily News*, “Terrorism Cases Fall Sharply, Strike Hard in Xinjiang Continues,” March 9, 2016, <http://www.orientaldaily.com.my/international/gn20162020153108>.

²⁸ Qiao Long (乔龙), “Police Conduct Counterterrorism Exercises in Various Locations on New Year’s Day, 16 Uyghurs Arrested on Suspicion of Religious Activities in Kashgar, Xinjiang” (元旦日各地警方反恐演习 新疆喀什 16 维族人涉宗教被捕), *Radio Free Asia*, January 1, 2016, <http://www.rfa.org/mandarin/yataibaodao/shaoshuminzu/q11-01012016105504.html>.

²⁹ Ibid.

³⁰ Ibid.

³¹ CHRDR, *China Human Rights Briefing October 14-20, 2016*, <https://www.nchrd.org/2016/10/chrdr-anti-corruption-activist-imprisoned-police-put-down-mass-environmental-protests-in-xian-1014-20-2016/>.

³² For more information on the long-standing efforts to stop men from wearing beards and women from wearing veils, see Congressional Executive Committee on China (CECC), “Local Officials In Xinjiang Continue Curbs Over Religious Practice,” December 16, 2011, <http://www.cecc.gov/publications/commission-analysis/local-officials-in-xinjiang-continue-curbs-over-religious-practice>.

³³ *People’s Daily*, “Public Places in Urumqi Ban Full Body and Face-Covering Veils” (乌鲁木齐市公共场所将禁止穿戴蒙面罩袍), January 17, 2015, <http://politics.people.com.cn/n/2015/0117/c1001-26403482.html>.

³⁴ China Youth Network, “Xinjiang Man Gets 6 Years for Beard, Wife Receives 2 Years for Wearing Face Veil” (新疆男子留大胡子获刑 6 年 妻子蒙面获刑 2 年), March 29, 2015, <http://domestic.firefox.163.com/15/0329/09/1GEQFO2BPKT3ZYJ4.html>.

³⁵ CHRDR interview with a Uyghur Muslim living in China, 2016.

³⁶ “Please Save Chengdu Mosque From Imminent Demolition,” April 23, 2016, <https://www.facebook.com/photo.php?fbid=705210832952053&set=pcb.705211749618628&type=3&theater>.

³⁷ Jiang Jie, “Xinjiang Underground Preaching Sites Shut Down: Islamic Leader,” *Global Times*, March 8, 2016, <http://www.globaltimes.cn/content/972451.shtml>.

³⁸ The white paper claimed that there was no interference from authorities during Ramadan, however, restaurants have been told to not serve during this period. Bai Tiantian, “China releases Xinjiang’s religion freedom white paper, dispels misreading of Ramadan rules,” *Global Times*, June 2, 2016, <http://www.globaltimes.cn/content/986639.shtml>; *BBC Chinese*,

“Chinese Authorities Tighten Control Over Fasting During Ramadan” (穆斯林斋月前中国当局加紧控制封斋), June 16, 2015, http://www.bbc.com/zhongwen/simp/china/2015/06/150616_china_xinjiang_ramadan.

³⁹ While the government has expanded the number of Muslims permitted to make the hajj pilgrimage, up from 2,000 in 1995, the number is still relatively small at 14,500 and the trips are still monitored. *China Daily*, “14,500 Chinese make Hajj pilgrimage,” August 20, 2016, http://news.xinhuanet.com/english/2016-08/20/c_135617890.htm; State Administration for Religious Affairs, “Notice Concerning Regulations on Pilgrimage at Own Expense” (关于自费朝觐若干规定的通知), January 28, 1995, <http://www.sara.gov.cn/zcfg/bmgz/6601.htm>.

⁴⁰ Neil Connor, “China’s Catholics: ‘Rome May Betray Us, But I Won’t Join a Church Which Is Controlled by the Communist Party,’” *Daily Telegraph*, April 4, 2016, <http://www.telegraph.co.uk/news/2016/04/03/chinas-catholics-rome-may-betray-us-but-i-wont-join-a-church-why/>.

⁴¹ “Five entries” refer to churches that have to accept and follow: government policies and regulations, health care activities, popular science and culture, assist and help the poor, and harmonious design and construction. Five transformations refer to indigenizing religion, standardizing management, localizing theology, making finances transparent, and instructing Christian teachings within Chinese context. “What Are the ‘Five Entries and Five Transformations’?” (什么是“五进五化”?), August 4, 2016, http://www.360doc.com/content/16/0804/11/20959170_580696077.shtml.

⁴² Ethnic and Religious Affairs Committee of Zhejiang Province, “Longwan District Haibin Launch ‘Five Entries Into Churches’ Activities” (龙湾区海滨街道开展“五进教堂”活动), October 28, 2014, <http://www.zjsmzw.gov.cn/Public/NewsInfo.aspx?id=0ce0b131-6e0d-43e0-b85d-0e23d48d0ac6>.

⁴³ Pew Research Center, “Global Christianity, Appendix C: Methodology for China,” 2011, <http://www.pewforum.org/files/2011/12/ChristianityAppendixC.pdf>.

⁴⁴ Ian Johnson, “China Seeks Tighter Grip in Wake of a Religious Revival,” *The New York Times*, October 7, 2016, <http://www.nytimes.com/2016/10/08/world/asia/china-religion-regulations.html>.

⁴⁵ CHR, Submission to UN on Three House Churches, December 17, 2015, <https://www.nchrd.org/2016/01/submission-to-un-on-three-house-churches-kwok-yu-him-december-17-2015/>.

⁴⁶ Zhejiang Provincial Government. “Notice Regarding Implementation of a Three-Year Plan of ‘Three Rectifications, One Demolition’ Throughout Zhejiang,” http://www.zj.gov.cn/art/2013/3/13/art_13012_77021.html.

⁴⁷ *Gospel Times*, “Zhejiang Christian Association and Catholic Church for the First Time Publicly Demand an End to Demolition of Crosses,” July 11, 2015, <http://www.gospeltimes.cn/news/36652/%E6%B5%99%E6%B1%9F%E5%9F%BA%E7%9D%A3%E6%95%99%E5%8D%8F%E4%BC%9A%E3%80%81%E5%A4%A9%E4%B8%BB%E6%95%99%E4%B8%A4%E4%BC%9A%E9%A6%96%E6%AC%A1%E5%85%AC%E5%BC%80%E5%A3%B0%E6%98%8E%E8%A6%81%E6%B1%82%E5%81%9C%E6%8B%86%E5%8D%81%E5%AD%97%E6%9E%B6>.

⁴⁸ One pastor, Bao Guohua (包国华), and his wife were convicted of financial crimes and imprisoned for 14 and 12 years, respectively, as they led efforts in defending their church. *BBC Chinese*, “Zhejiang Church Case: Bao Guohua and Xing Wenxiang Given Harsh Sentences” (浙江教案：包国华、刑文香牧师夫妻遭重判), February 26, 2016, http://www.bbc.com/zhongwen/simp/china/2016/02/160226_china_church_trial; In 2015, Beijing-based human rights lawyer Zhang Kai (张凯) was held incommunicado for seven months as he was providing legal aid to detained Christians. CHR, Individuals Affected by July 9 Crackdown on Rights Lawyers, (Accessed October 25, 2016), <https://www.nchrd.org/2015/07/individuals-affected-by-july-10-crackdown-on-rights-lawyers/>.

⁴⁹ CHR, Portrait of a Defender – Hu Shigen (胡石根), <https://www.nchrd.org/2016/01/hu-shigen-%E8%83%A1%E7%9F%B3%E6%A0%B9/>.

⁵⁰ CHR, Portrait of a Defender – Zhang Shaojie (张少杰), <https://www.nchrd.org/2014/09/prisoner-of-conscience-zhang-shaojie/>.

⁵¹ *Global Times*, “China Publishes Official List of Cults In the Country, Extreme Cases Are Not Uncommon,” June 7, 2014, <http://world.huanqiu.com/exclusive/2014-06/5013985.html>.

⁵² Minghui, “2014 Persecution Statistics: 983 Falun Gong Practitioners Tried, 635 Sentenced,” January 15, 2015, <http://en.minghui.org/html/articles/2015/1/15/147980.html>.

⁵³ Four human rights lawyers—Jiang Tianyong (江天勇), Tang Jitian (唐吉田), Wang Cheng (王成), and Zhang Junjie (张俊杰)—were seized, tortured, and administratively detained in Heilongjiang Province after trying to expose a “legal education center,” a black jail in Jiansanjiang City that was mostly holding Falun Gong practitioners. Other lawyers also faced harassment and other forms of mistreatment for taking on Falun Gong cases. See: CHR, “End Violence Against Human Rights Lawyers,” (Accessed November 10, 2016), <https://www.nchrd.org/2015/10/end-violence-against-human-rights-lawyers/>; CHR, “China Has Obligation to End Violence Against Lawyers,” April 3, 2014, <https://www.nchrd.org/2014/04/china-has-obligation-to-end-violence-against-lawyers/>.

2.9. Administrative Detention: Involuntary Commitment to Psychiatric Institutions

By Social-Economic Rights Watch

1. Since China's 2nd UPR, the Chinese government took a positive step in abolishing the administrative detention system, Re-education Through Labor (RTL), in December 2013.¹ However, the government failed to provide redress for past victims of the system who had been tortured and arbitrarily detained.² Another form of administrative and extra-judicial detention that continues to be used is involuntary commitment in psychiatric institutions. It is possible Chinese authorities are continuing to use this type of detention despite legal restrictions in order to fill the void left after the abolishment of RTL.
2. The government accepted recommendation 186.118 (Sweden) that China should "[e]nsure that any reformed prison or compulsory care system meets international human rights standards, and abolish system of arbitrary detention, including Re-Education Through Labour." In responding to this recommendation, the government claimed that this recommendation was "being implemented" and pointed out that "[t]he amended Criminal Procedure Law of China clearly stipulates that compulsory mental health treatment for mentally ill people should be decided by courts."³ The government also responded to recommendation 186.118 (Canada) that China must "[r]elease all people in administrative detention for political reasons" by repeating its response given to the United States (186.115): "There is no one in China who is kept in administrative detention for political reasons."⁴
3. The government's statements do not reflect the fact that other forms of administrative detention remain in operation, and also that the amended CPL has not been fully implemented in regard to involuntary psychiatric commitment, which remains a common form of extra-judicial detention for activists and government critics in China.
4. Despite enacting its first Mental Health Law (MHL) in May 2013, the government has failed to halt involuntary psychiatric commitment as a form of political persecution. The MHL stipulates that forced psychiatric commitment be based on a qualified physician diagnosing someone with a "serious mental disorder" and assessing that they have caused harm to, or are at risk of harming, themselves or others.⁵ MHL calls for a "voluntary" principle and, at the very least, approval from the individuals' guardians. In criminal cases, the Criminal Procedure Law (CPL) only permits a court to approve an involuntary commitment on the recommendation of a procuratorate, and it does not allow government officials or public security police to act unilaterally to institutionalize anyone.⁶
5. Because the MHL does not require a court order, police or other government officials who send someone to a psychiatric institution usually do not have one. Since the MHL took effect, government officials or police have continued to commit petitioners, human rights activists, and critics of the government to psychiatric hospitals against their will, without obtaining a diagnosis of mental illness from qualified physicians or where no perceived threat of violence exists.
6. China's Supreme People's Procuratorate released regulations in February 2018 to further standardize supervision of compulsory psychiatric treatment by police.⁷ One aim of the regulations is to prevent police from falsely classifying healthy individuals as having a mental illness. If properly enforced, such oversight could strengthen the implementation of the MHL. However, new regulations and procuratorial supervision is unlikely to prevent such abuses continuing in politically-sensitive cases involving human rights defenders as police already ignore existing legislation in some cases. Furthermore, such regulations only apply in criminal cases.
7. China does not release comprehensive statistics on involuntary psychiatric commitment. One Chinese NGO, Civil Rights and Livelihood Watch (CRLW), has documented hundreds of cases in China of forced psychiatric detention on political grounds between 2009 to 2016.⁸ The director of

the NGO has been indicted, at the time of writing, on charges of “inciting subversion of state power” for the NGO’s activities. Prosecutors cited the NGO’s release of reports on involuntary psychiatric commitment of HRDs as evidence of “subversion.”⁹

8. Cases show that authorities have ordered hospital personnel to detain such individuals and medicate them as they see fit in order to “discipline” them or make them obey rules in the institutions.¹⁰ Besides illegal detention, individuals involuntarily committed for political reasons are usually deprived of visitors, including attorneys, and are blocked from seeking judicial review of their institutionalization.¹¹ These practices clearly violate the MHL, which requires the treatment facilities and their staff to inform the patient or their guardian of their rights during diagnosis and treatment (Article 37) and allow the patient to have communications and meetings with visitors (Article 46). Detainees can also face myriad physical abuses, often used as punishment, that constitute torture or other forms of cruel, inhumane, and degrading treatment. These include beatings, forced injections of unidentifiable drugs, electric shocks, and having their hands, legs, and torsos tied to hospital beds.¹²
9. One emblematic example is Xing Shiku (邢世库), a labor activist who had been detained and abused in a psychiatric hospital in Heilongjiang Province from 2009 to 2015 on orders of the local government.¹³ The UN Working Group on Arbitrary Detention in May 2014 had issued an opinion that Xing had been arbitrarily detained in the psychiatric facility because of the peaceful expression of his views.¹⁴ In a recent case from May 2017, dissident writer Ren Naijun (任迺俊) was sent to Shanghai Minhang District Mental Health Center after being released from detention. Police lacked evidence to pursue a criminal case but were determined to continue to deprive Ren of his liberty.¹⁵ Chinese NGO CRLW stated in its 2017 annual research report on mental health and human rights that it is still very easy to involuntarily commit a healthy individual to a psychiatric hospital, and that the mechanisms for filing complaints, appeals, and lawsuits are inadequate.¹⁶
10. UN human rights treaty bodies have repeatedly raised serious concerns over these above practices and made specific recommendations for their abolition. The Committee against Torture (CAT) raised its concern in its November 2015 review of China that involuntary psychiatric commitment breaches the Convention against Torture (Articles 2, 11, and 16). CAT noted that “compulsory psychiatric institutionalization” has been “allegedly used to detain [criminal] suspects without accountability,” and that “local police impose such measures without any judicial process.”¹⁷ CAT further stated that the Chinese government has not responded with clarity to inquiries about forced psychiatric commitment.¹⁸
11. In 2012, the UN Committee on the Rights of Persons with Disabilities (CRPD) raised concern that involuntary confinement is used as a tool to maintain public security, and was “disturbed” that individuals with “actual or perceived impairments” had been subjected to such detentions, which violates the Convention in regard to liberty and security of persons, and freedom from torture (Articles 14 and 15). CRPD recommended the government abolish all forms of involuntary civil commitment based on actual or perceived impairments and cease subjecting such individuals to therapies,¹⁹ but Chinese authorities have ignored these recommendations.

¹ *Xinhua News Agency*, “China abolishes reeducation through labor,” December 28, 2013, http://www.chinadaily.com.cn/china/2013-12/28/content_17202294.htm.

² *Ibid.*

³ China’s full reply to Sweden (118): “The amended Criminal Procedure Law of China clearly stipulates that the compulsory mental health treatment for mentally ill people should be decided by courts. At present, the relevant Chinese authorities are formulating rules to regulate the treatment, rehabilitation, management, diagnose and assessment conducted by the institutions of compulsory mental health treatment and the protection of the rights of the people under compulsory mental health treatment. As for re-education through labour, see 186.117.” UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1, 2014.

⁴ China's full reply to 186.115: "There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law." UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review."

⁵ Articles 30- 36 deal with in-patient therapy. Mental Health Law of the People's Republic of China (中华人民共和国精神卫生法), 2012, http://www.npc.gov.cn/huiyi/cwh/1129/2012-10/27/content_1741177.htm.

⁶ Article 285, Criminal Procedure Law of the People's Republic of China (中华人民共和国刑事诉讼法), (1996, amended 2012), http://www.gov.cn/flfg/2012-03/17/content_2094354.htm.

⁷ "Supreme People's Procuratorate issues regulation to further standardize supervision of medical decisions to prevent healthy individuals from being "falsely" diagnosed or "subjected" to compulsory mental health treatment" (最高检出台《规定》进一步规范强制医疗决定监督工作 坚决防止和纠正“假精神病”“被精神病”), February 26, 2018, http://www.spp.gov.cn/xwfbh/wsfbt/201802/t20180226_367788.shtml.

⁸ Civil Rights & Livelihood Watch (CRLW), "Database of Forcible Psychiatric Commitment" (被精神病数据库), 2009-2016, <http://www.msguancha.com/plus/list.php?tid=14>.

⁹ CRLW, "Procuratorate Indictment Sheet Accuses Civil Rights & Livelihood Watch's Liu Feiyue of "6 Major Criminal Charges" (检方起诉书指控民生观察刘飞跃“六大罪状”), January 17, 2018, <http://msguancha.com/a/lanmu4/2018/0117/16941.html>.

¹⁰ CHR, *China Human Rights Briefing April 29-May 5, 2016*, <https://www.nchrd.org/2016/05/chrb-forced-psychiatric-commitment-of-dissidents-continues-as-police-act-above-enacted-law-429-55-2016/>.

¹¹ Human Rights Watch, "China: End Arbitrary Detention in Mental Health Institutions," May 3, 2013, <https://www.hrw.org/news/2013/05/03/china-end-arbitrary-detention-mental-health-institutions>; CHR, *China Human Rights Briefing November 8-13, 2013*, <https://www.nchrd.org/2013/11/chrb-six-months-after-mental-health-law-implemented-involuntary-psychiatric-commitment-continues-118-13-2013/>; CHR, *China Human Rights Briefing September 12-18, 2014*, <https://www.nchrd.org/2014/09/chrb-new-cases-of-forced-psychiatric-commitment-detentions-of-prominent-writer-democracy-activist-912-182014/>; CHR, *China Human Rights Briefing May 8-14, 2015*, <https://www.nchrd.org/2015/05/chrb-forced-psychiatric-detention-persists-2-years-after-china-enacted-mental-health-law-58-142015/>; CHR, *China Human Rights Briefing April 29-May 5, 2016*, <https://www.nchrd.org/2016/05/chrb-forced-psychiatric-commitment-of-dissidents-continues-as-police-act-above-enacted-law-429-55-2016/>; Stanley Lubman. "Political Psychiatry: How China Uses 'Ankang' Hospitals to Silence Dissent," *Wall Street Journal*, April 19, 2016, <https://blogs.wsj.com/chinarealtime/2016/04/19/political-psychiatry-how-china-uses-ankang-hospitals-to-silence-dissent/>; For analysis of the system from before the MHL, see: CHR, "The Darkest Corners": Abuses of Involuntary Psychiatric Commitment in China, August 2012, <https://www.nchrd.org/2012/08/the-darkest-corners-abuses-of-involuntary-psychiatric-commitment-in-china/>.

¹² Ibid.

¹³ CHR, Portrait of a Defender - Xing Shiku (邢世库), <https://www.nchrd.org/2016/03/xing-shiku/>.

¹⁴ UN Human Rights Council, Opinion No. 8/2014 (China) on Mr Xing Shiku, in Opinions adopted by the Working Group on Arbitrary Detention at its sixty-ninth session, 22 April – 1 May 2014, <https://www.nchrd.org/wp-content/uploads/2013/12/Opinion-No.-8-2014-China.pdf>.

¹⁵ CRLW, "Shanghai's Ren Naijun Sent to Psychiatric Hospital Due to Speech Crime" (上海任迺俊“因言获罪”被关精神病院), January 16, 2018, <http://msguancha.com/a/lanmu51/diliushiwuqi/2018/0105/16886.html>.

¹⁶ CRLW, "2017 Annual Report on Mental Health and Human Rights (Involuntary Psychiatric Commitment)" (2017 年中国精神健康与人权(被精神病) 年终总结), February 14, 2018, <http://msguancha.com/a/lanmu2/2018/0214/17050.html>.

¹⁷ Committee against Torture (CAT), Concluding observations on the fifth periodic report of China, December 2015, CAT/C/CHN/CO/5, para 42. https://www.nchrd.org/wp-content/uploads/2016/01/CAT_COB-2015.pdf.

¹⁸ CAT, Concluding observations on the fifth periodic report of China, paras. 42, 55.

¹⁹ Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of China, October 2012, CRPD/C/CHN/CO/1, paras. 25-8.

2.10 Independence of Lawyers & Access to Justice

By Independent Association of Human Rights Lawyers in China

1. Since China's 2013 UPR, human rights lawyers have faced a severe government crackdown, rule of law reform has gone backwards, and the environment for practicing law has rapidly worsened. The reality on the ground contrasts sharply with the government's acceptance of 12 recommendations during China's 2nd UPR that urged the government to respect due process rights and protect lawyers in order for them to practice their profession freely and independently (186.50 (Niger), 186.55 (Slovakia), 186.117 (Germany), 186.123 (Timor Leste), 186.124 (Singapore), 186.125 (Kyrgyzstan), 186.126 (Nigeria), 186.129 (Hungary), 186.130 (Cape Verde), 186.131 (Finland, Canada), 186.132 (Timor Leste), 186.134 (Djibouti)). China claimed recommendations 117 and 123 were "already implemented" and did not accept 186.115 (USA).
2. The deteriorating situation also diverges greatly from the promise China made in its "voluntary pledge" to the Human Rights Council when it bid for an HRC seat in 2016—that "The rights of Chinese lawyers in their professional capacity will be protected in accordance with the law"¹—as well as China's 2012-15 National Human Rights Action Plan.
3. In recent years, the Chinese government has released new regulations ostensibly aimed at safeguarding the rights of lawyers. However, in reality, these regulations and legislative changes have created new restrictions on lawyers' speech in court, in some cases leading to the detention and conviction of lawyers. They have also weakened the already fragile regulatory framework for protecting lawyers.
4. In July 2015, the government launched a sweeping crackdown on lawyers who challenged police or judicial authorities' abuses of their clients' legal rights. The crackdown affected more than 300 lawyers and activists. It exemplified the deteriorating situation for the independence of the legal profession in China. The period from the beginning of the 2015 crackdown to the present has been a low point for independence of lawyers since the legal profession was reinstated in the late 1970s, following the Cultural Revolution. Meanwhile, the number of cases involving human rights lawyers facing criminal prosecution and administrative penalties continues to grow. Civil society groups have documented dozens of cases of violent assaults on lawyers trying to carry out their professional duties, but perpetrators of these acts have rarely been held accountable.

New laws & regulations targeting human rights lawyers

5. Several existing national laws and government regulations purportedly stipulate the rights and responsibilities of lawyers; however, they also contain provisions that undermine the independence of lawyers and deny lawyers their rights to freedom of expression, assembly, and association. Such legislation includes the Lawyers Law (amended 2012), the Criminal Procedure Law (amended 2012), and several regulations issued by the Ministry of Justice.² Despite a specific provision in the Lawyer's Law on protecting the lawyers' right to practice law and prohibiting interference in their work,³ many provisions directly contradict that clause with overbroad and vague restrictions. Lawyers can be held legally liable for speech in court if it is deemed to "endanger national security" (Article 37); are prohibited from "inciting" others to settle cases by "disrupting public order" or "endangering public security" (Article 40); and can face suspension of their licenses or disbarment, fines, or criminal prosecution for the above provisions as well as if they allegedly "leak state secrets" (Article 49). Authorities have used these provisions as a pretext to retaliate against human rights lawyers, as with the law license suspension of lawyer Li Jinxing (李金星) in 2016 and disbarment of lawyer Zhu Shengwu (祝圣武) in 2017.⁴ Other legislative changes and government regulations have, on paper and in practice, overridden any safeguards for lawyers laid out in law.
6. Amendments to the Criminal Law that went into effect in 2015 have codified the criminalization of lawyers' speech in court trials. Specifically, changes to the crime of "disrupting courtroom

order” grants authorities broad powers to interpret lawyers’ speech as “insulting,” “threatening,” or “disruptive”—an offense punishable by up to three years in prison (Article 309). Alleged violators of this provision will also face disbarment. The article now provides a legal pretext for judges to punish lawyers for challenging the legality of court proceedings when defending their clients. For example, a Changsha court convicted lawyer Xie Yang (谢阳) of “disrupting court order” in 2017 for his representation of villagers in a land dispute.⁵ The Committee Against Torture expressed concerns about the article’s overbroad language in its December 2015 Concluding Observations, stating that it is “open to abusive interpretation and application” and could deter lawyers from raising criminality in their clients’ defense “for fear of reprisals.”⁶

7. Administrative measures issued by the Ministry of Justice have been used to restrict lawyers’ professional rights. The “Measures for the Annual Inspection and Evaluation of Law Firms” (2010) have been openly criticized by lawyers and legal scholars. The measures establish an administrative system of license renewal for individual lawyers and law firms that the government and state-controlled “lawyers’ associations” have used to intimidate or penalize lawyers for exercising independence in defending clients.⁷ In November 2016, revisions to two other Ministry of Justice measures, on the management of law firms and the practice of law by lawyers, went into effect. These measures seriously undermine the independence of lawyers with new restrictions on lawyers’ freedom of expression, assembly, and association.⁸ In October 2016, hundreds of Chinese lawyers signed an open letter calling for measures on law firms to be repealed, as the new provisions could lead to lawyers being dismissed by their law firms for expressing dissent or challenging abuses of their clients’ rights, for gathering to discuss defense strategies, or for complaining about abusive police behavior.⁹ In 2017, authorities conducted searches and “inspections” of three law offices known to take on politically sensitive cases, citing the revised measures on law firms as justification.¹⁰ Lawyer Wu Youshui (吴有水) was placed under investigation for writing negative comments about the Chinese Communist Party, which was banned under the revised measures.¹¹ (Judicial authorities later suspended his law license for nine months in punishment.)
8. New ministry-level provisions on lawyers released in September 2015 have not been effective in protecting lawyers’ rights.¹² These provisions include many stipulations that were already included in existing laws and regulations, but which had been largely disregarded by authorities. One welcome step is that they include new language on ending violence against lawyers. However, the provisions fail to specify an independent body to investigate such allegations of violence against lawyers,¹³ and authorities turned away four lawyers who tried to utilize the new complaints system in June 2016.¹⁴
9. The 2015 provisions were put into effect just months after police, judicial authorities, and state-run media began a coordinated crackdown on human rights lawyers through mass detentions, raids, interrogation, and other forms of intimidation and persecution. Many lawyers were portrayed as “criminals” in official media, including through “confessions” on state television. The new provisions have been flagrantly violated since their inception, and complaints over abuses ignored. For example, Article 8 of the provisions requires the detention center to provide a signed document from a detainee if they terminate their legal representation, or an in-person meeting. However, from January to March 2016, lawyers representing 11 detainees in Tianjin were told by the detention center that they had been “fired,” but these lawyers were neither allowed to meet their clients nor provided with documentation signed by a detainee verifying such claims.¹⁵ Authorities have additionally claimed that these detainees “hired” government-approved lawyers, who have not challenged law-enforcement’s abuse of due process rights or defended their client at trial on the principle of innocent until proven guilty.¹⁶

2015 crackdown on lawyers

10. China’s record on protecting lawyers and the independence of the legal profession can be assessed through the government’s 2015 crackdown against human rights lawyers. From the outset of the

crackdown, police ignored or perverted Chinese laws and the country's Constitution. Authorities are suspected of gross abuse of power. Police summoned for questioning more than 300 lawyers and activists, raided three law firms, put dozens under secret detention for at least six months, and convicted nine individuals, including three lawyers. Tianjin authorities conducted widely criticized show trials in August 2016 that lasted just a few hours before convicting four individuals of "subversion of state power."¹⁷ Currently, five individuals are serving prison sentences ranging from three to eight years, and one lawyer is still awaiting trial.¹⁸

11. The crackdown involved violations of rights enshrined in the Constitution and serious breaches of China's Criminal Procedure Law, Criminal Law, and Lawyers Law.¹⁹ Police twisted legal loopholes to deny basic due process rights in adopting compulsory measures on those detained. For the first six months of detention, families received no notification of their loved ones' whereabouts or status, as authorities exploited a heavily criticized provision in the Criminal Procedure Law (CPL) to put detainees under "residential surveillance in a designated location" (RSDL).²⁰ Police used both loopholes and illegal means to deprive the vast majority of detainees of the right to legal counsel of their choice, raising concerns that the individuals may have been subjected to torture or other inhumane and degrading treatment.²¹ Several lawyers later revealed after being released that they had been tortured and mistreated in RSDL, including being beaten, deprived of sleep for extended periods of time, and forced to take an unknown medication, supposedly for "high blood pressure," despite not suffering from the condition.²²
12. Authorities undermined detainees' presumption of innocence by smearing their names in state media prior to formal arrest or trial.²³ Further raising suspicion of torture or mistreatment, authorities aired "confessions" of some of the detainees who had not been granted access to their lawyers or families, including lawyer Wang Yu (王宇) in August 2016 after she had been granted "bail," and lawyers Zhou Shifeng (周世锋), Xie Yang, and Jiang Tianyong (江天勇) during their respective trials in August 2016, and May and August 2017.²⁴ At least 17 individuals, including Wang Yu and Xie Yang, were not allowed to contact their supporters or family for months after being released on bail and "confessing," in some instance being held in police custody in a guesthouse or another location.²⁵
13. Lawyers of the detained lawyers and activists themselves faced pressure from police, judicial authorities and lawyers' associations, including with threats to withdraw their representation of still-detained lawyers.²⁶ Four lawyers of crackdown detainees—Wang Qiushi (王秋实), Ren Quanniu (任全牛), Li Yuhan (李昱函), and Yu Wensheng (余文生)—were themselves taken into custody in January and July 2016, October 2017, and January 2018, respectively.²⁷ At the time of this submission, Li Yuhan and Yu Wensheng remain in police custody. Authorities also banned 24 human rights lawyers from traveling abroad on "national security" grounds.²⁸
14. Additionally, family members of the detained lawyers have faced "collective punishment" by virtue of association, including travel restrictions, CCTV cameras installed outside their homes, evictions from residences, denied admission to schools, and, in some cases, brief periods of detention and house arrest.²⁹

Deteriorating conditions for the legal profession

15. As described above, rapidly worsening conditions have made practicing criminal law in China, especially for "sensitive" cases involving human rights, a politically high-risk profession. Lawyers who represent detained dissidents, activists, or other human rights lawyers tend to have little access to their clients within the initial 48 hours of detention, even though these standards are stipulated in the CPL and Lawyers' Law. In a number of well-documented cases, lawyer access has been denied for weeks or even months. The most egregious case is that of the ongoing deprivation of legal counsel for lawyer Wang Quanzhang. At the time of submission, Wang has been held incommunicado since he was first taken into custody, in August 2015.³⁰

16. Exploiting loopholes in the law, police often cite concerns of “national security” in rejecting lawyers’ requests to meet detainees, and there is no provision for a lawyer to challenge this decision before a judge.³¹ Furthermore, police have vastly expanded the scope of the law by denying lawyers’ visits to detainees held on suspicion of many other offenses that do not involve “national security,” including “disturbing public order” and “picking quarrels and provoking trouble.” Police have utilized a loophole in Ministry of Public Security regulations which allow police to categorize nearly any crime as an offense which “endangers national security.”³²
17. When lawyers challenge police or judicial officials’ breaches of the law, by speaking up publicly, filing complaints to authorities, or raising objections in court hearings, they put themselves at great risk of physical assault by state agents. From March 2013 to December 2017, the NGO CHRD documented 31 such incidents—involving 42 lawyers—with none of the alleged perpetrators facing criminal charges. In only one case did authorities investigate and offer compensation to an assaulted lawyer, but they claimed that the officer involved merely “misused force” and did not press to criminally prosecute him.³³
18. For years, the annual license review by judicial authorities has been used by the government to intimidate lawyers who are outspoken or provide legal counsel to detained dissidents or human rights activists. For instance, the licenses of lawyers Wang Quanping (王全平) and Liu Shuqing (刘书庆) were cancelled in 2014 and 2016, respectively, in reprisal for challenging abuses of their clients’ rights at detention facilities or in trial proceedings.³⁴ In 2017, at least four rights lawyers did not “pass” the annual inspection: Liang Xiaojun (梁小军), Lin Qilei (蔺其磊), Qin Chenshou (覃臣寿), and Yu Wensheng.³⁵ In February 2015, more than 100 lawyers sent an open letter to the National People’s Congress, calling on the legislative body to repeal the 2010 Ministry of Justice measures that put in place this annual review, arguing they are outside the scope of the Lawyers Law.³⁶ At least 38 Chinese lawyers pledged not to take part in the review in 2016.³⁷ One lawyer who refused to participate in the review had his law firm’s license cancelled in February 2018 as a result.³⁸
19. A wave of administrative punishments of lawyers began in late 2017 and early 2018, targeting lawyers who continued to take on human rights cases. In the space of six months, judicial authorities disbarred two lawyers, cancelled the law license of another, and suspended a fourth lawyer for nine months. As justification, judicial authorities cited the lawyers’ speech on social media, or their behavior in court.³⁹
20. Even before the July 2015 crackdown, Chinese authorities had resorted to criminal prosecution to rein in lawyers who challenged obstruction of justice. In one example, prominent lawyer Pu Zhiqiang (浦志强) was convicted and given a suspended sentence in 2015 over social media comments. Authorities used Pu’s online speech to justify silencing the outspoken lawyer.⁴⁰ Other examples include four lawyers criminally detained in 2014 after they agreed to represent clients held in politically-sensitive cases.⁴¹ One of these lawyers, Xia Lin (夏霖), received a 12-year prison sentence in September 2016, which was later reduced to 10 years on appeal.⁴² In China, the criminal conviction of a lawyer results in the permanent cancellation of their license, which essentially costs a lawyer their professional law career, as happened with, among others, Shandong lawyer Shu Xiangxin (舒向新) and lawyer Pu Zhiqiang.⁴³

¹ UN General Assembly, “Letter dated 1 August 2016 from the Permanent Representative of China to the United Nations addressed to the President of the General Assembly,” A /71/294.

² Law of the People’s Republic of China on Lawyers, 2007, http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471604.htm; Criminal Procedure Law of the People’s Republic of China (中华人民共和国刑事诉讼法), 1979, amended 2012, http://www.gov.cn/flfg/2012-03/17/content_2094354.htm; Administrative Measures for the Practice of Law by Lawyers (律师执业管理办法), 2008, amended 2016, http://www.gov.cn/gongbao/content/2016/content_5113014.htm; Administrative Measures for Law Firms (律师事务所管理

办法), 2008, amended 2016, http://www.gov.cn/gongbao/content/2016/content_5109321.htm; Measures for the Annual Inspection and Evaluation of Law Firms (律师事务所年度检查考核办法), 2010, http://www.moj.gov.cn/lsgzgzds/content/2010-04/09/content_3000046.htm?node=278.

³ Article 3 of the Lawyers' Law states "The legal practice of lawyers according to law shall be protected by law. No unit or individual shall infringe the lawful rights and interests of lawyers."

⁴ Chen, Te-Ping, "Chinese Human-Rights Lawyer's Legal License Is Suspended," *Wall Street Journal*, December 2, 2016, <https://www.wsj.com/articles/chinese-human-rights-lawyers-legal-license-is-suspended-1480681832>; Yang, Fan, "China Strikes Off Defense Lawyer in 'Steamed Buns' Presidential Nickname Case," *Radio Free Asia*, September 21, 2017, <http://www.rfa.org/english/news/china/china-strikes-off-defense-lawyer-in-steamed-buns-presidential-nickname-case-09212017123315.html>.

⁵ Xinhua, "Former lawyer convicted of inciting subversion: court," December 26, 2017, http://www.xinhuanet.com/english/2017-12/26/c_136852619.htm; China Change (translation), "Bill of Indictment Against Human Rights Lawyer Xie Yang," December 16, 2016, <https://chinachange.org/2017/01/11/bill-of-indictment-against-human-rights-lawyer-xie-yang/>.

⁶ Committee against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, para. 18.

⁷ See, Eva Pils, *China's Human Rights Lawyers: Advocacy and Resistance*, 2014, Routledge Press.

⁸ The amended Measures on the Practice of Law by Lawyers include a new provision (Article 2) that demands: "As a basic requirement to practise, lawyers should endorse Communist Party leadership and socialist rule of law". Under Chapter 4 of the amended Measures, officials have inserted new clauses that would restrict lawyers' speech, association, assembly (Articles 37, 38, 39, 40). CHRDR, China Human Rights Briefing September 21-October 3, 2016, <https://www.nchrd.org/2016/10/chrb-revised-measures-on-law-firms-further-curb-independence-of-chinese-lawyers-921-103-2016/>.

⁹ Lucy Hornby and Christian Shepherd, "Chinese lawyers make open protest over online advocacy curbs," *Financial Times*, October 11, 2016, <https://www.ft.com/content/92c9e24e-8f96-11e6-a72e-b428cb934b78>; Zhao Yusha, "Fresh petition urges withdrawal of new regulation on law firms," *Global Times*, October 12, 2016, <http://www.globaltimes.cn/content/1010814.shtml>;

¹⁰ See, for example: Lawyer Rights and Interests Net, "Survey Team Formed by Beijing Municipal Bureau of Justice and Other Departments Entered Beijing Daoheng Law Firm to Conduct Inspection" (北京市司法局等多部门组成的调查组入驻北京道衡律师事务所检查), September 15, 2017, http://lvshiquanyiguanzhu.blogspot.com/2017/09/blog-post_15.html; RFA, "Chinese Officials Search Law Firm of Top Human Rights Lawyer," September 18, 2017, <http://www.rfa.org/english/news/china/search-09182017193815.html>.

¹¹ *Global Times*, "Lawyer under investigation for negative comments about Party, govt," July 18, 2017, <http://www.globaltimes.cn/content/1056912.shtml>.

¹² Supreme People's Court, the Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, "Provisions on Ensuring the Practice Rights of Lawyers in Accordance with Law" (关于依法保障律师执业权利的规定), September 21, 2015, http://www.spp.gov.cn/flfg/gfwj/201509/t20150921_104855.shtml.

¹³ There are new measures to stop violence, humiliation, threats and reprisals against lawyers (Article 3), but lawyers are not optimistic that they will be enforced. This is because the new system does not set up an independent or impartial body to investigate complaints. Instead, they are handled by the "organ that is handling the case or to its superior organ" or the people's procuratorate (Article 41 and 43).

¹⁴ Rights Defense Network (RDN), "Four Lawyers Files Request with All China Lawyers Association to Protect Their Rights Over Infringement on Professional Rights of Lawyers" (四律师就多起侵害律师执业权事件赴全国律协要求维权), June 13, 2016, https://wqw2010.blogspot.de/2016/06/blog-post_74.html.

¹⁵ CHRDR, *China Human Rights Briefings March 15-21, 2016*, <https://chrdnet.com/2016/03/chrb-forced-switch-to-police-appointed-lawyers-further-erodes-protections-for-detained-rights-defenders-315-321-2016/>.

¹⁶ CHRDR, *Repression & Resilience: Annual Report on the Situation of Human Rights Defenders (2017)*, p. 8, <https://www.nchrd.org/2018/02/2017hrd-report/>.

¹⁷ CHRDR, "China: End Show Trials, Free Human Rights Lawyers & Other Defenders," August 8, 2016, <https://www.nchrd.org/2016/08/china-end-show-trials-free-human-rights-lawyers-other-defenders/>; European Union External Action Service, "Statement by the Spokesperson on the conviction of Chinese lawyers and other human rights defenders on charges of state subversion," August 5, 2016, http://eeas.europa.eu/statements-eeas/2016/160805_03_en.htm; US State Department, "Sentencing of Lawyers and Rights Activists in China," August 6, 2016, <https://www.state.gov/r/pa/prs/ps/2016/08/260913.htm>.

¹⁸ CHRDR, *Individuals Affected by July 9 Crackdown on Rights Lawyers*, (Accessed January 10, 2018), <https://www.nchrd.org/2015/07/individuals-affected-by-july-10-crackdown-on-rights-lawyers/>.

¹⁹ CHRd, *China Human Rights Briefing August 12-20, 2015*, <https://chrnet.com/2015/08/chr-what-happened-to-the-detained-lawyers-18-held-in-secret-several-accused-of-endangering-national-security-812-202015/>.

²⁰ A de facto form of incommunicado detention, the UN called on the Chinese government to repeal this provision “as a matter of urgency” in December 2015. CAT, Concluding observations on the fifth periodic report of China, para. 15.

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

²² China Human Rights Lawyers Concern Group, “Torture and Other Cruel, Inhumane or Degrading Treatments in the 709 Crackdown – a Summary of Cases (9 July 2015 – 9 July 2017),” [http://www.chrlawyers.hk/sites/default/files/20170709-Torture in the 709 Crackdown %28ENG%29.pdf](http://www.chrlawyers.hk/sites/default/files/20170709-Torture%20in%20the%20709%20Crackdown%20ENG%29.pdf); CHRd, Portrait of a Defender – Xie Yang, <https://www.nchrd.org/2016/09/xie-yang/>; Wang, Yu, “The Nightmare – An Excerpt of Lawyer Wang Yu’s Account of 709 Detention and Torture,” from *The People’s Republic of the Disappeared: Stories From Inside China’s System for Enforced Disappearances*, <https://chinachange.org/2017/11/13/the-nightmare-an-excerpt-of-lawyer-wang-yus-account-of-709-detention-and-torture/>.

²³ *Xinhua News Agency*, “Ministry of Public Security Exposes Dark Secrets of ‘Rights Defense’ (公安部揭开“维权”事件黑幕), July 11, 2015, <http://politics.people.com.cn/n/2015/0712/c1001-27290030.html>; *Legal Daily*, “Explaining the ‘Rights Defense’ Ring in One Graphic” (一图读懂“维权”圈), July 13, 2015, http://www.legaldaily.com.cn/zt/content/2015-07/13/content_6168094.htm?node=73108; CHRd, “China: Halt Police Operations Targeting Human Rights Lawyers as ‘National Security’ Threat,” July 13, 2015, <https://www.nchrd.org/2015/07/china-halt-police-operations-targeting-human-rights-lawyers-as-national-security-threat/>.

²⁴ Philip Wen, “A confession few believe: Chinese rights lawyer Wang Yu is ‘freed,’” *Southern Morning Herald*, August 2, 2016, <http://www.smh.com.au/world/a-confession-few-believe-chinese-rights-lawyer-wang-yu-is-freed-20160801-gqipos.html>; *Xinhua News Agency*, “Following Beijing Fengrui Law Firm Case: Law Firm Director Zhou Shifeng Confesses” (北京锋锐律所案追踪: 律所主任周世锋认罪忏悔), July 18, 2015, <http://politics.people.com.cn/n/2015/0719/c1001-27325554.html>; Josh Chin, “China Court Says Lawyer Retracts Torture Charge; Wife Calls Trial a Farce,” *Wall Street Journal*, May 8, 2017, <https://www.wsj.com/articles/china-court-says-lawyer-retracts-torture-charge-wife-calls-trial-a-farce-1494259101>; Chris Buckley, “Activist Confesses to Subversion in Chinese Show Trial,” *The New York Times*, August 22, 2017, <https://www.nytimes.com/2017/08/22/world/asia/jian-tianyong-trial-china-activist-human-rights.html>.

²⁵ As of November 20, 2016, they are: Gou Hongguo (沟洪国), Zhai Yanmin (翟岩民), Bao Longjun (包龙军), Gao Yue (高月), Li Shuyun (李姝云), Liu Yongping (刘永平), Lin Bin (林斌), Wang Yu (王宇), Zhao Wei (赵威), Huang Liqun (黄力群), Zhang Kai (张凯). CHRd, “Individuals Affected by July 9 Crackdown on Rights Lawyers,” (Accessed November 20, 2016); Ng Yik-tung and Lee Lai, “‘Bailed’ Chinese Rights Lawyers Under Round-The-Clock Surveillance,” *Radio Free Asia*, September 21, 2016, <http://www.rfa.org/english/china-lawyers-09212016102201.html>.

²⁶ Two lawyers for Wang Quanzhang withdrew their representation following threats from police. Another lawyer was compelled by police to not take on Wang Yu as a client.

²⁷ CHRd, Portrait of a Defender – Li Yuhan, <https://www.nchrd.org/2017/12/li-yuhan/>; CHRd, “Politically Charged Arrests in China Escalate Persecution of Rights Lawyers,” January 14, 2016, <https://www.nchrd.org/2016/01/politically-charged-arrests-in-china-escalate-persecution-of-rights-lawyers/>; CHRd, *China Human Rights Briefing July 1-13, 2016*, <https://www.nchrd.org/2016/07/chr-what-happened-to-the-detained-lawyers-18-held-in-secret-several-accused-of-endangering-national-security-812-202015/>; CHRd, *China Human Rights Briefing September 13-20, 2016*, <https://www.nchrd.org/2016/09/chr-police-stamp-out-protests-in-wukan-village-new-developments-in-709-crackdown-cases-913-20-2016/>.

²⁸ RDN, “Feng Zhenghu: Citizens’ Right to Leave the Country - 33 Lawyers And Others Restricted From Leaving the Country For Engaging in Rights Defence” (冯正虎: 公民出境权——33名律师等人被限制出境及维权表现), February 5, 2016, <http://wqw2010.blogspot.hk/2016/02/33.html>.

²⁹ Michael Forsythe, “Bao Zhuoxuan, Son of Rights Lawyer Held in China, Is Said to Be Under House Arrest,” *The New York Times*, October 12, 2015, <http://www.nytimes.com/2015/10/13/world/asia/china-bao-zhuoxuan-son-wang-yu-rights-lawyer-house-arrest.html>; RDN, “Wang Quanxiu (Wang Quanzhang’s Older Sister): Record of Events of These Past Two Days” (王全秀(王全璋姐姐): 发生在这两天的事), April 29, 2016, http://wqw2010.blogspot.se/2016/04/blog-post_434.html; Mimi Lau, “Chinese police hold four wives of rights activists seized in ‘709 crackdown,’” *South China Morning Post*, July 30, 2016, <http://www.scmp.com/news/china/policies-politics/article/1996637/chinese-police-hold-four-wives-rights-activists-seized>; Human Rights Campaign in China, “709 Crackdown: ‘Subversion’ Trial of Zhai Yanmin: Home Searched, Wife’s Cellphone Seized and She is Put Under House Arrest” (“709大抓捕事件”翟岩民涉嫌颠覆国家政

权案庭审 住处被查抄 妻子手机被抢并遭软禁), August 2, 2016, http://www.hrcchina.org/2016/08/709_2.html; Civil Rights & Livelihood Watch, “Family of Lawyer Li Heping Forced to Move and One Day Later Again Chased Away” (李和平律师家属被迫搬家一天后再遭驱赶), August 19, 2016, <http://msguancha.com/a/lanmu4/2016/0819/14811.html>; RDN, “Chen Guiqiu (Lawyer Xie Yang’s wife) 709 Detainees Family Are Guilty by Association, Go on Holiday Yet No Freedom?” (陈桂秋 (谢阳律师妻子) : 709 案当事人家属被株连, 休假也没有自由?), August 25, 2016, https://wqw2010.blogspot.hk/2016/08/709_52.html; RDN, “709 Crackdown Notice: Guilt by Association Targets Preschooler – Wang Quanzhang’s son already enrolled in school but national security prevent him from attending” (709 大抓捕通报: 株连肆虐以至幼儿, 王全璋律师儿子入学报名已办妥手续被国保阻挠致无法入学), August 31, 2016, https://wqw2010.blogspot.hk/2016/08/709_31.html; RDN, “Yuan Shanshan: Situation of Lawyer Xie Yanyi’s Family” (原珊珊: 谢燕益律师家庭近况), September 14, 2016, <https://wqw2010.blogspot.hk/2016/09/2016914.html>.

³⁰ At the time of this report’s release, the following eight individuals have not been granted access to a lawyer since being taken into custody between May-October 2015. Li Chunfu (李春富), Li Heping (李和平), Liu Sixin (刘四新), Tang Zhishun (唐志顺), Wang Quanzhang (王全璋), Wu Gan (吴淦), Xie Yanyi (谢燕益), and Xing Qingxian (幸清贤). CHR, Individuals Affected by July 9 Crackdown on Rights Lawyers, (Accessed November 20, 2016); CHR, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees.”

³¹ Under Article 37 of the CPL, lawyers’ visits with clients held on suspicion of crimes endangering national security, terrorism, or involving significant amounts of bribes must first be approved by investigating organs. See also, CHR, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees.”

³² The “Ministry of Public Security Provision on Procedures for Handling Criminal Cases” detail the procedures for investigating organs to approve or reject lawyers’ requests to visit clients held on suspicion of national security or terrorism. However, it goes on to give an expanded definition of crimes that “endanger national security” in Article 374: Crimes of “endangering national security” in this provision include those included in 102-112 of the Criminal Law *as well as other crimes that endanger national security*: terrorist activities, including generating terror in society, endangering public safety, or threatening state agencies or foreign organizations; use of violent, destructive, or threatening means to plot to kill or injure people, inflict serious harm, damage public infrastructure, create social chaos; and other serious crimes that harm social stability. “Ministry of Public Security Provision on Procedures for Handling Criminal Cases” (公安机关办理刑事案件程序规定), <http://www.mps.gov.cn/n2254314/n2254409/n2254443/n2254452/c3708286/content.html>; For example, police at Daye City Detention Center in Hubei Province denied lawyer Lin Qilei (蔺其磊)’s request to visit his client Yin Xu’an on April 6, 2016. Yin is held on suspicion “picking quarrels and provoking troubles.” RDN, “Hubei Human Rights Defender Yin Xu’an Case Notice –Lawyer Not Allowed Visit” (湖北人权捍卫者尹旭安案情通报——律师仍无法获见), April 7, 2016, http://wqw2010.blogspot.no/2016/04/blog-post_7.html; Officials from Zhengzhou No. 3 Detention Center in Henan Province denied lawyers visits for 10 weeks to eight activists and two lawyers held on suspicion of crimes of “illegal business activity” and “picking quarrels and provoking troubles.” CHR, *China Human Rights Briefing July 4-10, 2014*, <https://www.nchr.org/2014/07/chrb-curtailling-church-based-rights-activism-authorities-sentence-christian-pastor-to-12-years-in-prison-july-4-7-2014/>.

³³ CHR, End Violence Against Human Rights Lawyers, (Accessed October 13, 2016), <https://chrnet.com/2015/10/end-violence-against-human-rights-lawyers/>.

³⁴ CHR and Coalition of NGOs, “Information Submission to the UN Committee Against Torture for Consideration in List of Issues,” February 9, 2015, para 6 (c), <https://chrnet.com/2015/02/chrd-information-submission-to-the-un-committee-against-torture-for-the-review-of-the-fifth-periodic-report-of-china-february-2015/>; CHR, *China Human Rights Briefing January 28-February 3, 2016*, <https://chrnet.com/2016/02/chrb-government-reprisals-assault-imprisonment-torture-cancellation-of-a-lawyers-license-128-242016/>.

³⁵ CHR, “End 2-Year Crackdown on Lawyers, Hold Chinese Government Accountable,” July 6, 2017, <https://www.nchr.org/2017/07/end-2-year-crackdown-on-lawyers-hold-chinese-government-accountable/>.

³⁶ RDN, “121 Mainland Lawyers: Repeal Ministry of Justice ‘Method of Law Firms Annual Review Examination’ Application” (121 名大陆律师: 撤销司法部《律师事务所年度检查考核办法》的申请书), February 28, 2015, <http://wqw2010.blogspot.se/2015/02/121.html>.

³⁷ RDN, “38 Chinese Lawyers Issue Joint Statement About Not Participating in Illegal Annual Assessment and Examination, Jointly Boycott Illegal Annual Assessment and Examination (中国 38 名律师联署不参加违法年度检查考核声明, 共同抵制违法的年度检查考核), April 18, 2016, <http://wqw2010.blogspot.com/2016/04/38.html>.

³⁸ RDN, “Lawyer Chang Hai: Beijing Wutian Law Firm’s Illegal Compulsory Cancellation Situation” (程海律师: 北京悟天律师所被非法强制注销经过和初步维权情况), February 13, 2018, http://wqw2010.blogspot.co.uk/2018/02/blog-post_29.html.

³⁹ CHR, “China Strips Rights Lawyers’ Licenses in Reprisal Against Their Push for Rule of Law,” January 24, 2018, <https://www.nchr.org/2018/01/china-strips-rights-lawyers-licenses-in-reprisal-against-their-push-for-rule-of-law/>.

⁴⁰ CHR, Portrait of a Defender – Pu Zhiqiang (浦志强), <https://chrnet.com/2014/06/prisoner-of-conscience-pu-zhiqiang/>.

⁴¹ Lawyers Chang Boyang (常伯阳), Ji Laisong (姬来松), Xia Lin (夏霖) and Yu Wensheng (余文生). CHRD, *China Human Rights Briefing June 28-July 3, 2014*, <http://chrdnet.com/2013/06/chr-detention-of-a-dozen-activists-in-shanghai-following-their-call-on-xi-jinping-to-respect-human-rights-june-28-june-29-2014/>; CHRD, Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests, (Accessed October 27, 2016), <http://www.chrdnet.com/2014/10/individuals-detained-in-mainland-china-for-supporting-hong-kong-pro-democracy-protests/>.

⁴² CHRD, “China: Overturn Unjust Verdict & Release Lawyer Xia Lin,” September 22, 2016, <https://www.nchrd.org/2016/09/china-overtun-unjust-verdict-release-lawyer-xia-lin/>.

⁴³ CHRD, *China Human Rights Briefing January 1-7, 2016*, <https://chrdnet.com/2016/01/chr-torture-of-chinese-human-rights-lawyer-emblematic-of-persistent-pattern-of-official-reprisal-abuse-11-7-2016/>; CHRD, Portrait of a Defender – Shu Xiangxin (舒向新), <https://chrdnet.com/2016/01/shu-xiangxin-%E8%88%92%E5%90%91%E6%96%B0/>; CHRD, Portrait of a Defender – Pu Zhiqiang, <https://www.nchrd.org/2014/06/prisoner-of-conscience-pu-zhiqiang/>.

Chapter 3: Economic & Social Rights

3.1 Women's Rights in China

By Women's Rights Monitor, Anti-Discrimination Legal Aid Group, and CHRD

1. The Chinese government has made public pledges and taken some steps in legislation to protect women's rights and promote gender equality. In its bid for membership on the Human Rights Council in 2013, the government promised to eliminate gender discrimination in employment.¹ The State acknowledged in its 2014 report to CEDAW that China still faces problems and challenges in eliminating gender discrimination in many aspects of life.² In its National Human Rights Action Plan (2012-2015), the government promised to "make efforts to eliminate gender discrimination in employment and realize equal payment for men and women doing the same work." However, in its June 2016 assessment of the Action Plan's implementation, it provided no evidence of having taken any concrete actions to reach the target.³ The World Economic Forum's Global Gender Gap Report in 2017 ranked China 100th in terms of gender inequality among 144 countries (1 = full equality).⁴
2. In this report, we assess the implementation of the 2013 UPR recommendations concerning women's rights, i.e., 186.84 (Central African Republic), 88 (Palestine), 91 (Moldova), 92 (Bolivia), 93 (Eritrea), 95 (Moldova), 96 (Romania), 97 (Mali), 98 (Botswana), 135 (Egypt), and 177 (Iceland).⁵ China accepted all 11 recommendations and claimed that 5 of them had already been implemented (186.88, 92, 96, 97 & 98) and one of them was being implemented (186.177). We also report on concerning developments in the situation of women's rights in China since the 2013 UPR.

Weak laws & lack of effective measures to combat employment discrimination

3. China's legal framework for protecting women's right to equal pay for equal employment remains inadequate, and measures to effectively implement these laws have fallen far short. In responding to Bolivia (186.92) and Iceland's (186.177) recommendations on eliminating gender discrimination in employment and guarantee equal pay for equal work, the government claimed that it had "already implemented" Bolivia's recommendation and Iceland's was "being implemented." The government then made a sweeping and unrealistic statement that "there is no gender discrimination" in China.⁶ The government instead pointed to existing legislation, though it provided no evidence that these laws are implemented or women enjoy equal employment rights.
4. In the Chinese Constitution, there is a provision on equal pay for equal work (Article 48) and the principle is included in the Law on the Protection of the Rights and Interests of Women (Article 23), but there is no separate and specific legislation on the principle, an issue CEDAW raised in 2014.⁷ The lack of full legislation on the issue means the problem has persisted, and pay disparity has been worsening.
5. The World Economic Forum's 2017 Gender Gap Report found that women in China earn 64 percent of what men earn, showing a small decrease in wage equality for similar work.⁸ The number went down 1% from 2015.⁹ According to a January 2015 report released by a Chinese university, 19 percent of women responded that they believed men received higher pay for equal work, and 33 percent of respondents believed that men were more frequently considered for promotion even if a female employee had equal qualifications. The report also indicated that 61 percent of female graduates and 29.14 percent of all working-age women faced gender discrimination while looking for a job in 2014.¹⁰
6. China's Labor Law, Law on the Protection of Rights and Interests of Women, and Law on Promotion of Employment formally guarantee equal rights of women, but they fail to provide a clear definition of discrimination, and contain discriminatory provisions—for instance, those that authorize the state to decide on the "suitability" of types of employment for women.¹¹ Chinese law

prohibits women from working in certain types of employment involving physical labor or under certain conditions when they are menstruating.¹² China's National Program for Women's Development (2011-2020) also promotes the concept of legally proscribed "unsuitable" positions for women.¹³

7. Existing laws and regulations also fail to establish mechanisms to seek legal accountability from those who violate the laws. The Promotion of Employment Law provides that an employee can file a lawsuit in court over discriminatory practices (Article 62), but there are no specific stipulations establishing an administrative supervisory body to prevent employers from retaliating against those who filed complaints about discrimination. In March 2016, the Ministry of Education released a notice reminding universities not to distribute companies' hiring advertisements that contain gender discriminatory qualifications.¹⁴ However, the notice fails to provide guidelines for universities to report companies that issue such discriminatory job ads.
8. In 2015, a group of students set up an organization that reported 244 companies on suspicion of gender discrimination to the labor supervision authorities, but none of the companies was investigated by the relevant government department.¹⁵ There have been only a handful of court cases on gender discrimination and the first ever gender discrimination lawsuit was settled out of court in 2014.¹⁶ While several subsequent cases were ruled by courts in favor of the plaintiffs, the courts only penalized the employers with small fines.¹⁷ The light punishments are unlikely to deter employers in China from continuing discriminatory practices.
9. Persistent stereotypical portrayal of women's roles in society underlies many problems, including that of discriminatory hiring and employment practices. For example, schools and government sponsored social programs in China have in recent years promoted so-called "women's morality education."¹⁸ In November 2014, CEDAW expressed its concerns over the "persistence of deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society," and recommended the government allow an independent body to monitor its efforts to eliminate gender stereotypes.¹⁹ For the 2013 UPR, China "accepted" the recommendation by Moldova (91)—to eradicate stereotypes of the role of women—but the government has not taken concrete steps in implementing it.
10. UN independent experts have continued to raise the issue of gender discrimination in employment in China. The Working Group on the issue of discrimination against women in law and in practice, in a report on its visit to China in December 2013, highlighted its concern about the continued discrimination against women in "recruitment, wages, and dismissals."²⁰ In June 2014, CESCR called on China to take concrete measures to eliminate the disparity between men and women in employment.²¹ In November of the same year, CEDAW recommended China "provide dispute resolution mechanisms for women who seek justice for discrimination in employment."²² CEDAW also called on China to enact a comprehensive definition of discrimination against women in law to combat this systematic and structural problem.²³ None of these recommendations have been implemented.

New anti-domestic violence law fails to provide adequate protections

11. Domestic violence is very common in China. Approximately 25 percent of married women experience violence at some point, according to numbers provided by the government in 2011.²⁴ China took a step forward by adopting its first Anti-Domestic Violence Law in December 2015 and enacting it in March 2016 after decades of advocacy for such legislation by women's rights activists and academics.²⁵ One positive element is that the law clearly defines domestic violence to include mental abuse (Article 2). But the law has several serious flaws. Based on the assessment below, we consider that the UPR recommendation by Moldova (186.95) to adopt a comprehensive law for combatting domestic violence has been *partially implemented*.
12. The law sets out principles for preventing and combating violence, but it lacks operability and

does not provide effective protection for victims. The law makes it clear that “the state prohibits domestic violence in any form” (Article 3), establishing the state’s (not just families’ or society’s) responsibility and victims have a right to state protection from domestic violence. It expanded the scope to include psychological violence and cover unmarried cohabitants in the same household.²⁶ However, as Chinese women’s rights NGOs point out, the law does not explicitly mention sexual violence and does not cover LGBT relationships.²⁷ The law also does not cover estranged or divorced couples.

13. The Anti-Domestic Violence Law authorizes a set of measures to prevent, halt, or penalize perpetrators of, domestic violence, including personal safety protection orders and a written warning system aimed at protecting victims (Article 29). The first protection orders were issued in September 2016.²⁸ However, the law stipulates that the orders are enforced by the local courts and fails to recognize the collective responsibility and the role of police, medical facilities, legal aid, and residential or village self-governing bodies (Article 32).²⁹ The law also fails to prescribe clear, specific and operable procedures and legal responsibilities for the measure of mandatory reporting and advanced warning system. Penalty for violating the protective orders is also rather light (Article 34).³⁰
14. China’s law-enforcement officers and judicial personnel need training and the government need to allocate resources to build shelters.³¹ The report based on field work conducted in 2016-17 by several non-government women’s rights organizations in China found that, compared to the prevalence of domestic violence and serious needs by victims, there were very few shelters and consequently very few victims would seek shelter in the 1st year after the law went into effect and there was significant regional disparity.³²
15. The new law does not include measures recommended by treaty bodies. In 2014, CESCR recommended that China provide victims adequate access to shelters for immediate physical protection, legal aid and medical services.³³ Also in 2014, CEDAW recommended adequately equipped shelters be made available and called on the government to “effectively investigate complaints, prosecute acts of violence against women, and adequately punish perpetrators.”³⁴

Population policy & defective laws fail to deter trafficking in women

16. There continue to be reports that females, including both women and girls, are trafficked both domestically and across borders for the purposes of sexual exploitation, forced marriage, illegal adoption, and forced labor. The government acknowledged the severity of this problem by announcing an Action Plan for Fighting Human Trafficking (2013-2020) in March 2013.³⁵ In 2014, CEDAW welcomed this Plan, but expressed concerns “about the absence of comprehensive anti-trafficking legislation and a lack of clarity as to whether domestic law criminalizes all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced labour, forced marriage and illegal adoption.”³⁶ In 2017, the US State Department’s annual report on trafficking in persons finds that “China is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. China’s internal migrant population, estimated to exceed 180 million people, is vulnerable to trafficking,” and concludes that the Chinese government “does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so.”³⁷
17. The Chinese government’s Action Plan for fighting trafficking fails to acknowledge a major consequence of the government’s birth control policy—severe gender imbalance, which has major impacts on the trafficking of females. A shortage of females in China’s demography in recent years, in relation to males, has contributed to trafficking of women for forced marriage. While family-planning policies have been relaxed—to allow for two births per married couple in general, as of January 2016—the existence of state-mandated restriction on the number of children still makes girls vulnerable to abandonment and trafficking. The State’s birth control policy has led to gender-selective abortion or abandonment of female infants and has deterred parents from

reporting cases of missing children to authorities for fear of penalties for breaking the birth control policy.³⁸ In 2017, China “remains the world’s lowest ranked country with regard to the gender gap in its sex ratio at birth,” according to the World Economic Forum’s 2017 Global Gender Gap Report.³⁹

18. Legislative changes made to China’s Criminal Law (CL) neither fully comply with international standards nor effectively combat human trafficking. Article 240 in the CL, which was revised in 2011,⁴⁰ punishes trafficking in women, but still does not explicitly criminalize trafficking for the exploitative purposes of forced labor, debt bondage, or involuntary servitude, which are often the conditions of women trafficked into the sex industry; and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to which China is a party, prohibits these types of human trafficking, indicating that China does not apply the international definition of human trafficking.⁴¹ Furthermore, while traffickers can and do face criminal punishment in China,⁴² purchasers of trafficked victims are not held legally accountable under this law.⁴³ The government reported fewer investigated trafficking cases and fewer convictions of traffickers in 2016 than in 2015.⁴⁴ However, such numbers are likely screwed due to China’s broader definition of human trafficking than the international definition, whereas the Chinese definition may include human smuggling, child abduction, forced marriage, and fraudulent adoptions.
19. The government did not provide sufficient data for assessing the number of victims its services assisted and to what extent the victims actually accessed any physical and psychological rehabilitation services, though the government claims that it had “accepted and already implemented” the UPR recommendation about access to such services by Mali (186.97). The Chinese government reported opening shelters for trafficking victims and multi-purpose shelters available, but it has not provided data on the number of women trafficking victims who have received any such “rehabilitative or legal services,” or the number of victims who have accessed shelters with such services. Psychological health services for such victims are believed to be inadequate, and the accessibility and effectiveness of other services, including for vocational training, remain unclear.⁴⁵

Suppression of civil society groups providing legal aid & other services to women

20. Counter to claims made by the government, China has not “supported non-governmental organizations or their efforts to provide legal aid services to women.”⁴⁶ The government reported its support to groups through a “public interest lottery legal aid fund,” but the State-run All China Women’s Federation selects groups to benefit from the funds.⁴⁷ In the past few years, Chinese authorities have shut down or harassed organizations that work independently to advocate women’s rights or provide services.⁴⁸ NGOs affected included those that provided services and advocated for rural women’s land rights, women’s political participation, and elimination of gender discrimination in education and the workplace.⁴⁹
21. Since 2014, the government has suppressed with greater intensity women’s rights advocates,⁵⁰ including female NGO personnel. In March 2015, authorities criminally detained five Chinese feminists and women’s rights activists who had planned to raise awareness about sexual harassment on public transportation by distributing stickers and pamphlets on March 8, International Women’s Day. The women—Li Tingting (李婷婷), Wang Man (王曼), Wei Tingting (韦婷婷), Wu Rongrong (武嵘嵘), and Zheng Churan (郑楚然)—were associated with independent groups focusing on women’s rights and LGBTQ rights. After a domestic and international outcry, the women were let go in early April 2015, on “bail awaiting further investigation.” The case of the “Five Feminists” marked a new level of government intolerance for groups working on women’s rights. Though bail conditions were lifted on these five activists in the spring of 2016, they have continued to be subjected to police surveillance and harassment,⁵¹ as have other women’s rights advocates.

22. At the same time, authorities raided the office of a group with which some of the women were affiliated—the Beijing Yirenping Center, a public health and anti-discrimination NGO, whose operations have since been drastically reduced. In May 2015, police forced the closure of the Weizhiming Women’s Center in Hangzhou. Weizhiming, which had run campaigns against gender discrimination in the labor market, violence against women, and sexual harassment on public transport.⁵²
23. Two new laws in China—the Charity Law (adopted March 2016) and the Overseas NGO Domestic Activities Management Law (adopted April 2016)—have placed severe limitations on the operations of Chinese NGOs, potentially including those that have provided legal aid and other services to victims of domestic violence or trafficking. The two laws have tightened rules about raising funding and seeking other forms of operational support, thus weakening or eliminating some groups’ capacities. Under the Charity Law, tighter restrictions on overseas funding of civil society groups have led to the closure of some legal aid institutions. Already under threat from authorities even before these laws went into effect, a Chinese foundation, which had provided travel funding for lawyers who provide legal aid, closed its doors in March 2016.⁵³

Failure to effectively promote women’s participation & leadership in political & public life

24. China has largely failed to “accelerate women’s full and equal participation in elected and appointed bodies,” and thus has not implemented such a recommendation by CEDAW (2014). Although the government said in its 2016 follow-up report to CEDAW that it has “actively implemented quotas and other temporary special measures in order to promote women’s participation in politics,”⁵⁴ the government has not promoted women’s participation and equal role in decision-making bodies. The government follow-up report stated that, in 2015, 51.9 percent of the people working for the national government were women, but it did not provide data and it is unclear how many of these women were in decision-making roles.
25. Since 2014, Chinese authorities have not amended laws to promote participation by women in legislative bodies at both national and local levels. In 2015, authorities revised China’s Election Law, which regulates people’s congress elections, but the relevant stipulations lack specific and measurable targets for women delegates. Instead, it states the vague goal that “[a]mong the deputies to the National People’s Congress and local people’s congresses at various levels, there shall be an *appropriate number* of women deputies, and the proportion thereof shall be *raised gradually*.”⁵⁵
26. Women remain seriously underrepresented, especially at the highest levels of CCP and government leadership, as China has consistently failed to meet the 30 percent goal for women’s political participation, which was set by States in the 1995 Beijing Declaration and Platform for Action and reiterated in China’s 2011-2020 Women’s Development Program.⁵⁶ As of August 2017, there are only two female heads of the 25 ministry-level agencies⁵⁷ and no women provincial-level CCP secretaries. There has never been a woman on the Communist Party Politburo Standing Committee (the highest-level of CCP decision making body). The current 25-member Party Politburo (the second-highest body) selected at the 19th CCP Congress has only one woman. The Central Committee (the third-highest body) has 204 members, only 9 of them are women, a decrease from ratio of female members on the previous Central Committee (8.8 percent).⁵⁸
27. Women are also underrepresented in China’s national-level legislative and advisory bodies. The percentage of women in the National People’s Congress (NPC) has hovered around 21 percent since the late 1970s, according to Chinese government data.⁵⁹ Currently, in the 12th NPC (2013-2018), women delegates hold 23.4 percent of the seats and 15.5 percent of the NPC Standing Committee positions. The percentage of women in the advisory body, the Chinese People’s Political Consultative Conference (CPPCC), is even lower; women hold just 17.8 percent of the total seats, and only 11.8 percent of the CPPCC Standing Committee positions.⁶⁰ Moreover, the

12th NPC's "decision" on representation⁶¹ merely states that the "proportion of women representatives" in the next NPC (2018-2023) "*will be higher* than in the previous National People's Congress."⁶²

28. At the local levels, female representation on village committees has been far below that of males, and official goals, set rather low, are still not met. China's Organizational Law on Villagers Committees stipulates that these committees "should" have women members, and that women "should" make up at least one-third of the total number of committee representatives.⁶³ Currently, the percentage of women in village committees falls short of these targets, and has not changed substantially since the early 1990s. According to government data, in 2014, the national average percentage of women on village committees was 22.8 percent, an increase of just 1.8 percent from 1993.⁶⁴ Reports by independent election watchers in China note that, in violation of the standards prescribed in law and policies, some village committees have no women representatives at all.⁶⁵ In China's most recent Human Rights Action Plan, issued in 2016, the government had pledged that, by 2020, female members "should" make up 10 percent or more of village committee chairpersons and 30 percent or more of the total number of committee members.⁶⁶ However, it is unclear what measures the government is taking to reach these targets.
29. In addition, the practice of women taking stereotypically gender-specific roles in public offices or political positions remains pervasive. As one CPPCC delegate once noted that women on village committees mostly focus on issues related to family planning.⁶⁷ Women tend to have large representation on urban neighborhood residential committees.⁶⁸ In 2014, women occupied 48.9 percent of positions in neighborhood residential committees.⁶⁹ However, the duties of these committees, such as mediating family disputes, watching out for local police, and carrying out government propaganda, are not politically significant, and committee members tend to be elderly retired women who receive small stipends from the government for serving on these committees.⁷⁰

Failure to promote & facilitate political participation & to protect rights of ethnic & religious minority women

Ethnic minority women's political participation

30. The Chinese government has not "safeguarded the rights of ethnic minority women to participate in and manage State and social affairs,"⁷¹ as it claimed that it did in its 2016 follow-up report to CEDAW. The government has failed to promote and facilitate the political participation of ethnic and religious minority women, and has thus not implemented the CEDAW's 2014 recommendation. In the Tibet Autonomous Region (TAR), authorities interfered with village and People's Congress elections on both political and religious grounds. For example, in 2014, CCP authorities in Ngari Prefecture drew up strict rules for eligibility for individuals to become village committee candidates. The provisions specified that candidates must be "politically trustworthy" (i.e., loyal to the CCP) and excluded individuals who had attended religious gatherings abroad organized by the Dalai Lama, or those who had "overseas connections" or even "communicated overseas."⁷² Moreover, Tibetan women face barriers to even becoming CCP cadres; according to an ethnic Tibetan activist interviewed, some villages with a high concentration of Tibetans do not have even one Tibetan woman serving as a Party cadre.⁷³
31. Ethnic minority women are severely underrepresented on the highest levels of CCP and government leadership in China's five ethnic minority autonomous regions. On the regional level, the Xinjiang Uyghur Autonomous Region (XUAR) and the Guangxi Zhuang Autonomous Region do not have a single ethnic minority female serving as a chairperson or vice chairperson, nor as a CCP secretary or vice secretary. The Inner Mongolia Autonomous Region has two ethnic Mongolian women in the regional government (of nine total chairs and vice chairs) and one ethnic Mongolian woman on its CCP Standing Committee (of 13 members). The Ningxia Hui Autonomous Regional Government has one ethnic Hui chairwomen (of eight total chairs and vice

chairs) and one ethnic Hui female vice secretary on its CCP Standing Committee (of 12 members). The TAR Government has one ethnic Tibetan women among its 14 total chairs and vice chairs.⁷⁴

32. The Chinese government did not provide information and it is difficult to assess the government's efforts, if any, to increase ethnic minority women's political participation. Specifically, the lack of data and transparency, including information about the results of local elections in China, makes it difficult to measure minority women's political participation.⁷⁵ While ethnic minority women are known to have been elected as local People's Congress representatives, researchers in China found that the government did not publicly release election results disaggregated by both candidates' ethnicity and gender. According to one researcher, academic studies in China focusing on local elections also do not include disaggregated data because of government opacity. Some observers believe that the apparent absence of public information may partly be due to the "political sensitivity" of ethnic minority issues, noting that even searching for such data could present personal risks.⁷⁶

Violations of religious & expression rights of ethnic minority women

33. The Chinese government has continued to deprive ethnic minority women's right to freedom of religion or belief, especially in the TAR (and other parts of western China) and in Xinjiang. On both regional and national levels, authorities have enacted laws and regulations that target religious freedoms on ethnic grounds. For example, though Article 27 of the National Security Law (July 2015) states that the government protects freedom of religion, the law also includes provisions on restricting and criminalizing religious or other spiritual practice, such as by "punishing the exploitation of religion to conduct illegal and criminal activities" and "maintaining the normal order of religious activities."⁷⁷
34. As part of the government's "anti-terror" propaganda campaign against "Islamic extremism" in the XUAR, officials across the region have standardized and expanded regulations on youth and children's participation in religious life, after rules had been previously enforced only in certain locations. Regulations promulgated in November 2016 allow police in Xinjiang to jail people for "encouraging" or "forcing" youth to take part in religious activities.⁷⁸ These rules supplement regulations put in place in specific prefectures in Xinjiang in October 2014, which already had restricted young Muslims' religious practices and prescribed detention for adults who brought Islamic religious materials home for their children.⁷⁹ In addition, China's Counter-Terrorism Law (adopted December 2015)⁸⁰ further criminalizes peaceful activities of Uyghurs and Tibetans by criminalizing members of these ethnic minorities on charges related to "terrorism."⁸¹
35. The government has subjected Muslim women, particularly in the XUAR, to legal restrictions on their religious practice and cultural customs. Regulations that went into effect on April 1, 2017, prohibit the "wearing or forcing others to wear full-face coverings."⁸² In Urumqi, officials had implemented a similar directive in 2015 to ban full-face and full-body coverings in all public places.⁸³ In March 2015, a Xinjiang court sentenced a woman in Kashgar City to two years in prison for wearing a face-covering veil.⁸⁴ International media reported in September 2017 that a Uyghur woman had received a 10-year prison sentence in Xinjiang, a punishment apparently related to an allegation that she encouraged fellow Muslim women to wear headscarves.⁸⁵
36. In addition, Muslim women face restricted freedom of movement both inside China and traveling abroad. China asserted that the government "has safeguarded the right of Muslim women to participate equally in pilgrimage activities."⁸⁶ But Muslim women's freedom of movement for such trips is still restricted, partly because pilgrimage trips are now organized, controlled and monitored by government authorities.⁸⁷ Since 2015, the Chinese government also has reportedly pressured governments of other countries, such as Thailand and Egypt, into forcibly deporting hundreds of Uyghurs to China. Many of these Uyghurs, including women and children, had left the country to seek asylum or refugee status in order to escape religious and ethnic persecution.⁸⁸

37. As the Chinese government has tightened its policing of free expression, including via online communications,⁸⁹ disseminating information about Islam via cyberspace can be grounds for criminal punishment. In one case, a Uyghur Muslim woman was detained in May 2017, for allegedly “sharing extreme religious ideology,” after she posted text and imagery on social media praising Allah.⁹⁰
38. In recent years, authorities have intensified CCP control over religious and political institutions in the TAR and other Tibetan areas. Government regulations have mandated that CCP authorities oversee and make decisions on the operations and administration of Tibetan Buddhist monasteries in order to protect “security” in Tibetan areas and achieve “harmony” in monasteries.⁹¹ This control system further impinges upon the rights of Tibetans to freedom of religion and association.⁹² By 2013, the government had placed tens of thousands of CCP cadres to villages, nunneries, and monasteries in the region.⁹³ CCP and government officials removed some ethnic Tibetans from management committees in nunneries and monasteries, replacing them with government and CCP appointees, and demanded that nuns and monks “demonstrate their support” for the CCP.⁹⁴ Since the summer of 2016, nuns have been among a large number of religious students and staff expelled by CCP authorities from Tibetan Buddhist academies and ordered to participate in “patriotic re-education.”⁹⁵
39. Chinese authorities have continued to detain and imprison Tibetan nuns and laywomen, with the majority of them persecuted in violation of their rights to freedom of religion and expression. According to data collected by a human rights NGO that focuses on ethnic Tibetans, at least 232 female Tibetans, including 133 nuns, were in detention centers or prisons, as of August 15, 2017.⁹⁶ Most have been charged with crimes related to “endangering state security,” “leaking state secrets,” and “intentional injury,” a charge tied to self-immolation. The government also criminalizes Tibetans’ mere possession of the Dalai Lama’s teachings or images, or for praying for his longevity.⁹⁷ In an example of how such acts are punished, two laywomen were among nine Tibetans given long prison sentences on December 6, 2016, reportedly in connection with a picnic held in July 2015 to celebrate the Dalai Lama’s birthday in Ngaba Tibetan and Qiang Autonomous Prefecture in Sichuan Province. The women, Bhonkho Kyi and Tarey Kyi, were sentenced to seven and eight years, respectively, convicted of “inciting separatism,” after they had been held incommunicado for months.⁹⁸

¹ The government said it would: “Further guaranteeing the rights to employment and economic resources, and equal participation in State and social affairs by minority ethnic groups, women and other special groups.” UN General Assembly, “Note verbale dated 5 June 2013 from the Permanent Mission of China to the United Nations addressed to the President of the General Assembly,” A/68/90.

² The government wrote in the state report: “Discrimination against women still exists in society; relevant laws are yet to be fully implemented in reality; women are not represented in significant numbers at senior levels of decision-making; women are still subjected to unequal treatment in village rules and customs in some rural areas in terms of resource allocation and benefits-sharing; many rural women’s job skills need to be further enhanced; women’s health services in remote areas need further improvement; violence against women still occurs; and there are still some women living in poverty.” Combined Seventh and Eighth Periodic Report of States Parties China to the Committee on the Elimination of Discrimination against Women, 2012, CEDAW/C/CHN/7-8, para. 52.

³ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. III, Sec 2., <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>; In the assessment, no mention was made of improvements on gender discrimination or for equal pay for equal work. Instead, the government claimed, “Women enjoy the equal right with men to employment” and cited as evidence that certain public servants have same age retirement levels as women and men, and that women account for 44.8 percent of all people employed in the country. Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. IV, Sec. 2, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.

⁴ World Economic Forum, “The Global Gender Gap Report 2017, p. 11 http://www3.weforum.org/docs/WEF_GGGR_2017.pdf.

⁵ There were two “poor” recommendations made in the area of women’s rights. Eritrea recommended that China “further expand and consolidate achievements made in promoting women’s rights and well-being in tandem with its policy and practice of protecting and promoting human dignity” (93). We regard this recommendation as “poor” because it assumes the

existence of certain “achievements,” both as a matter of “policy and practice,” in “protecting and promoting human dignity.” In the absence of such achievements, judging by both the government’s admission to CEDAW and the “concluding observations” of CEDAW’s recent review, it makes little sense to ask the state to “expand” and “consolidate” them. In addition, Egypt recommended that China “maintain its effective protection for the family as the fundamental and natural unit of society” (135). This recommendation is “poor” since it contains a problematic presumption, namely that China has “effective protection” for the family. In fact, current laws and practices are not “effective” and do not provide adequate protection.

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

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

⁸ World Economic Forum, “The Global Gender Gap Report 2017, p. 120
http://www3.weforum.org/docs/WEF_GGGR_2017.pdf.

⁹ World Economic Forum, “The Global Gender Gap Report 2015: China,” November 18, 2015,
<http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=CHN>.

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

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

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

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

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

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

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

¹⁷ The latest case is Gao Xiao, who won a case against the Guangdong Huishijia Economic Development Company, which owns a seafood restaurant, and was awarded 2,000 RMB (approx. 291 USD) in compensation in April 2016. She appealed, and the Guangzhou Intermediate People’s Court upheld the original compensation amount, but demanded the company issue a written apology. *Guangzhou Daily*, “Female cook wins lawsuit over gender discrimination in Guangzhou” (粤女厨师应聘遭性别歧视 状告酒楼获胜诉), September 22, 2016, [http://gd.sina.com.cn/news/m/2016-09-22/detail-ifxwevmc5124698.shtml?from=](http://gd.sina.com.cn/news/m/2016-09-22/detail-ifxwevmc5124698.shtml?from=;); In Hangzhou in November 2014, Huang Rong won her case against a cooking school, but was only awarded 2,000 RMB (approx. 291 USD) for “psychological pain.” She later sued again, demanding an apology from the company for discriminating against her because of her gender. Liu Jiaying, “Court Backs Woman Who Sued Cooking School over Employment Bias,” *Caixin*, November 14, 2014, <http://english.caixin.com/2014-11-14/100751283.html>; A women successfully sued China Post over firing her from a courier position because of her gender, the first such case against a State-owned company. *Xinhua News Agency*, “Female Graduate Wins Employment Discrimination Case” (女大学生打赢就业歧视官司), November 3, 2015, http://news.xinhuanet.com/local/2015-11/03/c_128386181.htm.

- ¹⁸ A search in Chinese for “女德班” (*nüdeban*) brings up many results for these classes. See also, a first-hand account from a woman who attended such a class: Women’s Discussion, “(东莞女德班: 不变贤妻不回家), <http://zhenhua.163.com/14/0610/19/9UDEGJR8000465TT.html>; Zhang Yiqian, “Commandments for wives,” *Global Times*, June 23, 2014, <http://www.globaltimes.cn/content/867105.shtml>; All-China Women’s Federation, “Henan Women’s Federation Launches Social Morality Lectures,” *Global Times*, August 27, 2013 <http://www.womenofchina.cn/womenofchina/html1/news/action/15/2159-3.htm>; ACWF, “Henan Holds Women’s Morality, Traditional Culture Forum,” April 12, 2013, <http://www.womenofchina.cn/womenofchina/html1/news/action/15/5993-1.htm>; One school in Dongguan City in Guangdong Province was ordered to stop offering the “women’s morality” classes in 2014, but only following widespread public outrage, and there has been no central approach to shutting down classes that promote antiquated stereotypes on the role of women. Dongguan City Government News Department, “Mengzheng School ‘Women’s Virtue Classes’ Ordered to Stop” (蒙正国学馆“女德班”已被责令停办), September 25, 2014, <http://www.dg.gov.cn/cndg/s35957/201409/798477.htm>.
- ¹⁹ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, paras. 24-25.
- ²⁰ UN Office of the High Commissioner for Human Rights (OHCHR), “Preliminary Observations and Conclusions of the Working Group on the issue of discrimination against women in law and in practice: End Visit to the People’s Republic of China from 12 to 19 December 2013,” December 19, 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14129&LangID=E>; see also, UN Human Rights Council, “Report of the Working Group on the issue of discrimination against women in law and in practice - Mission to China,” June 12, 2014, A/HRC/26/39/Add.2.
- ²¹ Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, May 2014, CESCR/E/C.12/CHN/2, para 16.
- ²² CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para 37.
- ²³ *Ibid.* para. 10
- ²⁴ The latest comprehensive data is from 2011. All-China Women’s Federation (ACWF) and China National Bureau of Statistics, “Report on Major Results of the Third Wave Survey on The Social Status of Women in China” (第三期中国妇女社会地位调查 主要数据报告).
- ²⁵ People’s Republic of China Anti-Domestic Violence Law (中华人民共和国反家庭暴力法), 2015, http://news.xinhuanet.com/legal/2015-12/27/c_128571791.htm.
- ²⁶ The definition of domestic violence is contained in Article 2 of the Law: “Domestic violence as used in this Law refers to physical, psychological or other infractions between family members effected through the use of methods such as beatings, restraints, maiming, restrictions on physical liberty as well as recurrent verbal abuse or intimidation.”
- ²⁷ “An Investigative Report on Anti-Domestic Violence Law Implementation,” 《反家庭暴力法》实施情况调研报告 Beijing Yuanzhong Gender Development Center, Beijing Weiping Women’s Organization, Beijing Tongyu, and Guangzhou New Media Feminism, March 15, 2017, <https://zhuanlan.zhihu.com/p/25781138> and https://mp.weixin.qq.com/s/s6wP1cNkS8VK7OGImwV_9Q According to the NPC Standing Committee spokesperson, the reason the law excludes homosexual couples is because “in China we have never discovered violence in homosexual relationships.” *China Daily*, “Anti-Domestic Violence ‘Persons Living Together’ Provision does not Cover Homosexuals” (反家暴法中“共同生活人”不包括同性恋), December 27, 2015, http://www.chinadaily.com.cn/micro-reading/china/2015-12-27/content_14436421.html.
- ²⁸ *People’s Daily*, “Anhui Issues First Personal Protection Order to a Man,” September 9, 2016, <http://www.womenofchina.cn/womenofchina/html1/features/rights/1609/1085-1.htm>;
- ²⁹ Some participants at a seminar on the domestic violence law held in June 2016 at the Chinese Institute of Applied Jurisprudence called for public security organs to enforce the personal safety protection orders, not the courts. *China Women’s News*, “Legal Experts Call on Public Security Organs to Execute Personal Protection Orders,” July 20, 2016, <http://www.womenofchina.cn/womenofchina/html1/news/china/1607/1904-1.htm>.
- ³⁰ Depending on the seriousness, ranging from a small fine of no more than 1,000 RMB (approx. 150 USD) or a maximum 15-day detention. ADV Law, Art. 34.
- ³¹ State media reported that, in October 2016, police issued an administrative penalty against a woman after she called police to report an incident of domestic violence. Police questioned the woman in front of her husband until she withdrew the complaint, and then penalized her for “filing a false report.” *China News*, “Woman Reports False Claim of Domestic Violence, Police Late at Night Diffuse Dispute” (女子报警谎称家暴 民警深夜化解纠纷), October 21, 2016, <http://www.hb.chinanews.com/news/2016/1021/262600.html>.
- ³² “An Investigative Report on Anti-Domestic Violence Law Implementation,” *ibid.*
- ³³ CESCR, Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, para 27.
- ³⁴ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 27.

³⁵ Information Office of the State Council, Action Plan for Fighting Human Trafficking of the State Council of the People's Republic of China, (2013-2020), (国务院办公厅关于印发中国反对拐卖人口 行动计划 (2013-2020 年), http://www.gov.cn/zwgc/2013-03/08/content_2349019.htm). The Action Plan is officially intended to address efforts to amend anti-trafficking law, improve interagency and international cooperation, boost anti-trafficking investigations, develop anti-trafficking awareness campaigns, and enhance victim protection services. Both local and central authorities have funded activities outlined in the plan; for instance, the Ministry of Public Security in 2015 contributed 55 million RMB (approx. 8.5 million USD) for local law-enforcement efforts and anti-trafficking campaigns. US Department of State, 2016 Trafficking in Persons Report, pp. 130-1, <http://www.state.gov/documents/organization/258876.pdf>.

³⁶ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 28.

³⁷ The US State Department, "2017 Trafficking in Persons Report," <https://www.state.gov/documents/organization/271341.pdf>, p. 126.

³⁸ CHRD, Report Submitted to UN Committee on the Elimination of Discrimination Against Women, September 2014, para. 18, <https://www.nchrd.org/2014/10/report-submitted-to-un-committee-on-the-elimination-of-discrimination-against-women-september-2014/>.

³⁹ World Economic Forum, "Global Gender Gap Report (2017)" http://www3.weforum.org/docs/WEF_GGGR_2017.pdf, p. 17.

⁴⁰ Article 240 of China's Criminal Law stipulates that: Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property: (1) being a ringleader of a gang engaged in abducting and trafficking in women and children; (2) abducting and trafficking in three or more women and/or children; (3) raping the woman who is abducted and trafficked; (4) enticing or forcing the woman who is abducted and trafficked to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution; (5) kidnapping a woman or child by means of violence, coercion or anaesthesia for the purpose of selling the victim; (6) stealing a baby or an infant for the purpose of selling the victim; (7) causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or (8) selling a woman or a child out of the territory of China. By abducting and trafficking in a woman or child is meant any of the following acts: abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim. Criminal Law of the People's Republic of China (中华人民共和国刑法), (1979, amended 2015), http://www.china.com.cn/policy/txt/2012-01/14/content_24405327_16.htm.

⁴¹ Article 3 (a), Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

⁴² Data on criminal punishments for human traffickers provided by the Chinese government are believed to be incomplete. Also, such statistics may not accurately reflect "trafficking" offenses based on international standards for such crimes (i.e., the purpose of such acts include exploitation through sex trafficking or forced labor). The government reported that it had arrested 1,932 alleged traffickers in 2015, compared with 194 that it had reported the year prior, and that government authorities had prosecuted 284 cases of sex trafficking and forced labor involving 486 suspected traffickers. In 2015, the government reported convicting 642 sex traffickers and 72 labor traffickers, compared with 35 total trafficking convictions in 2014. The statistics the government provided include data on other crimes, including the abduction and sale of women and children, for which the nexus to human trafficking was unclear. The Chinese government reported investigating 637 cases involving women and 756 cases involving children abducted and sold in 2015, 670 prosecutions involving 1,195 suspects, and the conviction of 1,362 perpetrators for the abduction and sale of women and children. US Department of State, 2016 Trafficking in Persons Report, p. 131, <http://www.state.gov/documents/organization/258876.pdf>.

⁴³ CHRD, Report Submitted to UN Committee on the Elimination of Discrimination Against Women – September 2014, paras. 16-17.

⁴⁴ According to the US Department of State, 2017 Trafficking in Persons Report, the government continued to provide some law enforcement data; it reported investigating 1,004 trafficking cases (1,414 in 2015) and convicting 1,756 traffickers (2,076 in 2015) in 2016.

⁴⁵ US Department of State, 2016 Trafficking in Persons Report, p. 132, <http://www.state.gov/documents/organization/258876.pdf>.

⁴⁶ CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, para. 4.

⁴⁷ Jiamusi Women's Net, "All-China Women's Federation Legal Aid Action' Project Administrative Measures (Provisional)" ("中国妇女法律援助行动"项目管理暂行办法(暂行)) March 7, 2014, <http://www.jmsfnw.org/article/list/view/id/143>.

⁴⁸ RDN, "Announcement of Authorities' Forced Closure of Chinese Women's Rights NGO 'Zhongze Women's Legal Counseling Service Center'" (中国女权NGO“众泽妇女法律咨询服务中心”遭当局强迫宣告解散), January 29, 2016, <http://wqw2010.blogspot.com/2016/01/ngo.html>.

⁴⁹ For example, in February 2016, authorities forced the closure of the Beijing Zhongze Women’s Legal Counseling Service Center, which for over two decades had provided legal assistance to women in tens of thousands of cases. The group’s shutdown, according to China’s State media, was due to a government investigation into suspected funding from the overseas-based Ford Foundation. CHRDR, “They Target My Human Rights Work as a Crime”: Annual Report on the Situation of Human Rights Defenders in China (2016), pg. 21, <https://www.nchrd.org/wp-content/uploads/2017/02/They-Target-My-Human-Rights-Work-As-a-Crime-CHRD-Report-on-the-Situation-of-Chinese-Human-Rights-Defenders-2016.pdf>.

⁵⁰ CHRDR, “UN Women: Press China to Protect, Not Persecute, Women Rights Defenders,” September 16, 2015, <https://www.nchrd.org/2015/09/un-women-press-china-to-protect-not-persecute-women-rights-defenders/>; CHRDR, “Help Free Chinese Women HRDs on International Women’s Day, March 8, 2016,” <https://www.nchrd.org/2016/03/help-free-chinese-women-hrds-on-international-womens-day/>.

⁵¹ CHRDR interview, June 2017. BBC, “China’s Feminist Movement: How Far Can They Go?” (中国女权运动: 她们还能走多远?), September 26, 2017, <http://www.bbc.com/zhongwen/simp/chinese-news-41406010>.

⁵² *The New York Times*, “China Raids Offices of Rights Group as Crackdown on Activism Continues,” March 26, 2015, <https://www.nytimes.com/2015/03/27/world/asia/china-raids-offices-of-rights-group-as-crackdown-on-activism-continues.html>.

⁵³ See, for example: Radio Free Asia (RFA), “First non-governmental legal fund announces cessation of operations after passage of China’s ‘Charity Law,’” (中国《慈善法》通过后首个民间法律基金宣布停止运行), March 18, 2016, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/yf2-03182016100921.html>.

⁵⁴ CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, item 3, para. 8.

⁵⁵ Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布: 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法), (1979, amended 2015), http://news.xinhuanet.com/legal/2015-08/30/c_128180126.htm.

⁵⁶ United Nations Economic and Social Council, “United Nations Targets for Proportion of Women in Leadership and Decision-Making Positions” (Information Paper), <http://www.legco.gov.hk/vr02-03/english/panels/ha/papers/ha0314cb2-1636-1e.pdf>; China’s National Program for Women’s Development (2011-2020), <http://www.womenofchina.cn/womenofchina/html1/source/1502/998-1.htm>; National Bureau of Statistics, “2014 Statistical Report on the Implementation of ‘China’s National Program for Women’s Development (2011-2020)’” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4, http://www.stats.gov.cn/tjsj/zxfb/201511/t20151127_1282257.html.

⁵⁷ Ms. Li Bin (李斌) has been Director of the Health and Family Planning Commission since 2013, the year the body was created, and Ms. Hu Zejun (胡泽君), who took office in April 2017, is Auditor General of the Audit Commission. See: Central People’s Government of the People’s Republic of China (中华人民共和国中央人民政府), <http://www.gov.cn/guowuyuan/index.htm>.

⁵⁸ Brookings, “Status of China’s women leaders on the eve of 19th Party Congress,” March 30, 2017, <https://www.brookings.edu/opinions/status-of-chinas-women-leaders-on-the-eve-of-19th-party-congress/>.

⁵⁹ National Bureau of Statistics, “Number of Deputies to All the Previous National People’s Congresses,” China Statistical Yearbook 2014, Table 24–1, <http://www.stats.gov.cn/tjsj/ndsj/2014/indexeh.htm>.

⁶⁰ National Bureau of Statistics, “2014 Statistical Report on the Implementation of the ‘China Women’s Development Plan 2011-2020’” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告).

⁶¹ Since the 7th National People’s Congress, each NPC’s last session has passed a decision prescribing various requirements for electing delegates to the next NPC. NPC Observer, “More Women, Fewer Cadres: A Preview of Next NPC’s Composition,” March 16, 2017, <https://npcobserver.com/2017/03/16/more-women-fewer-cadres-a-preview-of-next-npcs-composition/>.

⁶² “Decision of the 5th Session of the 12th National People’s Congress on the Representation and Election of the 13th National People’s Congress” (第十二届全国人民代表大会第五次会议关于第十三届全国人民代表大会代表名额和选举问题的决定), March 15, 2017, http://www.npc.gov.cn/npc/xinwen/2017-03/15/content_2018912.htm.

⁶³ Articles 15, Organic Law on Villagers Committees of the People’s Republic of China (中华人民共和国村民委员会组织法), 2010 (amended), http://www.gov.cn/flfg/2010-10/28/content_1732986.htm. Article 9 in the Organic Law, promulgated in 1998, only set out that the committees “shall include an appropriate number of women” (see: http://www.npc.gov.cn/englishnpc/Law/2007-12/11/content_1383542.htm).

⁶⁴ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020’” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; People’s CPPCC Net, “Village Committee End of Term Elections Should Raise the Percentage of Women,” (村委会换届选举应提高女性比例), March 3, 2014, <http://epaper.rmzxb.com.cn/detail.aspx?id=331957>.

⁶⁵ RDN, “China Election Monitor (2015), No. 4, Discrimination Against Women in Government-Led Village Election in Anxin County, Baoding City, Hebei” (中国选举观察(2015)之四——河北保定安新县政府指导的村官选举歧视妇女

(图) (之二), April 6, 2015, http://wqw2010.blogspot.ca/2015/04/2015_6.html; RDN, “China Election Monitor (2014), No. 63, Discrimination Against Women in Government-Led Election in Quanzhou County, Guilin City, Guangxi” (中国选举观察 (2014) 之六十三——广西桂林全州县政府指导的村官选举歧视妇女), February 15, 2015, http://wqw2010.blogspot.ca/2015/02/2014_15.html; RDN, “China Election Monitor (2014) No. 60, Discrimination Against Women in Government-Led Village Official Election in Ye County, Henan” (中国选举观察 (2014) 之六十——河南省叶县政府指导的村官选举歧视妇女), January 25, 2015, http://wqw2010.blogspot.ca/2015/01/2014_25.html.

⁶⁶ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2016-2020), Item 3(2), September 29, 2016, http://news.xinhuanet.com/politics/2016-09/29/c_129305934_7.htm.

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⁶⁸ “Urban resident committees” were formerly called “neighborhood committees.” Asian Development Bank, “Country Gender Assessment: People’s Republic of China,” December 2006, pg. 54, <http://www.adb.org/sites/default/files/institutional-document/32230/cga-prc.pdf>.

⁶⁹ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4.

⁷⁰ New York Times, “Beijing’s Retirees Keep Eye Out for Trouble During Party Congress,” March 15, 2013, <http://www.nytimes.com/2013/03/16/world/asia/neighborhood-committees-keep-watch-over-beijing-during-peoples-congress.html>

⁷¹ CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, para. 12.

⁷² International Campaign for Tibet, “New conditions for Village Committees candidates exclude Tibetans who ‘secretly hold sympathy for the ‘Dalai Clique.’” September 25, 2014, <https://www.savetibet.org/new-conditions-for-village-committees-candidates-exclude-tibetans-who-secretly-hold-sympathy-for-the-dalai-clique/>.

⁷³ CHR D interview, May 2017.

⁷⁴ Research conducted by Chinese activists in 2017. The following is a fuller breakdown of regional-level CCP committee members and/or in government positions (chairpersons and vice chairpersons) in China’s five ethnic autonomous regions: *Xinjiang* - Standing Committee of the CCP 9th Session: 15 total members, no ethnic minority females; Committee Representatives of the CCP 8th Session: 26 total, no ethnic minority females; and Government: 10 total, no ethnic minority females; *TAR* - Standing Committee of CCP 9th Session: 16 total, no ethnic minority females; Committee Members of the CCP 9th Session: six total, no ethnic minority females; and Government: 14 total, one ethnic minority female (vice chair); *Inner Mongolia* - Standing Committee of the CCP 10th Session: 13 total, one ethnic minority female (vice secretary); and Government: nine total, two ethnic minority females; *Guangxi* - Standing Committee of the CCP 11th Session: 15 total, one ethnic minority female; Government: nine total, no ethnic minority females; *Ningxia* - Standing Committee of the CCP 12th Session: 12 total, one ethnic minority female; Government: eight total, one ethnic minority female.

⁷⁵ The Chinese government also did not provide relevant and specific data on ethnic minority women’s political participation in its January 2017 report submitted to the Committee on the Elimination of Racial Discrimination (CERD). The most recent instance of China providing any such data to a UN treaty body was in January 2012, in the government’s report to CEDAW, which included some totals and proportions of ethnic minority women in the NPC, CPPCC, and local governments, but only as of 2008-09. CEDAW, Combined Seventh and Eighth Periodic Report of States Parties – China, Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, January 20, 2012, CEDAW/C/CHN/7-8, para. 132, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCHN%2f7-8&Lang=en.

⁷⁶ CHR D interviews, May 2017. In preparing this submission, researchers decided not to file requests to try to obtain disaggregated data on ethnic minority women’s representation. Such requests can be made through China’s Open Government Information (OGI) system, a State channel provided for citizens to seek data that has not been made public. The main reason requests were not filed is that applicants may be vulnerable to retaliation by authorities. Chinese citizens who have previously sought data through the OGI system, such as prior to China’s 2015 review by the Committee against Torture, were interrogated, harassed, and detained by police in retaliation. The risk of reprisal has only increased in China’s current political climate. For more information, see: CHR D, “NGO Mid-Term Assessment Report of China’s 2nd Universal Periodic Review,” pg. 63, November 2016.

⁷⁷ National Security Law of the People’s Republic of China, July 2015, http://news.xinhuanet.com/legal/2015-07/01/c_1115787801_3.htm. For a general analysis of current conditions for religious expression by Tibetans and Uyghurs, see: CHR D, “NGO Mid-Term Assessment Report of China’s 2nd Universal Periodic Review,” pgs. 49-52, November 2016.

⁷⁸ Sina.com, “Xinjiang introduces new regulations: parents prohibited from forcing children to participate in religion” (新疆出台新规: 禁止家长诱导强迫孩子参加宗教), October 13, 2016, <https://news.sina.cn/gn/2016-10-13/detail-ifxwvpaq1123464.d.html?vt=4&pos=108>; CHR D, *China Human Rights Briefing October 14-20, 2016*, <https://www.nchr.org/2016/10/chr-anti-corruption-activist-imprisoned-police-put-down-mass-environmental-protests-in-xian-1014-20-2016/>.

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- ⁷⁹ RFA, “China Clamps Down on ‘Underage Religion’ Among Muslim Uyghurs,” October 30, 2014, <http://www.rfa.org/english/news/uyghur/underage-10302014120731.html>.
- ⁸⁰ Counter-Terrorism Law of the People’s Republic of China (中华人民共和国反恐怖主义法), December 2015, http://news.xinhuanet.com/politics/2015-12/27/c_128571798.htm.
- ⁸¹ For more information, see: Uyghur Human Rights Project, “BRIEFING: China’s New Counter-Terrorism Law and Its Human Rights Implications for the Uyghur People,” February 1, 2016, <http://uhrp.org/press-release/briefing-chinas-new-counter-terrorism-law-and-its-human-rights-implications-uyghur>; “Dangers of China’s counter-terrorism law for Tibetans and Uyghurs,” International Campaign for Tibet and International Federation for Human Rights (FIDH), November 2016, <https://www.savetibet.org/wp-content/uploads/2016/11/FIDH-ICT-Chinas-new-counter-terrorism-law-Implications-and-Dangers-for-Tibetans-and-Uyghurs-15-11-2016-FINAL.pdf>.
- ⁸² CNN, “Why China is banning beards and veils in Xinjiang,” March 31, 2017, <http://www.cnn.com/2017/03/31/asia/china-xinjiang-new-rules/>; “Regulations on Extremism in Xinjiang Uyghur Autonomous Region” (新疆维吾尔自治区去极端化条例), <http://xj.people.com.cn/n2/2017/0330/c186332-29942874.html>.
- ⁸³ The ban is enforced in schools, hospitals, public transportation, government buildings, and businesses. A fine of up to approximately 800 USD or criminal charges can be imposed on individuals who refuse to comply with the rule on covering the body and veil. *People’s Daily*, “Public Places in Urumqi Ban Full Body and Face-Covering Veils” (乌鲁木齐市公共场所将禁止穿戴蒙面罩袍), January 17, 2015, <http://politics.people.com.cn/n/2015/0117/c1001-26403482.html>.
- ⁸⁴ Beyond the rights deprivation of placing rules on religious dress, such restrictions limit the capacity of Muslim women to fully participate in society, including as students or working professionals, since they must adjust their wardrobe between private and public spaces. China Youth Network, “Xinjiang Man Gets 6 Years for Beard, Wife Receives 2 Years for Wearing Face Veil” (新疆男子留大胡子获刑6年 妻子蒙面获刑2年), March 29, 2015, <http://www.wenxuecity.com/news/2015/03/28/4142424.html>; CHRD interview, April 2017.
- ⁸⁵ RFA, “Uyghur Woman Handed 10-Year Prison Term Over Headscarf Claim,” September 19, 2017, <http://www.rfa.org/english/news/uyghur/headscarf-09192017174307.html>.
- ⁸⁶ CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, para. 14.
- ⁸⁷ According to China’s official media, the number of Muslims permitted by the government to make the hajj pilgrimage has greatly expanded over the past two decades. *China Daily*, “14,500 Chinese make Hajj pilgrimage,” August 20, 2016, http://news.xinhuanet.com/english/2016-08/20/c_135617890.htm.
- ⁸⁸ See, for example: *The New York Times*, “Egyptian Police Detain Uighurs and Deport Them to China,” July 6, 2017, <https://www.nytimes.com/2017/07/06/world/asia/egypt-muslims-uighurs-deportations-xinjiang-china.html>; *The Guardian*, “Thailand defends Uighur deportation to China: ‘We didn’t send them all back,’” July 10, 2015, <https://www.theguardian.com/world/2015/jul/10/thailand-defends-uighur-deportation-to-china-we-didnt-send-them-all-back>.
- ⁸⁹ CHRD, “They Target My Human Rights Work as a Crime”: Annual Report on the Situation of Human Rights Defenders in China (2016), pgs. 13-14.
- ⁹⁰ *Hong Kong Free Press*, “Xinjiang woman detained for sharing praise for Allah on social media – reports,” May 10, 2017, <https://www.hongkongfp.com/2017/05/10/xinjiang-woman-detained-sharing-praise-allah-social-media-reports/>; RFA, “Xinjiang Uyghur girl forwards Allah image, detained on ‘terrorism’ charge” (新疆一维族姑娘转发真主安拉照片 被以涉“暴恐”罪名抓捕), May 9, 2017, http://www.rfa.org/mandarin/yataibaodao/shehui/x12-05092017103744.html?utm_content=bufferc38ff&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer.
- ⁹¹ China Tibet net, “Experts at Two Meetings: State Management of Tibetan Buddhist Temples Enter New Era” (两会专家谈：国家对藏传佛教寺庙的管理进入新时代), March 20, 2017, http://fo.ifeng.com/a/20170320/44557279_0.shtml?writingModule=1_29_18 This article said that, due to the implementation of such control, there had not been any anti-government Tibetan protests like those in March 2008.
- ⁹² Tibetan Centre for Human Rights and Democracy (TCHRD), “China Expands New Measures To Directly Control Tibetan Monasteries,” May 18, 2014, <http://tchrd.org/china-expands-new-measures-to-directly-control-tibetan-monasteries/>.
- ⁹³ Xinhua, “Tibet Dispatches More Than 60,000 Cadres to the Grassroots Over Two Years, the Most Extensive Such Project in 60 Years” (西藏两年选派逾6万干部下基层为60年来最大规模), September 10, 2013. According to the article, since October 2011, “more than 60,000 cadres” had been sent to the TAR’s “5,459 villages and 1,877 temples.” http://news.xinhuanet.com/local/2013-09/10/c_117310416.htm.
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- ⁹⁵ See example: RFA, “Larung Gar Evictees Forced to Attend Political Classes Back Home,” November 4, 2016, <http://www.rfa.org/english/news/tibet/classes-11042016154905.html>; *The Tibet Post International*, “Over 1000 monks, nuns expelled, forced patriotic reeducation in Tibet,” November 4, 2016, <http://www.thetibetpost.com/en/news/tibet/5266-over->

[1000-monks-nuns-expelled-forced-patriotic-reeducation-in-tibet.](#)

⁹⁶ TCHRD, “Political Prisoner Database,” (Email correspondence, August 2017), http://www.tchrd.org/tchrd_pdb/. Such totals have declined since October 2014, when the group had recorded 626 cases of detained Tibetan females, including 466 nuns and 160 laywomen. One reason for the decreases is that case information regarding ethnic Tibetans has become more difficult to obtain and confirm, due to the Chinese government’s elevated control of communication channels in Tibetan areas.

⁹⁷ TCHRD, “Tibetan woman, 20, detained in connection with Dalai Lama’s 80th birthday,” July 12, 2015, <http://tchrd.org/tibetan-woman-20-detained-in-connection-with-dalai-lamas-80th-birthday/>.

⁹⁸ TCHRD, “China jails Tibetans for celebrating Dalai Lama’s birthday: Nine Tibetans get varying terms of 5 to 14 years,” December 7, 2016, <http://tchrd.org/china-jails-tibetans-for-celebrating-dalai-lamas-birthday-ten-tibetans-get-varying-terms-of-6-to-14-years/>.

3.2 Discrimination Based on Sexual Orientation & Gender Identity

By Rainbow Project

1. The Chinese government has not made any substantive progress in law or practice towards ensuring Chinese citizens enjoy equal rights regardless of their sexual orientation or gender identity. This contradicts the Chinese government's claim that it had already implemented all three UPR recommendations made in the previous UPR on these issues (186.85, 186.89, 186.90). In accepting the UPR recommendations, China asserted that various existing laws ban discrimination, including the Labor Law.¹ However, current laws and regulations do not prohibit discrimination based on sexual orientation or gender identity.
2. Without legal protection for LGBTQ individuals, they remain vulnerable to systematic discrimination and violence, and are excluded from government services without recourse to justice. Due to the absence of legal protection prohibiting discrimination based on sexual orientation or gender identity, LGBTQ persons have faced challenges in seeking equal treatment in schools and workplaces, and in obtaining legal redress. According to a 2016 survey published by UNDP China, over half the of LGBTQ respondents had experienced discrimination based on their sexual orientation or gender identity.²

No marriage equality

3. Chinese authorities perpetuate discrimination against LGBTQ persons by denying marriage equality and equal protection under the law. In a landmark case from 2016, a Chinese court decided against a same-sex couple who wished to marry.³ The government's failure to legally protect the rights of LGBTQ individuals to equal marriage appears to run counter to public opinion. According to the 2016 UNDP survey, 85% of heterosexual respondents supported legalizing same-sex marriage, a figure that rose to 95% among LGBTQ individuals.⁴ Individuals in same-sex relationships also do not receive the same legal protections against violence that heterosexual couples enjoy. Officials stated unequivocally that same-sex partners are not covered by the Anti-Domestic Violence Law after its passage in 2015, despite optimism in the early drafts that the law would be more inclusive.⁵ According to the NPC Standing Committee spokesperson, the reason the law excludes homosexual couples is because "in China we have never discovered violence in homosexual relationships."⁶ However, Chinese NGOs have publicly released ample evidence of violence in same-sex relationships and the need for legal protection.⁷ This was a major setback in advancing the protection of LGBT rights and reflected the lack of political willpower by the government to ensure equal treatment for all.

Involuntary "conversion therapies"

4. In China, private and public clinics and hospitals promote treatments to "correct" one's gender identity and sexual orientation through "conversion therapy," which often involves psychiatric therapy, aversion therapy, hormone therapy, drug treatment, and the use of electric shocks.⁸ In its 2015 Concluding Observations, the UN Committee against Torture (CAT) raised concerns over clinics in China that offered "gay conversion therapy" to change the sexual orientation of homosexual individuals, and the failure of the government to outlaw such a practice or legally guarantee the respect and integrity of LGBTQ persons.⁹ The Chinese government has to date taken no steps to outlaw "gay conversion therapy," and victims of this so-called "treatment" still have no access to legal recourse.
5. LGBTQ individuals have been involuntarily sent to psychiatric hospitals or clinics, often by family members, to undergo "treatment." Between 2016 and 2017, we have documented 169 allegations of forced conversion therapy, of which 49 government-run hospitals were involved. The individuals affected were subjected to electric shocks, forced medication, hypnosis, aversion therapy, and coercion. In July 2017, a Henan court found in favor of a man subjected to forced conversion therapy, ordering the clinic to pay 5,000 RMB (approx. USD \$790) in compensation

and issue a public apology.¹⁰ However, to date, the clinic has still not issued the court-ordered apology.

6. In another example from 2015, a gay man was involuntarily sent to a psychiatric hospital by his family because he wanted to divorce his wife.¹¹ Without any communication or evaluation, the hospital committed him for 19 days on grounds of “sexual preference disorder,” during which he was drugged, forcibly injected with medicines, and harassed. This type of involuntary “treatment” is the result of government policies, which continue to classify some form of homosexuality and bisexuality as a mental perversion in the Chinese Classification of Medical Disorders (CCMD-3).¹² It is also a violation of China’s Mental Health Law, which prescribes comprehensive examination by qualified doctors and voluntary participation to receive psychological treatment.
7. In 2014, there were many reports of cases involving clinics and hospitals that subjected individuals to “gay conversion therapy” in cities around China, including Beijing, Chongqing, Guangzhou, Nanchong, Xi’an, and Zhuhai. Volunteers from the Gays’ Charity Organization reported the psychiatric clinics that offer “gay conversion therapy” to the offices of the Trade and Industry Bureau and Health Bureau in 10 cities (including Beijing, Guangzhou, Hangzhou, Nanning, Shenzhen, and Xi’an). In 2013, a gay man who went to a clinic to seek psychological counselling in 2013 was subjected to hypnosis and electric shocks for more than a month in Shenzhen City, Guangdong Province.¹³

Discrimination & inequality in employment for LGBTQ persons

8. In 2015, the LGBTQ community celebrated language in the proposed “Employment Anti-Discrimination Law” (“proposal”), which stipulates that gender identity and sexual orientation should not be factors considered by employers when recruiting, hiring, training, paying, promoting, and providing benefits to employees.¹⁴ If passed, it has the potential to be a legal breakthrough that could offer official protections for LGBT individuals in the workforce. However, there is no clear timeline for adopting this proposal as law. There is also no guarantee that the final version will include the stipulations regarding gender identity and sexual orientation, or that they will be implemented.
9. Discrimination against LGBTQ individuals in the workplace is widespread and officially endorsed due to the lack of legal recognition of gender diversity. According a 2013 survey of 2,161 LGBT individuals by Aibai Culture and Education Center, 38.5% of them were subjected to discrimination and unequal treatment in the workplace because of their gender identity or sexual orientation.¹⁵ A 2017 survey from UNDP found that 14% of the LGBTI respondents had been denied employment because of their sexual orientation or gender identity.¹⁶
10. While Chinese authorities have taken some small steps to prevent discrimination in the workplace, they have not yet taken concrete or substantial steps in law or practice to prevent discrimination based on gender identity or sexual orientation. When authorities accepted all three UPR recommendations, they claimed laws already prohibited discrimination against different groups. Authorities argued that “the Labor Law of China stipulates that workers shall not be discriminated against on grounds of ethnicity, race, sex and religious beliefs”; and that “the Employment Promotion Law contains systematic stipulations against employment discriminations.” Neither the Labor Law nor the Employment Promotion Law, however, offer any legal protection for LGBTQ persons, since gender identity and sexual orientation are not listed as grounds for discrimination.¹⁷
11. The lack of legal protections for LGBTQ individuals has also led to unequal treatment when they seek legal redress in employment discrimination cases. In 2014, a man in Shenzhen lost his job after his sexual orientation was revealed.¹⁸ He filed a lawsuit against his employer, in what was China’s first employment discrimination suit based on sexual orientation. The judge indirectly

admitted sexual orientation had played a role in the termination of employment, but still ruled against him.¹⁹ In 2015, a transgender person was fired because the employer feared the individual gave customers an impression of being “unfit.”²⁰ The victim brought the case to a labor arbitration committee in 2016, but they ruled in favor of the employer.²¹ The individual sued, and the court found that the victim had been illegally fired but not that discrimination played a role.²² In both of these landmark cases, the lack of legislation prohibiting discrimination based on sexual orientation or gender identity was a key factor in the respective decisions by the court and the arbitration committee.

12. According to a directive issued by the Guangdong Province Public Security Bureau, post-operative transsexuals are allowed to update their gender identity on household registration and identity cards.²³ However, they may face difficulties when updating their gender identity on academic records or other documents.²⁴ Such inconsistency among identification documents may cause challenges for LGBTQ individuals in finding employment.²⁵ Furthermore, there are no signals from the government that these policies will be implemented nationally.

Discrimination in schools & universities

13. Homophobia and discrimination in educational institutions remain widespread in China, with gender-nonconforming students routinely subjected to bullying. According to a 2015 survey published by the Chinese Journal of Clinical Psychology, 40.7% of gender-nonconforming students were bullied, nearly 35% were verbally threatened, and almost all of them experienced some degree of depression afterwards.²⁶ Of the respondents in the 2016 UNDP survey, 40% of LGBT individuals said they had experienced discrimination at schools.²⁷
14. The measures taken by school authorities to suppress the growing visibility of LGBT students on campuses, along with the lack of awareness about gender diversity, contribute to this problem. Many colleges refused to allow students to register LGBT student associations on campus, thus preventing them from openly recruiting members, accessing facilities and resources, and conducting activities.²⁸ Schools often restrict activities or events that promote gender diversity, and even repress signs of public LGBTQ presence on campus.²⁹ Among other forms of harassment against LGBTQ students, university officials in Guangdong Province in 2016 threatened to refuse to give a woman her diploma after she proposed to by her girlfriend on campus and photos of them were posted online.³⁰

Biased textbooks promote discrimination

15. Biased materials used in higher education course curricula exacerbate discrimination against LGBTQ individuals. Despite the 2001 removal of homosexuality and bisexuality from the classification of mental disorders, many textbooks continue to teach the opposite. According to a study we conducted in 2014, 40% of books used for psychology or mental health classes in colleges still referred to homosexuality as a form of sexual perversion. We also found that 50% of the materials included introductions to “conversion therapy.” Such textbooks were published as recently as 2013, and contained discriminatory and outdated information, including referring to homosexuals as the source for HIV/AIDS.
16. The lack of strong, enforceable anti-discrimination laws has contributed to the failure of China’s judicial system to protect the rights of LGBT individuals. In March 2017, the Beijing Municipal Higher People’s Court rejected an appeal by a lesbian college student who had lost a lawsuit over the ongoing use of discriminatory educational texts. She had sued the Ministry of Education, alleging the Ministry had failed to recall textbooks used for professional examinations and college curricula that still label homosexuality as a mental disorder and provided information on “conversion therapy.”³¹ A lawsuit filed in 2007 against a publisher for producing such textbooks is still pending, as no court has held a hearing. A local campaign, waged against China Renmin University Press, was successful, but only after a letter-writing campaign by the same student

who lost the above court case.³² In another case, a student filed a suit against Jinan University Press under consumer rights regulations—not on the basis of discrimination—arguing that textbooks don’t meet “quality requirements set out by Chinese law,” and thus violate rights. Two hearing dates have been cancelled in this case, which still has not been litigated.³³

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

² United Nations Development Programme (UNDP) China, “Being LGBTI in China: A National Survey on Social Attitudes towards Sexual Orientation, Gender Identity, and Gender Expression,” May 16, 2016, p. 27, http://www.cn.undp.org/content/china/en/home/library/democratic_governance/being-lgbt-in-china.html.

³ *BBC Chinese*, “China’s First Same-Sex Marriage Case Ruled Against Gay Couple” (中国首例同性婚姻维权案判同性恋者败诉), April 13, 2016, http://www.bbc.com/zhongwen/simp/china/2016/04/160413_china_same-sex_marriage_case.

⁴ UNDP China, “Being LGBTI in China: A National Survey on Social Attitudes towards Sexual Orientation, Gender Identity, and Gender Expression,” May 16, 2016, pp. 25, 28.

⁵ The September 2015 second draft of the Anti-Domestic Violence Law opened up the definition from the initial draft to cover “family members,” which was viewed as ambiguous enough to cover same-sex couples. However, authorities specifically mentioned in a press conference after the law’s passage that it does not cover homosexual couples. China Law Translate, “What’s new in the new Domestic Violence Law draft?,” September 16, 2016, <http://chinalawtranslate.com/major-changes-in-the-domestic-violence-law/?lang=en>.

⁶ *China Daily*, “Anti-Domestic Violence ‘Persons Living Together’ Provision does not Cover Homosexuals” (反家暴法中“共同生活人”不包括同性恋), December 27, 2015, http://www.chinadaily.com.cn/micro-reading/china/2015-12-27/content_14436421.html.

⁷ Beijing Yuanzhong Gender Development Center, Beijing Weiping Women’s Organization, Beijing Tongyu, and Guangzhou New Media Feminism “An Investigative Report on Anti-Domestic Violence Law Implementation” (《反家庭暴力法》实施情况调研报告), March 15, 2017, <https://zhuanlan.zhihu.com/p/25781138>; Xie Wenting, “Gay people seek protection under China’s first domestic violence law,” *Global Times*, January 15, 2016, <http://www.globaltimes.cn/content/963684.shtml>.

⁸ CHR and Coalition of NGOs, “Information Submission to the UN Committee Against Torture for Consideration in List of Issues, February 2015,” <https://www.nchr.org/2015/02/chrd-information-submission-to-the-un-committee-against-torture-for-the-review-of-the-fifth-periodic-report-of-china-february-2015/>.

⁹ Committee against Torture, Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, paras. 55-56.

¹⁰ Gerry Shih, “Man wins lawsuit in China over forced gay conversion therapy,” *Associated Press*, July 4, 2017, <https://apnews.com/4d9d955c9bfd401b93f28ef4e9ffa5f8>.

¹¹ Meng Fanyong (孟繁勇), “Involuntarily Committed for 19 Days at a Psychiatric Hospital, Reason was Sexual Preference Disorder” (他被精神病医院强制治疗 19 天 理由是：性偏好障碍), *Henan Business*, June 15, 2016, http://newspaper.dahe.cn/hnsb/html/2016-06/15/content_41104.htm.

¹² Chinese Classification of Medical Disorders kept a category of “ego-dystonic homosexual” (article 62.31) to describe people who have difficulties accepting their homosexuality or bisexuality. China’s classification deviates from international standard, such that “ego-dystonic homosexual” is not found in World Health Organization’s International Statistical Classification of Diseases and Related Health Problems (ICD-10). Chinese Classification of Medical Disorders (CCMD-3), “Homosexuality, Bisexuality” (同性恋, 双性恋), <http://www.psychcn.com/counseling/zxjn/200612/2580826650.shtml>.

¹³ CHR and Coalition of NGOs, “Information Submission to the UN Committee Against Torture for Consideration in List of Issues, February 2015.”

¹⁴ The proposal was submitted by National People’s Congress (NPC) delegates after initial consultation started in 2008, and has since been approved for further drafting and consultation with relevant departments. No calls for consultation with civil society have been made. Luo Jingwen (罗静雯), “NPC Deputy Sun Xiaomei: Speed Up Adoption of ‘Employment Anti-Discrimination Law’ To Ensure Equal Employment for Everyone” (人大代表孙晓梅：抓紧制定《反就业歧视法》确保

每个人平等就业), *Chongqing Daily*, March 16, 2016, http://cq.cqnews.net/html/2016-03/16/content_36531225.htm; Employment Anti-Discrimination Law of the People's Republic of China (Proposal Draft by Experts) (中华人民共和国反就业歧视法 (专家建议稿)), 2016 draft (uploaded by CHR), <https://www.nchrd.org/wp-content/uploads/2016/11/Employment-Anti-Discrimination-Law-of-the-People%E2%80%99s-Republic-of-China-Proposal-Draft-by-Experts2016.pdf>.

¹⁵ Asia Catalyst, Beijing Zuoyou, and Shanghai SCMC Center, “‘My Life is Too Dark To See The Light’: A Survey of the Living Conditions of Transgender Female Sex Workers in Beijing and Shanghai,” January 2015, p. 14, <http://asiacatalyst.org/wp-content/uploads/2014/09/Asia-Catalyst-TG-SW-Report.pdf>.

¹⁶ Out & Equal, “Only Five Percent of LGBTI Employees in China Feel Comfortable Coming Out at Work,” October 16, 2017, <http://outandequal.org/only-five-percent-of-lgbti-employees-in-china-feel-comfortable-coming-out-at-work/>.

¹⁷ Labor Law of the People's Republic of China, 1995, http://www.china.org.cn/living_in_china/abc/2009-07/15/content_18140508.htm; Law on Promotion of Employment of the People's Republic of China, 2008, http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471590.htm.

¹⁸ NGOCN, “China's First Workplace Discrimination Against Homosexuality Lawsuit Filed” (全国首例同性恋职场歧视案今起诉), November 27, 2014, <http://www.ngocn.net/news/360566.html>.

¹⁹ The victim lost both the first-instance trial and appeal in 2015. The judge stated that it was unclear if the termination of his job was due to his homosexuality or damages to the company's image caused by a video that was posted online, which revealed his sexual orientation. The judge's reasoning reflected sexual orientation had in fact played a role, but the verdict was ruled against the victim. Pan Bo (潘播), “Man Fired After Coming Out of the Closet, Lost Lawsuit Against Company for Employment Discrimination” (男子出柜后被解雇 告公司就业歧视败诉), *Guangzhou Daily*, April 23, 2015, <http://news.sina.com.cn/s/2015-04-23/053931749820.shtml>.

²⁰ Vanessa Piao, “Chinese Panel Rules Against Plaintiff in Transgender Job Discrimination Case,” *The New York Times*, May 10, 2016, <http://www.nytimes.com/2016/05/11/world/asia/china-transgender-job-discrimination.html>.

²¹ Ibid.

²² Vanessa Piao, “Transgender Man Was Unfairly Fired, but Bias Not Proved, Chinese Court Says,” *New York Times*, January 2, 2017, <https://www.nytimes.com/2017/01/02/world/asia/china-transgender-lawsuit.html>.

²³ Guangdong PSB promulgated a directive in 2008 on updating one's sex after sex reassignment surgery. Guangdong Public Security Bureau, “Citizens After Sex-Reassignment Surgery Changing Gender Identity in One's Hukou Registration” (公民手术变性后变更户口登记性别项目), August 22, 2011, http://zwgk.gd.gov.cn/006940140/201108/t20110822_267369.html.

²⁴ Xu Ye, “Research on China's Transsexual Group: Discrimination and Ignorance Even Among LGBT Group” (中国跨性别群体调查: LGBT群体内也有歧视和无知), *IFeng*, January 7, 2015, http://news.ifeng.com/a/20150107/42878387_0.shtml.

²⁵ The Ministry of Education has issued no directive or rules regarding how post-operative transsexuals can update their gender identity on school diplomas, hence, many schools refuse to change the identity for students. In some cases, the inconsistencies have caused distrust between employer and job candidate.

²⁶ Wei Chong-zheng and Liu Wen-li, “The Association between School Bullying and Mental Health of Sexual Minority Students,” *Chinese Journal of Clinical Psychology*, No. 4, Vol. 23, 2015.

²⁷ UNDP China, “Being LGBTI in China: A National Survey on Social Attitudes towards Sexual Orientation, Gender Identity, and Gender Expression,” May 16, 2016, p. 27.

²⁸ According to interviews conducted with the groups, they were not allowed to register on campus and currently there are no known open LGBT group allowed to register like other student groups.

²⁹ Prominent activist Ai Xiaoming was able to register a LGBT group at Guangzhou's Sun Yat-sen University when she was still teaching at the school in 2006 because university authorities did not fully understand what LGBT stood for. University authorities then blocked the group from registering the following year, after the group began receiving media attention, and the university was under pressure to close it. NGOCN, “Story of Sun Yat-sen University's Rainbow Club: University Is Not So Free and Inclusive” (中大彩虹社的故事: 中大并没有那么自由包容), July 9, 2014, <http://www.ngocn.net/news/90658.html>; In 2016, another school in Guangzhou pressured facilities and stores on campus not to provide space for an exhibition on homosexuality. WeChat User Sisyphus-stone, “An Exhibition Without People: The Most Authentic Artwork of Exhibition 'Named'” (一场没有人的展览 | 被取消是“命名”展最真实的作品), September 19, 2016, http://mp.weixin.qq.com/s?biz=MzIwMjM4MTIxNA==&mid=2247483701&idx=1&sn=8f4392b3db1c94c084eb2c6fdb26288&chksm=96dec3c4a1a94ad29044166bc0a06dc9c13bdcf9b1036d324b06bada5a85a8e8291ed37099a7&scene=1&srcid=09198vt4EG0dwIKTBZwa0dYi#wechat_redirect.

³⁰ Police and university officials also searched the woman's home, an official from the university's Communist Party Committee repeatedly harassed the two students, and state censors blocked a feminist group's online social media account that posted the story. Wang Xiaoyu, “Heterosexual Proposal at Graduation Is Blessed, But Homosexual Proposal Gets

Denied Diploma?” (异性恋毕业求婚得校长祝福，同性恋毕业求婚不给毕业？), *China Digital Times*, June 28, 2016, <http://chinadigitaltimes.net/chinese/2016/06/%E5%BC%82%E6%80%A7%E6%81%8B%E6%AF%95%E4%B8%9A%E6%B1%82%E5%A9%9A%E5%BE%97%E6%A0%A1%E9%95%BF%E7%A5%9D%E7%A6%8F%EF%BC%8C%E5%90%8C%E6%80%A7%E6%81%8B%E6%AF%95%E4%B8%9A%E6%B1%82%E5%A9%9A%E4%B8%8D%E7%BB%99/>

³¹ *Caixin*, “Teaching Stigma About Homosexuals University Student Loses Appeal Against Ministry of Education” (教材疑污名化同性恋 大学女生告教育部二审败诉), March 6, 2017, <http://china.caixin.com/2017-03-06/101062813.html>; Natalie Thomas, “Chinese gay activist challenges homosexuality ‘disorder’ textbooks,” *Reuters*, September 12, 2016, <http://in.reuters.com/article/us-china-rights-textbook-idINKCN111174>.

³² Qian Jinghua, “China’s Homophobic Textbooks Turn Over a New Leaf,” *Sixth Tone*, April 24, 2017, <http://www.sixthtone.com/news/1000050/chinas-homophobic-textbooks-turn-over-a-new-leaf>.

³³ Katherine Tai, “Suing the homophobia out of China’s textbooks,” *Sup China*, January 23, 2018, <https://supchina.com/2018/01/23/suing-the-homophobia-out-of-chinas-textbooks/>.

3.3 Discrimination Against Rural Residents

By Law and Accountability Project and Legal Rights Education Initiative

1. China, a party to the International Covenant on Economic, Social and Cultural Rights since 2001, has often conflated achievements in economic development with progress in equal protection of social and economic rights. Recognizing China's achievements in economic development, the Special Rapporteur on Extreme Poverty and Human Rights also raised concerns about the high levels of inequality and the lack of meaningful accountability mechanisms for the full realization of economic rights in a report issued after his August 2016 visit in China.¹ The Committee on Economic, Social, and Cultural Rights (CESCR) expressed concern in 2014 over large disparities in living standards among different regions and between urban and rural areas.²
2. In this report, we find persistent discrimination against rural residents, a failure of the Chinese government to protect equal enjoyment of economic and social rights. In particular, the "household registration" system, which restricts access to medical care, pension, education, and employment opportunities, continues to sustain discriminatory policies and practices against rural residents.
3. During the 2013 UPR, China accepted all 29 recommendations concerning equal protection of basic social benefits and services for rural and urban residents: 186.56 (South Africa), 74 (Togo), 75 (Bhutan), 76 (Ecuador), 84 (Central African Republic), 97 (Mali), 135 (Egypt), 174 (Iran), 175 (State of Palestine), 178 (Algeria), 179 (Bulgaria), 180 (Angola), 182 (Brunei Darussalam), 183 (Russia), 184 (Niger), 185 (Democratic People's Republic of Korea), 186 (Congo), 187 (Azerbaijan), 188 (Mauritius), 189 (Malaysia), 190 (Eritrea), 191 (Morocco), 192 (Mozambique), 193 (Serbia), 194 (Cambodia), 198 (Bolivia) 244 (Namibia), 245 (Yemen), and 247 (Côte d'Ivoire). These countries recommended China to strengthen the provision of public services and benefits for groups vulnerable to discrimination; alleviate rural-urban disparities; and combat poverty. However, our assessment shows that the government has only *partially implemented* 10 of these recommendations – 186.76, 97, 174, 182, 184, 186, 188, 192, 193 & 198, and it has *not implemented* the other 19.³

Limited reform of discriminatory "household registration" against rural migrants

4. A major pillar of the sustained and systemic discrimination in China against rural residents is the "household registration" (*hukou*) system. It strictly limits access to social services and social economic rights protection to registered residences in specific locations. The system discriminates against certain social groups, especially rural residents, by enforcing segregated legal registration of residents into either rural or urban households. An individual's household registration status determines his or her entitlement to government subsidies, social safety-net insurances or benefits, and public services.⁴
5. In concluding its 2014 review of China, CESCR expressed regret about inadequate protections of rights guaranteed under the International Covenant on Economic, Social and Cultural Rights partly due to the defects of China's *hukou* system; the Committee observed that "the State party does not have a comprehensive anti-discrimination law that protects all marginalized and disadvantaged individuals and groups in their enjoyment of economic, social and cultural rights."⁵
6. Internal migrants—specifically, those who move from rural areas to cities for work—encounter acute discrimination under the household registration system. According to China's statistics bureau, in 2016, there were an estimated 281 million rural migrant workers, mostly working in manufacturing, construction, and service industries in urban areas.⁶ Migrant workers and their families face tremendous obstacles from obtaining permits for urban residency, which is required for them to gain access to government subsidized services and benefits provided exclusively to urban residents, including health care, education, housing, pension and employment opportunities.⁷

7. The large-scale forced eviction of migrant workers from Beijing in 2017 provided a window into China's rural-urban segregation and state-sanctioned discrimination against rural migrants. A deadly fire killed 19 migrants and their children on November 18, 2017. It set in motion a police-enforced mass eviction to throw out hundreds of thousand migrant workers from shantytown buildings into the freezing streets in the outskirts of Beijing.⁸ These workers now face eviction from urban centers, as unwanted "low-end population." Government authorities in cities like Beijing undertake "safety" campaigns to evict residents and demolish sub-standard buildings, but the government has failed to address the underlying causes that force people to live in such dangerous conditions.
8. Without access to subsidized housing, which is available to urban residents with jobs as civil servant or employees in state enterprises, migrant workers can't afford homes in mega cities where jobs are concentrated. About 60% of migrants in Chinese cities rent from private landlords as of 2016.⁹ Most of them end up in low-quality or poorly-constructed buildings that would not pass safety inspections. The migrants' living quarters tend to be overcrowded, noisy, in damp basements, with limited air flow and unhealthy sanitation facilities. A 2016 study found approximately 1 million people in Beijing live in underground apartments; and nearly 40% of all migrants live in accommodation between 5-15 square meters (50-160 square feet) in size.¹⁰
9. In 2015, CESCR expressed concerns that migrant workers, "particularly those who lack household registration, continue to be de facto discriminated against in the fields of employment, social security, health care and education," and expressed alarm "about the significant persistence of disparities between the urban and rural populations and among rural-to-urban migrant workers, in relation to access to and the quality and amount of benefits."¹¹
10. The government has taken some limited steps towards reforming the *hukou* system. The State Council laid out guidelines in 2014 for some rural migrants to obtain urban household registration by 2020.¹² However, concerns remain about the potential effectiveness of the proposed changes. Under the plan, the number of migrants who would obtain local residency by 2020 is estimated at 100 million, but that number only accounts for about one-third of China's total migrant population.¹³ This gap will persist beyond 2020 partly because the government is taking "gradual" approach; the policy will first be implemented in smaller cities, even though the vast majority of migrants work and live in mega municipalities.¹⁴ The State Council plan also does not guarantee that individuals, who have never obtained any *hukou* registration, urban or rural —mostly due to being born "out-of-quota" or out of wedlock in violation of family planning law—can ever get legally recognized residency status, meaning that such individuals will continue to be excluded from access to social security benefits and public services.¹⁵
11. A 2015 State Council regulation would allow migrant workers to apply for urban *hukou* registration in the city where they live and work, but only after they have obtained a temporary resident permit and fulfilled numerous other requirements, which involves paying huge fees.¹⁶
12. Migrant workers face huge obstacles when they seek urban residency registration even after they have obtained temporary residential permits. Major cities like Beijing and Shanghai have adopted a stringent point-accumulation system that awards high points for having higher education, advanced professional and technical skills, and official awards from government organs. Permit holders need to pay into social and employment insurance programs for seven consecutive years in Beijing and have no criminal record, among other requirements, before they become eligible for residency registration. Effective January 2017 to the end of 2019, Beijing resident permit holders need to fulfill four criteria and accumulate enough "points" in order to qualify for a Beijing *hukou*.¹⁷ In such places, the criteria for obtaining urban residency registration is highly selective; registration is restricted to so-called "desirable" and "suitable" migrants, which excludes the majority of migrant workers.¹⁸

13. A proposed provision in the draft “Anti-Discrimination Employment Law”—to prohibit considering household registration status in recruitment and hiring—offers potentially positive changes to the discrimination against migrants workers.¹⁹ Though the proposal has been stagnant since 2008, there has been a new effort in 2016 to push it through the legislative process.²⁰ If this legislation were adopted, employment discrimination against migrants would be illegal. This change should also help to fill a void in China’s Labor Law and Promotion of Employment Law, neither of which clearly prohibits employment discrimination against rural registration holders.
14. Considering these gradual but still inadequate measures, we conclude that the government has only *partially implemented* Iran’s recommendation to “increase its effort to address the issues of rural and urban migrant workers and their families in a more effective way.”

Reform of discriminatory medical insurance & pension systems long overdue

15. In China’s 2012-2015 National Human Rights Action Plan (NHRAP), the government stated that it would “...promote the equal coverage of the social relief system in both rural and urban areas to improve the social security level” and reform “the basic medical insurance system to make medical insurance basically cover both rural and urban residents” as well as “the old-age social security system that covers both urban and rural residents.”²¹ The government reported in its 2016 assessment of the NHRAP that it had achieved a 95 percent rate of participation in basic medical insurance coverage.²² However, despite these claims of achievements, which are not independently verified, the system remains largely unchanged today and discriminatory against rural residents.

Medical insurance

16. Under the *hukou* system, rural residents have been eligible for much lower levels of health insurance coverage—with practically no government or employment contribution—than that offered to urban residents, especially government employees.²³ Severe underfunding by the government of the social insurance system has forced China’s urban poor and rural residents to rely heavily on their personal savings to cover medical expenses and old-age care.²⁴ According to a 2015 World Bank report, China’s population in poor rural areas have little access to the country’s health care infrastructure, even as the government has put forth programs to improve such conditions in the countryside.²⁵ Limited data released by the government in 2016 showed that Chinese employers largely failed to comply with China’s Labor Contract Law and Social Insurance Law in providing insurances to rural migrant workers such that these workers cannot afford to enroll in basic insurance programs.²⁶ By 2015, four years after the Social Insurance Law went into effect, on average, only 20 percent of migrant workers were enrolled in programs for a basic pension, 19 percent in medical insurance, 15 percent in unemployment insurance, and 27 percent in work-related injury insurance.²⁷
17. In a move to narrow the gaps of urban residents with medical insurance and rural residents including migrants without medical insurance, in January 2016, the government announced the decision to create the “Unified Basic Medical Insurance System for Urban and Rural Residents.” This system could potentially provide equitable payment standards and scope of medical insurance coverage for all Chinese citizens.²⁸ It is too early to tell whether this system has been implemented successfully, but it would partially address the problem of systemic discrimination against rural residents in terms of the protection for their right to health.
18. As China’s aging population has grown and medical care become costlier at the same time, the country has experienced a decline in the number of workers paying into social security. This general trend due to demographic changes has more serious consequences for rural residents and the urban poor. The new medical insurance system, which promised to merge the urban and rural divides under the previous system, could potentially shrink the widening insurance funding gap.²⁹

19. Chinese academics have pointed out that the new medical insurance system's efficacy hinges on several factors.³⁰ First, the central government must monitor and assess the system's implementation, since the insurance schemes will be run on decentralized local levels. Second, the system must prioritize benefitting the poor in both urban and rural areas, since they are more likely to experience "catastrophic health spending"—medical costs so high that they lead to extreme poverty. Third, the system should provide for "consistent" quality and effectiveness of health services, with an emphasis on developing rural health care delivery. Finally, benefits also should come with the option to make them "portable," allowing rural-to-urban migrants to use their health insurance in the cities, often in other provinces, where they find work.

Inequitable pensions systems

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

21. Jobs concentrated in urban China, such as those in the civil service or large privately-owned or state-run corporations, are those where employees receive higher government pensions and company contributions to retirement savings than jobs found in rural areas, such as small businesses or farming. Consequently, pensions for urban residents have been much larger than for those retired from farming or small businesses.

22. An academic survey published in 2016 in China found that retirees from government and state-owned enterprises receive pensions that are, on average, 22.5 times higher than rural retirees; civil servants and state enterprises retirees receive on average 3,174.69 RMB (approx. \$470 USD) per month per person, and all urban retirees receive on average 1,387.20 RMB (approx. \$200 USD), while rural retirees receive only on average 141.21 RMB (approx. \$20 USD) per month.³¹

Income inequality & disparities in access to poverty relief

23. In the past few decades, the Chinese government has significantly rolled back state control over the economy and allowed market forces and private enterprises to play a more important role in the country's economic growth. Consequently, many people have worked their way out of poverty. In this sense, the government has *partially implemented* recommendations by Mauritius (186.188) and Serbia (186.193), namely, to eradicate poverty and bridge rural-urban gaps.

24. China's main strategy to alleviate poverty—prioritizing rapid urbanization and industrial development in cities—has increased urban-rural income disparities. Vulnerable population groups (the elderly, children, persons with disability, women), most of them living in remote, rural, and ethnic minority regions, have been "left behind" by this economic growth, and are disproportionately affected by poverty.³² In March 2015, the Chinese Premier acknowledged that over 200 million Chinese—or about 15 percent of the country's total population—lived under the poverty line of \$1.90 USD per day, set in 2015 by the World Bank, while the official poverty line set by the Chinese government in 2011 seems to remain today at 2,300 RMB (USD \$363) per person per year, or about \$1 USD a day.³³ One estimate put the number of Chinese living under the official Chinese poverty line at 128 million in 2017.³⁴ According to government data, 30.46 million rural Chinese live under poverty by the end of 2017, and it is unclear, due to lack of available data, whether the "rural poor" includes rural migrant workers who live in cities, or how many urban Chinese live under poverty.³⁵

25. While the Chinese government has promised to unify urban and rural standards for subsidies provided to low-income families, the localized programs have remained largely discriminatory against rural residents. According to a State media report, several Chinese municipalities (which

include rural residents in their surrounding countryside) have taken steps to address this problem by providing approximately the same level of subsidies to both urban and rural low-income families (*dibao*).³⁶ Yet, more than 20 other cities continue to maintain a disparity between urban and rural subsidies for low-income families. For instance, in Tianjin Municipality, a rural low-income resident would receive 540 RMB (approx. \$80 USD) per month, while an urban resident receives at least 705 RMB (approx. \$100 USD) per month, or 165 RMB more than the rural resident; in the city of Zhengzhou, the difference in subsidy between rural and urban resident is 230 RMB (approx. \$33 USD), with rural residents receiving 290 RMB (approx. \$43 USD) compared to the 520 RMB (approx. \$77 USD) per month that urban residents receive. (Rates as of July 1, 2015).³⁷

26. The income disparity gap in China remains severe, even as the index of inequality in income distribution has gradually decreased from a peak level in 2008.³⁸ A Chinese official put China's Gini co-efficiency decrease from 0.474 in 2012 to 0.465 in 2016.³⁹ According to a 2013 World Bank report, China is among the 25 percent least equal countries in the world.⁴⁰ Government statistics released in 2017 showed that 20% of the population own more than 45% of the wealth in China, and urban residents' income per capital is 2.7 times that of rural residents.⁴¹

Double discrimination against members of rural ethnic minorities

27. Members of China's ethnic minority populations in remote rural regions are also victims of the discriminatory *hukou* system and regional disparities in economic development, while their traditional livelihoods and cultures continue to come under threat. The household registration system has erected serious barriers for rural ethnic minorities to look for work in Han-majority cities in China's most developed eastern coastal regions, while at home there is a lack of opportunities and poverty is acute.
28. In one example, there is reportedly grinding poverty in the remote mountainous areas in southwest China that hold a significant concentration of the ethnic Yi minority.⁴² Compounded problems, such as neglected schools, lack of healthcare access, inadequate transportation infrastructure, underfunded relief programs, drug addiction, and drug trafficking, are both consequences of and contributors to extreme poverty in these areas.⁴³ State media rarely covers stories depicting such conditions. An independent Chinese journalist interviewed for this report told us that government officials prevented his team from reporting on conditions in the region.⁴⁴
29. The Chinese government has implemented discriminatory policies against ethnic Tibetans and Uyghurs by blocking members of these groups from obtaining employment opportunities in Han majority regions. For example, authorities issued instructions to companies to refuse job applicants who hold household registration in the autonomous regions of Tibet and Xinjiang.⁴⁵ In the Tibet Autonomous Region (TAR), Han Chinese have benefitted from government policies enforced since 2008, allowing them to acquire local residency and invest in business ventures and obtain loans.⁴⁶ Tibetans in the TAR continue to experience de-facto discrimination in obtaining civil servants jobs, as Tibetans are not allowed to take the civil service exam in the Tibetan language, and consequently some of them miss out on benefits and social security protections that come with such jobs.⁴⁷
30. In surveys conducted by a local group, some government agencies in the Xinjiang Autonomous Region specified that the advertised job openings were open only to persons of specific ethnicity. Some advertisements specified that only Han people could apply for public servant positions in national security, Internet surveillance, or government archives.⁴⁸ Xinjiang government job advertisements for positions in the public security sector specifically exclude anyone who opposed "unity of motherland" or participated in "ethnic separatist or unlawful religious activities."⁴⁹
31. China has therefore not implemented recommendations by Togo (74), Bhutan (75), Russia (183), Palestine (175), and Morocco (191), asking China to protect and raise the standard of living for the

most vulnerable and marginalized population groups in society, especially people living in remote rural ethnic minority areas.

Concerning disproportionality of rural & female suicide rates

32. A disturbing reality in China is the high rates of suicide among the elderly, particularly in rural areas. Overall, China's elderly commit suicide more often than their counterparts in other countries. Rural elderly in China are far more likely to take their own lives than elderly urban residents. In the past two decades, the suicide rate of Chinese elderly increased five-fold in rural areas, according to one study conducted by Chinese academics.⁵⁰ Contributing factors are believed to include debilitating illnesses and anguish about life in rural desolation and destitution, as their family support structure collapsed due to their adult children's migration to cities for work.⁵¹
33. According to the World Health Organization's 2015 data, China remains the only country in the world where the female suicide rate is higher than male suicide rate, and media reported in 2016 that the overall suicide rate is four to five times higher in rural areas compared to urban ones.⁵² The WHO puts the 2015 overall suicide rate in China at 6.1 per 100,000 people (a drop compared to the rates in the 1990s); the male suicide rate was 8.7, the female rate was 11.5 per 100,000. A tragic case of this little-known reality made headlines in 2016 after a rural woman in an impoverished region of Gansu Province killed her four children, all under seven years of age, and then committed suicide.⁵³ Local government officials had reportedly stripped the mother of low-income subsidies in 2014 and the family apparently lacked any medical insurance.⁵⁴ Academics and observers contributed the causes to poverty, discrimination, social isolation, and impoverished spiritual life.⁵⁵

Government persecution of social-economic rights defenders

34. The Chinese government has never stopped persecuting social-economic rights defenders. In the past few years, the government has targeted defenders who advocated for labor rights, equal rights to education, housing, and health.
35. In late 2016, Guangdong authorities convicted four labor organizers at an NGO for assisting migrant workers to protect their rights through collect bargaining (since China bars workers from forming independent union). In November 2016, Hubei authorities detained Liu Feiyue (刘飞跃), director of Civil Rights & Livelihood Watch, an NGO focusing on advocating for equal social economic rights. Housing rights activists Ni Yulan (倪玉兰) and Jia Lingmin (贾灵敏), land rights activists Su Changlan (苏昌兰) and Zhou Decai (周德才), labor rights activists Liu Shaoming (刘少明) and Xing Shiku (邢世库), and disability rights activist Zhou Weilin (周维林) for example, have faced repeated harassment and persecution and some of them remain in prison.⁵⁶

¹ Office of the High Commissioner on Human Rights (OHCHR), "End-of-mission statement on China by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights," August 23, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20402&LangID=E>.

² Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the second periodic report of China, including Hong Kong, China, and Macao, China, CESCR/E/C.12/CHN/CO/2, June 2014, para. 28.

³ We consider the following recommendations to be "poor," since they urge China to "maintain" protection or "continue" to improve in areas where prior progress has not been clearly evident (135 – Egypt, 183 – Russian Federation, 185 – Democratic People's Republic of Korea, 187 – Azerbaijan, 196 – Serbia, 244 – Namibia, 245 – Yemen, 247 – Côte d'Ivoire).

⁴ *People's Daily*, "NPC Standing Committee Member: Urban and Rural Hukou Have Over 60 Kinds of Unequal Benefits" (全国人大常委委员:城乡户籍有 60 多种不平等福利), February 25, 2013, <http://fangtan.people.com.cn/n/2013/0225/c147550-20593215.html>.

⁵ CESCR, Concluding observations on the second periodic report of China, para. 14.

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- ⁶ China State Statistic Bureau, “2016 Investigation Report on Rural Migrant Labor” (2016 年农民工监测调查报告), April 28, 2017, http://www.stats.gov.cn/tjsj/zxfb/201704/t20170428_1489334.html.
- ⁷ CHRDR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, April 2014, paras. 20-22, <https://www.nchrd.org/2014/04/report-submitted-by-the-network-of-chinese-human-rights-defenders-a-coalition-of-ngos-to-the-committee-on-economic-social-and-cultural-rights-for-its-review-at-the-52nd-session-of-the-second-report/>.
- ⁸ CHRDR, From Forced Evictions of Migrant Workers to Abused Children: Violations of Social & Economic Rights in China Refute the “China Development Model,” December 7, 2017, <https://www.nchrd.org/2017/12/from-forced-evictions-of-migrant-workers-to-abused-children-violations-of-social-economic-rights-in-china-refute-the-china-development-model/>.
- ⁹ Chinese migrant workers earn an average salary of 3,275 RMB (\$495 USD) a month, while the average rent in Beijing is 4,350 RMB (\$650 USD) per month. Ibid, China State Statistical Bureau, “2016 Investigation Report on Rural Migrant Labor.”
- ¹⁰ Annette M. Kim, “The extreme primacy of location: Beijing's underground rental housing market,” *Cities*, Volume 52, March 2016, Pages 148-158. <https://www.sciencedirect.com/science/article/pii/S0264275115300196>.
- ¹¹ CESCR, Concluding observations on the second periodic report of China, paras. 15, 24.
- ¹² State Council, “State Council Opinion on Advancing Reform for Household Registration System” (国务院关于进一步推进户籍制度改革的意见), July 2014, http://www.gov.cn/zhengce/content/2014-07/30/content_8944.htm.
- ¹³ State Council, “State Council Opinion on Advancing Reform for Household Registration System.” The 2010 National Census, the last available official statistics, said there were 261 million rural residents living in urban areas, and that number is assumed to have increased in the past six years. National Bureau of Statistics, “2010 6th National Census Main Points Announcement” (2010 年第六次全国人口普查主要数据公报), April 28, 2011, http://www.stats.gov.cn/tjsj/tjgb/rkpcgb/gqrkpcgb/201104/t20110428_30327.html.
- ¹⁴ Shannon Tiezzi, “China’s Plan for ‘Orderly’ Hukou Reform,” *The Diplomat*, February 3, 2016, <http://thediplomat.com/2016/02/chinas-plan-for-orderly-hukou-reform/>; Zhou Tian, “State Council Releases Hukou Reform Proposal,” *Caixin*, December 5, 2014, <http://english.caixin.com/2014-12-05/100759833.html>.
- ¹⁵ For more background information on the “household registration” system, see: CHRDR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, paras. 20-22; Beijing Yirenping Center, Appendix 2: End Discriminatory Household Registration System (Hukou), April 2014, <https://www.nchrd.org/2014/04/appendix-2-to-chrd-coalition-ngos-report-submitted-to-cescr-april-2014/>.
- ¹⁶ It is up to municipal governments to define and establish “progressive access” to benefits available to urban residents, such as employment support, housing, pension services, and social welfare. State Council, “Resident Permit Provisional Regulations” (居住证暂行条例), Order No. 663, December 12, 2015, http://www.gov.cn/zhengce/content/2015-12/12/content_10398.htm.
- ¹⁷ Beijing People’s Government General Office, “Measures for Administration of Point-Accumulation Hukou in Beijing (Provisional)” (北京市积分落户管理办法(试行)), August 2016, <http://zhengce.beijing.gov.cn/library/192/33/50/46/438657/79206/>; For Shanghai permit holders, in addition to scoring at least 120 points, they must not have violated any national or municipal birth control policies. *People’s Daily*, “Differences in Point-Accumulation Systems: How to ‘Get Hukou’ in Beijing, Shanghai, Guangzhou, and Shenzhen?” (积分落户办法有差异: 怎样“落定”北上广深?), August 17, 2016, <http://politics.people.com.cn/n1/2016/0817/c1001-28642920.html>.
- ¹⁸ Beijing Municipal People’s Government General Office, “Measures for Administration of Point-Accumulation Hukou in Beijing (Provisional):” *People’s Daily*, “Differences in Point-Accumulation Systems: How to ‘Get Hukou’ in Beijing, Shanghai, Guangzhou, and Shenzhen?”.
- ¹⁹ Employment Anti-Discrimination Law of the People’s Republic of China (Proposal Draft by Experts) (中华人民共和国反就业歧视法(专家建议稿)), 2016 draft (uploaded by CHRDR), <https://www.nchrd.org/wp-content/uploads/2016/11/Employment-Anti-Discrimination-Law-of-the-People%E2%80%99s-Republic-of-China-Proposal-Draft-by-Experts2016.pdf>.
- ²⁰ The proposal was submitted by National People’s Congress (NPC) representatives after initial consultation started in 2008, and has since been approved for further drafting and consultation with relevant departments. Luo Jingwen (罗静雯), “NPC Deputy Sun Xiaomei: Speed Up Adoption of ‘Employment Anti-Discrimination Law’ To Ensure Equal Employment for Everyone” (人大代表孙晓梅: 抓紧制定《反就业歧视法》 确保每个人平等就业), *Chongqing Daily*, March 16, 2016, http://cq.cqnews.net/html/2016-03/16/content_36531225.htm.
- ²¹ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. I Sec. 3, Chap. III, Sec. 4, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>.
- ²² Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. II, Sec. 3, http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm.
- ²³ CHRDR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, para. 20.

- ²⁴ Jing Huang “What Should We Know about the Merger of China’s Urban and Rural Resident Basic Medical Insurance Schemes?”, Health Intel Asia, February 4, 2016, <https://healthintelasia.com/know-merger-chinas-urban-rural-resident-basic-medical-insurance-schemes/>; CMS Law-Now, “Unified Basic Medical Insurance System for Urban and Rural Residents to be established,” January 27, 2016, http://www.cms-lawnow.com/ealerts/2016/01/unified-basic-medical-insurance-system-for-urban-and-rural-residents-to-be-established?cc_lang=en.
- ²⁵ The World Bank, “Reform and Innovation for Better Rural Health Services in China,” April 5, 2015, <http://www.worldbank.org/en/results/2015/04/02/reform-innovation-for-better-rural-health-services-in-china>.
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- ²⁷ Ministry of Human Resources and Social Security, “2015 Human Resources and Social Security Industry Development Statistics Bulletin.”
- ²⁸ The two plans being combined are the Urban Resident-based Basic Medical Insurance Scheme and the New Rural Cooperative Medical Scheme. Xinhua, “Xi Jinping Convenes the 19th Meeting of the Central Comprehensive Deepening and Reform Leadership Group” (习近平主持召开中央全面深化改革领导小组第十九次), December 9, 2015, http://news.xinhuanet.com/2015-12/09/c_1117411357.htm.
- ²⁹ Jing Huang “What Should We Know about the Merger of China’s Urban and Rural Resident Basic Medical Insurance Schemes?”, Health Intel Asia, February 4, 2016, <https://healthintelasia.com/know-merger-chinas-urban-rural-resident-basic-medical-insurance-schemes/>; CMS Law-Now, “Unified Basic Medical Insurance System for Urban and Rural Residents to be established,” January 27, 2016, http://www.cms-lawnow.com/ealerts/2016/01/unified-basic-medical-insurance-system-for-urban-and-rural-residents-to-be-established?cc_lang=en.
- ³⁰ Xiong-Fei Pan, Jin Xu, Qingyue Meng, “Integrating social health insurance systems in China,” *The Lancet* 387, March 26, 2016, pp. 1274-1275, [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(16\)30021-6/fulltext?rss%3Dyes](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)30021-6/fulltext?rss%3Dyes).
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⁴³ Ibid. Chen Di, “The Long Slow Roads Toward Poverty Relief in Yi Minority Regions of Daliang Mountain”; Anthony Kuhn, “A Harrowing, Mountain-Scaling Commute For Chinese Schoolkids”; Cai Yiwen, “Q&A With Liu Shaohua on How Heroin, HIV Ravaged Rural Community.”

⁴⁴ Local officials blocked the team of reporters from entering the area and confiscated some of their equipment. Eventually, authorities allowed them to leave and returned their equipment only after the reporters, at the officials’ order, destroyed notes and photos from interviews they had conducted. Interview with a Chinese journalist, September 2016.

⁴⁵ CHRDR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, para. 7.

⁴⁶ Since 2008, authorities have recruited Han veteran military servicemen to work in law enforcement and state enterprises in the TAR, effectively excluding Tibetans from such jobs. The Chinese government also has implemented policies to restrict Tibetans’ use of grasslands and forcibly displaced tens of thousands of Tibetans who have historically relied on such land to pursue a traditional lifestyle. Once forced into more urban areas, these Tibetans lack the work skills to find employment while being deprived of their culture, religion, diet, and way of life. CHRDR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, paras. 13, 42.

⁴⁷ CHRDR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, paras. 13, 42.

⁴⁸ The survey collected 30 job advertisements in 2017 and found 7 specified requirements about ethnicity. For protecting their security, we keep the name of the group confidential.

⁴⁹ 2017 Xinjiang Uyghur Autonomous Region Public Exam Open to Society Test for Public Servants, Staff, People’s Police Brief Guide (2017 年新疆维吾尔自治区面向社会公开考试录用公务员、工作人员简章, 人民警察报考说明),

<http://www.xjrs.gov.cn/zwgk/tzgg/201703/t8a4ac7025ad9f92b015ae6c70c050379.html>.

⁵⁰ An 80-year-old man in China today remains eight times more likely to take his own life than the average Chinese citizen. Those 80 and over are three times more prone to suicide than are Canadians the same age, and more likely to kill themselves than their counterparts in either Japan or Taiwan. Researchers at Wuhan University conducted a study of 40 villages in 11 provinces, and found that over the course of the past two decades, the rural-elderly suicide rate had risen from 100 per 100,000 to 500 per 100,000, and now stands at roughly 50 times that of the general population. Nathan Vanderklippe, “How China’s rural elderly are being left behind and taking their lives,” March 26, 2016, *Globe and Mail*, <http://www.theglobeandmail.com/news/world/how-chinas-rural-elderly-are-being-left-behind-and-taking-their-lives/article29179579/>.

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⁵² Yuen Ren, “Young Chinese women are committing suicide at a terrifying rate – here’s why,” *The Telegraph*, October 20, 2016, <http://www.telegraph.co.uk/women/life/young-chinese-women-are-committing-suicide-at-a-terrifying-rate/>. Also see World Health Organization data for 2015: <http://apps.who.int/gho/data/node.main.MHSUICIDE?lang=en>.

⁵³ The woman’s husband, who worked in a city, committed suicide a week after his wife. Javier C. Hernández, “Mother’s Killing of Children in Rural China Spurs Debate About Inequality,” *The New York Times*, September 12, 2016, http://www.nytimes.com/2016/09/13/world/asia/mothers-killing-of-children-in-rural-china-spurs-debate-about-inequality.html?_r=1.

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3.4 Rights of the Child

By Children's Rights Project, Labor Education Initiative, and CHRD

1. Child labor, child trafficking, and sexual abuse remain serious issues in China. The government has not made significant progress in this area since the 2013 UPR, despite China's claim that it "accepted and already implemented" Finland's recommendation to "[c]reate national and local-level systems to protect children from all forms of exploitation, including child labour" (186.83).¹
2. At the 2nd cycle of UPR, China accepted 27 recommendations concerning the right of the child: 186.56 (South Africa), 77 (Mauritius), 79 (United Arab Emirates), 80 (Ethiopia), 83 (Finland), 84 (Central African Republic), 86 (Mexico), 87 (Slovenia), 96 (Romania), 98 (Botswana), 135 (Egypt), 183 (Russia), 205 (Chad), 206 (Portugal), 207 (Singapore), 208 (Eritrea), 209 (Russia), 210 (Senegal), 211 (Chad), 212 (Italy), 213 (Lesotho), 214 (Republic of Korea), 215 and 216 (South Sudan), 218 (Zimbabwe), 244 (Namibia), and 245 (Yemen). Of which China said it had "already implemented" three (186. 83, 96 & 98), and it did not accept two recommendations: 186.82 (Italy) and 94 (Canada).
3. In this report, we find that China has *partially implemented* recommendations 77, 79, 80, 94, 209, 214 & 215, and has *not implemented* the other 22 recommendations. We provide updates on these and other areas of developments concerning the rights of the child in China since 2014.
4. The Chinese government has made some attempts at protecting children at the legislative and regulatory levels, including issuing opinions and joint circulars to enhance safeguards, and amending the Criminal Law (CL) to increase punishments for offenders. Both new provisions and existing laws on the protection of children's rights, however, critically lack concrete and specific stipulations to ensure effective enforcement, supervision, evaluation, and accountability. This is largely due to the lack of political will to establish a fully integrated system of laws to hold law breakers accountable, and to establish an independent complaint and redress mechanism. Public education and awareness raising efforts are also lacking.
5. Around the same time as China's 2nd UPR, in 2013-14, the Committee on the Elimination of Discrimination against Women (CEDAW) and Committee on the Rights of the Child (CRC) expressed concerns over the absence of comprehensive legislation, missing crucial data on child abuse and missing children, impunity for perpetrators, limited access to justice and public services, and lack of public awareness.² The CRC positively noted the adoption in July 2011 of the National Plan for Child Development 2011-2020 (NPCD), but CRC was concerned about the lack of implementation mechanisms and the lack of participation of independent experts and non-governmental organizations.³ The government has made insufficient efforts for complying with these treaty bodies' recommendations.

Ineffective measures leaving children exposed to exploitation & violence

Child labor

6. Little data on child labor has been released by the government. Moreover, any official estimates of the numbers of child laborers would be distorted since the government defines "child" as anyone under the age of 16, while the international cutoff age is 18.⁴
7. In many poor rural and ethnic minority regions, children, particularly girls, are more susceptible to becoming child laborers, migrating to industrial cities, due to poverty, gender discrimination, and limited access to public services like education and state subsidies.⁵ Migrant children continued to work in Chinese factories.⁶ One report estimates that in one Eastern coastal city, where many garment factories are based, between 2012 and 2016, city government found 107 cases involving employing 211 child laborers.⁷ State media acknowledges that child labor

remains common all over the country.⁸ Child laborers mostly work in the garment, food processing, and phone assembling industries, working the same shifts and long hours as assigned to adult workers, in some cases, as long as 14-15 hours a day. State media reported in 2016 the arrest of a garment factory owner on suspicion of “forced labor” for employing seven children.⁹

8. Another area of concern is the continuing use of child labor under the “student internship” program. Employers who use “student interns” often give financial incentives to schools that provide the students, typically by giving a portion of students’ monthly salary as commission. As such, the welfare and interests of students are often neglected in such programs.¹⁰ Employers who exploit student interns often evade inspection by school authorities.¹¹ Government corruption is also a major factor that contributes to the lack of enforcement of regulations and law.¹² In April 2016, five government ministries jointly issued “Administrative Measures for Internships at Vocational Schools.”¹³ However, the measures lack clear and effective mechanisms for supervision, complaints, and redress.¹⁴
9. Problems contributing to the government’s failure to eradicate child labor include the lack of comprehensive preventative measures and weak enforcement. China’s Labor Law and Law on the Protection of Minors both clearly prohibit the hiring of children under the age of 16, and the Criminal Law (2012) punishes those who use children to do dangerous and hazardous work.¹⁵ However, China has no independent supervisory mechanisms that could ensure implementation of the law and credibly handle complaints. The government provides inadequate support to public education programs.
10. Government assistance for seeking redress is critically lacking. According to a labor rights NGO, in the past five years in Zhejiang Province, workers as young as 13 years old have been employed in physically dangerous work. When some children were injured, they were threatened into not filing complaints or, if they filed reports, they were forced to accept unfair settlements.¹⁶ When such accidents occur, authorities tend to blame the children or their parents for allowing children to work illegally. Even in cases where children have died as victims of work accidents, employers have only paid minimal fines.¹⁷

Child trafficking

11. The Chinese government does not release the number of trafficked children. There are some media reports on cases where the government reportedly conducted rescue and prosecuted offenders. One State media reported, quoting the Ministry of Public Security, that police had successfully rescued 13,000 abducted children nationwide in 2014.¹⁸ Many factors have fuelled China’s market of buying and selling children, including decades of government enforcement of strict birth control policies, failure to change biased gender preferences, lack of adequate pensions for rural elderly, and an increasing number of left-behind children in rural areas due to parents migrating to urban cities in search for work.¹⁹ Trafficked children are sold into forced labor, prostitution, forced marriages, adoption, or forced to engage in panhandling.
12. The government put out a National Action Plan (2013-2020) to combat human trafficking in 2013, but it has not taken effective measures to tackle the root causes. The Action Plan promised some new measures, especially the creation of a mechanism across multiple ministries to expose and report trafficking, and a plan to strengthen public education.²⁰ However, the Action Plan fails to set up concrete targets with specific timelines for implementation of these measures. It did not include any specific provisions to establish a nationwide data collection system to track human trafficking in the country, which is a key concern of CEDAW.²¹
13. Chinese law does not fully criminalize all forms of trafficking such as the facilitation of prostitution involving children younger than the age of 18.²² Some laws and regulations contain loopholes and ineffective punitive measures against suppliers and customers, which have allowed buyers, abductors, traffickers, and sellers of children, in some cases their parents, to abuse children

without criminal punishment. Prior to 2015, buyers of children for adoption or forced marriages faced little consequences, unless they were found to be mistreating the child or obstructing police investigations. A 2015 amendment to the Criminal Law added new stipulations that would give buyers a “light” punishment, though the consequences for buyers remains minor such that the law has little effect in deterring offenders.²³ Though the government had issued an opinion in 2010 that included a stipulation to hold parents criminally accountable for selling their own children, the opinion had a loophole that allowed parents to sell children without legal consequences if they were poor and did not intend to make a profit.²⁴ One media reported in 2015 that about 50 percent of all children in trafficking cases were sold by their parents.²⁵

Sexual abuse

14. The government has failed to take effective measures to protect children, especially young girls, from sexual abuse. The lack of government transparency has not helped raise public awareness. There is a lack of willingness to “[i]ncrease efforts to gather data on child abuse with the aim of supporting policy formulation process” (UPR recommendation by Italy, 186.82), which China rejected. Meanwhile, the government refused to disclose specific statistics of cases of sexual violence and rape against children to the CRC.²⁶ CRC noted the “limited public accessibility to reliable and comprehensive statistical data,” and recommended the government review state secrecy laws in order to ensure that data is available.²⁷
15. The November 2017 child sex abuse scandal at a Beijing kindergarten sparked outrage, prompting an investigation. But similar abuses took place in daycare in other parts of the country.²⁸ In a 2014 study for the World Health Organization, researchers found that approximately 25% of Chinese children have suffered some form of physical abuse and that almost 9% have suffered sexual abuse.²⁹ According to a government affiliated organization, “Girls’ Protection,” an estimate of 75% of all child sexual abuse cases take place in rural areas.³⁰ The group found 968 incidents of sexual assault of children reported in Chinese media from 2013-2015, involving 1,790 victims, most of whom were rural children.³¹
16. One major cause for the prevalence of child abuse traces back to China’s mass internal migration. The rural migrants earned too little to raise their children in the cities. Under China’s household registration system, rural migrants are treated as second-class citizens in Chinese cities, discriminated against in access to education, healthcare, housing and other social services. As such, many children remain in villages while their parents move to cities to work. China has an estimated 60 million “left-behind” children, one-fifth of the country’s children. State media reported that one-third of all rural children live apart from their parents.³² In 2013, CRC expressed concerns that, “due to the restrictive *hukou* policy, many migrant parents face the difficult choice of leaving their children behind.”³³ These “left behind” children have little parental protection and are extremely vulnerable to abuse. Their lack of parental support and care led to psychological and social problems including juvenile delinquency, poor academic performance, and suicide.³⁴
17. Due to the lack of education on sexual abuse and little knowledge on the part of victims or parents about how to report such incidents to police, the actual number of victims likely far exceeds the number of reported cases. Many rape cases tend to be reported and prosecuted as “child molestation” cases, where convicted offenders face maximum 5 years in prison. One report said that Chinese courts prosecuted 10,782 cases involving child molestation between 2013-16, while providing no number for child rape cases.³⁵
18. In one positive step in 2015, the Criminal Law, which previously prosecuted child sexual assault offenders under the crime of “prostituting minor girls,” was amended and suspect offenders will be prosecuted for “rape.”³⁶ But the Criminal law only punishes criminal suspects for rape of girls under the age of 14, excluding boys, and girls between the age of 15-17.³⁷

19. The government has tried to control public outrage by blocking information, silencing its critics, obstructing victims from seeking justice, and retaliating against women's rights activists and NGOs assisting efforts to hold alleged perpetrators accountable. Activists Ye Haiyan (叶海燕) and Shan Lihua (单利华), and human rights lawyer Wang Yu (王宇), have faced harassment and criminal prosecution after trying to draw public attention to the case of serial rape of school girls.³⁸ Several women's organizations that documented cases of child abuse have been shut down by authorities. One such group, Beijing Zhongze Women's Legal Counseling and Service Center, led the successful campaign to have the Criminal Law amended in 2015 to classify sexual abuse of children under the age of 14 as "rape" and not "underage prostitution." The government forced the NGO to shut down in 2016 over suspected ties to foreign groups.³⁹

Violence & neglect tied to birth-control policy & gender/disability discrimination

20. Under a new birth control regulation put into effect on January 1, 2016, the government relaxed the quota from one birth per married couple to two births, but couples who violate the new quota still face financial or administrative penalty.⁴⁰ Thus the state continues to restrict couples' reproductive freedom, and the loosened policy does not sufficiently help combat abuses against disabled children and girls due to entrenched social discrimination.
21. Under pressure from societal and policy biases toward women and persons with disabilities, some pregnant women resort to abortion of fetuses, or kill or abandon their disabled or female infants. It is difficult to obtain data on abandoned children disaggregated by gender or disability. One media reported that more than 300 children at one orphanage in a Southern city were waiting for adoption in February 2018, while 90% of them, living with some kind of disability, have little prospect of being adopted.⁴¹ China's Ministry of Civil Affairs reported that, by the end of 2016, there were about 460,000 orphans in China, 373,000 of them lived on their own and only 88,000 lived in orphanages.⁴²
22. Ultrasound tests, though illegal, continue to be available in under-regulated black market, for detecting the gender or possible birth defects of fetuses.⁴³ The government systematically denied that the more strict "one couple per birth" policy resulted in the deaths or abandonment of disabled children.⁴⁴ The CRC raised serious concerns in its 2013 review about "infanticide, particularly of girls and children with disabilities"⁴⁵ and "the widespread abandonment of ... children with disabilities and girls, mainly due to the State party's family planning policy and discrimination and stigma attached to children with disabilities and girls."⁴⁶
23. China has the world's most imbalanced sex ratio at birth, according to the World Economic Forum's 2015 Global Gender Gap report.⁴⁷ In responding to Canada's 2013 UPR recommendation to China on addressing the problem of sex imbalance and missing women and girls, the government claimed, "There is no such situation as many women and children missing in China." According to the UN Population Fund, women that are not born due to gender-biased sex selection are considered "missing."⁴⁸

Persistent under-registration of children

24. The Chinese government accepted the two UPR recommendations, by Mexico (86) and Slovenia (87), that called for ensuring the proper registration at birth of all boys and girls. However, the government has not implemented these recommendations. Some children in China still cannot get legally registered and, consequently, their entitlement to public services and government subsidies are striped off. Government policies on family planning and national laws continue to limit the number of births per married couple and maintain a system of fines and administrative punishment for out-of-quota children, which can lead parents to not register such children for fear of penalties. Children who have not been registered under the household registration (*hukou*) system have no claim to access basic social services, such as healthcare, education, housing and social security benefits, which also negatively affect their employment eligibility later in life.

25. CRC expressed “serious concerns” in 2013 that China’s family planning policies and financial penalties “significantly deter parents or guardians from registering their children” and that “the family household registration (*hukou*) to which the birth registration is attached impedes birth registration of children of migrant workers.”⁴⁹ The Committee recommended the removal of all penalties and the abandonment of the *hukou* system.⁵⁰ CEDAW reiterated its recommendation to remove all barriers to the registration of children in its 2014 Concluding Observations.⁵¹
26. A 2015 study, reported in state media, estimated that, among the 13 million unregistered persons found in China’s most recent population census in 2010 (or 1% of the population), 50-60 percent of them had been born either as out-of-quota children, by unmarried women, or abandoned as babies.⁵² The welcomed government decision to relax the one-child policy in January 2016 should improve the chance for some children to be registered at birth. However, the government continues to enforce financial penalties—called “social maintenance fees”—for having children outside of the existing birth quota.⁵³ Parents face financial penalties for having more children than state-mandated quota or children born out of wedlock.⁵⁴ The fee is set by local governments and is, on average, three to six times the annual salary of the parents, and one-third of such families can’t afford to pay the fines.⁵⁵
27. In 2015, the State Council called for all Chinese to be registered and forbade local governments from setting pre-conditions for obtaining a *hukou*.⁵⁶ However, the “Opinion on Resolving Issues of Hukou Registration for Persons with no Hukou” does not have the force of law, and detailed regulations have not been released; thus, enforcement and implementation are problematic. Furthermore, it is unclear if individuals registering for a *hukou* would have to pay a fine for having out-of-quota children, thereby deterring parents from registering their children.⁵⁷ Some authorities announced a delink between registering for a *hukou* and paying the “social maintenance fee” after the State Council directive, but the government would still demand parents to pay the fee at some point and authorities could obtain court orders to enforce payments, if needed.⁵⁸

Unequal access to education for rural & migrants’ children

28. The Chinese government *partially implemented* Russia (209) and South Sudan’s (215) recommendations to increase resources for education in rural areas. China also *partially implemented* the Republic of Korea’s recommendation (214) to “continue to make efforts to promote the right to education for children of migrant workers from rural areas.”⁵⁹ However, the government has *not implemented* recommendations by Chad (211) and Italy (212) on “fully ensuring the right of education” for the children of migrant workers. It also did not implement Lesotho’s recommendation (213) to “continue to attach great importance to safeguarding the compulsory education rights of children accompanying rural migrant workers.”⁶⁰ Nor did it implement South Sudan’s recommendation to “better the conditions of urban schools, especially in the poor neighborhoods” (216).
29. China’s household registration system has led to the denial of equal education to children based on their rural or urban *hukou* residential registration status. Of particular concern has been the continued obstacles for children of rural migrants working in cities to receive education. According to the last government census, there are approximately 261 million rural migrants working in urban areas.⁶¹ Because their *hukou* remains attached to their rural residency, their children do not have equal access to government subsidized public school education in cities.
30. While laws exist in China to protect the rights of migrant children to education, there is also a lack of clarity and mechanism for enforcement. China’s 2006 Compulsory Education Law stipulated nine-year compulsory education for all children.⁶² Under Article 12 of the law, migrant children are entitled to schooling of “equal conditions” in their place of residence, but local authorities are given the power over enacting the regulations.⁶³ As a result, migrant children’s access to public schools varies from region to region. Under Article 4 of the Ministry of Education’s “Provisional

Measures for the Schooling of Migrant Children and Young People” (1998),⁶⁴ local government bureaus of education must guarantee and provide the required compulsory education for migrant children. However, the regulations do not specify which government agencies are responsible to enforce the regulations or to penalize violators. Despite a “non-discrimination” provision in its 2012 Law on Protection of Minors to protect children’s right to education,⁶⁵ migrant children still face discrimination in enjoying equal access to basic education.

31. One major obstacle to protecting this basic human right has been inadequate funding budgeted by the government. The government systematically allocates more resources for schools in urban areas than in rural areas. As a direct outcome of the government’s low funding allocation, 50 percent of rural primary schools closed between 2000 to 2010, making education less accessible for rural children.⁶⁶ Due to severe shortage of resources for education in poor rural regions, schools in these places charge high fees for different services and school materials, creating an undue financial burden for poor families and causing high drop-outs rates.
32. The Ministry of Education targeted a reduction within 3-5 years of primary school dropout rate within 0.6% and middle school dropout rate within 1.8% in 2014.⁶⁷ According to one study conducted by Chinese scholars between 2007 and 2013 in four provinces, published in 2016, the estimated rates of middle school dropout in rural areas ranged from 17.6% to 31%. This study found that the combined dropout rate for rural middle school, high school and professional middle schools were as high as 63%. In poor rural areas, 51.2% - 53.5% of children do not attend high school or professional middle schools, while the rate of urban kids who went to high school was 90%.⁶⁸
33. The Chinese government reported to CRC in 2012 that education spending accounted for 3.48 percent of the gross national product, a figure the CRC considered “inadequate.” The Committee expressed concerns that, due to the dependence on “provincial and lower-level resources,” this low spending resulted in “sharp inequities in public resource allocations” for “the implementation of children’s rights” to education.⁶⁹ CRC was particularly concerned about disparities in access to education between urban and rural children (and children of migrant workers), and the harassment and forced closure of privately run or community schools for such children.⁷⁰ Similarly, following its review of China in 2014, CESCR stated “with concern that unequal geographic distribution of funds is increasing the disparities in access to, and availability of, education between urban and rural areas,” and that “compulsory education is still not free and is often unaffordable for children in rural areas and poor urban areas.”⁷¹
34. Local government regulations also hamper efforts for migrant children to receive free public education. In 2015, the Beijing Municipal Education Committee released regulations on compulsory education, which allow schools to demand up to five different documents for children whose families do not have a Beijing residential registration before they could enrol.⁷² One school in Beijing required 28 different certificates for children without Beijing residential registration, according to a 2015 report in the State-run *People’s Daily*.⁷³
35. Confronting these problems, parents of migrant children and civil society groups have experimented with opening private or community schools for these children. The “migrant schools” cannot obtain state funding, face severe shortage of resources and qualified teachers, and are often housed in unsafe buildings. Authorities often shut down migrant schools due to failed safety inspections of the buildings or licensing issues.⁷⁴ The government took a hard line against civil society efforts to address the problems of migrant children’s education. For instance, legal activist Xu Zhiyong (许志永) received a four-year prison sentence in 2014 after he organized protests and petitions to the Ministry of Education from parents of migrant children who were denied equal access to public education.⁷⁵ The court verdict against Xu accused him of “exploiting social issues of great public concern” in order to “gather crowds to disturb order in public places.”⁷⁶

36. In recent years, the government has taken some steps to tackle unequal access to education by improving funding.⁷⁷ However, the government has not created the necessary mechanisms, as called for by CRC, to “monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources across provinces, prefectures and counties in mainland China.”⁷⁸
37. In inadequately providing for education for rural “left behind” and migrant children, the government has fallen short of achieving protections outlined in its National Human Rights Action Plan (2016-2020), namely that China “will focus efforts to guarantee equal right to compulsory education for children of migrant workers in places they migrated to, improve education service system for left-behind children.”⁷⁹ In the past 3 years, urban centers have erected tremendous obstacles to keep out rural migrants through tough measures on obtaining housing and residential permits. In Beijing, the government’s 2017 “Resolve Improvement and Push Promotion” of city management project meant that most migrant schools have been demolished after government inspectors designated them as safety hazards, leaving hundreds of thousands of migrant children out of schools.⁸⁰ In Shanghai, the government placed onerous requirements on migrants for obtaining residential permits, deterring many parents from enrolling their children in schools where such permits are required.⁸¹

¹ We have assessed some of the recommendations in this section to be “poor.” The recommendation by Egypt (135) is “poor” since it contains a problematic presumption, namely that China has “effective protection” for the family. The full text recommends China “maintain its effective protection for the family as the fundamental and natural unit of society,” but current laws and practices are not “effective” and do not provide adequate protection. Furthermore, the recommendation by the United Arab Emirates (79) for China to “Continue its efforts to successfully achieve the Child Development Plan 2011-2020” is also “poor” because it practically praises China for its “efforts” to “successfully” achieve the stated goals, but the government has not made enough efforts and these goals have not been successfully achieved. Namibia’s recommendation (244) “Continue promoting the right to development” is assessed as “poor” because the Chinese government has not promoted the “right to development” as a human right to equitable and participatory human development. Yemen’s recommendation (245) “Give priority to the right of people to development...” is assessed as “poor” for the same reason.

² CEDAW welcomed the promulgation of the National Plan of Action on Combating Human Trafficking (2013-2020), but noted the lack of clarity as to whether domestic law criminalizes all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced labour, forced marriage and illegal adoption. Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the combined seventh and eighth periodic reports of China, CEDAW/C/CHN/CO/7-8, November 2014, para. 28.

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

⁴ CRC raised this concern in its 2013 review. CRC/C/CHN/CO/3-4, October 2013, para. 85.

⁵ Currently, there is no regulation that stipulates punishment for individuals who recruit child laborers from around the country. They target minority groups in poor rural areas where poverty has forced children to search for work, such as the case of children of Yi ethnic minority group from Liangshan Yi Autonomous Prefecture in Sichuan Province. Children as young as 11 years old were forced to go out and work, not knowing it is illegal. Girls are more vulnerable to being pressured to find work because of gender discrimination. *Beijing Youth Daily*, “A Different Life for Child Laborers of Daliangshan” (大凉山童工的另一人生), January 26, 2014, http://epaper.yynet.com/html/2014-01/26/content_38001.htm?div=-1.

⁶ Labor activists imbedded in a garment factory in Jiangsu province publicized some video footage online, taken secretly, showing migrant children, as young as 15, working there. “Footage of Changshou Child Labor Industry: Squeezed Youth 实拍常熟童工产业：被榨尽的青春”, November 2016. http://www.zyjjq.com/n/content_1122_35136.html.

⁷ *Beijing Youth News*, “Changshou Child Laborers ‘Dropping School Investigation:’ Visiting Teacher Threatened by Students with a Sickle(1)” (常熟童工”辍学调查：老师家访遭学生持镰刀威胁(1)), November 30, <http://news.china.com/socialgd/10000169/20161130/30057870.html>.

⁸ *New Beijing News*, “Garment Capital ‘Selling Child Labor’ Shames Rule of Law Society” (服装之都“倒卖童工”是法治社会之耻), November 22, 2016, <http://news.china.com/domesticgd/10000159/20161122/23911055.html>.

⁹ *Xinhua*, “Employing Child Laborers, Restricting Freedom, Beating, Zhejiang Sock Factory Owner Arrested on Suspicion of forced labo” (雇佣童工、限制自由、殴打 浙江一袜子作坊老板涉嫌强迫劳动被批捕), August 8, 2016. http://www.zj.xinhuanet.com/zjNewsman/20160808/3356367_c.html.

¹⁰ *Beijing Youth Daily*, “Interns ‘Sold’ To Factories” (被“卖”进工厂的实习学生), September 25, 2016, http://epaper.yynet.com/html/2016-09/25/content_219784.htm; *Xinhua News Agency*, “Student Interns From A Sichuan

School Allegedly Became Cheap Labor, Working 12 Hours A Day” (四川一学校学生实习疑变廉价工 1 天工作 12 小时), October 21, 2016, http://news.xinhuanet.com/local/2016-10/21/c_129331765.htm.

¹¹ In 2014, several cities in Jiangsu Province had reported incidents of students under 18, including children laborers, were subjected to overtime work, night shifts, and poor living conditions. Students and their parents were not informed of the working conditions beforehand. No punishment was given to either the factory that employed underage workers or schools that knowingly sent students to unlawful work environment. *Jiangsu TV*, “Undercover Visits to Chemical Plants Suspected of Using Child Labor, Interns Work 12 Hours Every Day” (暗访化工厂涉嫌使用童工 实习生每天工作 12 小时), September 2014, <https://www.youtube.com/watch?v=8JS2sCWkSYE>.

¹² In 2014, over 60 students under 16 years old were forced to work summer internships at a packaging facility in Guangdong Province, for up to 13 hours daily. The manager of the factory claimed to have good relations with the local labor inspectorate, an administrative branch of Ministry of Human Resources and Social Security, hence they were not afraid of complaints against them. Xu Zhanglong (徐章龙), “Vocational School Teachers Expose ‘Illegal Employment’ at Chang’an Factory” (职校老师曝长安工厂“非法用工”), *Nandu.com*, August 1, 2014, http://epaper.oeeee.com/epaper/1/html/2014-08/01/content_3288982.htm?div=-1.

¹³ The five government agencies include: Ministry of Education, Ministry of Finance, Ministry of Human Resources and Social Security, State Administration of Work Safety, and China Insurance Regulatory Commission. This new regulation will apply “Provisions on Prohibition of Child Labor” to carry out criminal punishment if violations occur. The new regulation outlaws overtime, dangerous, and harmful work. In addition, an agreement from guardian is required if an intern is at least 16 but younger than 18 and unlike its predecessor, this new regulation stipulates offenders be prosecuted accordingly. “Notice Concerning Published ‘Administrative Measures for Internships at Vocational Schools’” (关于印发《职业学校学生实习管理规定》的通知), April 11, 2016, <http://www.xxy.org.cn/a/falvfagui/20160507/765.html>.

¹⁴ Under the regulations, schools have unchecked power to manage the system, including selecting companies and supervising internships, investigating violations, and deciding what remedies to give. The absence of an independent body to oversee the internship programs and a mechanism for students to file appeals and seek redress fail to protect the interests of young workers, particularly those who are under 18.

¹⁵ Article 244a, Criminal Law of the People’s Republic of China, 1979, amended 2012, <https://www.cecc.gov/resources/legal-provisions/criminal-law-of-the-peoples-republic-of-china>.

¹⁶ Such work including metal forming, pressing, cutting, and welding. Most of them do not have worker’s compensation insurance, which employers are required by law to have to cover for employees. In most cases, because it is illegal to hire underage workers, employers intentionally do not provide labor contracts, hence depriving them of fair wage, guarantees of payment, and benefits including periodic health examinations especially for those working dangerous or harmful jobs. Authors interviews with NGO, 2016.

¹⁷ In 2016, a 14-year-old died after working up to 12 hours every day for two months at a factory in Guangdong Province. Journalists reported this case to the local branch of Ministry of Human Resources and Social Security and after an investigation confirming employment of child labor, the factory was fined 10,000 RMB (approx. 1,500 USD), but no one was held criminally responsible. *Foshan Public*, “14-year-old Child Laborer Died in Sleep Worked 11 Hours A Day, Factory Fined 10,000 RMB” (14 岁童工每天工作 11 小时梦中猝死 工厂被罚 1 万), April 23, 2016, <http://v.qq.com/cover/s/s9l6zociw68qaf5.html?vid=d01959jby4u>.

¹⁸ *Legal Daily*, “Police Rescued 13,000 Abducted Children Nationwide in 2014” (2014 年全国公安解救被拐儿童 1.3 万), February 16, 2015, http://www.legaldaily.com.cn/Police/content/2015-02/16/content_5973062.htm.

¹⁹ Child trafficking affects both sexes, although in different ways: male infants and toddlers sell for higher price and in high demand while girls trafficked are usually older, because they would be sold into sex trafficking and forced marriage. According to an analysis of over 8,000 cases of child abduction, more girls aged 13 and above than boys are trafficked because they would be trafficked into illegal markets for forced prostitution and marriage. Wang Qingkai (王庆凯), “Analysis of 30 Years of Missing Children: More Children Go Missing as Temperature Rises” (三十年失踪儿童分析: 气温回暖儿童失踪率增大), *Caijing*, March 25, 2016, http://www.caijingmobile.com/political/2016/03/25/257035_1_0.html. A state media report in 2015 noted the trend of more left-behind children becoming street children. Hu Han (胡涵), “Left-Behind Children Becoming New Source of Homeless Children, Or Manipulated Into Criminals” (留守儿童正成流浪儿童新来源 或被操纵走向犯罪), *Beijing News*, July 14, 2015, http://news.xinhuanet.com/local/2015-07/14/c_128016439.htm.

²⁰ Some other proposed measures include: incentivizing reporting of trafficking, strengthening enforcement and inspection efforts, expanding a database to help match parents of missing children with homeless children, regulating adoption procedures and rehabilitation mechanisms, and evaluating local authorities’ anti-trafficking performance. Notice of the State Council Office Regarding the Printing and Distribution of the Action Plan to Prevent Trafficking in China (2013-2020) (国务院办公厅关于印发中国反对拐卖人口行动计划 (2013—2020 年) 的通知), March 2, 2013, http://www.gov.cn/zhengce/content/2013-03/08/content_6108.htm.

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

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- ²² The US State Department, “2017 Trafficking in Persons Report,” <https://www.state.gov/documents/organization/271341.pdf>.
- ²³ Article 15, Ninth Amendment to the Criminal Law of the People’s Republic of China (中华人民共和国刑法修正案(九)), November 2015, <http://npc.people.com.cn/n/2015/1126/c14576-27857512.html>.
- ²⁴ A joint legal opinion issued in 2010 by the Ministry of Justice, the Ministry of Public Security, and the Supreme People’s Procuratorate and Supreme People’s Court clarified the criminal liability of parents who sell their children. “Opinion Regarding the Punishment of Crime of Trafficking in Women and Children According to Law” (关于依法惩治拐卖妇女儿童犯罪的意见), March 15, 2010, http://news.xinhuanet.com/legal/2010-04/02/c_1214478.htm.
- ²⁵ According to one Chinese media report, more than half of child trafficking cases analyzed (133 cases) were committed by parents or relatives. *Caixin*, “Analysis of Trafficked Children in China: Half of Them Sold by Family Members” (中国被拐卖儿童状况分析: 一半为亲人所卖), June 23, 2015, <http://opinion.caixin.com/2015-06-23/100821499.html>.
- ²⁶ In China’s reply to the CRC’s List of Issues, the government stated, “China’s Criminal Law lays down the crime of abuse, but the crime object is not limited to children alone. In 2010, 2011 and 2012, Chinese courts respectively handled 67, 68 and 40 cases of abuse crimes, with 27, 27 and 16 perpetrators convicted. China’s Criminal Law lays down the crime of sexual harassment of children. In 2010, 2011 and 2012, Chinese courts respectively handled 1,721, 1,818 and 2,017 such cases, with 1,513, 1,550 and 1,662 perpetrators convicted.” Response of the Chinese Government to Questions Concerning the Combined 3rd and 4th Periodic Reports on the Implementation of the Convention on the Rights of the Child, CRC/C/CHN/Q/3-4/Add.1, September 2013.
- ²⁷ CRC, Concluding observations on the combined third and fourth periodic reports of China, paras. 15-16.
- ²⁸ “Jilin Siping Honghuanglan Daycare Child Abuse Case Civil Lawsuit Verdict Announced” (吉林四平红黄蓝幼儿园虐童案民事审判宣判), November 25, 2017, <http://news.china.com/socialgd/10000169/20171125/31718967.html>.
- ²⁹ Bulletin of the World Health Organization, “The burden of child maltreatment in China: a systematic review,” March 1, 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4371492/>.
- ³⁰ “Girls’ Protection 2016 Investigative Report on Child Sex Assault Prevention Education” (“女童保护”2016年儿童防性侵教育调查报告), March 3, 2017, http://gongyi.ifeng.com/a/20170303/44550261_0.shtml.
- ³¹ *Xinhua*, “Foundation bids to shine a light on child abuse,” June 3, 2016, <https://www.shine.cn/archive/nation/Foundation-bids-to-shine-a-light-on-child-abuse/shdaily.shtml>.
- ³² “One-third of rural children left behind by parents: report,” *Global Times*, July 24, 2017, <http://www.globaltimes.cn/content/1057820.shtml>.
- ³³ CRC, Concluding observations on the combined third and fourth periodic reports of China, para. 48.
- ³⁴ Emily Feng, “China to Survey Children Left Behind by Migrant Workers,” *The New York Times*, March 29, 2016, http://www.nytimes.com/2016/03/30/world/asia/china-left-behind-children-survey.html?_r=0; “China’s Rural Boarding School Students Research Report” (中国农村住校生调查报告), 2015, http://www.growinghome.org.cn/upload/file/20150114163848_59.pdf.
- ³⁵ *Huaxi Doushibao*, “Hunan Man Raped 14 Girls in Two Years, Execution Carried out” (湖南一男子两年强奸 14 名幼女被执行死刑), June 1, 2017, <http://news.163.com/17/0601/14/CLRP4B1H00018AOR.html>.
- ³⁶ Under Article 360 (2), “Prostitution of underage girls” has been removed under the Ninth Amendment to the Criminal Law; Supreme People’s Procuratorate of the People’s Republic of China, “China Abolishes Crime of Prostitution of Underage Girls, Replaces It With Rape Charges to Punish More Harshly” (中国取消嫖宿幼女罪 奸淫幼女以强奸论从重处罚), August 30, 2015, http://www.spp.gov.cn/zd gz/201508/t20150830_103811.shtml.
- ³⁷ PRC Criminal Law, Article 236.
- ³⁸ PBS, “Women’s Rights Activist in China Takes on Officials Accused of Raping Young Girls—And Pays a Steep Price,” September 26, 2016 <http://www.pbs.org/pov/blog/pressroom/2016/09/womens-rights-activist-in-china-takes-on-officials-accused-of-raping-young-girls-and-pays-a-steep-price/>; *Variety*, “Film Review: ‘Hooligan Sparrow’”, July 22, 2016, <http://variety.com/2016/film/reviews/hooligan-sparrow-review-1201820676/>.
- ³⁹ “Compensation for the Mental Suffering of Rape Victims and Rape and Prostitution Laws relating to Minors: A Comparative Study,” Reuters, December 2, 2013, <http://www.trust.org/publications/i/?id=1f16a695-7353-42a5-ac18-5fb1524a2f3c>; “Women’s legal aid center in Beijing closed,” *Global Times*, February 2, 2016, <http://www.globaltimes.cn/content/966852.shtml>.
- ⁴⁰ *Xinhua News Agency*, “China to ease one-child policy,” November 15, 2013, http://news.xinhuanet.com/english/china/2013-11/15/c_132891920.htm.
- ⁴¹ *Jing Bao*, “Almost New Year, How Are ‘the Children Waiting for Adoption’ at Shenzhen Orphanage?” (快过年了, 深圳福利院那些“等待被认领的孩子们”还好吗?) February 3, 2018, <http://news.sina.com.cn/o/2018-02-03/doc-ifyremfz4366500.shtml>.

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- ⁴² Ministry of Civil Affairs of PRC, “2016 Social Service Development Statistics Public Report” (2016 年社会服务发展统计公报), August 3, 2017, <http://www.mca.gov.cn/article/sj/tjgb/201708/20170800005382.shtml>.
- ⁴³ BBC, “China’s two-child policy: Single mothers left out,” November 2, 2015, <http://www.bbc.com/news/world-asia-china-34695899>. Any set restriction on the number of births still maintains the state’s power over citizens’ reproductive choices, and the policy continues to discriminate against unmarried women, who are not allowed to legally have children unless they receive a “reproduction permit” from the government. Married women may still be pressured to undergo gynecological tests to monitor their reproductive status, face forcible IUD insertion or sterilization, or be forced to abort a fetus if a pregnancy is “out-of-quota.” CHRDR, Report Submitted to UN Committee on Economic, Social and Cultural Rights, April 2014, paras. 24-25, <https://www.nchr.org/2014/04/report-submitted-by-the-network-of-chinese-human-rights-defenders-a-coalition-of-ngos-to-the-committee-on-economic-social-and-cultural-rights-for-its-review-at-the-52nd-session-of-the-second-report/>.
- ⁴⁴ The government has responded to criticism of China’s family planning policy by saying that it is a “distortion” to assert that the “family-planning policy of mainland China is a major factor for infanticide and abandonment (particularly of girls and children with disabilities).” The government asserted that it “has taken actions of caring for girls and children with disabilities, creating a good social environment for their growth and development.” Comments of the Chinese Government about the Concluding Observations on the combined third and fourth periodic reports of China, adopted by the Committee on the Rights of the Child at its sixty-fourth session (CRC/C/CHN/CO/3-4), January 2014, 2 (c).
- ⁴⁵ CRC, Concluding observations on the combined third and fourth periodic reports of China, para. 33.
- ⁴⁶ *Ibid.*, para. 52.
- ⁴⁷ World Economic Forum, The Global Gender Gap Report 2015 – China, <http://reports.weforum.org/global-gender-gap-report-2015/>.
- ⁴⁸ United Nations Population Fund, “Gender-Biased Sex Selection-Overview,” July 29, 2016, <http://www.unfpa.org/gender-biased-sex-selection>.
- ⁴⁹ CRC, Concluding observations on the combined third and fourth periodic reports of China, CRC/C/CHN/CO/3-4, para. 39 (b).
- ⁵⁰ *Ibid.*, paras. 39-40.
- ⁵¹ CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 39 (b).
- ⁵² *Xinhua News Agency*, “Investigation Shows Entire Country has 13 Million Non-Registered Citizens, Of Whom 60% Were Born Out of Family Planning Quotas” (调查显示全国“黑户”1300万 60%以上为超生人员), December 10, 2015, http://news.xinhuanet.com/legal/2015-12/10/c_128517997.htm; CCTV, “Nationwide 13 Million People Have No Hukou, Mostly Due to Birth Quota Violations, 1/3 Can’t Afford Fines” (全国 1300 万人无户口多因超生 超 1/3 交不起计生罚款) January 16, 2016, <http://www.chinanews.com/gn/2016/01-16/7718900.shtml>.
- ⁵³ Under Article 41 of the Population and Family Planning Law, parents that have a child outside of provisions of Article 18 must pay a social maintenance fee. Individuals that don’t pay the fee within a set time period must pay an additional surcharge. Failure to pay the fee and additional surcharge can result in the relevant administrative department applying to the People’s Courts for enforcement. Family Planning Law of the People’s Republic of China (中华人民共和国人口与计划生育法), 2001, amended 2015, http://www.gov.cn/xinwen/2015-12/28/content_5028414.htm.
- ⁵⁴ The “Measures for Administration of Collection of Social Maintenance Fees” are still in effect, and Article 3 of the Measures lay down the formula for the fees parents have to pay, with reference to their annual income. Measures for Administration of Collection of Social Maintenance Fees, 2002, http://english1.english.gov.cn/laws/2005-07/25/content_16929.htm.
- ⁵⁵ Sheng Menglu “China Keeps Fines for One-Child Policy Even after Rule Change,” *Caixin*, February 22, 2016, <http://english.caixin.com/2016-02-22/100911219.html>; CCTV, “Nationwide 13 Million People Have No Hukou, Mostly Due to Birth Quota Violations, 1/3 Can’t Afford Fines,” January 16, 2016, <http://www.chinanews.com/gn/2016/01-16/7718900.shtml>.
- ⁵⁶ State Council Office, “Opinion on Resolving Issues of Hukou Registration for Persons with no Hukou” (国务院办公厅关于解决无户口人员 登记户口问题的意见), December 31, 2015, http://www.gov.cn/zhengce/content/2016-01/14/content_10595.htm; *Xinhua News Agency*, “China to ensure all citizens get registered,” January 14, 2016, <http://www.shanghaidaily.com/national/China-to-ensure-all-citizens-get-registered/shdaily.shtml>.
- ⁵⁷ Xu Ming, “Millions of unregistered individuals await legal status after China scraps one-child policy,” *Global Times*, January 27, 2016, <http://www.globaltimes.cn/content/965972.shtml>.
- ⁵⁸ Huang Kai (黄恺), Guangdong Household Policy Current Situation: Household Registration and Family Planning Delinked, but Outside of Quota Births Still Need to Pay Social Maintenance Fee” (广东落户政策现状: 落户与计生已脱钩 超生仍要缴费), *Southern Metropolis*, “January 15, 2016, <http://www.oeeee.com/nis/201601/15/416731.html>; CCTV, “Nationwide 13 Million People Have No Hukou, Mostly Due to Birth Quota Violations, 1/3 Can’t Afford Fines,” January 16, 2016.

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- ⁵⁹ We consider this a *poor* recommendation, as it calls on China to “continue” making certain efforts with an unsupported assumption that such efforts have been made so far.
- ⁶⁰ This is *poor* recommendation, as it pre-supposes the government is already attaching great importance to the issue, and does not give an actionable goal to be implemented.
- ⁶¹ National Bureau of Statistics, “2010 6th National Census Main Points Announcement” (2010 年第六次全国人口普查主要数据公报).
- ⁶² Compulsory Education Law of the People’s Republic of China, 1986, amended 2006, http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383936.htm.
- ⁶³ Article 12 states: “School-age children and adolescents shall be exempted from the entrance examinations. The local people’s governments at various levels shall ensure that school-age children and adolescents enroll in school near the places where their residence is registered. For school-age children and adolescents whose parents or other statutory guardians work or reside in places other than the places of their registered residence and who have to receive compulsory education in the places where their parents or other statutory guardians work or reside, the local people’s governments shall provide equal conditions for them to receive compulsory education. The specific measures in this regard shall be formulated by provinces, autonomous regions, and municipalities directly under the Central Government. The administrative department for education of the people’s government at the county level shall ensure that the children of servicemen within its administrative area receive compulsory education.” Compulsory Education Law of the People’s Republic of China, 1986, amended 2006.
- ⁶⁴ Ministry of Education, “Provisional Measure for the Schooling of Migrant Children and Young People” (流动儿童少年就学暂行办法), March 2, 1998, http://www.moe.edu.cn/publicfiles/business/htmlfiles/moe/moe_621/200409/3192.html.
- ⁶⁵ Law on the Protection of Minors of the People’s Republic of China (中华人民共和国未成年人保护法), 1991, amended 2012, http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383869.htm.
- ⁶⁶ During the daily commute to schools in urban areas from rural villages, children are exposed to high risks of accidents, abduction, and other rights violations. In the span of a decade, 50 percent of rural primary schools were closed due to campaigns to centralize education. Lijun Chen, Dali Yang, Qiang Ren, “Report on the State of Children in China,” Chapin Hall at the University of Chicago, October 2015, p. 11, http://www.chapinhall.org/sites/default/files/Chapin_CFPSReport2016_ENGLISH_FNLweb.pdf; Furthermore, not only has the quantity of schools lowered, quality of education remained poor as teachers are in short supply, undertrained, and overworked but underpaid, especially in boarding schools. For examples, responsibilities of teachers have extended beyond teaching to include overlooking safety and security, helping with cooking and looking after children after school. China Labor Union for Education, Technology, Culture, Health, and Sports, “Solution to Rural Education Development and Ending Intergenerational Poverty” (发展乡村教育和阻止贫困代际传递的治本之策), August 31, 2016 <http://media.workercn.cn/115/201608/31/160831151551255.shtml>.
- ⁶⁷ *People’s Daily*, “Ministry of Education: Primary School Dropout Rate Shall Be Lower than 0.6% and Middle School Dropout Rate To Be Controlled under 1.8%” (教育部：小学辍学率要低于 0.6% 初中控制在 1.8%以下), February 17, 2014, <http://www.wxjy.com.cn/Item/54835.aspx>.
- ⁶⁸ Shi Yuejiang, Ma Yue, et al. *Discovering Rural China*, “China Rural Middle School Dropout Investigation” (中国农村中学辍学调查), March 2, 2016, <http://www.zgxcfx.com/nongcunwanxiang/81993.html>
- ⁶⁹ CRC, Concluding observations on the combined third and fourth periodic reports of China, paras. 12 and 13(a); CRC, Third and fourth periodic reports of States parties due in 2009 China, CRC/C/CHN/3-4, June 2012, para. 167.
- ⁷⁰ CRC, Concluding observations on the combined third and fourth periodic reports of China, para. 75.
- ⁷¹ Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, May 2014, CESCR/E/C.12/CHN/2, para. 35.
- ⁷² An Su (安苏), “Non-Beijing Registered School Children Growing and “Five Cards” Remains: Full Text” (非京籍学生幼升小仍需“五证”齐全), *Beijing Youth Daily*, February 11, 2015, http://epaper.yynet.com/html/2015-02/11/content_115452.htm?div=-1.
- ⁷³ *People’s Daily*, “Difficulties for Children of Migrant Workers to Attend School: Non-Beijing Registered Children Must Provide 28 Certificates to Attend School” (流动儿童上学难：非京籍儿童北京念书需办 28 个证), June 15, 2015, <http://edu.people.com.cn/n/2015/0615/c1053-27155342.html>.
- ⁷⁴ CHR, “‘Flowers of the Country’: Mistreated and Abused: A Report on Violations of the Rights of the Child in China,” August 2013.
- ⁷⁵ CHR, Portrait of a Defender – Xu Zhiyong (许志永), <https://www.nchrd.org/2013/10/prisoner-of-conscience-xu-zhiyong/>.
- ⁷⁶ Xu had founded the “New Citizens’ Movement,” a loose grouping of individuals advocating for rule-of-law reforms, constitutionalism, human rights, and social justice; the movement was targeted and several members imprisoned in 2013-2014 after they publicly protested over social justice issues.

⁷⁷ According to the State Council press release from November 28, 2015: “Starting from the spring term of 2016, China will unify the basic funds per student for public use, and grant subsidies to urban and rural compulsory education schools (including private schools) no less than the stipulated amount. ... Starting from the spring term of 2017, students receiving compulsory education in both urban and rural areas will be exempt from tuition and incidentals, while provided with free textbooks. In addition, boarding students from poor families will receive subsidies to cover their living expenses. ... the guideline stipulates that teachers at compulsory education schools in central and western areas and in parts of eastern areas will be financially guaranteed, with governments at provincial and county level making sure teachers are paid in full and on time.” State Council, “Government to improve public service,” November 18, 2015, http://english.gov.cn/premier/news/2015/11/18/content_281475237397955.htm; State Council, “Government to guarantee funds for compulsory education,” November 28, 2015, http://english.gov.cn/policies/latest_releases/2015/11/28/content_281475243824738.htm.

⁷⁸ CRC, Concluding observations on the combined third and fourth periodic reports of China, para. 14 (b).

⁷⁹ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2016-2020), Chapter 1, Section 6, September 29, 2016, http://www.xinhuanet.com/politics/2016-09/29/c_129305934.htm.

⁸⁰ *Caijing Magazine*, “Beijing Migrant School Faces Demolition, Migrant Children’s Schooling Becomes Problematic” (北京一民工子弟学校面临拆迁 民工子女上学成难题), August 26, 2017, <http://news.163.com/17/0826/15/CSPC6O590001899N.html>.

⁸¹ Xi Yinghong, “Migrant Children Have No School to Attend, Migrant Schools Cannot Recruit Students: ‘Forcing out of Education’ Is a Bad Trick” (流动儿童无学上、民工学校招不到人: “教育赶人”是个昏招), October 25, 2016, <http://view.news.qq.com/original/intouchtoday/n3689.html>.

3.5 Disability Rights

By CHRD (last updated 2016)

1. According to the latest comprehensive government statistics, 6.34 percent of the Chinese population are recognized as having some disability, and the vast majority of persons with disability—75 percent—live in rural and economically underdeveloped areas.¹ Households with disabled persons have lower income levels than the national average, and many live in poverty, but government assistance only reaches around 10 percent of this population.² The majority of disabled persons are over the age of 60, and the illiteracy rate for disabled persons aged 15 and older is 43.29 percent.³ According to statistics from the government body China Disabled Person's Federation (CDPF), the rate of disabled persons who found new work has been falling since 2013.⁴ In rural areas, disabled children are far more likely to be deprived of education, resulting in their high rates of illiteracy. Once they reach working age, disabled individuals face barriers in finding employment. Compared to conditions for men, discrimination against disabled women in areas of education and employment is even worse.⁵
2. The Chinese Constitution includes an article on supporting disabled persons (Article 45).⁶ In 2008, China ratified the Convention on Persons with Disabilities (Convention), and revised the Law on the Protection of Disabled Persons (LPDP) the same year. However, national law and regulations still do not meet crucial international standards. Persons with disabilities, especially children, continue to face discrimination and obstacles, and lack basic access and rights protections.

Some positive moves

3. China's record on protecting and promoting the rights of persons with disabilities has seen some improvement since the second UPR. In our assessment, we consider that six of the 12 recommendations that China accepted have been *partially implemented*.⁷
4. Since 2013, China has taken some steps towards improving legislation and policy related to disability rights. The government put out draft amendments to include measures toward inclusive education in 2013, though the proposed changes (to the “Regulations of Education of Persons with Disabilities in China”) have not yet been adopted.⁸ When making public the draft amendments of the regulations in February 2013, China's State Council released an explanation of the proposals, in which it referenced the Convention in explaining additional language about adhering to the “principle of inclusive education” to Article 4 of the regulations.⁹ Unfortunately, the proposed amendments also promote further development of the parallel, segregated school system for disabled children.
5. In August 2015, the China Disabled Person's Federation and other government bodies jointly issued the “Opinion on Strengthening the Social Assistance for Persons with Disabilities.”¹⁰ However, as one disability rights activist pointed out, the Opinion perpetuates a “charity mentality” that emphasizes one-off assistance programs rather than a long-term approach that can help the disabled bring about and/or experience sustainable life improvements.¹¹ In September 2015, the Ministry of Education released a test version of new “Standards for Special Education Teaching Professionals,”¹² which expands the definition of “special education teacher” in order to improve the quality of special education, while also lending support to the idea of “inclusive education.”¹³

Failures to meet international standards in law & practice

6. In 2008, China ratified the Convention on Persons with Disabilities (Convention) and also revised the Law on the Protection of Disabled Persons (LPDP). However, LPDP still does not conform to the Convention. Specifically, the LPDP does not include a comprehensive legal definition of “discrimination.”¹⁴ The legal definition of a person with disabilities in the LPDP uses medical

terminology, an issue that the Committee on the Rights of Persons with Disabilities (Committee) “noted” in its review of China, in 2012, when it also expressed concern that the language used contributes to the lack of a coherent strategy to “implement the human rights model of disability.” The Committee called on China to provide legal definitions of “discrimination” and “reasonable accommodation” in national legislation.¹⁵

7. Because of the absence of a comprehensive legal definition of “discrimination,” many government regulations continue to contain discriminatory language against disabled persons. For example, despite a legal prohibition on discriminating against disabled individuals in employment,¹⁶ the “Standards for Civil Service Recruitment Examination (provisional)” require all applicants to undertake a physical examination.¹⁷ According to these standards, applicants for government civil servant jobs must be certified as not having certain types of diseases or visual/hearing impairments. As a result, many applicants with disabilities have no chance of passing the examination. Some of the diseases listed in the Standards that would prevent an individual from obtaining a civil service position include: significant visual impairment, hearing aids of a certain range, sleepwalking, chronic bronchitis, emphysema, asthma, diabetes, genital herpes, among others.¹⁸ In concluding its 2014 review of China, the Committee on Economic Social and Cultural Rights expressed its concern that “the high rate of unemployment among persons with disabilities persists and that the existing disparities in relation to wages have not been effectively addressed.”¹⁹
8. While the Convention requires State parties to “ensure an inclusive education system at all levels,”²⁰ a sentiment echoed in Costa Rica’s recommendation, the Chinese government has continued to promote segregated special schools for children with disabilities.²¹ China amended the Compulsory Education Law in 2006 to include for the first time a provision on allowing disabled children to attend mainstream schools, provided they are “capable of receiving regular education.” Schools that refuse to admit such children can face penalties.²² However, the draft amendments to the Regulations on Education of Persons with Disabilities (2012) include provisions on building more segregated schools and establishing a panel of experts to decide where to place children in schools.²³ The reality is that education opportunities for disabled children have been unevenly developed across the country, causing discrimination against disabled children to persist within the public educational system.²⁴
9. The Committee on the Rights of Persons with Disabilities raised concerns in 2012 over the “high number of special schools and the State party’s policy of actively developing these schools,” and said it was “especially worried that in practice only students with certain kinds of impairments (physical disabilities or mild visual disabilities) are able to attend mainstream education, while all other children with disabilities are forced to either enrol in a special school or drop out altogether.”²⁵
10. The Committee also recommended that the government create a comprehensive and inclusive national action plan to guarantee the rights of persons with disabilities, which was echoed by Brazil in its UPR recommendation. In its response to Brazil, the government claims that it “accepted and already implemented” the recommendation, stating that, “China has formulated and implemented six national five-year work programs on disability. After the adoption of Convention on the Rights of Persons with Disabilities, China has integrated the convention’s purposes and principles into its latest five-year work program on disability to its aim and principles.” However, government “work programs” are not the same as an “national action plans,” which the UN describes as plans identifying steps for the government to improve the promotion of human rights.²⁶ Furthermore, these “work programs” have not been open for civil society participation; only government ministries and the China Disabled Person’s Federation, a State body, have been included in the drafting and implementation.²⁷ This exclusive emphasis on the CDPF as evidence of civil society participation led the Committee to express concern over the lack of inclusion of organizations outside of the CDFP in implementing the Convention.²⁸

11. The government has included chapters on disability rights in its two most recent National Human Rights Action Plans (2012-2015) and (2016-2020); however, these plans cannot be considered comprehensive and inclusive due to the restrictions on participation from independent NGOs and civil society groups working on disability rights. Furthermore, in 2013, the Chinese government began crackdowns on civil society organizations, including some NGOs working on disability rights, making it more challenging for disabled persons to have a voice in and contribute to government action plans.²⁹

12. China's birth control policies have contributed to the persistence of abandoned disabled children, a problem raised in Uruguay's UPR recommendation in 2013 and by the Committee on the Rights of Persons with Disabilities in 2012. The Committee has urged China to take measures to fight the widespread stigma in relation to boys and girls with disabilities and revise its strict family planning policy, so as to combat the root causes for the abandonment of boys and girls with disabilities.³⁰ In October 2015, the government relaxed its "one child" policy and allowed couples to have two children.³¹ However, the "two-child" birth control policy still upholds State control over reproductive rights. The "two-child" policy thus has only a limited impact in improving the situation for disabled children. According to a State media report in May 2015, there were 100,000 orphans in China, of whom 90 percent were disabled.³² As one disability rights activist explained, legal adoption is a complicated process in China, and the elderly traditionally rely on children to care for them, which adds more difficulties for families to adopt disabled children.³³ According to Chinese government statistics from 2014, only 4.38 percent of disabled children are orphans raised by their non-birth families.³⁴ Since the mid-2000s, the government has promoted two programs to assist disabled orphans, achieving modest success, but it has not created new assistance programs since the second UPR.³⁵

13. The Committee on the Rights of the Child also made recommendations to China over the government's responsibility to protect the rights of children with disabilities. Following its 2013 review of the implementation of the Convention, the Committee recommended that China take a human rights-based approach to solving this problem, and specifically, urged the government to "repeal all provisions which result in de facto discrimination against children with disabilities."³⁶ However, the government has not repealed any such legal provisions since that time.

¹ The World Health Organization estimates that 15 percent of the world's population is disabled. The Chinese government, in response to the Committee on The Rights of Persons with Disabilities question on the discrepancy, responded that "China, a developing country constrained by the overall level of its economic security and social services, has not yet included the loss of or defect in organs in its disability criteria. According to the current classification criteria of disability in China, a person with disability refers to one with visual, or hearing, or speech, or physical, or intellectual, or psychiatric disability, multiple disabilities and/or other disabilities. In this sense, people with disabilities accounted for 6.34 percent of the country's total population. Response by the Government of the People's Republic of China to the List of Issues (No.1 to No.30) by the Committee on the Rights of Persons with Disabilities, CRPD/C/CHN/Q/1, September 2012, para. 2. The percentage comes from the 2007 national survey. National Bureau of Statistics, "Principle Statistics of China's 2nd National Sample Survey on Disabled Persons" (中国发布第二次全国残疾人抽样调查主要数据公报), May 28, 2007, http://www.gov.cn/jrzq/2007-05/28/content_628517.htm.

² According to the 2007 national survey on disabled persons, their household income is not even half the national average of 11,321 RMB (approx. 1,650 USD) in urban areas and 4,631 RMB (approx. 675 USD) in rural areas. Eight percent of rural households with disabled persons have a household income of less than 1,000 RMB (approx. 145 USD) per month. Only 9.75 percent of the urban population with disabilities, and 11.68 percent of the rural population with disabilities, receive regular or irregular government assistance. National Bureau of Statistics, "Principle Statistics of China's 2nd National Sample Survey on Disabled Persons" (中国发布第二次全国残疾人抽样调查主要数据公报), May 28, 2007.

³ According to the 2007 survey: ages 0-14 accounted for 4.66 percent, ages 15-29 accounted for 42.10 percent, and ages 60 and above accounted for 53.24 percent. National Bureau of Statistics, "Principle Statistics of China's 2nd National Sample Survey on Disabled Persons" (中国发布第二次全国残疾人抽样调查主要数据公报), May 28, 2007.

⁴ In 2013, the number of employed disabled persons in China who found work was 369,000; in 2014, it was 278,000, and in 2015, it was 263,000. China Disabled Persons' Federation (CDPF), "2013 China Disabled Persons Work Development Report" (2013年中国残疾人事业发展统计公报), March 31, 2014, http://www.cdpe.org.cn/sjzx/tjgb/201403/t20140331_357749.shtml; CDPF, "2014 China Disabled Persons Work

Development Report” (2014 年中国残疾人事业发展统计公报), March 31, 2015, http://www.cdpf.org.cn/zcwj/zxwj/201503/t20150331_444108.shtml; CDPF, “2015 China Disabled Persons Work Development Report” (2015 年中国残疾人事业发展统计公报), April 1, 2016, http://www.cdpf.org.cn/zcwj/zxwj/201604/t20160401_548009.shtml.

⁵ CHRDR, Report Submitted to UN Committee on the Elimination of Discrimination Against Women, September 2014, paras. 29, 34, <https://www.nchrd.org/2014/10/report-submitted-to-un-committee-on-the-elimination-of-discrimination-against-women-september-2014/>; Appendix 4 to CHRDR and Coalition of NGOs Report Submitted to CEDAW, <https://www.nchrd.org/2014/09/appendix-4-to-chrd-and-coalition-of-ngos-report-submitted-to-cedaw-october-2014/>.

⁶ Article 45. Protection of old, ill, disabled: Citizens of the People’s Republic of China have the right to material assistance from the state and society when they are old, ill or disabled. The state develops social insurance, social relief and medical and health services that are required for citizens to enjoy this right. The state and society ensure the livelihood of disabled members of the armed forces, provides pensions to the families of martyrs and gives preferential treatment to the families of military personnel. The state and society help make arrangements for the work, livelihood and education of the blind, deaf-mutes and other handicapped citizens. Constitution of the People’s Republic of China, (1982, amended 2004), http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm.

⁷ However, one of the partially implemented recommendations came from a poor recommendation; Senegal (102) asked China to “[c]ontinue actions to address the needs of persons with disabilities,” a vague recommendation with no concrete goals.

⁸ “State Council Legislative Affairs Office Releases ‘Regulations of Education of Persons with Disabilities in China (revised draft) (present examination draft) for Public Comment’” (国务院法制办公室关于《残疾人教育条例(修订草案)(送审稿)》公开征求意见的通知), and “Explanation of ‘Regulations of Education of Persons with Disabilities in China (revised draft) (present examination draft)’” (关于《残疾人教育条例(修订草案)(送审稿)》的说明), February 25, 2013, http://www.gov.cn/gzdt/2013-02/27/content_2341027.htm.

⁹ Ibid.

¹⁰ China Disabled Person’s Federation, Ministry of Education, State Council, Ministry of Finance, Ministry of Human Resources and Social Security, Ministry of Housing and Urban-Rural Development, and National Health and Family Planning Commission, “Opinion on Strengthening the Social Assistance for Persons with Disabilities” (关于加强残疾人社会救助工作的意见), August, 17 2015, http://www.cdpf.org.cn/zcwj/zxwj/201509/t20150901_526890.shtml.

¹¹ CHRDR interview, 2016.

¹² “Notice of Ministry of Education Release of Standards for Special Education Teaching Professionals (provisional)” (教育部关于印发《特殊教育教师专业标准(试行)》的通知), August 26, 2015, http://www.moe.gov.cn/srcsite/A10/s6991/201509/t20150901_204894.html.

¹³ However, the Standards continue to support the concept that the situation of a disabled person is a personal tragedy and individual defect, rather than recognize the inherent dignity of all persons.

¹⁴ “Discrimination” (“歧视” *qishi*) and “reasonable accommodation” (“合理便利” *heli bianli*) are both defined in Article 2 of the Convention. The LPDP prohibits “discrimination” against disabled persons in Article 3, 38, and 64 of the LPDP but does not define it, and there is no mention of “reasonable accommodation.” International Convention on the Rights of Persons with Disabilities, 2008, <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>; Law of the People’s Republic of China on the Protection of Disabled Persons (1990, amended 2008), http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383889.htm

¹⁵ Committee on the Rights of Persons with Disabilities (CRPD), Concluding observations on the initial report of China, CRPD/C/CHN/CO/1, October 2012, paras. 9, 11-12.

¹⁶ Article 19 of the Employment Promotion Law and Article 38 of the LPDP.

¹⁷ “Standards for Civil Service Recruitment Examination (provisional)” (公务员录用体检通用标准(试行)), October 14, 2010, <http://www.gjgwy.org/2010/1014/11476.html>.

¹⁸ Articles 19 and 20 deal with the visual/hearing impairments; Article 5 deals with lung diseases; Article 10 deals with diabetes; Article 18 deals with sexual transmitted diseases.

¹⁹ Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, China, CESCR/E/C.12/CHN/2, May, 2014, para. 18.

²⁰ Article 24, International Convention on the Rights of Persons with Disabilities, 2008.

²¹ See also, Human Rights Watch (HRW), “As Long as They Let Us Stay in Class: Barriers to Education for Persons with Disabilities in China,” 2013, <https://www.hrw.org/report/2013/07/15/long-they-let-us-stay-class/barriers-education-persons-disabilities-china>.

²² Articles 19, 57, Compulsory Education Law of the People’s Republic of China, (1986, amended 2006), http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383936.htm.

²³ “State Council Legislative Affairs Office Releases “Regulations of Education of Persons with Disabilities in China (revised draft) (present examination draft) for Public Comment,” February 27, 2013.

²⁴ HRW, “As Long as They Let Us Stay in Class: Barriers to Education for Persons with Disabilities in China.”

²⁵ CRPD, Concluding observations on the initial report of China, paras. 35-36.

²⁶ See, UN Office of the High Commissioner for Human Rights (OHCHR), Handbook on National Human Rights Plans of Action, August 2002, <http://www.ohchr.org/Documents/Publications/training10en.pdf>.

²⁷ The government claimed the CDPF “represented persons with disabilities” makes comments on national legislation and to the State Council. However, the CDPF is clearly a quasi-government body, as it has been tasked by the central government to supervise the administration of disability related affairs, and acts as the secretariat of the State Council Working Committee on Disability. China Disabled Persons’ Federation, “About,” (Accessed October 15, 2016), http://www.cdpcf.org.cn/english/About/overview_1793/. Furthermore, Article 8 of the Law on the Protection of Disabled Persons gives the CDPF an elevated position: “China Disabled Persons’ Federation (CDPF) and its local organizations shall represent the common interests of persons with disabilities, protect their lawful rights and interests, unite persons with disabilities and enhance education among them and provide service for them.”

²⁸ The Committee also “strongly recommends that the State party revise article 8 of the Law on the Protection of Disabled Persons, thus allowing non-governmental organizations other than the China Disabled Persons’ Federation to represent the interests of disabled people in the State party and be involved in the monitoring process. It further recommends the establishment of an independent national monitoring mechanism.” CRPD, Concluding observations on the initial report of China, paras. 9-10, 49-50.

²⁹ CHR, “Police Detain Two Rights Advocates as NGO Crackdown Intensifies,” June 15, 2015, <https://www.nchrd.org/2015/06/police-detain-two-rights-advocates-as-ngo-crackdown-intensifies/>; see also CHR 2013, 2014, and 2015 Annual Reports. CHR, “A Nightmarish Year Under Xi Jinping’s “Chinese Dream”: 2013 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrd.org/2014/03/a-nightmarish-year-under-xi-jinpings-chinese-dream-2013-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; CHR, ““Silencing the Messenger: 2014 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrd.org/2015/03/silencing-the-messenger-2014-annual-report-on-the-situation-of-human-rights-defenders-in-china/>; CHR, ““Too Risky to Call Ourselves Defenders”: CHR 2015 Annual Report on the Situation of Human Rights Defenders in China,” <https://www.nchrd.org/2016/02/too-risky-to-call-ourselves-defenders-chrds-2015-annual-report-on-the-situation-of-human-rights-defenders-in-china/>.

³⁰ CRPD, Concluding observations on the initial report of China, paras. 14-15.

³¹ *Xinhua News Agency*, “China to allow two children for all couples,” October 29, 2015, http://news.xinhuanet.com/english/2015-10/29/c_134763645.htm.

³² *Legal Daily*, “Long-Awaited Children’s Welfare Law Finally Out” (《法制日报》: 儿童福利法 千呼万唤当出来), May 31, 2016, <http://finance.sina.com.cn/sf/news/2016-05-31/192131873.html>.

³³ CHR interview, 2016.

³⁴ At the end of 2015, the National Bureau of Statistics released the “China National Programme for Child Development 2011-2020,” which revealed that in 2014, the country had 525,000 disabled children, of which only 23,000 were orphans raised by non-birth families, or only 4.38 percent.

³⁵ The “Tomorrow Plan” provides free surgery and treatment for disabled orphans, and “Blue Sky Plan” creates new orphanages. Ministry of Civil Affairs, “Notice on Implementation Plan for “Disabled Orphan Surgical Recuperation Tomorrow Plan” (关于印发《“残疾孤儿手术康复明天计划”实施方案》的通知), May 9, 2004, <http://www.mca.gov.cn/article/zwgk/fvfg/shflhshsw/200711/20071100003618.shtml>; Ministry of Civil Affairs, “Ministry of Civil Affairs Released Implementation Plan for “Child Welfare Construction Blue Sky Plan” (民政部印发《“儿童福利机构建设蓝天计划”实施方案》), February 1, 2007, <http://www.mca.gov.cn/article/zwgk/gzdt/200711/20071100003905.shtml>.

³⁶ Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of China, CRC/C/CHN/CO/3-4, October 2013, paras 58, 61(a).

Chapter 4: Human Rights Education

By Initiative to Advance Human Rights Education in China

1. During the 2013 UPR review of China, Chinese authorities accepted every recommendation put forth by UN Member States related to human rights education and said they have “already implemented” all of them.¹ This assessment, however, finds that China has not implemented five and only partially implemented four of those recommendations.
2. Overall, this assessment found that although there are books and educational information available to the public related to human rights, as well as materials in schools and trainings for officials, it is questionable if these meet international standards or convey fundamental human rights principles. The Chinese government promotes views of human rights that negate or ignore the principles of universality and indivisibility, including in human rights education materials. So, it is doubtful that available information and materials contribute to building a culture of universal human rights, or develop values, attitudes, and behavior which uphold human rights.² Authorities have also criminalized human rights education and documentation activities of NGOs, thereby limiting free discussion of human rights concepts and issues. In addition, Chinese officials have not been forthcoming regarding the exact content of training materials for officials, and have not been transparent about the efficacy of those trainings or of school materials. It is unclear, for example, if training and education in places of detention have actually been effective in preventing human rights abuses.
3. At the 2013 review, UN Member States made a total of 10 recommendations but one, from the Democratic Republic of the Congo (186.43) was not appropriate. It involved foreign affairs and cannot be assessed because it may encourage human rights violations in other countries. Five of the nine appropriate recommendations—from Cyprus (186.39), Burundi (40), Iran (41), Bahrain (42), and Togo (47)—are “poor” recommendations because they make assumptions that may not be true about human rights training or education programs.³ China accepted these and the other four appropriate recommendations from the State of Palestine (45), Thailand (46), Uzbekistan (48), and Seychelles (44).

China’s relativist & severable model of human rights

4. China has partially implemented some recommendations by referencing human rights in materials, but those materials do not necessarily support the concepts of universal and indivisible human rights. The Chinese government has allowed the publication of some books and articles that include so-called “human rights education” information,⁴ including materials published by human rights research centers in academic institutions and the central Party school (recommendations from Thailand and Uzbekistan).⁵ Chinese authorities have also partially implemented Cyprus’s recommendation by simply including the goal of expanding, “improving,” and “strengthening” human rights education and training in both the 2016-2020 and 2012-2015 National Human Rights Action Plans (NHRAP).⁶ Due to the ongoing lack of support for universal human rights values and the prioritization of some rights above others, it is questionable if Chinese government efforts will be able to build a culture of universal human rights, or develop values, attitudes, and behavior which uphold human rights.
5. Chinese leaders disregard the core concept of the universality of human rights set forth in the Universal Declaration of Human Rights (UDHR) and are promoting relativist human rights values.⁷ Chinese leaders have emphasized that human rights are dependent upon each country’s “culture, religion, and background.” They have also emphasized “the rights of the individual being subordinate to the rights of the collective, “human rights concepts with Chinese characteristics,” “socialist human rights concepts,” and “Marxist human rights concepts.”⁸ In December 2017 White Paper, Chinese authorities noted they would “fully consider the suggestions and opinions put forward by UN treaty bodies, and adopt and implement reasonable and feasible recommendations based on China’s national conditions.”⁹ President Xi Jinping, also in December

2017, said that China and developing countries should integrate both the principles of “universality” and “relativism” in rising human rights standards. Contradictorily, he also noted that countries can only promote human rights according to their own situation and the “needs of citizens.”¹⁰

6. Xi Jinping also emphasizes China’s “insistence that development promotes human rights,” and that the rights to survival and to development are of “overriding importance,”¹¹ which contradicts the principle in the UDHR that economic, social, cultural, civil, and political rights are indivisible.
7. China appears to be globally exporting its vision of “human rights with Chinese and socialist characteristics,” including by hosting a “South to South Human Rights Forum” in 2017 for developing countries and at which some countries signed a “Beijing Declaration” that includes language promoting relativism in human rights values and endorsing the idea that the rights to survival and development are of primary importance.¹²

Criminalization of human rights NGO activities

8. The government has strengthened control over NGOs since President Xi Jinping came to power in 2013, and it has become even more difficult for NGOs that undertake human rights education activities to register or operate openly. In addition, government-affiliated non-profit organizations (GONGOs) dominate the human rights NGO landscape, including at the UN.¹³ For example, the Human Rights Society of China reportedly works internationally to deflect attention away from China’s human rights abuses.¹⁴
9. Authorities have passed legislation and taken action to suppress more independent NGOs, and have considered their human rights reporting and education activities as “endangering national security,” effectively criminalizing them. In 2016 and 2017, the National People’s Congress passed two laws that could negatively affect NGOs, the Charity Law, passed in September 2016,¹⁵ and the the PRC Law on the Management of Overseas NGO Domestic Activities, passed in January 2017.¹⁶ Both laws prohibit NGOs from “endangering national security” but do not provide information on what activities are restricted. The Charity Law restricts all online fundraising activities to government-registered and approved charities while fining other groups that seek online donations.¹⁷ The Overseas NGO Law targets overseas NGOs operating in China but it also has had the effect of reducing funding opportunities for local NGOs and increasing the risk of accepting foreign funding.¹⁸ In 2016 and 2017, authorities detained the leaders of at least three human rights NGOs that monitor, document and report on human rights violations. Just prior to and immediately after the Overseas NGO Law took effect on January 1, 2017, authorities targeted Liu Feiyue (刘飞跃), head of Civil Rights & Livelihood Watch, which had submitted information for China’s 2nd UPR; Zhen Jianghua (甄江华), the head of the group Human Rights Campaign in China; and Huang Qi (黄琦), founder of the Tianwang Human Rights Center.¹⁹ Two of these NGO leaders were charged with “inciting subversion of state power” and one was charged with “illegally providing state secrets to foreign entities,” thus authorities linked human rights reporting to “national security.”
10. Some more independent NGOs have continued to try to carry out a range of human rights education activities, including on discrimination, LGBTQ issues, and business and human rights, but they face potential persecution by officials. Since the 2014 review, the government has shut down human rights NGOs and persecuted their leaders. In February 2016, authorities forced the Beijing Zhongze Women’s Legal Counseling Service Center to close down, possibly because officials suspected the group received funding from the overseas-based Ford Foundation.²⁰ The center had operated for over two decades and had provided legal assistance to tens of thousands of women, and produced publications on various topics including gender discrimination in the workplace and rural women’s economic rights.²¹ Other women’s groups and NGO members were also targeted in 2015, including Beijing Yirenping Center, a public health and anti-discrimination

NGO, and Weizhiming Women's Center in Hangzhou, and five Chinese female NGO personnel who had planned to raise awareness about sexual harassment on public transportation by distributing information to the public.²²

11. UN human rights bodies have warned against citing “national security” as the pretext to restrict civil liberties. By criminalizing human rights education and reporting by NGOs, the Chinese government is contravening a September 2014 Human Rights Council resolution urging governments to stop targeting civil society actors and organizations through legislation on counter-terrorism, national security, and funding for civil society development.²³ The UN High Commissioner for Human Rights raised concerns that China's Law on National Security, adopted on July 2015, could leave “the door wide open to further restrictions of the rights and freedoms of Chinese citizens, and to even tighter control of civil society by the Chinese authorities than there is already.”²⁴

Human rights information & training for officials

12. Officials and State-affiliated research centers have held “human rights trainings” for government personnel, law enforcement officials, the media, and judicial authorities.²⁵ According to China's official assessment of the implementation of its 2012-2015 NHRAP, during that five-year period, Chinese officials have held 144 training sessions for Chinese Communist Party cadres, government employees, judiciary and media personnel.²⁶
13. Greater focus should be placed on the content of China's overall views of human rights and human rights education and training materials, rather than simply concentrating on the number of trainings or education programs. In addition, insufficient attention is given to efforts to examine the effectiveness of China's human rights education and training programs. It is unclear for example, if any of the education and training for officials in places of detention are methodologically sound so as to be effective in preventing human rights abuses, promoting equality, and enhancing public participation in decision-making, among other goals, as outlined by UN instruments.²⁷ The Committee against Torture also noted the need for evaluating the effectiveness of education and training programs relating to torture in its 2015 Concluding Observations.²⁸
14. Authorities have refused citizen requests for information on some of the training materials. For example, based on one in-depth study done over several years by a Chinese NGO, a majority of authorities in judicial and public security departments at the provincial level refused to disclose information about training for law enforcement personnel in places of detention, including on the number of training sessions, the contents of education materials, and if the materials met international standards, or whether medical personnel have been trained.²⁹ Of note, while the Chinese government told the Committee against Torture in 2015 that all medical personnel in places of detention had already received anti-torture training, authorities did not answer information requests regarding this type of training, making it difficult for civil society to independently assess the government's claims.³⁰

School curriculum lacks information about universal human rights principles

15. Chinese authorities have partially implemented the recommendation by Palestine on including human rights in school curriculum. Not all education departments/commissions, however, have been transparent about materials used in elementary and middle schools, as well as institutions of higher education. One local Chinese NGO survey showed that 26 out of 31 departments or committees responded to the requests about those materials but only 22 provided some or all of the information requested.³¹ At least nine others, however, either did not respond or refused to provide information, citing articles from the Regulations on Open Government Information³² as reasons for not giving out information.³³

16. According to the local Chinese NGO survey, human rights education concepts were not taught as stand-alone subjects in elementary and middle schools but incorporated in various types of curriculum, most often in “legal studies,” “history,” or “ideological & ethical education.”³⁴ In institutes of higher education, human rights concepts were most often incorporated into curriculum focused on “ideological, ethical, and legal education,” “Mao Zedong thought and theory of socialism with Chinese characteristics,” “modern Chinese history,” or “principles of Marxism.” Of those that did respond, some merely replied that the materials used were based on the national standardized education materials.³⁵ Human rights concepts taught to teachers focused on the teacher-student relationship.³⁶
17. As part of the local Chinese NGO survey, a more in-depth study of 19 randomly chosen education materials for elementary, middle, and higher education students included in “ideology and ethics” or “political education” curriculum was conducted. Results illustrated that the majority of the materials did not contain human rights principles or only included such principles indirectly or ambiguously.³⁷ One introduced human rights education more systematically; four included some human rights education information; eight only indirectly included information on human rights; and the remaining six did not appear to include human rights concepts.³⁸
18. In summary, while the Chinese government has said that school curriculum in elementary and middle schools and in institutes of higher education include materials on human rights, most of those materials do not address universal human rights principles or international human rights treaties, and do not discuss things like the right to supervise the government, the right to participate in elections, or freedom of expression or assembly.³⁹

¹ In response to all nine recommendations, China referred to its response to 186.39 (Cyprus): “The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants.”

² For more information on these goals, see: UN Human Rights Council, Draft plan of action for the second phase (2010-2014) of the World Programme for Human Rights Education, A/HRC/15/28, July 27, 2010.

³ The recommendations that are “poor” are from Cyprus (186.39), Burundi (40), Iran (41), Bahrain (42), and Togo (47). Human rights education and training in China barely exist and the contents of materials are often not disclosed. The school materials that are disclosed are not in line with international standards and do not clearly promote universal human rights principles. So, recommending China to “maintain,” “intensify,” “continue,” “keep up” or “mainstream” such education or “awareness raising” assumes a level of action on the part of Chinese officials that does not exist; and so, the recommendations do not address the problems.

⁴ For in-depth information on the numbers of materials published each year, see Wenshe Centre for Human Rights Education (WCHRE), “*Human Rights Education Bulletin No. 5*” (人权教育通讯第5期), September, 2016, p. 11, <https://www.humanrightseducation.cn/wp-content/uploads/2016/10/%E4%BA%BA%E6%9D%83%E6%95%99%E8%82%B2%E9%80%9A%E8%AE%AF%E7%AC%AC%E4%BA%94%E6%9C%9F%EF%BC%882016%E5%B9%B49%E6%9C%88%EF%BC%89.pdf>.

⁵ Ibid, pp. 9-11.

⁶ Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. IV, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>; Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2016-2020), September 29, 2016, Chap. IV, http://news.xinhuanet.com/politics/2016-09/29/c_129305934_7.htm; Xinhua News Agency, “China Pledges Greater Efforts in Human Rights Education, Research,” September 29, 2016, http://news.xinhuanet.com/english/2016-09/29/c_135722106.htm. The 2016-2020 NHRAP objectives include building research platforms, encouraging public and enterprise units to strengthen human rights education, adding five human rights “education training bases” and standardizing their management, “researching the need and feasibility” of establishing a national human rights institution, and supporting media to set up specialized human rights programs.

⁷ This approach could be explained as an effort to justify the lack of protection of basic human rights and freedoms at home and an effort to assert its influence internationally in human rights affairs.

⁸ Wenshe Centre for Human Rights Education (WCHRE), “Beijing Human Rights Forum (2008-2015) Introduction” (Lijie Beijing renquan luntan (2008-2015nian) jianjie), December 11, 2017, <https://www.humanrightseducation.cn/archives/2570>.

⁹ State Council Information Office, White Paper on New Progress in the Legal Protections for Human Rights, December 2017, <http://www.scio.gov.cn/32618/Document/1613600/1613600.htm>.

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Annex 1. Guide to the Accompanying Table

To present our assessment of China’s implementation of the second UPR recommendations, we have “graded” China’s performance in the accompanying Table (see Annex 2, NGO Assessment: “Grading” China’s Implementation of 2nd Universal Periodic Review Recommendations before 3rd UPR Session in 2018 (hereafter referred to as “the Table”))

The Table is arranged by recommending States in alphabetic order, as shown in the second column. We hope the organization of the table makes it convenient for representatives of recommending States to view whether and how their governments’ recommendations to China have been implemented, which should in turn inform States’ efforts to assist in the full implementation by China of their recommendations. The table lists the original texts of the recommendations (third column) as well as China’s position (whether or not to accept/implement them) and its official explanation of the its position (fourth column).

In the fifth column, we present our own assessment—whether and to what extent China has implemented the specific recommendations. We assign one of four “grades” to China’s performance: “Implemented,” “Partially Implemented,” “Not Implemented,” and “Assessment Unavailable.”

In this column, we also “grade” the *quality* of the recommendations made by UN Member States. When we give the grade “Assessment Unavailable” to a recommendation, we have assessed the recommendation as “inappropriate.”

Inappropriate recommendations are those that undermine, or are counter-productive to, achieving the “ultimate aim” of the UPR—“to improve the human rights situation in all countries and address human rights violations wherever they occur” by reviewing “the fulfilment by each State of its human rights obligations and commitments” under the UN Charter and Universal Declaration of Human Rights.¹ By identifying certain recommendations as “inappropriate,” we emphasize that these recommendations are made in such a manner that they do not directly concern human rights issues, or are clearly not in line with the basis of the review as established in UN guidelines.²

For instance, Saudi Arabia recommended China “[s]trengthen legislation to prevent the unlawful from undermining other people’s interests in the name of human rights defenders” (186.146). This recommendation overrides protection of human rights defenders (HRDs) with a dubious claim of “other people’s interests,” and supports China’s legislation that legitimizes persecution of HRDs in the name of “national security.” Such a recommendation is not based on human rights principles; instead, it is opposed to the protection and promotion of human rights.

In another example, Uzbekistan recommended China “[s]tep up measures to bring to justice persons who instigate others to commit acts of self-immolation” (186.238). Uzbekistan, in effect, urged China to systematically persecute ethnic Tibetans whom the government has accused of “inciting self-immolation.” Such a recommendation is not oriented to address

¹ See: UN Office of the High Commissioner for Human Rights (OHCHR), Universal Periodic Review, <http://ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>; UN General Assembly, Resolution 60/251 Human Rights Council (created UPR), 15 March 2006, http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf.

² According to the president of the Human Rights Council, “All recommendations should focus on the human rights issues and comply with the basis of review as defined in HRC rec. 5/1.” UN Human Rights Council, “Letter from President of the Human Rights Council on rules and practices of the Universal Periodic Review Working Group,” 18 September 2013, <http://ohchr.org/Documents/HRBodies/UPR/HRCPresidentLetterOnUPR.pdf>.

human rights abuses at the roots of the ethnic repression, cultural destruction, deprivation of religious freedom, exploitation of natural resources, and ecological and environmental degradation in Tibet, which ultimately led to this desperate form of protest. Rather, it advocates further political repression.

Such recommendations are *inappropriate* for the UPR and they cannot be meaningfully assessed without, at the same time, compromising the human rights principles that guide the UPR, which UN Member States are obligated to uphold. Such recommendations essentially contradict the mission and objectives of the UPR and perpetuate human rights violations. Making such recommendations is thus counterproductive to achieving stated UPR goals. The Chinese government “accepted”—and can be said to have in some sense “implemented”—the recommendations from Saudi Arabia and Uzbekistan noted above. But such performances clearly should not count toward China’s achievement in promoting and protecting human rights. We can only give the “grade” “assessment unavailable” to all 16 of such *inappropriate recommendations*.

The 16 *inappropriate recommendations*—all of which China “accepted”—were made by governments of these countries: Bangladesh (186.163, 248), Comoros (141), Democratic Republic of Congo (43, 251), Cuba (164), Lebanon (249), Myanmar (176), Oman (99), Pakistan (237, 239), Saudi Arabia (146), Sierra Leone (252), Sri Lanka (240), Uzbekistan (238), and Vietnam (162). (See details in the Table, Annex 2)

UPR recommendations should be in line with the UPR’s mission and objectives. If many or most of the recommendations made to a country undergoing a UPR review are inappropriate, it hinders an accurate and meaningful assessment of the impact of the UPR. A high acceptance rate of inappropriate recommendations by the reviewed State clearly does not indicate the state’s cooperation with the UPR, nor does it show the State’s willingness to promote and protect human rights. This is because, as seen in the cases of Saudi Arabia and Uzbekistan, inappropriate recommendations urge China to take essentially anti-human rights policies or actions.

We have used another measure to assess the quality of recommendations: some recommendations are *poor* if they make vague suggestions for actions that are not specific (i.e., they lack concreteness or a measurable benchmark), to the extent that it is difficult or impossible to assess whether the recommended courses of action have been effectively implemented. We also assess a recommendation as *poor* if it is based on unsound, controversial, or false presuppositions, such that the recommended courses of action are confusing or misleading.

For example, some States recommend that China “consider” or “explore options” or “look into the possibility” of taking a certain course of action (such as “ratifying ICCPR”).³ However, it is difficult to assess something that is essentially subjective—whether the government has “considered” or “explored options.” Such formulations of the recommendations may allow the government to claim it has “implemented” these recommendations while, in actuality, it has not taken substantive action. Or it allows the government to use the country’s “state secrets” law in refusing to disclose information necessary for assessing actions that lack visible outcomes or measurable benchmarks.

³ For example, Cape Verde asked China to “consider ratifying ICCPR” (186.3), which the government accepted. This recommendation is proposing an action with no measurable benchmark.

As another example, some States have urged China to “continue,” “maintain,” “keep up,” or “strengthen” or “make further efforts towards” or “further enhance,” “expand” or “develop further” certain practices, policies, efforts or “achievements,” where there is a lack of clear or solid evidence that the Chinese government has already adopted such practices, policies, or made such efforts or achievements, or at least where its track record has been inconclusive and/or controversial.⁴ Norway, for instance, recommended China “make further efforts towards safeguarding the freedom of expression of all citizens” (186.154), but no such efforts have clearly been made by the Chinese government in the years prior to the 2013 UPR and freedom of expression had been increasingly curtailed. (See Section 2.5 in the report.) This type of *poor* recommendation has the effect, even if unintended, of praising China for efforts or progress that the government has not made or achieved.

Despite the difficulties in assessing the implementation of *poor* recommendations, we have tried, instead, to assess the general situation in the relevant areas of human rights. Of the 55 poor recommendations (out of the 236 *appropriate* recommendations), China “accepted” 46, and claimed to have “accepted and already implemented” another 7. We graded 44 of the total number of “poor” recommendations as “not implemented,” thereby highlighting the need for States to give strong recommendations to ensure human rights are protected in these areas and hold the government to account.

For reasons discussed above, it is questionable to consider a high rate of “acceptance” of UPR recommendations by a State under review as an indication of its willingness to cooperate with the UPR. China has cited its high rate of acceptance of the 2013 UPR recommendations—204 out of 252, or 81 percent—to support its claim that it has a good record in “international human rights cooperation.”⁵ However, of the appropriate and strong recommendations that China accepted (a total of 132 recommendations), we graded 102 as “not implemented” in our NGO assessment ahead of the 3rd UPR, indicating a lack of genuine cooperation and progress in protecting human rights.

To the UN Human Rights Council, we recommend that making good—appropriate and strong—recommendations be adopted as a requirement of all UN Member States participating in the UPR. This standard would help make the UPR process more effective in advancing its stated objectives. Our assessments of the quality of recommendations are intended to challenge and encourage States to make recommendations that are useful and effective for protecting and promoting human rights inside the country under review, thereby holding such States accountable for constructive participation in the UPR. The lack of consequences for UN Member States that made poor or inappropriate recommendations to China in 2013—some of which were not based on human rights principles or in fact stand opposed to human rights—has contributed to, and helps to explain, the ineffectiveness of the UPR process in China’s case.

⁴ For instance, Chile recommended China “continue strengthening the protection and promotion of the right of all citizens to publicly express their beliefs and opinions” (186.169), which is asking China to “continue” doing something that it has not been doing (i.e., “strengthening” protection of freedom of expression).

⁵ *People’s Daily*, “Excerpts of Speeches from NHRAP (2012-15) Implementation Evaluation Concluding Conference” (《国家人权行动计划(2012—2015年)》实施评估总结会议发言摘登) June 16, 2016, <http://politics.people.com.cn/n1/2016/0616/c1001-28448543.html>.

Annex 2:

NGO Assessment: “Grading” China’s Implementation of 2nd Universal Periodic Review Recommendations before 3rd UPR Session in 2018 (Table)

第三轮普遍定期审议前夕，给中国政府“打分”：

第二轮普遍定期审议各国给中国的建议落实情况评估 (图表)

Country 国家: China 中国

NGOs 非政府民间机构 : Chinese Human Rights Defenders (CHRD) and Rights Defence Network (RDN)

Recommendation Number 每条建议编号	Recommending State 提建议的国家	Recommendation 建议	Position of the Chinese Government 中国政府的立场	NGO Assessment of Implementation & Recommendation 建议及执行情况民间评估
186.52	Afghanistan 阿富汗	Concentrate on the implementation of the international human rights instruments that have been ratified by the country; 重点实施该国已经批准的国际人权文书	Accepted 接受	Not Implemented 未执行 See report: Sections 1.1, 1.3
186.1	Albania 阿尔巴尼亚	Ratify ICCPR; 批准《公民权利和政治权利国际公约》	Not Accepted 不接受 China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.19	Albania 阿尔巴尼亚	Sign the third OP-CRC-IC; 签署《儿童权利公约关于来文程序的第三项任择议定书》	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China’s position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People’s Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序	Not Implemented 未执行 See report: Section 1.1

			均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	
186.69	Albania 阿尔巴尼亚	Step up cooperation with Special Procedures and mandate holders; 加强与各特别程序和任务负责人的合作	Accepted 接受	Not Implemented 未执行 See report: Sections 1.3
186.110	Algeria 阿尔及利亚	Continue to strictly observe the stipulations on evidence used to examine and decide on cases of the death penalty and adopt stricter standards in this regard; 继续严格遵守死刑案件审理和判决的证据使用规定，并在这方面采取更加严格的标准	Accepted 接受	Partially implemented 部分执行 See report: Section 2.2 Poor Recommendation There is a problematic that the government has “strictly observed” current stipulations on the use of evidence in death penalty cases. This presumption is unsubstantiated. Since such stipulations have not been evidently observed, this recommendation has the effect of praising the government for what it has not achieved.
186.178	Algeria 阿尔及利亚	Implement the employment priority strategy and ensure equal employment opportunities to urban and rural residents; 实施就业优先战略，并确保城乡居民享有平等就业机会	Accepted 接受	Not Implemented 未执行 See report: Section 3.3
186.180	Angola 安哥拉	Further improve unemployment insurance and elevate the level of unified planning for unemployment insurance funds; 进一步完善失业保险，并提高失业保险金的统一规划水平	Accepted 接受	Not Implemented 未执行 See report: Section 3.3
186.199	Angola 安哥拉	Prevent and treat diseases and popularize knowledge in the prevention and treatment of chronic diseases; 防治疾病并普及慢性病防治知识	Accepted 接受	Partially implemented 部分执行 The WHO has commended China on progress in combatting hepatitis but warned in 2016 that discrimination remains a problem. http://www.wpro.who.int/china/mediacentre/releases/2016/20160727-china-world-hepatitis-day/en/ CESCR has expressed concern over China’s progress in protecting the rights of persons with HIV/AIDS (E/C.12/CHN/CO/2, para. 34).

186.23	Argentina 阿根廷	Continue efforts to ratify the OP-CAT and CPED, as well as the main international human rights instruments to which the country is not yet a party; 继续努力批准《禁止酷刑公约任择议定书》和《保护所有人免遭强迫失踪国际公约》，以及该国尚未加入的主要国际人权文书	Not Accepted 不接受 Regarding OP-CAT and CPED, see 186.16: Concerning the enforced disappearance, China has enacted related regulations, and will carry out the study on the possibility of acceding to the CPED in due time. As for OP-CAT, the Chinese government believes that the promotion and protection of human rights is mainly realized through the efforts of countries themselves, not through the means of visits to state parties. 关于免遭强迫失踪问题，中国已制定相应规定，将适时就加入该公约的可能性进行研究。关于《禁止酷刑公约》任择议定书问题，中国政府认为，促进和保护人权主要依赖各国政府通过自身努力实现，而非基于对缔约国查访的方式。	Not Implemented 未执行 See report: Sections 1.1
186.104	Argentina 阿根廷	Continue with efforts to combat discrimination and abandonment of children with disabilities; 继续努力打击歧视和遗弃残疾儿童的行为	Accepted 接受	Partially Implemented 部分执行 See report: Sections 3.4, 3.5
186.107	Argentina 阿根廷	Consider the abolition of the death penalty in its legal System; 考虑在中国法律制度中废除死刑	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的	Not Implemented 未执行 See report: Section 2.2 Poor Recommendation Authorities have not indicated that abolishing the death penalty is a goal and it is impossible to know or measure the "consideration" to abolish the death penalty. Even if the government had "considered" this question, such an act does not necessarily indicate a step toward abolition.

			死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	
186.72	Australia 澳大利亚	Enhance cooperation with the OHCHR by agreeing to outstanding requests for visits to China and extending a standing invitation for future UN special procedures requests; 同意未予答复的访华请求，并对联合国特别程序今后的请求发出长期邀请，从而加强与人权高专办的合作	Not Accepted 不接受 The government will assess its decision to extend a standing invitation to special procedures based on its national conditions. Although China has not extended a standing invitation, China has received many visits by special procedures. China takes every visit by special procedures seriously, and these visits have produced good overall results. 邀请特别机制访问及发出永久邀请应由各国政府根据国情自主决定。尽管中国没有发出永久邀请，但中国接待了很多特别机制访华。中方认真对待每一个特别机制来访，总体效果良好。	Not Implemented 未执行 See report: Section 1.3
186.107	Australia 澳大利亚	Work towards abolition of the death penalty; 努力争取废除死刑	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	Not Implemented 未执行 See report: Section 2.2

186.136	Australia 澳大利亚	Expedite legal and institutional reforms to fully protect in law and in practice freedom of expression, association and assembly, and religion and belief; 加快法律和制度改革，在法律上和实践中充分保护言论、结社和集会、宗教和信仰自由	Accepted 接受	Not Implemented 未执行 See report: Sections 2.5, 2.6, 2.8
186.170	Australia 澳大利亚	Increase transparency of its traditional and social media by guaranteeing the rights of Chinese citizens to freely critique any state organ or functionary; 保障中国公民自由批评任何国家机关或公职人员的权利，从而提高传统媒体和社交媒体的透明度	Accepted and being implemented 接受并正在执行 China's Constitution stipulates that citizens have the right to criticize and make suggestions to any state organ or official. The traditional and social media in China are responsible for what and how they should report. But they must operate within the scope prescribed by law, and the content of their report should be true and credible. 中国《宪法》规定公民对于任何国家机关和国家工作人员，有提出批评和建议的权利。中国的传统新闻媒体和社交媒体报道什么、怎么报道，由各媒体负责，但必须在法律允许的范围内工作，报道内容应真实可信。	Not Implemented 未执行 See report: Section 2.5
186.224	Australia 澳大利亚	Strengthen protection of ethnic minorities' religious, socio-economic and political rights, ensuring reports of violations are promptly and transparently investigated; 加强对少数民族宗教、社会经济和政治权利的保护，同时确保对侵权行为报告予以迅速、透明的调查	Accepted and being implemented 接受并正在执行 With the strong support of China's central government, undertakings in regions of ethnic minorities have been developed rapidly. Ethnic minorities' political, economic, cultural, and religious rights have been fully protected. Once violation of human rights is discovered, the Chinese judicial organs will launch independent and comprehensive investigation to ensure equality, fairness and transparency. 在中国中央政府的强力支持下，民族地区各项事业快速发展，少数民族的政治、经济、文化、宗教等各项权利都得到充分保护。一旦发现有侵犯人权行为的发生，中国司法机关将开展独立、全面调查，确保公平、公正、公开。	Not Implemented 未执行 See report: Sections 2.1, 3.3 CERD expressed alarm in 2018 over numerous reports of rights violations in Xinjiang. CERD/C/CHN/CO/14-17, para. 40-2). In 2015, CAT said it had received credible reports of torture of ethnic minorities (CAT/C/CHN/CO/5, para. 40-41). CESCR expressed concern over violations of the rights of ethnic minorities in 2014 (E/C.12/CHN/CO/2, paras. 14, 38). CHRD joint submission to CERD (July 2018) highlighted violations of ethnic Uyghurs socio-economic and political rights, and mass arbitrary detention of Uyghurs in re-education camps. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.225	Australia 澳大利亚	Permanently lift restrictions on access to minority areas; 永久撤销对访问少数群体地区的限制	Not Accepted 不接受 China implements the system of regional ethnic autonomy. Ethnic minority areas formulate relevant policies according to their local characteristics. 中国实行民族区域自治制度，少数民族地区根据各自地域特点制定相应的政策。	Not Implemented 未执行 See report: Section 1.3 CERD raised concerns that ethnic Tibetans are subjected to significant restrictions on movement. (CERD/C/CHN/CO/14-17, para. 43) The Foreign Correspondents Club of China reported in 2017 annual report that restrictions on reporting in certain areas intensified, especially Xinjiang.

				https://cpj.org/blog/Access%20Denied-FCCC%20report%202017.pdf Authorities have detained journalists or restricted their access to Xinjiang. https://cpj.org/2017/08/chinese-authorities-briefly-detain-globe-and-mail.php ; https://cpj.org/2018/08/china-refuses-to-renew-buzzfeed-reporters-visa.php
186.73	Austria 奥地利	Take the necessary concrete steps to facilitate a visit by the UN High Commissioner for Human Rights as soon as possible; 采取必要的具体措施，为联合国人权事务高级专员尽快访华提供便利	Accepted 接受	Not Implemented 未执行 See report: Section 1.3
186.140	Austria 奥地利	Take effective measures to protect the right to freedom of religion or belief; 采取有效措施，保护宗教或信仰自由权	Accepted 接受	Not Implemented 未执行 See report: Section 2.8
186.160	Austria 奥地利	Take steps that all persons including bloggers, journalists and human rights defenders can freely exercise their right to freedom of expression, online as well as offline, without fear from censorship or persecution; 采取措施，以便包括写博客者、记者和人权卫士在内的所有人都可在网络上和网络外自由行使言论自由权，不用担心遭到审查或起诉	Not Accepted 不接受 See 186.159: Flow of information on the Internet is open and free in China. However, with the rapid development of the Internet, cyber security problems such as gambling, pornography, violence, and hacking are posing increasing threats to the legitimate rights and interests of the public. To ensure the safe flow of information, the Chinese government has the responsibility to prevent the flooding of harmful information and take steps to fight cybercrime. 中国互联网信息流动是开放的、自由的。但随着互联网快速发展，赌博、色情、暴力、黑客等网络安全问题日益威胁公众合法权益。为确保信息安全流动，中国政府有责任防止有害信息泛滥，并采取措施打击网络犯罪。 See also 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言	Not Implemented 未执行 See report: Sections 2.5, 2.7

			论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究任。	
186.222	Austria 奥地利	Take further legislative and practical measures to allow ethnic minorities to preserve their cultural identity, to fully exercise their human rights and to ensure their participation in decision-making, in accordance with the Chinese Constitution; 采取进一步法律 and 实际措施，依照中国《宪法》允许少数民族保留文化身份、充分行使人权并确保他们参与决策	Accepted 接受	Not Implemented 未执行 See report: Section 2.1 In its 2018 COB, CERD expressed concerns over the lack of rights protections for ethnic minorities, including Uyghurs, Tibetans and Mongolians. (CERD/C/CHN/CO/14-17, paras. 21-47) CESCR and CAT also expressed concern over rights violations of ethnic minorities in their respective 2014 and 2015 COBs. (E/C.12/CHN/CO/2, paras. 14, 38; CAT/C/CHN/CO/5, para. 40-41) CHRD joint submission to CERD (July 2018) highlighted the lack of rights protections of ethnic minorities. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.34	Azerbaijan 阿塞拜疆	Continue the successful implementation of the new National Human Rights Action Plan (NHRAP) for 2012-2015 through its cooperation with OHCHR; 与人权高专办开展合作，继续成功实施新的《国家人权行动计划 (2012-2015 年)》	Accepted 接受	Not implemented 未执行 See report: Sections 1.2, 1.3 Poor Recommendation This problematically presupposes yet-to-be demonstrated “successful” implementation of NHRAP. Asking China to “continue” something that it has not evidently achieved has the effect of misguidedly praising China.
186.63	Azerbaijan 阿塞拜疆	Continue its constructive and cooperative dialogue with the UN human rights system; 继续与联合国人权系统开展建设性的合作对话	Accepted 接受	Not Implemented 未执行 See report: Sections 1.1, 1.3 Poor Recommendation This problematically asks China to “continue” what it has not already done– hold a “constructive and cooperative dialogue with the UN human rights system.”
186.187	Azerbaijan 阿塞拜疆	Continue its measures in the field of social security and health; 继续在社会保障和卫生领域采取措施	Accepted 接受	Not Implemented 未执行 See report: Section 3.3 Poor Recommendation This is too vague. It recommends unclear “measures” to be “continued” without specifically urging China to improve relevant rights or ending the long-standing discrimination in these areas.
186.42	Bahrain 巴林	Human rights education which includes training programmes for civil servants to promote human rights policy and mainstream it in various areas; 开展人权教育，包括面向公职人员的培训	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights	Not Implemented 未执行 See report: Chapter 4 Poor Recommendation HR training for officials barely exists, and relevant governmental depts. rarely disclose the contents of

		方案，以宣传人权政策，并将其纳入各领域的主流	education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进，已在公务员培训班次中纳入人权教育的有关内容。	training materials, so it is unclear if materials promote universal human rights. If the contents are questionable, it is unlikely or even desirable for such training to be “mainstreamed.”
186.163	Bangladesh 孟加拉国	Strengthen efforts to promote orderly development of Internet and protect the legitimate rights and interests of ordinary people while reinforcing the legislation on Internet information protection and supervision; 加强努力，促进互联网的有序发展并保护普通大众的合法权益，同时加强互联网信息保护和监督方面的立法	Accepted 接受	Assessment Unavailable 无法评估 See report: Section 2.5 Inappropriate Recommendation Unprincipled: Putting “order” above information freedom on the Internet, with a vague reference to “ordinary people” to justify state “supervision” in an authoritarian state, where the people have no say in governance; counter-productive for the UPR objective to improve/protect human rights.
186.248	Bangladesh 孟加拉国	Continue its international cooperation to contribute to the development of the world economy; 继续开展国际合作，为世界经济作出贡献	Accepted 接受	Assessment Unavailable 无法评估 CESCR expressed concern in its 2014 COB over human rights violations stemming from China’s economic and technical assistance in developing countries. (E/C.12/CHN/CO/2, para. 12) Inappropriate Recommendation Populating China’s development model in other countries would likely lead to an increase in human rights violations. China has pursued economic growth at the expense of the environment, public health, rights of workers and migrants, and forcibly demolished homes, while suppressing freedom of expression, association, and assembly, and democratic participation. Citizens, especially ethnic minorities and disadvantaged and marginalized groups, are often blocked from receiving redress for rights violations.
186.119	Belarus 白俄罗斯	Improve further means and methods for vocational education of persons in prison in order to assist in their later integration into the society; 进一步完善服刑人员职业教育的方式方法，以便帮助他们将来重返社会	Accepted 接受	Not Implemented 未执行 China did not include any proposals for improving vocational education of persons in prison in its last two National Human Rights Action Plans (2012-2015) (2016-2020). http://cl.china-embassy.org/esp/ztbd/bps/t980936.htm ; http://usa.chinadaily.com.cn/epaper/2016-09/30/content_26949523.htm China’s Prison Law has provisions on providing technical and vocational education to prisoners; however, according to some Chinese lawyers, prisons focus on forced manual labor and not teaching skills. http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383784.htm
186.246	Belarus 白俄罗斯	Continue efforts in environmental protection and	Accepted 接受	Partially implemented 部分执行

		in improving living conditions; 继续开展保护环境和改善生活水平方面的工作		<p>In its 2018 COB, CERD expressed concern about environmental harm to lands inhabited by ethnic Mongolians due to land confiscation and development activities. (CERD/C/CHN/CO/14-17, para. 44)</p> <p>China amended the Environmental Protection Law in 2014 with new provisions increasing fines for polluters and introducing public-interest litigation. http://news.xinhuanet.com/english/china/2014-04/24/c_133287570.htm</p> <p>China put into effect two environmental laws in 2018—one to tax environmental polluters and another to more effectively combat water pollution. https://www.theguardian.com/world/2018/mar/31/china-environment-census-reveals-50-rise-in-pollution-sources</p> <p>Despite efforts to protect the environment, by 2018 the number of sources of pollution in the country had increased by more than half since 2010, according to China's environmental ministry. Moreover, a state report focusing on 2016 indicated that groundwater and monitoring in China's rivers improved in 2016 but that results on tests were mixed on water quality in lakes and reservoirs. http://www.chinawaterrisk.org/resources/analysis-reviews/2016-state-of-environment-report-review/</p>
186.1	Belgium 比利时	Abide by its commitment of 2009 and establish a clear timeframe in order to ratify ICCPR; 遵守 2009 年的承诺, 规定批准《公民权利和政治权利国际公约》的明确时间表	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.108	Belgium 比利时	Publish or make available precise information on the identity and number of the individuals currently awaiting execution and of those who were executed in the past year; 公布或提供精确资料, 说明目前待处决者的身份和人数, 以及过去一年中被处决者的身份和人数	Not Accepted 不接受 The statistics of death penalty and death penalty with reprieve is included in that of fixed-term imprisonment of more than five years and life imprisonment. There is no separate statistics on death penalty. 在中国法院的司法统计中, 死刑和死缓的数字是与被判处五年以上有期徒刑、无期徒刑的罪犯的数字合并统计的, 无单独的死刑统计数字。	Not Implemented 未执行 See report: Section 2.2
186.109	Belgium 比利时	Continue to reduce the offences punishable by the death penalty; 继续减少可处以死刑的罪名	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the	Partially implemented 部分执行 See report: Section 2.2

			<p>international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.120	Belgium 比利时	Publish a detailed plan for the abolition of re-education camps through labour, re-stating the timeframe of this welcomed measure; 公布废除劳教所的详细计划，重申这一受到欢迎的措施的时限	<p>Accepted and already implemented 接受并已经执行</p> <p>See 186.117: Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 2013年12月28日，第十二届全国人大常委会第六次会议通过的《全国人民代表大会常务委员会关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。</p>	<p>Implemented 执行</p> <p>China abolished the RTL system in December 2013, although other forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm</p>
186.5	Benin 贝宁	Take steps towards the ratification of ICCPR; 采取措	Accepted 接受	<p>Not Implemented 未执行</p> <p>See report: Section 1.1</p>

		施，争取批准《公民权利和政治权利国际公约》		
186.17	Benin 贝宁	Take steps towards the ratification of ICCPR's two optional protocols; 采取措施，争取批准《公民权利和政治权利国际公约》的两项任择议定书	Not Accepted 不接受 Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	Not Implemented 未执行 See report: Section 1.1
186.69	Benin 贝宁	Intensify the cooperation with special rapporteurs mandate holders of the United Nations; 深化与联合国特别报告员任务负责人的合作	Accepted 接受	Not Implemented 未执行 See report: Section 1.3
186.75	Bhutan 不丹	Continue to strengthen its efforts to protect the rights of vulnerable groups with a particular focus on narrowing the gaps between the different regions; 继续加强努力，保护弱势群体的权利，特别是重点缩小不同地区之间的差距	Accepted 接受	Not Implemented 未执行 See report: Section 3.3 Poor Recommendation This is based on a problematic presumption that the government has "strengthened" such "efforts." Asking for the "continuation" of something that hasn't been done has the effect of misguidedly praising China.
186.92	Bolivia, Plurinational State of 玻利维亚	Undertake further efforts to eliminate gender discrimination in the labour market and guarantee equal pay for equal work; 作出进一	Accepted and already implemented 接受并已经执行 China's Labour Law, Law on the Promotion of Employment, Law on	Not Implemented 未执行 See report: Section 3.1

		步努力，消除劳动力市场中的性别歧视，并保障同工同酬	the Protection of the Rights and Interests of Women and other laws establish the principles of prohibiting gender discrimination in employment and equal pay for equal work for men and women, clearly stipulate that equal pay for equal work and post-based wage system are applied in China. There is no gender discrimination. In practice, China actively protects women's rights and interests of employment. 中国《劳动法》、《就业促进法》、《妇女权益保障法》等法律确立了劳动者就业禁止性别歧视和实行男女同工同酬的原则，明确规定实行男女同工同酬，工资分配实行岗位工资制，按岗位确定工资，不存在性别歧视。实践中积极保护妇女就业权益。	
186.198	Bolivia, Plurinational State of 玻利维亚	Undertake further efforts to promote the tasks of all government departments that provide public services; 作出进一步努力，促进所有提供公共服务的政府部门开展工作	Accepted 接受	Partially implemented 部分执行 See report: Section 3.3
186.9	Botswana 玻利维亚	Continue to take measures towards ratification of the ICCPR; 继续采取措施，争取批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See report: Section 1.1
186.98	Botswana 玻利维亚	Review its sentencing policy for perpetrators of human trafficking and strengthen assistance measures to victims; 审视对贩运人口者的量刑政策，并加强对受害者的援助措施	Accepted and already implemented 接受并已经执行 See 186.96: The Chinese government attaches great importance to combating human trafficking. It has adopted resolute and comprehensive measures to effectively prevent and crack down on human trafficking, worked actively for the rescue, settlement and rehabilitation of victims, and conducted effective cooperation with related countries and international organizations in the field of combating human trafficking. 中国政府一贯高度重视反对拐卖人口工作，坚决采取综合措施，有效预防、严厉打击拐卖犯罪活动，积极开展对拐卖受害人的救助、安置和康复工作，在打击人口拐卖领域与有关国家和国际组织开展了卓有成效的合作。	Not Implemented 未执行 See report: Sections 3.1, 3.4
186.2	Brazil 巴西	Ratify as soon as possible ICCPR; 尽快批准《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set	Not Implemented 未执行 See report: Section 1.1

			out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	
186.100	Brazil 巴西	Introduce a comprehensive and inclusive national plan of action to guarantee the rights of persons with disabilities, in accordance with international human rights law; 依照国际人权法, 推行全面和包容的国家行动计划, 保障残疾人权利	Accepted and already implemented 接受并已经执行 China has formulated and implemented six national five-year work programs on disability. After the adoption of Convention on the Rights of Persons with Disabilities, China has integrated the convention's purposes and principles into its latest five-year work program on disability to its aim and principles. 中国已连续制定和实施六个残疾人事业五年规划, 《残疾人权利公约》通过后, 其宗旨和原则融入了“中国残疾人事业五年发展纲要”。	Not Implemented 未执行 See report: Section 3.5
186.106	Brunei Darussalam 文莱达鲁萨兰国	Continue its ongoing efforts to protect the rights of persons with disabilities through relevant laws and regulations; 继续不断努力, 通过相关法律法规保护残疾人的权利	Accepted 接受	Partially implemented 部分执行 See report: Section 3.5
186.182	Brunei Darussalam 文莱达鲁萨兰国	Continue to improve all social security system for all its elderly population; 继续完善惠及全体老年人的各种社会保障体系	Accepted 接受	Partially Implemented 部分执行 See report: Section 3.3
186.2	Bulgaria 保加利亚	Speed up the ratification of the ICCPR, which has been already signed by China; 加快批准中国已经签署的《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.109	Bulgaria 保加利亚	Make further progress in the reduction of the scope of capital offences in Chinese legislation; 在缩小中国法律中死刑适用范围方面取得进一步进展	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011,	Partially Implemented 部分执行 See report: Section 2.2

			<p>Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.179	Bulgaria 保加利亚	Continue adopting a job friendly policy and ensuring equal employment opportunities for urban and rural residents; 继续采取有利于就业的政策，并确保城乡居民享有平等就业机会	Accepted 接受	Not Implemented 未执行 See report: Section 3.3
186.40	Burundi 布隆地	Intensify greatly the numerous measures taken in this sector of human rights education; 大力加强在人权教育这一领域采取的诸多措施	<p>Accepted and already implemented 接受并已经执行</p> <p>See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进，已在公务员培训班次中纳入人权教育的有关内容。</p>	<p>Not Implemented 未执行 See report: Chapter 4</p> <p>Poor Recommendation The contents of HR education and training materials are often not disclosed and the school materials do not clearly promote universal human rights. It is problematic to recommend China "intensify" something that does not exist, and incorrectly presume it has taken "numerous measures."</p>
186.194	Cambodia 柬埔寨	Continue efforts in implementation of the country's Plans of Action in particular those relating to the safeguard of the economic, social and cultural rights of the people, including those of the most vulnerable ones and disadvantaged groups; 继续努力实施国家各项《行动计划》，特别是与保障民众经济、社会和文化权利，包括最弱势人群和困难群体的经济、社会和文化权利有关的计划	Accepted 接受	Not Implemented 未执行 See report: Sections 1.2, 3.3
186.219	Cambodia 柬埔寨	Continue pursuing measures and policy aimed at ensuring the rights of ethnic minorities'	Accepted 接受	Not Implemented 未执行

		learning, writing and the development of their own languages according to the relevant laws; 继续推行旨在保障少数民族依照相关法律学习、书写和发展本民族语言的权利的措施和政策		CERD in 2018 expressed concern that ethnic minorities continue to face severe restrictions in the use and preservation of their minority languages. (CERD/C/CHN/CO/14-17, paras. 40-5) CHRD joint submission to CERD (July 2018) discussed deprivations of ethnic Uyghurs to learn and be educated in their native minority language. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.66	Canada 加拿大	Invite the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea to visit North-Eastern China to meet officials and North Korean citizens who have fled to China; 请联合国朝鲜民主主义人民共和国人权问题调查委员会访问中国东北，面见官员和逃至中国的朝鲜公民	Not Accepted 不接受 China is opposed to politicizing human rights issues, disapproves exerting pressure on a country in the name of human rights, and does not support establishing an UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea. 中国反对将人权问题政治化，不赞成利用人权问题向一国施压，不支持设立联合国朝鲜人权问题调查委员会。	Not Implemented 未执行 See report: Section 1.3
186.94	Canada 加拿大	Implement measures to address the sex ratio imbalance in its population given the harm that occurs when many women and girls are missing, and put in place safeguards that ensure policies related to the family are consent-based; 考虑到许多妇女和女童失踪造成的危害，采取措施解决人口性别比例不平衡问题，并落实保障措施，确保与家庭有关的政策征得当事方的同意	Not Accepted 不接受 There is no such situation as many women and children missing in China. 中国不存在大量妇女和女童失踪的情况。	Partially implemented 部分执行 See report: Sections 3.1. 3.4
186.122	Canada 加拿大	Release all people in administrative detention for political reasons including bishops, priests, artists, reporters, dissidents, people working to advance human rights, and their family members, and eliminate extrajudicial measures like forced disappearances; 释放所有因政治原因而被行政拘留的人，包括主教、牧师、艺术家、记者、异见者、推进人权工作者，以及他们的家人，并废止强迫失踪等法外措施	Not Accepted 不接受 See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪	Not Implemented 未执行 See report: Sections 2.3, 2.7, 2.9

			法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究任。	
186.133	Canada 加拿大	Accelerate reform of the administrative justice system so that all persons have access to legal procedures of appeal; 加快行政司法制度改革，以便所有人都能通过法律程序上诉	Accepted and already implemented 接受并已经执行 China's Criminal Procedure Law, Civil Procedure Law and Administrative Procedure Law all clearly stipulate that if a party refuses to accept a judgment of first instance of a local people's court, he or she shall have the right to file an appeal. The right of appeal, as a basic procedural right of parties, has been fully embodied and guaranteed in China's judicial activities. 中国《刑事诉讼法》、《民事诉讼法》、《行政诉讼法》均明确规定，当事人不服地方人民法院第一审判决、裁定的，有权提起上诉。上诉权作为当事人的一项基本诉讼权利，在中国司法活动中得到充分体现和保障。	Not Implemented 未执行 While China's administrative and criminal procedure laws have provisions granting the legal right to an appeal, in practice this right is not actually guaranteed due to the lack of an independent judiciary, an issue CESCR expressed concern about in its 2014 COB (E/C.12/CHN/CO/2, paras. 10). This is often evident in politically-sensitive cases, where the appeals courts almost always uphold the original judgement.
186.131	Canada 加拿大	Take steps to ensure lawyers and individuals working to advance human rights can practice their profession freely, including by promptly investigating allegations of violence and intimidation impeding their work; 采取措施确保律师和从事推进人权工作的个人可以自由执业，包括迅速调查以暴力和恐吓方式妨碍这些人工作的指控	Accepted 接受	Not Implemented 未执行 See report: Sections 2.7, 2.10
186.142	Canada 加拿大	Stop the prosecution and persecution of people for the practice of their religion or belief including Catholics, other Christians, Tibetans, Uyghurs, and Falun Gong, and set a date for the visit of the Special Rapporteur on Freedom of Religion or Belief; 停止起诉和迫害信奉宗教或信仰的民众，包括天主教徒、其他基督教徒、藏族、维吾尔族和法轮功，并确定宗教或信仰自由问题特别报告员的访华日期	Not Accepted 不接受 China's Constitution and laws guarantee citizens' freedom of religious belief, and, at the same time, stipulate obligations that citizens must fulfill. The Chinese government handles in accordance with the law illegal religious organizations and individuals that promote superstition and fallacies, deceive the people, instigate and create disturbances, and undermine social stability. "Falun Gong" is not a religion but an out-and-out cult. The purpose of banning "Falun Gong" by the Chinese government in accordance with the law is to protect human rights and fundamental freedoms of citizens, and uphold the sanctity of the Constitution and laws. 中国《宪法》和法律保障公民的宗教信仰自由权利，也规定	Not Implemented 未执行 See report: Sections 2.8, 1.3 In its 2018 COB, CERD expressed concerns about deprived religious freedoms of ethnic minorities. (CERD/C/CHN/CO/14-17, paras. 36-7, 40) CHRD joint submission to CERD (July 2018) highlighted violations of free religious expression by ethnic Uyghurs and other minorities who practice Islam. https://www.nchr.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/

			了公民必须承担的义务。对于宣扬迷信邪说，蒙骗群众，挑动制造事端，破坏社会稳定的非法宗教组织和个人，中国政府依法进行管理。“法轮功”不是宗教，是地地道道的邪教。中国政府依法取缔“法轮功”组织，是为了保护公民的基本人权和自由，维护宪法和法律的尊严。	
186.3	Cape Verde 佛得角	Consider ratifying ICCPR; 考虑批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See report: Section 1.1 Poor Recommendation Given the lack of government transparency, it's very difficult to assess whether the government has "considered" doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.130	Cape Verde 佛得角	Further strengthen the conditions in which lawyers exercise their functions; 进一步为律师履行职责创造更好的条件	Accepted 接受	Not Implemented 未执行 See report: Section 2.10
186.84	Central African Republic 中非共和国	Fully protect the legitimate rights and interests of ethnic minorities, women, children, the elderly and disabled persons; 充分保护少数民族、妇女、儿童、老年人和残疾人的合法权益	Accepted 接受	Not Implemented 未执行 See report: Sections 3.1, 3.3, 3.4, 3.5 In its 2018 COB, CERD expressed concerns about deprived rights and interests among children and ethnic minorities. (CERD/C/CHN/CO/14-17, paras. 21-4, 40-1)
186.200	Chad 乍得	Create a national public service network covering sports for both the urban and rural areas; 创建覆盖城乡的全国公共体育服务网络	Accepted 接受	Partially Implemented 部分执行 China's National Fitness Plan (2016-2020) aims to increase fitness centers and the level of exercise of citizens. However, poverty in rural areas, especially remote poor regions, prevents many rural citizens from enjoying equal access to sports, sports facilities, and healthy exercise practices. http://english.gov.cn/policies/latest_releases/2016/06/23/content_2814753_78214258.htm
186.205	Chad 乍得	Strengthen the implementation of compulsory education for nine years; 加强九年义务教育的实施情况	Accepted 接受	Not Implemented 未执行 See report: Section 3.4
186.211	Chad 乍得	Guarantee the right to education for children of migrant workers; 保障民工子女的受教育权	Accepted 接受	Not Implemented 未执行 See report: Sections 3.3, 3.4
186.1	Chile 智利	Ratify ICCPR and CPED; 批准《公民权利和政治权利国际公约》和《保护所有人免遭强迫失踪国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the	Not Implemented 未执行 See report: Section 1.1

			ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	
186.114	Chile 智利	Consider a moratorium on the death penalty; 考虑暂停执行死刑	<p>Not Accepted 不接受</p> <p>See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	<p>Not Implemented 未执行 See report: Section 2.2</p> <p>Poor Recommendation Given the lack of government transparency, it's very difficult to assess whether the government has "considered" adopting a moratorium. Proposing an action with no measurable benchmark makes this recommendation weak.</p>
186.169	Chile 智利	Continue strengthening the protection and promotion of the right of all citizens to publicly express their beliefs and opinions; 继续加强对所有公民公开表达信仰和见解的权利的保护和促进	Accepted 接受	<p>Not Implemented 未执行 See report: Section 2.5</p> <p>Poor Recommendation This recommendation is based on the incorrect presumption that the State had been "strengthening" such protection and promotion.</p>
186.141	Comoros 科摩罗	Guarantees freedom of religion in respect of national unity and the territorial integrity of the country; 在考虑民族统一和国家领土完整的情况下保障宗教自由	Accepted 接受	<p>Assessment Unavailable 无法评估</p> <p>Inappropriate Recommendation Unprincipled: Placing national interest above universal human rights, like freedom of religion.</p>
186.186	Congo 刚果	Continue its efforts in implementing a social	Accepted 接受	Partially Implemented 部分执行 See report: Section 3.3

		security system accessible to urban and rural residents; 继续努力实施覆盖城乡居民的社会保障体系		
186.43	Congo, Democratic Republic of 刚果民主共和国	Share its experience on human rights education with countries requesting such need; 与有需要的国家分享人权教育方面的经验	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	Assessment Unavailable 无法评估 See report: Chapter 4 Inappropriate Recommendation The contents of HR education and training materials are often not disclosed, and the school materials do not clearly promote universal human rights. It is thus questionable whether China has any positive experiences to share with other countries.
186.251	Congo, Democratic Republic of 刚果民主共和国	Develop further its bilateral and multilateral cooperation and exchanges, notably in the area of economic, social and cultural rights; 进一步发展双边和多边合作与交流, 尤其是在经济、社会和文化权利方面	Accepted 接受	Assessment Unavailable 无法评估 CESCR expressed concern in its 2014 COB over human rights violations stemming from China's economic and technical assistance in developing countries. (E/C.12/CHN/CO/2, para. 12) Inappropriate Recommendation Other countries may face the same human rights problems as China today if they follow China's experiences of pursuing economic growth at the expense of the environment, public health, rights of workers and migrants, while suppressing freedom of expression, association, and assembly, and democratic participation.
186.103	Costa Rica 哥斯达黎加	Introduce policies oriented towards a better inclusion of all persons with disabilities in all areas of society, in particular children; 推行将包括残疾儿童在内的所有残疾人更好地纳入社会方方面面的导向政策	Accepted 接受	Partially Implemented 部分执行 See report: Section 3.5
186.151	Costa Rica 哥斯达黎加	Take the necessary measures to eliminate restrictions on the freedom of expression, including those imposed to national and international journalists; 采取必要措施, 消除对言论自由的限制, 包括对国内和国际记者的限制	Not Accepted 不接受 See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留, 所有的刑事拘留和治安拘留均分别依据	Not Implemented 未执行 See report: Section 2.5

			《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究。	
186.157	Cote d'Ivoire 科特迪瓦	Strengthen the measures aimed at guaranteeing freedom of expression and freedom of the press; 加强旨在保障言论自由和新闻出版自由的措施	Accepted 接受	Not Implemented 未执行 See report: Section 2.5 Poor Recommendation Such guaranteeing measures do not exist. They must first be established and then strengthened, while the numerous measures restricting expression and press must be abolished.
186.247	Côte d'Ivoire 科特迪瓦	Strengthen the actions aimed at guaranteeing the enjoyment of the most fundamental rights and the access to the basic infrastructures in the most remote areas; 加强旨在保障各项最基本权利的享有以及最偏远地区基本基础设施覆盖的行动	Accepted 接受	Not Implemented 未执行 See report: Section 3.3 Poor Recommendation It's not made clear what are "the most fundamental rights" or whether they affirm international standards. Access to basic infrastructure in remote areas do not necessarily entail protection of social economic and cultural human rights of local ethnic minorities in these areas.
186.164	Cuba 古巴	Investigate activities of fabrication and dissemination of false information, and take measures with regard to persons engaged in illegal activities through Internet; 调查捏造和传播虚假信息的行为，并对通过互联网参与违法活动的人员采取措施	Accepted 接受	Assessment Unavailable 无法评估 See report: Section 2.5 Inappropriate Recommendation Unprincipled; effectively supports China's draconian cyber policies and persecution of Internet users exercising their freedom of expression and information. Counter-productive to UPR objective to improve/protect human rights.
186.229	Cuba 古巴	Continue carrying out the system of regional autonomy in the ethnic minorities areas and give a more special treatment to ethnic minorities in politics, the economy, culture and education; 继续在少数民族地区实行区域自治制度，并在政治、经济、文化和教育方面给予少数民族更加特殊的待遇	Accepted 接受	Not Implemented 未执行 In its 2018 COB, CERD expressed concerns about the marginalization of ethnic minorities in civil, political, economic, and educational life. (CERD/C/CHN/CO/14-17, paras. 21-7, 40-4) CHRD joint submission to CERD (July 2018) highlighted restrictions placed on ethnic minorities in areas of politics, the economy, culture, and education. https://www.nchr.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.39	Cyprus 塞浦路斯	Maintain human rights education as a basic part of its National Human Rights Action Plans, including the relevant training of law enforcement agents, public	Accepted and already implemented 接受并已经执行 The Chinese government attaches great importance to human rights education and promotes it at all levels. China has	Partially Implemented 部分执行 See report: Chapter 4 Poor Recommendation The contents of HR education and training materials are often not

		servants and youth; 坚持将人权教育作为《国家人权行动计划》的基本组成部分, 包括对执法人员、公职人员和青少年的相关培训	included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	disclosed and the school materials do not clearly promote universal human rights. "Maintain" means affirming these education programs but if their contents do not promote human rights, then this is problematic.
186.4	Czech Republic 捷克共和国	Take steps to an early ratification of the ICCPR; 采取措施, 早日批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See report: Section 1.1
186.61	Czech Republic 捷克共和国	Ensure that its citizens can freely engage in the UPR process; 确保该国公民可以自由参与普遍定期审议进程	Accepted 接受	Not Implemented 未执行 See report: Section 2.7
186.156	Czech Republic 捷克共和国	Take effective measures to guarantee the freedom of expression and the media through amending existing laws and practices, including its State Secrets Law, and to release all human rights defenders and journalists; 采取有效措施, 通过修改包括《保守国家秘密法》在内的现行法律和做法, 保障言论和媒体自由, 并释放所有人权卫士和记者	Not Accepted 不接受 There are specific provisions in a number of Chinese laws on the freedom of speech and the press. There is no plan to amend the State Secrets Law so far. China is a country under the rule of law. Everyone is equal before the law. Chinese judicial organs deal with people engaging in illegal and criminal activities according to law. 中国多项法律中对言论和媒体自由都有具体规定, 目前尚无修改《保守国家秘密法》的计划。中国是法治国家, 法律面前人人平等, 对于从事违法犯罪活动的人, 司法机关将依法处理。	Not Implemented 未执行 See report: Sections 2.5, 2.7
186.233	Czech Republic 捷克共和国	Protect ethnic and religious minorities, including Tibetans and Uyghurs, stop all disproportionate policies against them, while addressing their discontent in a non-violent, dialogical way; 保护少数民族和宗教少数群体, 包括藏族和维吾尔族, 停止针对他们的一切不当政策, 同时以非暴力对话的方式解决他们的不满	Not Accepted 不接受 See 186.230: China's Constitution clearly stipulates that all ethnic groups are equal. The state guarantees the legal rights and interests of all ethnic minorities and forbids discrimination and oppression against any ethnic group. The relevant laws and regulations also fully guarantee all equal rights of ethnic minorities, including participation in the political and religious affairs and expression of cultural identity. Thus, there is no need to take any urgent step in this regard. 中国《宪法》明确规定, 各民族一律平等, 国家保障少数民族的合法权利和利益, 禁止对任何民族的歧视和压迫。有关法律法规亦作出规定, 充分保障少数民族享有包括参与政治和宗教事务及文化认同表达等在内的一切平等权利, 不需要为此采取任何紧急措施。	Not Implemented 未执行 In its 2018 COB, CERD expressed concerns over the lack of rights protections for ethnic minorities, including Uyghurs and Tibetans. (CERD/C/CHN/CO/14-17, paras. 21-47) CESCR and CAT also expressed concern over rights violations of ethnic minorities in their respective 2014 and 2015 COBs. (E/C.12/CHN/CO/2, paras. 14, 38; CAT/C/CHN/CO/5, para. 40-41) CHRD joint submission to CERD (July 2018) highlighted the lack of rights protections of ethnic minorities, including Tibetans and Uyghurs. https://www.nchr.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.241	Czech Republic 捷克共和国	Protect North Korean refugees in accordance with international law, honouring the principle of non-refoulement; 依照国际法保护朝鲜难民, 遵守不驱回原则	Not Accepted 不接受 The Chinese government has consistently followed the principle of non-refoulement and other international practice in refugee management. The illegal entrants from the DPRK are not refugees. Thus, their treatment should be different from that of refugees. The Chinese government follows the international law, domestic law and humanitarian spirit to properly handle	Not Implemented 未执行 In its 2018 COB, CERD expressed concern about the issue of North Koreans being forcibly returned to the DPRK despite credible claims for non-refoulement protection. (CERD/C/CHN/CO/14-17, paras. 50-1) CAT also expressed concern in its 2015 COB with the continued

			the illegal entrants from the DPRK. 中国政府在难民管理中一直遵循“不推回”等国际惯例。非法入境朝鲜人不是难民，对其处理原则应有别于难民。中国一贯遵循国际法、国内法和人道主义精神妥善处理非法入境朝鲜人。	repatriation of North Korean refugees. (CAT/C/CHN/CO/5, para. 46)
186.51	Denmark 丹麦	Effectively implement and establish the necessary institutional mechanisms to ensure the enforcement of existing laws prohibiting torture and dismissing illegally obtained evidence; 切实实施和建立必要的体制机制，确保执行禁止酷刑和排除非法证据的现行法律	Accepted and being implemented 接受并正在执行 Based on the amended Criminal Procedure Law, China's public security organs comprehensively amended the Regulations on Procedures of Handling Criminal Cases for Public Security Organs, which provides for stricter measures on evidence collection, examination, exclusion of illegal evidence and other procedures, and clearly stipulates that evidence, which is discovered as should be excluded during the course of investigation, shall be excluded in accordance with law, and shall not be used as the basis for the approval of an arrest and prosecution review. The amended Regulations also stipulates that public security organs reconfigure the case investigation areas, separate these areas physically from other areas, implement video surveillance, improve security facilities there and strengthen the regulation of the management and use of these areas. 根据修订后的《刑事诉讼法》，中国公安机关全面修订了《公安机关办理刑事案件程序规定》，进一步严格对证据的收集、审查和排除非法证据等程序，明确规定在侦查阶段发现有应当排除的证据的，应当依法排除，明确了不得作为提请批准逮捕、移送审查起诉的依据。同时，公安机关对执法办案场所硬件进行改造，对办案区进行隔离分区设置，实行视频监控，同时完善安全防护设施，大力规范办案区的管理和使用。	Not Implemented 未执行 See report: Section 2.4
186.153	Denmark 丹麦	Ensure that all laws, regulations and judicial interpretations comply with the Constitution and the ICCPR to ensure that the constitutionally provided right to freedom of expression is fulfilled; 确保所有法律、法规和司法解释均符合《宪法》与《公民权利和政治权利国际公约》的规定，以确保兑现宪法赋予的言论自由权	Not Accepted 不接受 China has yet to ratify the ICCPR. 中国尚未批准《公民权利和政治权利国际公约》。	Not Implemented 未执行 See report: Sections 1.1, 2.5
186.134	Djibouti 吉布提	Continue to guarantee young people the access to legal assistance in conformity with the law; 继续依法保证青年可以获得法律援助	Accepted 接受	Not Implemented 未执行 See report: Section 2.10 <u>Poor Recommendation</u>

				This is based on a misleading presumption: Current law does not “guarantee” access to legal assistance. And the national law has many problems in conforming international human rights standards.
186.68	Ecuador 厄瓜多尔	Consider the possibility of extending an invitation to special procedures to visit China taking into account the appropriate balance between economic, social and cultural rights and civil and political rights; 考虑向特别程序发出访华邀请的可能性, 同时考虑到经济、社会和文化权利与公民权利和政治权利之间的适当平衡	Accepted 接受	Partially Implemented 部分执行 See report: Section 1.3 Poor Recommendation Given the lack of government transparency, it’s very difficult to assess whether the government has “considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.76	Ecuador 厄瓜多尔	Continue the efforts aimed at fighting against poverty and discrimination of the most vulnerable groups; 继续努力脱贫, 消除针对最弱势群体的歧视	Accepted 接受	Partial Implemented See report: Section 3.3 Poor Recommendation The lack of any description of “the most vulnerable groups” makes this recommendation vague and difficult to measure outcome.
186.6	Egypt 埃及	Continue carrying out administrative and judicial reforms to prepare for the ratification of the ICCPR; 继续推行行政和司法改革, 为批准《公民权利和政治权利国际公约》作准备	Accepted 接受	Not Implemented 未执行 See report: Section 1.1
186.24	Egypt 埃及	Consider acceding to the ICRMW; 考虑加入《保护所有移徙工人及其家庭成员权利国际公约》	Accepted 接受	Not Implemented 未执行 See report: Section 1.1 Poor Recommendation Given the lack of government transparency, it’s very difficult to assess whether the government has “considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.111	Egypt 埃及	Continue observing its national legal safeguards surrounding the application of death penalty as one of the legitimate tools of criminal justice; 继续遵守国家相关法律保障, 将死刑作为刑事司法的合法工具之一予以适用	Accepted 接受	Not Implemented 未执行 See report: Section 2.2 Poor Recommendation The presumption that the government has “observed” these “legal safeguards” is problematic. Also, fails to draw attention to the need to examine the adequacy of any existing “safeguards.”
186.135	Egypt 埃及	Maintain its effective protection for the family as the fundamental and natural unit of society; 坚持将家庭作为社会的基本单位和自然单位予以有效保护	Accepted 接受	Not Implemented 未执行 See report: Sections 3.1, 3.4 Poor Recommendation This contains a problematic presumption that China has “effective protection” for the family, but the current law and practices are not “effective” and do not provide adequate protection.

186.93	Eritrea 厄立特里亚	Further expand and consolidate achievements made in promoting women's rights and well-being in tandem with its policy and practice of protecting and promoting human dignity; 进一步扩大和巩固在促进妇女权利和福利方面取得的成果, 同时推行保护和促进人的尊严的政策和做法	Accepted 接受	Not Implemented 未执行 See Report: Section 3.1 Poor Recommendation Asking China to "further expand" and "consolidate" any "achievements" diverts attention from serious problems in protecting women's rights. It is unclear what the "policy and practice" referred to are. This vagueness hinders assessment of outcome.
186.190	Eritrea 厄立特里亚	Maintain and strengthen the achievements made in poverty elimination and further consolidate its continued efforts by giving focus to its integrated rural development schemes and in line with its priority and experience to promote the right to development; 保持和加强在消除贫困方面取得的成绩, 并重点关注综合农村发展方案, 依照优先事项和过往经验, 进一步巩固该国促进发展权的不懈努力	Accepted 接受	Not Implemented 未执行 See Report: Section 3.3 Poor recommendation It is problematic to assume that the government had an "integrated rural development scheme." Environmental damage, lack of social security protections for vulnerable groups, and expanding income disparities, are some of the problems with China's brand of development. It is unclear in this recommendation whether the "right to development" refers to the international standard of development as a human right or merely a right to GDP growth.
186.208	Eritrea 厄立特里亚	Intensify efforts in consolidating the right of education to further raise the level of compulsory education as consolidations as the advance it has made in the human capital formation; 加大努力, 巩固受教育权, 以进一步提高义务教育水平, 巩固在人力资本形成方面取得的进步	Accepted 接受	Not Implemented 未执行 See report: Section 3.3, 3.4
186.2	Estonia 爱沙尼亚	Speed up the process of the ratification of the ICCPR; 加快《公民权利和政治权利国际公约》的批准进程	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1

186.18	Estonia 爱沙尼亚	Speed up the process of ratification of the ICCPR-OP2; 加快《公民权利和政治权利国际公约第二项任择议定书》的批准进程	<p>Not Accepted 不接受</p> <p>See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	<p>Not Implemented 未执行</p> <p>See report: Sections 1.1, 2.2</p>
186.20	Estonia 爱沙尼亚	Ratify the Rome Statute of the ICC and the Agreement on the Privileges and Immunities of the Court; 批准《国际刑事法院罗马规约》及《法院特权和豁免协定》	<p>Not Accepted 不接受</p> <p>China always attaches importance to the role of the international criminal and judicial institutions in safeguarding international peace, promoting international justice, and punishing the most serious international crimes, and actively participates in the development of international criminal and judicial system in a constructive manner. China supports the establishment of an independent, impartial and effective International Criminal Court with universality. However, some practices of ICC cause doubts in the international community. Many countries require ICC to avoid selectivity and double standards when exercising jurisdiction. China will continue to follow ICC's work, and hopes ICC will gain more extensive trust and support via practice. 中国一贯重视国际刑事司法机构在维护国际和平、促进国际法治和惩治最</p>	<p>Not Implemented 未执行</p> <p>See report: Section 1.1</p>

			严重国际犯罪等方面发挥的作用，并始终以建设性态度积极参与国际刑事司法制度建设。中方支持建立一个独立、公正、有效且具有普遍性的国际刑事法院，但法院的某些做法在国际社会引起不少质疑，不少国家要求法院管辖有关罪行时避免选择性和双重标准。中方将持续关注国际刑事法院工作，并希望法院通过实践赢得更广泛信任和支持。	
186.161	Estonia 爱沙尼亚	Undertake measures enabling unrestricted use of Internet to all members of the society; 采取措施，使社会的所有成员都可不受限制地使用互联网	Not Accepted 不接受 See 186.159. 中国互联网信息流动是开放的、自由的。但随着互联网快速发展，赌博、色情、暴力、黑客等网络安全问题日益威胁公众合法权益。为确保信息安全流动，中国政府有责任防止有害信息泛滥，并采取措施打击网络犯罪。	Not Implemented 未执行 See report: Section 2.5
186.80	Ethiopia 埃塞俄比亚	Continue its effort to promote and protect the rights of children including further action against the abduction, maltreatment and abandonment of children; 继续努力促进和保护儿童权利，包括采取进一步行动解决儿童被拐、营养不良和遭到遗弃的问题	Accepted 接受	Partially implemented 部分执行 See report: Sections 3.1, 3.3, 3.4
186.166	Ethiopia 埃塞俄比亚	Continue the spread of internet connections throughout the rural areas; 继续在所有农村地区普及互联网接入	Accepted 接受	Partially Implemented 部分执行 See report: Section 2.5
186.83	Finland 芬兰	Create national and local-level systems to protect children from all forms of exploitation, including child labour; 建立全国和地方体系，保护儿童不受任何形式的剥削，包括童工	Accepted and already implemented 接受并已经执行 There are provisions of prohibiting child labour in both China's Labour Law and Law on the Protection of Minors. In 2002, the State Council amended the Provisions on Prohibition of Child Labour, which makes it clear that no units shall hire minors under the age of 16. In the same year, the Criminal Law added provisions on the crime of employing child labour in dangerous and heavy labour. China's labour security organs at the state, provincial, municipal and county levels carry out routine inspection, report and special law enforcement activities and take eliminating child labour and protecting lawful rights and interests of minors as their key tasks. 中国《劳动法》和《未成年人保护法》均有禁止使用童工的相关规定。2002年，国务院重新修订《禁止使用童工规定》，明确规定禁止使用不满16周岁的童工。同年，《刑法》增	Not Implemented 未执行 See report: Sections 3.4

			加了关于使用童工从事危重劳动罪的规定。中国的国家、省、市、县四级劳动保障部门通过开展日常巡查检查、举报专查和专项执法检查活动，把消除童工现象和维护未成年工合法权益作为重点工作来抓。	
186.131	Finland 芬兰	Guarantee access to prompt and effective investigation by an independent and impartial body for defence lawyers alleging that their access to their clients has been unlawfully obstructed; 保证据称遭到非法阻碍无法接触委托人的辩护律师可请独立公正的机构迅速开展有效调查	Accepted 接受	Not Implemented 未执行 See report: Section 2.10
186.1	France 法国	Ratify the ICCPR; 批准《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.23	France 法国	Ratify the CPED and reform the Criminal Procedure Code with a view to guaranteeing the rights of those deprived of their liberty; 批准《保护所有人免遭强迫失踪国际公约》并修改《刑事诉讼法》，以期保障被剥夺自由者的权利	Not Accepted 不接受 Regarding OP-CAT and CPED, see 186.16: Concerning the enforced disappearance, China has enacted related regulations, and will carry out the study on the possibility of acceding to the CPED in due time. As for OP-CAT, the Chinese government believes that the promotion and protection of human rights is mainly realized through the efforts of countries themselves, not through the means of visits to state parties. 关于免遭强迫失踪问题，中国已制定相应规定，将适时就加入该公约的可能性进行研究。关于《禁止酷刑公约》任择议定书问题，中国政府认为，促进和保护人权主要依赖各国政府通过自身努力实现，而非基于对缔约国查访的方式。	Not Implemented 未执行 See report: Section 1.1
186.71	France 法国	Fully cooperate with OHCHR as well as special procedures; 与人权高专办和各特别程序充分合作	Accepted 接受	Not Implemented 未执行 See report: Section 1.3
186.108	France 法国	Publish official statistics on the application of the death penalty, guarantee the right to a fair defence, and introduce a procedure for pardon petitions with a view to a moratorium on execution; 公布死刑适用情况的官方统计数据，保障公平辩护权，并设立赦免申请程序，以期暂停处决	Not Accepted 不接受 The statistics of death penalty and death penalty with reprieve is included in that of fixed-term imprisonment of more than five years and life imprisonment. There is no separate statistics on death penalty. 在中国法院的司法统计中，死刑和死缓的数字是与被判处五年以上有期	Not Implemented 未执行 See report: Section 2.2

			徒刑、无期徒刑的罪犯的数字合并统计的，无单独的死刑统计数字。	
186.117	France 法国	Abolish the system of re-education through labour; 废除劳教制度	<p>Accepted and already implemented 接受并已经执行</p> <p>On December 28, 2013, the 6th Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 2013年12月28日，第十二届全国人大常委会第六次会议通过的《全国人民代表大会常务委员会关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。</p>	<p>Implemented 执行</p> <p>China abolished the RTL system in December 2013, although other forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm</p>
186.159	France 法国	Remove all the obstacles to freedom of information on the Internet, and guarantee freedom of expression, assembly and association for all; 消除互联网上信息自由的一切障碍，并保障人人享有言论、集会和结社自由	<p>Not Accepted 不接受</p> <p>Flow of information on the Internet is open and free in China. However, with the rapid development of the Internet, cyber security problems such as gambling, pornography, violence, and hacking are posing increasing threats to the legitimate rights and interests of the public. To ensure the safe flow of information, the Chinese government has the responsibility to prevent the flooding of harmful information and take steps to fight cybercrime. 中国互联网信息流动是开放的、自由的。但随着互联网快速发展，赌博、色情、暴力、黑客等网络安全问题日益威胁公众合法权益。为确保信息安全流动，中国政府有责任防止有害信息泛滥，并采取措施打击网络犯罪。</p> <p>See also 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据</p>	<p>Not Implemented 未执行</p> <p>See report: Sections 2.5, 2.6</p>

			《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究任。	
186.235	France 法国	In light of concerns about the situation of human rights in Xinjiang and Tibet, respond to the invitation addressed to the Special Rapporteur on freedom of religion or belief to visit these regions; 考虑到有关新疆和西藏人权状况的关切，就邀请宗教或信仰自由问题特别报告员访问上述地区一事作出答复	Not Accepted 不接受 See 186.70: The government will assess its decision to extend a standing invitation to special procedures based on its national conditions. Although China has not extended a standing invitation, China has received many visits by special procedures. China takes every visit by special procedures seriously, and these visits have produced good overall results. 邀请特别机制访问及发出永久邀请应由各国政府根据国情自主决定。尽管中国没有发出永久邀请，但中国接待了很多特别机制访华。中方认真对待每一个特别机制来访，总体效果良好。	Not Implemented 未执行 See report: Sections 1.3, 2.8 In its 2018 COB, CERD expressed concerns about deprived religious freedoms of ethnic minorities. (CERD/C/CHN/CO/14-17, paras. 36-7, 40) CHRD joint submission to CERD (July 2018) highlighted concerns over discrimination based on minority ethnicity and religion. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.53	Gabon 加蓬	Continue the reforms aimed at protecting and promoting human rights, particularly the strengthening of legislation and judicial guarantees; 继续推行旨在保护和促进人权的改革，特别是加强法律和司法保障	Accepted 接受	Not Implemented 未执行 See report: Sections 1.1, 2.10
186.109	Germany 德国	Further reduce the number of crimes carrying the death penalty and consider a moratorium and eventual abolition; 进一步减少可判处死刑的罪名，并考虑暂停执行和最终废除死刑	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际	Partially implemented 部分执行 See report: Section 2.2

			人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	
186.117	Germany	Abolish Re-education through Labour, prevent torture, and immediately inform relatives about arrests and effective legal representation; 废除劳教，防止酷刑，并立即将逮捕和有效法律代表事宜告知被捕者亲属	Accepted and already implemented 接受并已经执行 On December 28, 2013, the 6 th Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 2013年12月28日，第十二届全国人大常委会第六次会议通过的《全国人民代表大会常务委员关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。	Partially implemented 部分执行 See report: Sections 2.3 2.4, 2.10 China abolished the RTL system in December 2013, although other forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm
186.155	Germany 德国	Reform legislation and law enforcement in order to ensure freedom of opinion and expression, including on the internet 改革法律和执法情况，以便保障见解和言论自由，包括互联网上的见解和言论自由	Accepted 接受	Not Implemented 未执行 See report: Section 2.5
186.167	Germany 德国	Refrain from impeding civil society and respect its international obligations on the right to freedom of peaceful assembly; 不再阻碍民间社会并遵守和平集会自由权方面的国际义务	Accepted and being implemented 接受并正在执行 See 186.149: In accordance with China's Constitution and relevant national laws, citizens enjoy freedom of expression, the press, assembly, association, procession, demonstration, and religious belief. The Chinese government guarantees citizens' right to exercise these freedoms in accordance with the law. Chinese judicial organs impartially deal with all violations of citizens' personal and democratic rights according to law. There is no so-called issue of suppressing "human rights defenders". 根据中国《宪法》和有关法律的规定，公民享有言论、出版、集会、结社、游行、示威和	Not Implemented 未执行 See report: Section 2.6

			宗教信仰的权利，中国政府保障公民依法行使上述权利。对于任何侵害公民人身权利、民主权利的行为，中国司法机关将依法公正处理，不存在所谓打压“人权卫士”问题。	
186.232	Germany 德国	Ensure democratic participation of members of all ethnic minorities and allow unhindered access to all minority areas, including Tibet; 确保所有少数民族成员的民主参与，并允许无阻访问所有少数民族地区，包括西藏	Not Accepted 不接受 See 186.225: China implements the system of regional ethnic autonomy. Ethnic minority areas formulate relevant policies according to their local characteristics. 中国实行民族区域自治制度，少数民族地区根据各自地域特点制定相应的政策。	Not Implemented 未执行 See report: Section 2.1, 1.3 CERD raised concerns that ethnic Tibetans are subjected to significant restrictions on movement. (CERD/C/CHN/CO/14-17, para. 43). The Foreign Correspondents Club of China reported in 2017 annual report that restrictions on reporting in certain areas intensified, especially Xinjiang. https://cpj.org/blog/Access%20Denied-FCCC%20report%202017.pdf . Authorities have detained journalists or restricted their access to Xinjiang https://cpj.org/2017/08/chinese-authorities-briefly-detain-globe-and-mail-php ; https://cpj.org/2018/08/china-refuses-to-renew-buzzfeed-reporters-visa.php
186.2	Ghana 加纳	Expedite the ratification of the ICCPR; 加快批准《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.25	Ghana 加纳	Consider becoming a party to the ICRMW; 考虑成为《保护所有移徙工人及其家庭成员权利国际公约》缔约国	Accepted 接受	Not Implemented 未执行 See report: Section 1.1 Poor Recommendation Given the lack of government transparency, it's very difficult to assess whether the government has "considered" doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.60	Ghana 加纳	Keep up its commitment to uphold its human rights treaty obligations and engage constructively with the human rights mechanisms, including the special procedures; 恪守承诺，坚持各项人权条约义务并建设性地参与人权机制，包括各特别程序	Accepted 接受	Not Implemented 未执行 See report: Sections 1.1, 1.3
186.7	Guatemala 危地马拉	Continue the actions undertaken with the view to	Accepted 接受	Not Implemented 未执行 See report: Section 1.1

		ratifying the ICCPR; 继续采取行动, 以期批准《公民权利和政治权利国际公约》		
186.26	Guatemala 危地马拉	Consider the possibility of ratifying the ICRMW; 考虑批准《保护所有移徙工人及其家庭成员权利国际公约》的可能性	Accepted 接受	Not Implemented 未执行 See report: Section 1.1 Poor Recommendation Given the lack of government transparency, it is very difficult to assess whether the government has “considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.1	Hungary 匈牙利	Ratify both the ICCPR and the OP-CAT; 批准《公民权利和政治权利国际公约》和《禁止酷刑公约任择议定书》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.70	Hungary 匈牙利	Issue a standing invitation for UN human rights special procedures and accept all requested visits by mandate holders; 向联合国各人权特别程序发出长期邀请, 并接受各任务负责人提出的所有访问请求	Not Accepted 不接受 The government will assess its decision to extend a standing invitation to special procedures based on its national conditions. Although China has not extended a standing invitation, China has received many visits by special procedures. China takes every visit by special procedures seriously, and these visits have produced good overall results. 邀请特别机制访问及发出永久邀请应由各国政府根据国情自主决定。尽管中国没有发出永久邀请, 但中国接待了很多特别机制访华。中方认真对待每一个特别机制来访, 总体效果良好。	Not Implemented 未执行 See report: Section 1.3
186.129	Hungary 匈牙利	Further improve the regulatory framework for lawyers conducive to the unhindered exercise of their profession, and continue to harmonize laws and regulations with international standards; 进一步完善规范框架, 以便律师执业不受阻碍, 并继续将法律法规与国际标准相统一	Accepted 接受	Not Implemented 未执行 See report: Section 2.10
186.177	Iceland 冰岛	Continue its efforts to enhance labour rights and ensure the safety of workers, including giving full legislative expression of the principle of equal remuneration for men and women for work of equal value; 继续努力加强劳动权	Accepted and being implemented 接受并正在执行 See 186.92: China’s Labour Law, Law on the Promotion of Employment, Law on the Protection of the Rights and Interests of Women and other laws establish the principles of prohibiting gender discrimination	Not Implemented 未执行 See report: Section 3.1

		利, 确保职工安全, 包括在法律上充分彰显男女同工同酬原则	in employment and equal pay for equal work for men and women, clearly stipulate that equal pay for equal work and post-based wage system are applied in China. There is no gender discrimination. In practice, China actively protects women's rights and interests of employment. 中国《劳动法》、《就业促进法》、《妇女权益保障法》等法律确立了劳动者就业禁止性别歧视和实行男女同工同酬的原则, 明确规定实行男女同工同酬, 工资分配实行岗位工资制, 按岗位确定工资, 不存在性别歧视。实践中积极保护妇女就业权益。	
186.171	India 印度	Make efforts to ensure the participation of women in public affairs especially in Village Committees; 努力确保妇女参与公共事务, 特别是参与村民委员会	Accepted 接受	Not Implemented 未执行 See report: Section 2.1, 3.1
186.226	India 印度	Continue to promote economic development in ethnic minority regions and strengthen their capacity for development; 继续促进少数民族地区的经济发展, 增强其发展能力	Accepted 接受	Not Implemented 未执行 In its 2018 COB, CERD expressed concern about rates of employment and benefits of economic development among ethnic minorities. (CERD/C/CHN/CO/14-17, paras. 18-9, 46-7) CESCR also expressed concern in its 2014 concluding observations over rights violations of ethnic minorities, including high rates of unemployment. (E/C.12/CHN/CO/2, paras. 14, 17, 38) CHRD joint submission to CERD (July 2018) highlighted violations of ethnic Uyghurs socio-economic rights. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.36	Indonesia 印度尼西亚	Continue its progressive efforts and measures to implement the second NHRAP; 继续逐步努力, 采取渐进措施, 实施第二个《国家人权行动计划》	Accepted 接受	Partially implemented 部分执行 See report: Section 1.2 Poor Recommendation It is problematic to assume China already has “progressive efforts and measures”, when there is no clear evidence to show that such efforts have been made. It's thus beside the point to ask for “continuation” of not-yet-made “efforts.”
186.201	Indonesia 印度尼西亚	Further guarantee children's right to health and continue the trend to constantly reduce the mortality rate for children under five years of age;	Accepted 接受	Partially implemented 部分执行 In 2013, UNDP highlighted China's progress in eliminating child mortality but warned of challenges due to urban-rural disparity and lack of coverage for marginal groups. http://www.cn.undp.org/content/chin

		进一步保障儿童的健康权，并保持五岁以下儿童死亡率不断下降的势头		a/en/home/post-2015/mdgovreview/overview/mdg4.html By 2016, child mortality in China had continued a trend of year-on-year decline observed since at least the early 1990s. https://knoema.com/atlas/China/Child-mortality-rate
186.41	Iran, Islamic Republic of 伊朗伊斯兰共和国	Continue human rights training for local officials, police commissioners, wardens and directors of Judicial Bureaus; 继续对地方干部、公安局长、监狱长和司法局长进行人权培训	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进，已在公务员培训班次中纳入人权教育的有关内容。	Not Implemented 未执行 See report: Chapter 4 Poor Recommendation Human rights training for officials barely exists, and relevant governmental depts. rarely disclose the contents of training materials, so it is unclear if materials promote universal human rights. Therefore, asking for its “continuation” doesn’t address the problem.
186.174	Iran, Islamic Republic of 伊朗伊斯兰共和国	Increase its effort to address the issues of rural and urban migrant workers and their families in a more effective way; 加大努力，以更加有效的方式解决城乡民工及其家人的问题	Accepted 接受	Partially implemented 部分执行 See report: Section 3.3
186.220	Iraq 伊拉克	Exert more efforts to protect cultures, especially those of ethnic minorities, and to promote the protection of cultural relics; 作出更多努力保护文化，特别是少数民族文化，并促进对文化遗迹的保护	Accepted 接受	Not Implemented 未执行 In its 2018 COB, CERD expressed concern about restrictions placed on ethnic minorities to exercise their cultural rights, including religious expression. (CERD/C/CHN/CO/14-17, paras. 36-7, 40-1) CESCR also expressed concern in its 2014 COB over severe restrictions on ethnic minorities to exercise cultural rights. (E/C.12/CHN/CO/2, paras. 14, 17, 38)
186.89	Ireland 爱尔兰	Establish anti-discrimination laws and regulations to ensure that lesbian, gay, bisexual and transgender persons enjoy equal treatment, including at schools and in the workplace; 设立反歧视法律法规，确保男女同性恋、双性恋和变性者享有平等待遇，包括在学校和工作场所享有平等待遇	Accepted and already implemented 接受并已经执行 See 186.85: China’s Constitution clearly stipulates that all citizens are equal before the law. China prohibits all possible discriminations via enacting specific laws. China’s Law on Regional National Autonomy, Law on the Protection of Rights and Interests of Women, Law on the Protection of Rights and Interests of Elderly, Law on the Protection of Minors, Law on the Protection of Rights and Interests of Disabled Persons, Law on the Promotion of Employment and other laws clearly prohibit discriminations based on ethnicity, religion, gender, age, disability and other aspects. 中国《宪法》明确规定公民在法律面前一律平等，并通过制定各项单行法律禁止可能出现的歧视现象和问题。中	Not Implemented 未执行 See report: Section 3.2

			国《民族区域自治法》、《妇女权益保障法》、《老年人权益保障法》、《未成年人保护法》、《残疾人保障法》、《就业促进法》等法律明确禁止基于民族、宗教、性别、年龄、残疾等方面的歧视。	
186.149	Ireland 爱尔兰	Facilitate the development, in law and practice, of a safe and enabling environment in which both civil society and human rights defenders can operate free from fear, hindrance and insecurity; 推动在法律上和实践中培养安全有利的环境, 以便民间社会和人权卫士都可无惧、无阻、安全地开展工作	Accepted and being implemented 接受并正在执行 In accordance with China's Constitution and relevant national laws, citizens enjoy freedom of expression, the press, assembly, association, procession, demonstration, and religious belief. The Chinese government guarantees citizens' right to exercise these freedoms in accordance with the law. Chinese judicial organs impartially deal with all violations of citizens' personal and democratic rights according to law. There is no so-called issue of suppressing "human rights defenders". 根据中国《宪法》和有关法律的规定, 公民享有言论、出版、集会、结社、游行、示威和宗教信仰的权利, 中国政府保障公民依法行使上述权利。对于任何侵害公民人身权利、民主权利的行为, 中国司法机关将依法公正处理, 不存在所谓打压“人权卫士”问题。	Not Implemented 未执行 See report: Sections 2.3, 2.4, 2.5, 2.6, 2.7
186.82	Italy 意大利	Increase efforts to gather data on child abuse with the aim of supporting policy formulation process; 加大努力收集虐待儿童现象数据, 以便为政策制定进程提供支持	Not Accepted 不接受	Not Implemented 未执行 See report: Section 3.4
186.108	Italy 意大利	Publish the figures regarding death sentences and executions; 公布死刑和处决情况的数字	Not Accepted 不接受 The statistics of death penalty and death penalty with reprieve is included in that of fixed-term imprisonment of more than five years and life imprisonment. There is no separate statistics on death penalty. 在中国法院的司法统计中, 死刑和死缓的数字是与被判处五年以上有期徒刑、无期徒刑的罪犯的数字合并统计的, 无单独的死刑统计数字。	Not Implemented 未执行 See report: Section 2.2
186.109	Italy 意大利	Further reduce the offences punishable by death penalty; 进一步减少可处以死刑的罪名	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly	Partially implemented 部分执行 See report: Section 2.2

			<p>and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	
186.143	Italy 意大利	Consider possible revision of its legislation on administrative restrictions in order to provide a better protection of freedom of religion or belief; 考虑对行政限制的相关法律作出可能的修改，以便更好地保护宗教或信仰自由	Accepted 接受	<p>Not Implemented 未执行 See report: Section 2.8</p> <p>Poor Recommendation Even if the government has "considered" but taken no action in revising the law or protecting religious freedom, the act of "considering" does not bring about the desired outcome: Better protection of freedom of religion or belief.</p>
186.212	Italy 意大利	Adopt further measures to fully ensure the right to education of children accompanying rural workers migrating to urban areas; 采取进一步措施，充分确保随农民工迁至城镇地区的儿童的受教育权	Accepted 接受	<p>Not Implemented 未执行 See report: Section 3.4</p>
186.1	Japan 日本	Timely ratify the ICCPR; 及时批准《公民权利和政治权利国际公约》	<p>Not Accepted 不接受</p> <p>See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。</p>	<p>Not Implemented 未执行 See report: Section 1.1</p>
186.221	Japan 日本	Make further efforts for securing all human rights,	Accepted 接受	<p>Not Implemented 未执行</p>

		including cultural rights of minorities; 进一步努力保障所有人权, 包括少数群体的文化权利		In its 2018 COB, CERD expressed concern about restrictions placed on ethnic minorities to exercise their cultural rights, including religious expression. (CERD/C/CHN/CO/14-17, paras. 36-7, 40-1)
186.181	Jordan 约旦	Work out methods for implementing the relevant regulations on social security for religious staff; 制定宗教教职人员社会保障相关规定的实施办法	Accepted and already implemented 接受并已经执行 The Chinese government has formulated a specific policy to solve the problem of social security for religious clergy, and special work has been carried out accordingly. Up to now, religious clergy has been generally covered by the social security system. 中国政府专门制定了解决宗教教职人员社会保障问题的政策, 并开展专项工作。截至目前, 按照自愿原则, 总体实现社会保障体系对宗教教职人员的覆盖。	Not implemented 未执行 See report: Section 2.8 China's assessment of its 2 nd Human Rights Action Plan (2012-2015) claimed "Full coverage of the social security system has been realized for religious workers." http://news.xinhuanet.com/english/china/2016-06/14/c_135435326_9.htm However, this claim has not been independently verified, and CHRDR has documented non-state organized religions that faced persecution for receiving donations to fund church activities and staff. https://www.nchr.org/2014/09/prisoner-of-conscience-zhang-shaojie/ Amendments to the Religious Affairs Regulations (2018) legalized more state inference in religion https://www.amnesty.org/en/latest/news/2017/08/china-must-scrap-new-laws-tighten-authorities-grip-on-religious-practice/
186.217	Jordan 约旦	Raise the education level of the disabled and make sure that schoolage disabled children generally receive compulsory education; 提高残疾人的受教育水平, 确保学龄残疾儿童普遍接受义务教育	Accepted 接受	Not implemented 部分执行 See report: Section 3.5
186.64	Kenya 肯尼亚	Continue to give consideration to the views of treaty bodies and other mechanisms; 继续考虑各条约机构和其他机制的意见	Accepted 接受	Not Implemented 未执行 See report: Section 1.3 Poor Recommendation "Giving consideration" to these views falls short of recommending a measurable step, such as complying with treaty bodies' recommendations, Special Procedures' opinions, and UPR recommendations.
186.121	Korea, Democratic People's Republic 朝鲜民主主义人民共和国	Continue to push forward the reform on re-education through labour according to China's national conditions and timetable; 继续根据中国的国情和时间表推进劳教改革	Accepted and already implemented 接受并已经执行 See 186.117: On December 28, 2013, the 6th Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 2013年12月28日, 第十二届全国人大常委会第六次会议通过的《全国人民代表	Implemented 执行 See report: Section 2.9 China abolished the RTL system in December 2013, although other forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm Poor Recommendation As an extra-judicial detention system, RTL should have been abolished much sooner according to international human rights standards, not conditionally "reformed"

			大会常务委员会关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。	according to China's own "national conditions and timetable."
181.185	Korea, Democratic People's Republic of 朝鲜民主主义人民共和国	Continue to provide comprehensive protection to citizens' economic, social and cultural rights; 继续全面保护公民的经济、社会和文化权利	Accepted 接受	Not Implemented 未执行 See report: Sections 3.1, 3.2, 3.3, 3.4, 3.5 Poor Recommendation It calls for the continuation of something that has not been practiced, i.e., providing "comprehensive protection" of these rights.
186.13	Korea, Republic of 大韩民国	Expedite the efforts to ratify the ICCPR; 加快速度批准《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.214	Korea, Republic of 大韩民国	Continue to make efforts to promote the right to education for children of migrant workers from rural areas; 继续努力促进农民工子女的受教育权	Accepted 接受	Partial Implemented 部分执行 See report: Section 3.3 Poor Recommendation: This recommendation presupposed that such efforts had been made by government. Yet, China has rejected or punished civil society for trying to protect migrant children's right to education.
186.242	Korea, Republic of 大韩民国	Accept the recommendations of UNHCR on refugee issues including the adoption of national asylum legislation; 接受联合国难民署关于难民问题的各项建议，包括通过国家庇护法律	Accepted and already implemented 接受并已经执行 China's Constitution stipulates that asylum may be granted to foreigners who request it for political reasons in China. The Exit and Entry Administration Law of China which came into force on July 1, 2013 stipulates that foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs. China places importance on the refugee legislation, and is actively promoting the relevant legislation along with its domestic legislation progress. 中国《宪法》规定，对于因为政治原因要求避难的外国人，中国可以给予受庇护的权利。2013年7月1日起实施的《出入境管理法》规定：“申请难民地位的外国人，在难民地位甄别	Not Implemented 未执行 See report: Section 1.1 While CAT welcomed the adoption of the 2012 Exit-Entry Administrative Law, which contains provisions on the treatment of refugees, it said in its 2015 COB that it remains concerned over the absence of national asylum legislation and administrative procedures. (CAT/C/CHN/CO/5, paras. 4, 46)

			期间，可以凭公安机关签发的临时身份证明在中国境内停留；被认定为难民的外国人，可以凭公安机关签发的难民身份证件在中国境内停留居留。”中国重视难民立法，正结合国内立法进程积极推进。	
186.243	Korea, Republic of 大韩民国	Provide adequate protection to asylum seekers and cross-border refugees including especially those from neighbouring countries, in accordance with humanitarian considerations and relevant international norms such as the principle of non-refoulement; 出于人道主义考虑并依照不驱回原则等相关国际规范，对寻求庇护者和跨境难民提供充足保护，特别是来自邻国的寻求庇护者和跨境难民	Not Accepted 不接受 The Chinese government has consistently followed the principle of non-refoulement and other international practice in refugee management. China follows the non-refoulement principle and offers corresponding protection for all asylum seeker and cross-border refugees, be they from neighbouring countries or other countries. Therefore, there is no need to make a special request concerning “refugees from neighbouring countries”. 中国政府在难民管理中一直遵循“不推回”等国际惯例，无论寻求庇护者或者难民来自于邻国还是来自于其他国家，中方都遵循“不推回”原则，对其提供相应的保护。因此，没有必要专门对“来自邻国的难民”提出特殊的要求。	Not Implemented 未执行 The UN Commission of Inquiry on Human Rights in DPRK stated in a 2014 report that China had violated international law on non-refoulement in forcibly repatriating DPRK citizens (A/HRC/25/63, para. 43). CAT also expressed concern in its 2015 COB with the continued repatriation of North Korean refugees (CAT/C/CHN/CO/5, para. 46).
186.81	Kuwait 科威特	Increase the number of institutions providing professional services for the upbringing and protection of orphans, protection of homeless children and the rehabilitation of children with disabilities; 增加提供孤儿抚养和保护、无家可归儿童保护和残疾儿童康复专业服务的机构数量	Accepted 接受	Partially implemented 部分执行 See report: Sections 3.4, 3.5
186.125	Kyrgyzstan 吉尔吉斯斯坦	Continue implementation of the comprehensive judicial reform which ensures that the judicial authorities exercise their powers in accordance with the law; 继续实施全面司法改革，确保司法部门依法行使权力	Accepted 接受	Not Implemented 未执行 See report: Section 2.10 Judicial reform in China has not been comprehensive. CESCR expressed concern in its 2014 COB about the lack of independence of the judiciary in China. (E/C.12/CHN/CO/2, para. 10) CAT also expressed concern in its 2015 COB about the lack of

				independence of the judiciary in China. (CAT/C/CHN/CO/5, para. 23)
186.8	Latvia 拉脱维亚	Continue its national reforms with an aim to ratify the ICCPR; 继续推行国家改革, 目标是批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See report: Section 1.1
186.27	Latvia 拉脱维亚	Explore options to accede to the Rome Statute of the ICC; 探讨加入《国际刑事法院罗马规约》的可能方式	Accepted 接受	Not Implemented 未执行 See report: Section 1.1 Poor Recommendation Given the lack of government transparency, it is hard to know or assess whether the government has “explored options.”
186.70	Latvia 拉脱维亚	Step up cooperation with the special procedures and consider extending a standing invitation to all special procedures mandate holders of the Human Rights Council; 加强与各特别程序的合作, 并考虑向人权理事会所有特别程序任务负责人发出长期邀请(拉脱维亚); 向联合国各人权特别程序发出长期邀请, 并接受各任务负责人提出的所有访问请求	Not Accepted 不接受 The government will assess its decision to extend a standing invitation to special procedures based on its national conditions. Although China has not extended a standing invitation, China has received many visits by special procedures. China takes every visit by special procedures seriously, and these visits have produced good overall results. 邀请特别机制访问及发出永久邀请应由各国政府根据国情自主决定。尽管中国没有发出永久邀请, 但中国接待了很多特别机制访华。中方认真对待每一个特别机制来访, 总体效果良好。	Not Implemented 未执行 See report: Section 1.3
186.249	Lebanon 黎巴嫩	Strengthen standing efforts aiming at the realization of the right to development especially through sharing experiences and best practices with other developing countries; 加强旨在实现发展权的长期努力, 特别是与其他发展中国家分享经验和最佳做法	Accepted 接受	Assessment Unavailable 无法评估 CESCR expressed concern in its 2014 COB over human rights violations stemming from China’s economic and technical assistance in developing countries. (E/C.12/CHN/CO/2, para. 12) Inappropriate Recommendation Other countries may face the same human rights problems as China today if they follow its experiences of pursuing economic growth at the expense of the environment, public health, rights of workers and migrants, while suppressing freedom of expression, association, and assembly, and democratic participation.
186.213	Lesotho 莱索托	Continue to attach great importance to safeguarding the compulsory education rights of children accompanying rural migrant workers; 继续高度重视保障农民工随迁子女接受义务教育的权利	Accepted 接受	Not Implemented 未执行 See report: Sections 3.3, 3.4 Poor Recommendation The Chinese government has not been attaching great importance to education of migrant workers’ children, so it is problematic to recommend China “continue” to do so.
186.139	Malaysia 马来西亚	Continue promoting the freedom of religious belief and safeguarding social and	Accepted 接受	Not Implemented 未执行 See report: Section 2.8

		religious harmony among its people; 继续促进宗教信仰自由并保障中国人民的社会与宗教和谐		In its 2018 COB, CERD expressed concerns about deprived religious freedoms of ethnic minorities. (CERD/C/CHN/CO/14-17, paras. 36-7, 40) CHRD joint submission to CERD (July 2018) highlighted violations of free religious expression by ethnic Uyghurs and other minorities who practice Islam. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/ Poor Recommendation This recommendation asks for the “continuation” of something that the government hasn’t done, “promoting the freedom of religious belief.”
186.189	Malaysia 马来西亚	Redouble its efforts in implementing poverty alleviation projects and promoting the development of impoverished areas; 加倍努力实施扶贫工程, 推动贫困地区发展	Accepted 接受	Partially Implemented 部分执行 See report: Section 3.3
186.1	Maldives 马尔代夫	Ratify the ICCPR, which was signed by China in 1998; Accede to the First OP to the ICCPR; 批准中国已于 1998 年签署的《公民权利和政治权利国际公约》; 加入《公民权利和政治权利国际公约》的《第一项任择议定书》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.97	Mali 马里	Combat the crimes of abduction of and trafficking in women, provide women victims with physical and psychological rehabilitation services with a view to their integration into the society, continue improving the pension system covering urban and rural areas; 打击拐卖妇女的犯罪行为, 向妇女受害者提供身心康复服务以便她们重返社会, 继续完善城乡养老金制度	Accepted and already implemented 接受并已经执行 China has established and continued to improve the unified social old-age pension system covering both rural and urban residents. 中国已建立并继续健全覆盖城乡居民的统一的社会保障体系。 See also 189.96: The Chinese government attaches great importance to combating human trafficking. It has adopted resolute and comprehensive measures to effectively prevent and crack down on human trafficking, worked actively for the rescue, settlement and rehabilitation of victims, and conducted effective cooperation with related countries and international organizations in the field of combating human trafficking. 中国政府一贯高度重视反对拐卖人口工作, 坚决采取综合措施, 有效预防、严厉打击拐卖犯罪活动, 积极开展对拐卖受害人的救助、安置和康复工作, 在打击人口拐卖领域与	Partially Implemented 部分执行 See report: Sections 3.1, 3.3

			有关国家和国际组织开展了卓有成效的合作。	
186.77	Mauritius 毛里求斯	Continue to protect the rights of children; 继续保护儿童权利	Accepted 接受	Partially implemented 部分执行 See report: Sections 3.4
186.188	Mauritius 毛里求斯	Intensify its efforts to eradicate poverty and improve health care facilities for its people; 加大努力, 消除贫困并改善人民群众的医疗设施	Accepted 接受	Partially implemented 部分执行 See report: Section 3.3
186.35	Mexico 墨西哥	Consider including civil society in the assessment sessions of the National Action Plan on Human Rights and in the formulation and preparation of the corresponding National Report; 考虑让民间社会参与《国家人权行动计划》评估会议以及相应国家报告的制定和编写工作	Accepted 接受	Not Implemented 未执行 See report: Section 1.2
186.49	Mexico 墨西哥	Harmonize the definition of torture contained in the national legislation with the requirements of the CAT and ensure that statements obtained under duress are not admitted in court; 使国内法律所载的酷刑定义符合《禁止酷刑公约》的要求, 并确保法院对胁迫所得供词不予采信	Accepted and already implemented 接受并已经执行 The amended Criminal Procedure Law of China further makes it clear that confessions obtained through extortion or other illegal means should be excluded. 中国修改后的《刑事诉讼法》进一步明确采用刑讯逼供等非法方式收集的言词证据应当予以排除。	Not Implemented 未执行 See report: Section 2.4 CAT expressed concern in its 2015 COB about the admittance in court of evidence extracted through torture or the use of violence. (CAT/C/CHN/CO/5, paras. 7, 20-1, 32-3)
186.86	Mexico 墨西哥	Ensure proper registration of all boys and girls born in China in order to protect their rights to legal personality and equality before the law; 确保对所有在中国境内出生的男童和女童进行适当登记, 以保护他们的法律人格权利和在法律面前平等的权利	Accepted 接受	Not Implemented 未执行 See report: Sections 3.4
186.91	Moldova, Republic of 摩尔多瓦共和国	Take further measures to promote gender equality and eradicate stereotypes regarding the roles and responsibilities of women in society; 采取进一步措施, 促进性别平等, 并消除有关妇女在社会中作用 and 责任的定型观念	Accepted 接受	Not Implemented 未执行 See report: Section 3.1
186.95	Moldova, Republic of 摩尔多瓦共和国	Adopt a comprehensive law for combatting domestic violence; 通过一项全面法律, 打击家庭暴力行为	Accepted 接受	Partially implemented 部分执行 See report: Section 3.1
186.28	Mongolia 蒙古	Continue its efforts on the ratification of other human rights instruments and relevant protocols; 继续努力批准其他人权文书和相关议定书	Accepted 接受	Not Implemented 未执行 See report: Section 1.1

186.191	Morocco 摩洛哥	Continue its national policy aimed at improving the access of citizens to subsistence and to development, and improve continuously the standard of living of the population according to the national conditions of China; 继续实施旨在改善公民生计和发展机会的国家政策，并按照中国国情不断改善民众的生活水平	Accepted 接受	Partially Implemented 部分执行 See report: Section 3.3
186.202	Morocco 摩洛哥	Improve the quality of maternity services in urban and rural areas, increase the proportion of children born in hospitals and reduce the child mortality rate; 改进城乡孕产服务质量，提高在医院出生的儿童比例，并降低儿童死亡率	Accepted 接受	Partially implemented 部分执行 In 2013, UNDP highlighted China's progress in eliminating child mortality but warned of challenges due to urban-rural disparity and lack of coverage for marginal groups. http://www.cn.undp.org/content/china/en/home/post-2015/mdgoverview/overview/mdg4.html By 2016, child mortality in China had continued a trend of year-on-year decline observed since at least the early 1990s. https://knoema.com/atlas/China/Child-mortality-rate
186.192	Mozambique 莫桑比克	Continue to increase the investment in poverty alleviation and gradually raise the standards for poverty alleviation, and thereby reduce the number of impoverished population; 继续增加对扶贫工作的投入，逐步提高扶贫标准，从而减少贫困人口数目	Accepted 接受	Partially Implemented 部分执行 See report: Section 3.3
186.195	Mozambique 莫桑比克	Ensure the safety of drinking water by promoting the construction of a monitoring network for the safety of drinking water; 促进建设饮用水安全监督网络，从而确保饮用水安全	Accepted 接受	Partial Implemented 部分执行 A Chinese government report indicated that groundwater and monitoring in China's rivers improved in 2016 but that results on tests were mixed on water quality in lakes and reservoirs. http://www.chinawatererrisk.org/resources/analysis-reviews/2016-state-of-environment-report-review/ However, a 2017 Greenpeace report stated that many local provinces were failing to meet their water targets and there is still a long way to go. http://www.greenpeace.org/eastasia/press/releases/toxics/2017/Nearly-half-of-Chinese-provinces-miss-water-targets-85-of-Shanghais-river-water-not-fit-for-human-contact/
186.165	Myanmar 缅甸	Strengthen institutional guarantees for the legitimate rights and interests of news agencies and journalists; 加强新闻机构和记者合法权益的制度保障	Accepted 接受	Not Implemented 未执行 See report: Section 2.5 Poor Recommendation News agencies in China are state controlled. Their "legitimate rights

				and interests” are largely those of the state – controlling information and carrying out censorship, which differ from individual journalists’ rights and interests – and journalists’ right to free press has not been protection.
186.176	Myanmar 缅甸	Continue to use the platform of All-China Federation of Trade Unions to safeguard the rights of employees to get employed, paid and social security; 继续利用中华全国总工会的平台保障职工就业、得到报酬和社会保障的权利	Accepted 接受	Assessment Unavailable 无法评估 <u>Inappropriate Recommendation</u> The ACFTU is a government-run organization, not an independent or free trade union, hence not a platform where workers’ rights could be “safeguarded.” Supporting the “continued” use of this state-controlled platform contravenes ICESCR, which protects the right to form and join independent trade union. China ratified ICESCR but made a reservation on the article on trade union rights.
186.21	Namibia 纳米比亚	Ratify outstanding core human rights instruments, including the ICCPR; 批准尚未加入的核心人权文书, 包括《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1. China has ratified many core human rights conventions. China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.112	Namibia 纳米比亚	Abolish the death penalty; 废除死刑	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China’s position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People’s Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题, 中国认为, 国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府, 如公民某项权利遭受侵害, 应通过	Not Implemented 未执行 See report: Section 2.2

			本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	
186.144	Namibia 纳米比亚	Strengthen the human rights framework to ensure religious freedoms; 加强人权框架，确保宗教自由	Accepted 接受	Not Implemented 未执行 See report: Sections 1.1, 2.8 In its 2018 COB, CERD expressed concern about the lack of rights protections for ethnic minorities to freely exercise their religious beliefs and customs. (CERD/C/CHN/CO/14-17, paras. 36-7, 40)
186.244	Namibia 纳米比亚	Continue promoting the right to development; 继续促进发展权	Accepted 接受	Not Implemented 未执行 See report: Section 3.3 Poor Recommendation The Chinese government has not promoted the “right to development” as a human right to equitable and participatory human development. Expanding income disparities and worsening pollution in China demonstrate that economic development, per se, does not benefit protection of social and economic rights.
186.196	Nepal 尼泊尔	Continue advancing the right to housing for farmers and herdsmen; 继续推进农牧民的住房权	Accepted 接受	Not Implemented 未执行 In its 2018 COB, CERD expressed concern about large numbers of farmers and nomadic herders, including from ethnic autonomous areas, who have forcibly lost their traditional lands and livelihoods due to poverty-alleviation and ecological restoration resettlement measures. (CERD/C/CHN/CO/14-17, paras. 26-7). CESCR raised concerns over the forced resettlement of nomadic persons in its 2014 COB. (E/C.12/CHN/CO/2, para. 31) Poor Recommendation This presupposes that housing right of farmers and herdsmen had been “advancing” without showing any recognition of the country’s widespread forced eviction/relocation and violent demolition affecting these groups.
186.227	Nepal 尼泊尔	Continue promoting economic development in all regions and strengthening their self-development capacity; 继续促进所有地区	Accepted 接受	Not Implemented 未执行 In its 2018 COB, CERD expressed concerns about the marginalization of ethnic minorities in civil, political, economic, and educational life.

		的经济发展，加强其自我发展能力		(CERD/C/CHN/CO/14-17, paras. 21-7, 40-4) CESCR expressed concern over widespread discrimination against ethnic minorities in the fields of employment, social security, housing, health and education (E/C.12/CHN/CO/2, para. 14). CHRD joint submission to CERD (July 2018) highlighted restrictions placed on ethnic minorities in areas of politics, the economy, and culture. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.90	Netherlands 荷兰	Include a prohibition of discrimination of any kind, including discrimination based on sexual orientation and gender identity, ethnicity, religion and infection with HIV, in labour and employment law in line with international standards; 按照国际标准，在劳动和就业法律中加入禁止一切歧视的规定，包括基于性取向和性别身份、族裔、宗教和艾滋病病毒感染情况的歧视	Accepted and already implemented 接受并已经执行 The Labour Law of China stipulates that workers shall not be discriminated on grounds of ethnicity, race, sex and religious beliefs. The Law on the Promotion of Employment of China contains systematic stipulations against employment discriminations. 中国《劳动法》规定，劳动者就业，不因民族、种族、性别、宗教信仰不同而受歧视。《就业促进法》对反对就业歧视作出较为系统的规定。	Not Implemented 未执行 See report: Sections 2.8, 3.1, 3.2, 3.3 CHRD joint submission to CERD (July 2018) highlighted concerns over discrimination based on minority ethnicity and religion. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.150	Netherlands 荷兰	Allow national and international NGOs to play a full and active role in promoting and protecting human rights, specifically by expanding registration to all categories of NGOs and social organizations in China and by expanding their freedom to operate effectively; 允许国内和国际非政府组织在促进和保护人权方面发挥充分和积极的作用，特别是将许可登记的范围扩大至中国所有类别的非政府组织和社会组织，并给予它们更大的自由以有效开展工作	Accepted 接受	Not Implemented 未执行 See report: Section 2.6
186.10	New Zealand 新西兰	Move towards ratification of the ICCPR at the earliest possible date; 争取尽早批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See report: Section 1.1
186.59	New Zealand 新西兰	Establish a national human rights institution, in accordance with the Paris Principles; 按照《巴黎原则》设立国家人权机构	Not Accepted 不接受 China has not established a national human rights institution in terms of the Paris Principles. However, many government agencies in China assume and share similar responsibilities. The issue of establishing a national human rights institution falls into China's sovereignty, and should be considered in a holistic manner in accordance with	Not Implemented 未执行 See report: Section 1.2

			its national conditions. 中国尚未设立《巴黎原则》意义上的国家人权机构，但许多部门承担着类似的职责。是否及何时设立国家人权机构是中国主权范围内的事情，将按照实际需要予以综合考虑。	
186.107	New Zealand 新西兰	Continue reform towards eventual abolition of the death penalty, including greater transparency around its use; 继续改革，争取最终废除死刑，包括让死刑的使用情况更加透明	<p>Not Accepted</p> <p>See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	<p>Not Implemented 未执行</p> <p>See report: Section 2.2</p> <p>Poor Recommendation</p> <p>Authorities have not indicated there will be reforms towards abolishing the death penalty or greater transparency. It's problematic to ask China to "continue" such non-existing reforms.</p>
186.236	New Zealand 新西兰	Resume the two-way dialogue in Tibet; 恢复西藏的双向对话	<p>Not Accepted 不接受</p> <p>The position of the Chinese central government on contact and negotiation with the Dalai Lama is consistent, and its attitude serious, and the door for dialogue is always open. The key to continue the dialogue is in the Dalai Lama's hands. The Dalai Lama must fundamentally reassess and thoroughly correct his political claims, stop plotting and instigating violent criminal activities and activities aimed at seeking "Tibet independence" and splitting the</p>	<p>Not Implemented 未执行</p> <p>According to the NGO International Campaign for Tibet, the two-way dialogue has stalled due to longstanding preconditions set by the Chinese government, despite the Tibetan Central Administration and Dalai Lama's stated desire for peaceful negotiations on the Middle Way Approach (genuine autonomy within the People's Republic of China). https://www.savetibet.org/policy-center/chronology-of-tibetan-chinese-relations-1979-to-2013/;</p>

			motherland, so as to create conditions for progress in contact and negotiation. The persons to contact and negotiate should only be the personal representatives of the Dalai Lama, instead of the “Tibetan government-in-exile”. 中国中央政府与达赖喇嘛接触商谈的立场是一贯的，态度是认真的，对话的大门始终是敞开的。能否继续关键看达赖喇嘛。达赖喇嘛必须对自己的政治主张进行根本反思和彻底改正，停止策划煽动暴力犯罪活动和一切谋求“西藏独立”、分裂祖国的活动，为接触商谈取得进展创造条件。接触商谈的对象只能是达赖喇嘛的私人代表，而不是什么“西藏流亡政府”。	http://www.dalailama.com/messages/middle-way-approach
186.50	Niger 尼日尔	Continue to improve the legal system, so that it reflects the will expressed through the reform of 2012, in order to further ensure the protection of human rights; 继续完善法律制度，使之体现 2012 年改革表达的意愿，以便进一步确保保护人权	Accepted 接受	Not Implemented 未执行 See report: Section 2.10
186184	Niger 尼日尔	Continue to improve living conditions in rural areas through the realization of social infrastructures and guaranteeing better services for its population; 继续改善农村地区的生活条件，落实社会基础设施并保证为民提供更好的服务	Accepted 接受	Partially implemented 部分执行 See report: Section 3.3
186.65	Nigeria 尼日利亚	Continue to maintain contact and constructive dialogue with the human rights treaty bodies; 继续保持与各人权条约机构的联络和建设性对话	Accepted 接受	Not implemented 未执行 See report: Section 1.3
186.126	Nigeria 尼日利亚	Continue with judicial reforms with a view to strengthening human rights safeguards; 继续推行司法改革，以期强化各项人权保障措施	Accepted 接受	Not Implemented 未执行 See report: Section 2.10 Judicial reform in China has not been comprehensive. CESCR expressed concern in its 2014 COB about the lack of independence of the judiciary in China. (E/C.12/CHN/CO/2, paras. 10) CAT also expressed concern in its 2015 COB about the lack of independence of China’s judiciary. (CAT/C/CHN/CO/5, para. 23)
186.148	Nigeria 尼日利亚	Intensify efforts to facilitate the participation of NGOs, academic institutions and the media in safeguarding human rights; 加紧努力，为非政府组织、学术机构和媒体参与保障人权提供便利	Accepted 接受	Not Implemented 未执行 See report: Sections 2.5, 2.6, 2.7
186.11	Norway 挪威	Move towards ratification of the ICCPR in the near future; 争取在不久的将来批准《公	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and	Not Implemented 未执行 See report: Section 1.1

		民权利和政治权利国际公约》	administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	
186.128	Norway 挪威	Increase judicial transparency in the use of the death penalty; 提高使用死刑过程中的司法透明度	Not accepted 不接受	Not Implemented 未执行 See report: Section 2.2
186.154	Norway 挪威	Make further efforts towards safeguarding the freedom of expression of all citizens; 作出进一步努力，力求保障所有公民的言论自由	Accepted 接受	Not Implemented 未执行 See report: Section 2.5 <u>Poor Recommendation</u> China cannot be said to have made “efforts” toward “safeguarding” free expression. It’s thus misleading to recommend it to make “further efforts.”
186.99	Oman 阿曼	Exert more efforts and take measures to promote women’s rights and protection in accordance to traditional Chinese norms and values, to achieve more progress in various fields; 作出更大努力并采取措 施，按照中国的传统规范 和价值观促进妇女权利和对 妇女的保护，从而在各个领 域取得更大进展	Accepted 接受	Assessment Unavailable 无法评估 See report: Section 3.1 <u>Inappropriate Recommendation</u> This recommendation gives “traditional norms & values” a higher priority or importance than women’s rights as human rights; it’s thus incompatible to the guiding principles of UPR.
186.237	Pakistan 巴基斯坦	Strengthening of efforts to take action against criminals who instigate, intimidate or help others to commit self-immolations; 进一步努力，对煽动、恐吓或协助他人自焚的犯罪分子采取行动	Accepted 接受	Assessment Unavailable 无法评估 After expressing concerns about allegations of rights violations in Tibet which led to an escalation in self-immolations as a form of protest, the High Commissioner urged China in 2012 to allow independent and impartial monitors to visit and assess the conditions on the ground in Tibet. However, to date, no access has been granted to the High Commissioner or Special Procedures. http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12729&LangID=E <u>Inappropriate Recommendation</u> This recommendation in effect urges China to systematically persecute ethnic Tibetans whom the government accused of “inciting self-immolation.” Such a recommendation is not oriented to address human rights abuses at the roots of ethnic repression, cultural destruction, deprivation of religious freedom, exploitation of natural resources, and ecological and environmental degradation in Tibet, which ultimately led to this desperate

				form of protest. Rather, it advocates further political repression.
186.239	Pakistan 巴基斯坦	Continue to counter the East Turkistan terrorist organizations to prevent their violent activities, and assist the ordinary people being deceived and victimized by these organizations to resume their normal lives; 继续打击“东突厥斯坦”恐怖组织, 防止其从事暴力活动, 帮助受这些组织蒙骗和伤害的普通大众恢复正常生活	Accepted 接受	Assessment Unavailable 无法评估 <u>Inappropriate Recommendation</u> This is not a human rights-based recommendation: The Chinese government has systematically suppressed the right to religious freedom and cultural rights of ethnic Uyghurs in the name of countering “terrorists” and “separatists.” This recommendation supports such “counter-terrorism” measures that have been used to override human rights.
186.45	Palestine, State of 巴勒斯坦国	Integrate human rights knowledge into relevant courses and the legal education curriculum; 将人权知识纳入相关课程和法律教育课程	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	Partially implemented 部分执行 See report: Chapter 4
186.88	Palestine, State of 巴勒斯坦国	Improve the collection and publishing of gender-specific data in the fields of economic and social development; 改善经济和社会发展领域性别分列数据的收集和公布情况	Accepted and already implemented 接受并已经执行 The China National Bureau of Statistics has established gender-specific statistics mechanism, and formulated relatively complete gender-specific statistical indicator system that covers economy, population, health care, education, employment, social security, social service, women’s participation in state affairs, law protection, social living environment and other areas. Through the gender-specific statistical system, China has collected a large quantity of gender-specific statistical data, and edited many gender-specific statistical publications, reflecting the status of Chinese women’s development, progress in achieving gender equality and the living conditions of the two genders. 中国国家统计局建立了性别统计制度, 形成一整套较为完善的分性别统计指标体系, 涵盖了经济、人口、卫生保健、教育、就业、社会保障、社会服务、妇女参政议政、法律保护、社会生活环境等领域。通过性别统计报表制度, 收集了大量性别统计数据, 编辑了多种性别统计出版物, 从多方面反映中国妇女的发展现状、实现男女平等的进程与两性生存状况。	Partially implemented 部分执行 See report: Section 3.1
186.175	Palestine, State of 巴勒斯坦国	Strengthen efforts to promote and protect the rights of people living in rural areas and the situation of rural	Accepted 接受	Not Implemented 未执行 See report: Section 3.3

		migrant workers; 加强努力, 促进和保护农村地区人民的权利, 改善和维护农民工的境况		
186.138	Poland 波兰	Take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China; 采取必要措施, 确保在中国的每个行政实体均充分尊重和保护宗教、文化和言论自由权	Accepted and already implemented 接受并已经执行 China's Constitution provides for citizens' freedom of religious belief. All civil servants in administrative entities are citizens of the People's Republic of China, and enjoy the freedom of religious belief. The Chinese government does not interfere in their religious belief. Meanwhile, according to the Civil Servant Law of China, the government shall not take religions belief into consideration when recruiting, selecting, and appointing civil servants. 中国《宪法》规定, 公民有宗教信仰自由。中国所有行政机关公务员都是中华人民共和国公民, 都享有宗教信仰自由。中国政府不干涉公务员的宗教信仰。同时, 中国政府在录取、选拔任用公务员时, 依照《公务员法》有关规定, 不将个人宗教信仰状况列为考核考察条件。	Not Implemented 未执行 See report: Section 2.8
186.151	Poland 波兰	Repeal any unreasonable restrictions on freedom of expression particularly for the media; 废除任何对言论自由的不合理限制, 尤其是对媒体言论自由的不合理限制	Not Accepted 不接受 See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留, 所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定, 公民有言论、出版、集会、结社、宗教信仰等方面的自由权利, 但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利, 从事违法犯罪活动将被依法追究。责任。	Not Implemented 未执行 See report: Section 2.5
186.158	Poland 波兰	Ensure that proper investigations are conducted in all cases of attacks on journalists, media workers and human rights defenders; 确保对所有攻击记者、媒体	Accepted and being implemented 接受并正在执行 See 186.149: In accordance with China's Constitution and relevant national laws, citizens enjoy freedom of expression, the press, assembly,	Not Implemented 未执行 See report: Sections 2.5, 2.7

		工作者和人权卫士的案件均予以妥善调查	association, procession, demonstration, and religious belief. The Chinese government guarantees citizens' right to exercise these freedoms in accordance with the law. Chinese judicial organs impartially deal with all violations of citizens' personal and democratic rights according to law. There is no so-called issue of suppressing "human rights defenders". 根据中国《宪法》和有关法律的规定，公民享有言论、出版、集会、结社、游行、示威和宗教信仰的权利，中国政府保障公民依法行使上述权利。对于任何侵害公民人身权利、民主权利的行为，中国司法机关将依法公正处理，不存在所谓打压“人权卫士”问题。	
186.12	Portugal 葡萄牙	Continue its endeavours to ratify the ICCPR in the very near future; 继续努力在近期批准《公民权利和政治权利国际公约》	Not Accepted 不接受 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.19	Portugal 葡萄牙	Sign and ratify the OP-ICESCR and the OP-CRC-IC; 签署和批准《经济、社会、文化权利国际公约任择议定书》和《儿童权利公约关于来文程序的任择议定书》	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制	Not Implemented 未执行 See report: Section 1.1

			和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	
186.85	Portugal 葡萄牙	Inscribe the legal definition of discrimination in Chinese laws as a means to enhance Chinese efforts in this regard; 将歧视的法律定义写入中国法律，以便加强中国在这方面的努力	Accepted and already implemented 接受并已经执行 China's Constitution clearly stipulates that all citizens are equal before the law. China prohibits all possible discriminations via enacting specific laws. China's Law on Regional National Autonomy, Law on the Protection of Rights and Interests of Women, Law on the Protection of Rights and Interests of Elderly, Law on the Protection of Minors, Law on the Protection of Rights and Interests of Disabled Persons, Law on the Promotion of Employment and other laws clearly prohibit discriminations based on ethnicity, religion, gender, age, disability and other aspects. 中国《宪法》明确规定公民在法律面前一律平等，并通过制定各项单行法律禁止可能出现的歧视现象和问题。中国《民族区域自治法》、《妇女权益保障法》、《老年人权益保障法》、《未成年人保护法》、《残疾人保障法》、《就业促进法》等法律明确禁止基于民族、宗教、性别、年龄、残疾等方面的歧视。	Not Implemented 未执行 See report: Sections 3.1, 3.2, 3.3, 3.5
186.107	Portugal 葡萄牙	Continue to work towards the full abolition of death penalty and consider adopting an immediate de facto moratorium; 继续努力争取完全废除死刑并考虑立即在事实上暂停执行死刑	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.	Not Implemented 未执行 See report: Section 2.2 Poor Recommendation Authorities have not indicated that abolishing the death penalty is a goal. It's problematic to ask it to "continue to work towards" something that does not exist; and it is impossible to know or measure any "consideration" towards adopting a moratorium.

			关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	
186.206	Portugal 葡萄牙	Continue to invest and take appropriate measures to ensure that all school age children enjoy fully the right to education; 继续投入并采取适当措施，确保所有学龄儿童充分享有受教育权	Accepted 接受	Not Implemented 未执行 See report: Sections 3.3, 3.4
186.58	Qatar 卡塔尔	Continue efforts in theoretical research related to national human rights organs; 继续开展有关国家人权机构的理论研究	Accepted 接受	Not Implemented 未执行 See report: Section 1.2 Poor Recommendation: This recommendation did not ask China to undertake any concrete actions relevant to a specific human rights goal, such as establishing an independent National Human Rights Institute, and instead it uses indirect language like “continue efforts in theoretical research,” which makes it difficult to measure a concrete outcome.
186.203	Qatar 卡塔尔	Improve maternity care services especially in rural areas and work to increase the percentage of women who give birth in hospitals and to decrease maternal mortality rate during birth; 改进孕产服务，特别是农村地区的孕产服务，并努力提高在医院生产的妇女比例，并降低产妇分娩期间死亡率	Accepted 接受	Partially implemented 部分执行 CRC in its 2012 COB welcomed the reduction of female and child mortality but expressed concern with the persistence of health disparities between urban and rural areas. (CRC/C/CHN/CO/3-4 para. 62) UNDP highlighted China’s progress in eliminating child mortality but warned of challenges due to urban-rural disparity and lack of coverage for marginal groups. http://www.cn.undp.org/content/china/en/home/post-2015/mdgoverview/overview/mdg4.html However, concerns have been raised after the government reported that the rate of maternal deaths in the first six months of 2016 was 30% higher than in 2015. http://english.caixin.com/2016-09-29/100993345.html
186.96	Romania 罗马尼亚	Continue to adopt appropriate measures in combating the trafficking of human beings;	Accepted and already implemented 接受并已经执行	Not Implemented 未执行 See report: Sections 3.1, 3.4

		继续采取适当措施，打击贩运人口行为	The Chinese government attaches great importance to combating human trafficking. It has adopted resolute and comprehensive measures to effectively prevent and crack down on human trafficking, worked actively for the rescue, settlement and rehabilitation of victims, and conducted effective cooperation with related countries and international organizations in the field of combating human trafficking. 中国政府一贯高度重视反对拐卖人口工作，坚决采取综合措施，有效预防、严厉打击拐卖犯罪活动，积极开展对拐卖受害人的救助、安置和康复工作，在打击人口拐卖领域与有关国家和国际组织开展了卓有成效的合作。	
186.168	Russian Federation 俄罗斯联邦	Expand channels and mechanism of direct dialogue between the Government and the population; 拓宽政府与民众直接对话的渠道和机制	Accepted 接受	Not Implemented 未执行 See report: Sections 2.1, 2.5, 2.7
186.183	Russian Federation 俄罗斯联邦	Continue the policy of strengthening guarantees of social and economic rights of citizens, in particular in the area of education, health care, social protection and labour, and give special attention to the vulnerable groups such as children, persons with disabilities and national minorities; 继续实施加强公民的社会和经济权利保障的政策，特别是在教育、医疗、社会保障和劳动领域，并特别关注儿童、残疾人和少数民族等弱势群体	Accepted 接受	Not implemented 未执行 See report: Sections 3.1, 3.2, 3.3, 3.4, 3.5 Poor Implementation There has hardly been such a national “policy of strengthening” these protections; current policies need to be reformed and fixed, not simply “continued.”
186.209	Russian Federation 俄罗斯联邦	Increase the provision of resources for education establishments in remote and rural areas, as well as regions inhabited by ethnic minorities; 提高对偏远和农村地区以及少数民族居住区教育机构的资源供给	Accepted 接受	Partially implemented 部分执行 See report: Sections 3.3, 3.4, 3.5 In its 2018 COB, CERD expressed concern about inadequate educational resources provided to ethnic minorities and other disenfranchised groups in rural areas. (CERD/C/CHN/CO/14-17, paras. 23-4)
186.107	Rwanda 卢旺达	Continue towards the abolition of death penalty; 继续争取废除死刑	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China’s position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to	Not Implemented 未执行 See report: Section 2.2 Poor Recommendation Authorities have not indicated abolishing the death penalty is a goal, so they cannot “continue” efforts that don’t exist. Reducing the number of crimes punishable by death is not necessarily a step towards abolishing the death penalty.

			gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	
186.145	Saudi Arabia 沙特阿拉伯	Improve the organization and management of, and service to pilgrimage to Saudi Arabia to provide convenience and guarantee for Muslims to complete their pilgrimage smoothly; 改善前往沙特阿拉伯的朝圣旅程的组织管理和服务，为穆斯林顺利完成朝圣提供便利和保障	Accepted 接受	Partially Implemented 未执行 See report: Section 2.8
186.146	Saudi Arabia 沙特阿拉伯	Strengthen legislation to prevent the unlawful from undermining other people's interests in the name of human rights defenders; 强化法律，防止违法人员以人权卫士的名义危害其他民众的利益	Accepted 接受	Assessment Unavailable 无法评估 See report: Section 2.7 Inappropriate Recommendation This recommendation overrides protection of HRDs with a dubious claim of "other people's interests" and supports China's status quo legislations that legitimizes persecution of HRDs in the name of "national security." Such a recommendation is not human rights based: It is opposed to protection and promotion of human rights.
186.102	Senegal 塞内加尔	Continue actions to address the needs of persons with disabilities; 继续采取行动，满足残疾人的需求	Accepted 接受	Partially implemented 部分执行 See report: Section 3.5 Poor recommendation: The language is vague; it fails to recommend any concrete actions. The word "continue" also presupposed that there had been such "actions," about which we have raised doubts.
186.210	Senegal 塞内加尔	Improve access to education for disadvantaged people; 提高困难人群的受教育机会	Accepted 接受	Not Implemented 未执行 See report: Sections 3.3, 3.4, 3.5

186.193	Serbia 塞尔维亚	Continue its activities in bridging the gap in economic and social development between rural and urban areas and among geographical regions, as well as its efforts to eradicate poverty through the implementation of alleviation projects and the employment strategy; 继续开展活动, 缩小城乡之间和地域之间的经济社会发展差距, 并继续努力通过实施扶贫工程和就业战略消除贫困	Accepted 接受	Partially implemented 部分执行 See report: Section 3.3
186.29	Seychelles 塞舌尔	Consider signing and ratifying the third OP-CRC-IC; 考虑签署和批准《儿童权利公约关于来文程序的第三项任择议定书》	Accepted 接受	Not Implemented 未执行 See report: Section 1.1 Poor Recommendation Given the lack of government transparency, it's very difficult to assess whether the government has "considered" doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.44	Seychelles 塞舌尔	Strengthen human rights education with a view of enhancing human rights awareness; 强化人权教育, 以期加强人权意识	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	Not Implemented 未执行 See report: Chapter 4
186.1	Sierra Leone 塞拉利昂	Ratify ICCPR and OP-CAT; 批准《公民权利和政治权利国际公约》和《禁止酷刑公约任择议定书》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.37	Sierra Leone 塞拉利昂	Prioritize the implementation of its NHRAP and its 12th Five-Year Plan for Economic and Social Development in the ethnic regions of minority groups as well as for other under-privileged communities; 在少数民族地区以及面向其他弱势群体优先实施《国家人权行动计划》及《国民经济和社会发展第十二个五年规划》	Accepted 接受	Not Implemented 未执行 See report: Section 1.2
186.252	Sierra Leone 塞拉利昂	Develop programme for sharing of its experiences in addressing the right to development with African	Accepted 接受	Assessment Unavailable 无法评估 CESCR expressed concern in its 2014 COB over human rights

		countries in the context of the Forum on China-Africa cooperation. 在中非合作论坛下制定与非洲国家分享解决发展权问题经验的方案		violations stemming from China's economic and technical assistance in developing countries. (E/C.12/CHN/CO/2, para. 12) <u>Inappropriate Recommendation</u> Sharing China's development model in African countries would likely lead to an increase in human rights violations. China has pursued economic growth at the expense of the environment, public health, rights of workers and migrants, and forcibly demolished homes, while suppressing freedom of expression, association, and assembly, and democratic participation. Citizens, especially ethnic minorities and disadvantaged and marginalized groups, are often blocked from receiving redress for rights violations.
186.124	Singapore 新加坡	Continue its efforts to strengthen the judicial system to enhance public security and the rule of law; 继续努力强化司法系统，以加强公共安全和法治	Accepted 接受	Not Implemented 未执行 See report: Section 2.10
186.207	Singapore 新加坡	Continue to improve its education system and access to quality education for its people; 继续完善教育制度，提高民众获得优质教育的机会	Accepted 接受	Not Implemented 未执行 See report: Sections 3.3, 3.4
186.55	Slovakia 斯洛伐克	Follow the approach it took for economic, social and cultural rights with respect to civil and political rights, including freedom of religion or belief and the right to a fair trial; 以对待经济、社会和文化权利的相同方式对待公民权利和政治权利，包括宗教或信仰自由和公平审判权	Accepted 接受	Not Implemented 未执行 See report: Sections 2.8, 2.10 <u>Poor Recommendation</u> China's "approach" to economic, social and cultural rights has not adequately protected these rights.
186.73	Slovakia 斯洛伐克	Organize a visit of the High Commissioner in the coming future; 安排高级专员近期访华	Accepted 接受	Not Implemented 未执行 See report: Section 1.3
186.87	Slovenia 斯洛文尼亚	Give priority to protecting the rights of girl children by ensuring that all girls are registered at birth, implement wide awareness raising campaigns on the human rights of girls and promote their education; 确保所有女童得到出生登记从而优先保护女童的权利，广泛开展关于女童人权的提高认识运动，扶持女童教育	Accepted 接受	Not Implemented 未执行 See report: Sections 3.3, 3.4
186.113	Slovenia 斯洛文尼亚	Establish a moratorium on the death penalty as a first step towards abolition of the death	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the	Not Implemented 未执行 See report: Section 2.2

		penalty; 暂停执行死刑, 作为迈向废除死刑的第一步	international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题, 中国认为, 国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府, 如公民某项权利遭受侵害, 应通过本国申诉机制得到救济和解决。关于死刑问题, 保留死刑、严格限制和慎重适用死刑是中国的政策, 中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日, 第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况, 继续研究逐步减少死刑罪名的问题。	
186.56	South Africa 南非	Further guarantee the rights of life, education and health; 进一步保障生命权、受教育权和健康权	Accepted 接受	Not Implemented 未执行 See report: Sections 3.3, 3.4, 3.5
186.78	South Africa 南非	Further enhance the rights of children, especially orphaned and disabled children, children affected by HIV/AIDS and children from poor households; 进一步加强儿童权利, 特别是孤残儿童、受艾滋病影响儿童和贫困家庭儿童的权利	Accepted 接受	Partially implemented 部分执行 See report: Sections 3.3, 3.4, 3.5 Poor Recommendation This seems to presume that these vulnerable children have already enjoyed rights protection, which only needed to be "further enhanced." But that presumption is problematic: These children's rights have been seriously neglected.
186.250	South Africa 南非	Strengthen international cooperation with other countries on poverty reduction, the realization of the MDGs and good governance; 加强与其他国家在减贫、实现千年发展目标 and 善治方面的国际合作	Accepted 接受	Partially implemented 部分执行 CESCR expressed concern in its 2014 COB over human rights violations stemming from China's economic and technical assistance in developing countries. (E/C.12/CHN/CO/2, para. 12) The high-level Johannesburg Summit and 6 th Ministerial Conference of the

				Forum on China-Africa Cooperation was held in 2015, with promises to increase sharing on governance and development. http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1323159.shtml
186.215	South Sudan 南苏丹	Allocate more educational resources to central and western regions, rural areas, remote and border areas, and in ethnic minority areas; 向中西部地区、农村地区、边远地区以及少数民族地区划拨更多教育资源	Accepted 接受	Partially implemented 部分执行 See Report: Section 3.3 CERD expressed concern in its 2018 COB that ethnic minority children living in rural areas have unequal access to quality education. (CERD/C/CHN/CO/14-17, para. 23)
186.216	South Sudan 南苏丹	Better the conditions of urban schools, especially in the poor neighborhoods; 改善城镇学校条件，特别是贫困社区的学校条件	Accepted 接受	Not Implemented 未执行 See report: Section 3.3
186.1	Spain 西班牙	Ratify the ICCPR, which it signed in 1998; 批准于1998年签署的《公民权利和政治权利国际公约》	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。	Not Implemented 未执行 See report: Section 1.1
186.22	Spain 西班牙	Ratify OP-CEDAW; 批准《消除对妇女一切形式歧视公约任择议定书》	Not Accepted 不接受 See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19 th Meeting of the 11 th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development. 关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政	Not Implemented 未执行 See report: Section 1.1

			策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。	
186.107	Spain 西班牙	Proceed to the establishment of a moratorium on the application of the death penalty as a first step to its definitive abolition; 着手规定暂停适用死刑，作为最终废除死刑的第一步	<p>Not Accepted 不接受</p> <p>See 186.17: Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.</p> <p>关于个人申诉机制问题，中国认为，国际人权公约体系中此类程序均被规定为任择性程序。履行国际人权公约的首要责任在各国政府，如公民某项权利遭受侵害，应通过本国申诉机制得到救济和解决。关于死刑问题，保留死刑、严格限制和慎重适用死刑是中国的政策，中国一直为逐步减少死刑适用创造法律和制度条件。2011年2月25日，第十一届全国人民代表大会常务委员会第十九次会议通过的《刑法修正案(八)》取消了13个罪名的死刑。中国还将根据经济社会的发展情况，继续研究逐步减少死刑罪名的问题。</p>	Not Implemented 未执行 See report: Section 2.2
186.137	Spain 西班牙	Stop all criminal prosecutions, arrests and all other forms of intimidation of individuals as a result of the peaceful exercise of their rights to freedom of expression, freedom of association, and assembly, or freedom of religion and belief; 对和平行使言论自由、结社和集会自由或宗教和信仰自由的个人，停止一	<p>Not Accepted 不接受</p> <p>In accordance with China's Constitution and relative legislation, citizens enjoy freedom of speech, association and religious belief. The Chinese government guarantees, in accordance with law, citizens' rights to exercise these freedoms. Meanwhile, the exercise of the above-mentioned freedoms shall abide by the Constitution and laws, and shall not harm the national, social, collective interests and the legitimate rights of</p>	Not Implemented 未执行 See report: Sections 2.5, 2.6, 2.7, 2.8

		切刑事起诉、逮捕和其他所有形式的恐吓行为	other citizens. Illegal and criminal activities shall be prosecuted according to law. 根据中国《宪法》和相关法律规定，公民有言论、结社、宗教信仰等方面的自由权利，政府依法保障公民行使这些自由权利。同时，公民在行使上述自由和权利时，必须遵守《宪法》和法律，不得损害国家的、社会的、集体的利益和其他公民的合法权利，如果从事违反中国法律的违法犯罪活动应当受到依法追究。	
186.204	Sri Lanka 斯里兰卡	Continue its efforts in improving health conditions of the people with a view to further reducing maternal and infant mortality, including through awareness-raising; 继续努力改善人民的健康状况，以期进一步降低孕产妇和婴幼儿死亡率，包括开展提高认识活动	Accepted 接受	Partially implemented 部分执行 In 2013, UNDP highlighted China's progress in eliminating child mortality but warned of challenges due to urban-rural disparity and lack of coverage for marginal groups. http://www.cn.undp.org/content/china/en/home/post-2015/mdgoverview/overview/mdg4.html By 2016, child mortality in China had continued a trend of year-on-year decline observed since at least the early 1990s. https://knoema.com/atlas/China/Child-mortality-rate However, concerns have been raised after the government reported that the rate of maternal deaths in the first six months of 2016 was 30% higher than in 2015. http://english.caixin.com/2016-09-29/100993345.html
186.240	Sri Lanka 斯里兰卡	Continue to counter terrorist and ethnic separatist activities undertaken by certain individuals and groups; 继续打击某些个人和团体从事的恐怖主义和民族分裂活动	Accepted 接受	Assessment Unavailable 无法评估 Inappropriate Recommendation This is not a human rights-based recommendation: The Chinese government has systematically suppressed the human rights to religious freedom and cultural rights of ethnic Uyghurs in the name of countering "terrorists" and "separatists." This recommendation supports such "counter-terrorism" measures that have been used to override human rights.
186.33	Sudan 苏丹	Implement the national plan of action for human rights for 2012 -2015 and assess its implementation; 实施《国家人权行动计划 (2012-2015年)》并评估实施情况	Accepted 接受	Partially implemented 部分执行 See report: Section 1.2
186.118	Sweden 瑞典	Ensure that any reformed prison or compulsory care system meets international human rights standards, and abolish system of arbitrary detention, including Re-Education Through Labour; 确保所有劳改监狱或强制护	Accepted and being implemented 接受并正在执行 The amended Criminal Procedure Law of China clearly stipulates that the compulsory mental health treatment for mentally ill people should be decided by courts. At present, the relevant Chinese authorities are formulating	Partially Implemented 部分执行 See report: Section 2.9 Prisons and compulsory detention facilities do not meet international human rights standards. China abolished the RTL system in December 2013, although other

		理制度都符合国际人权标准，并废除任意拘留制度，包括劳教制度	rules to regulate the treatment, rehabilitation, management, diagnose and assessment conducted by the institutions of compulsory mental health treatment and the protection of the rights of the people under compulsory mental health treatment. As for re-education through labour, see 186.117. 修改后的《刑事诉讼法》明确规定，对精神病人强制医疗需由法院决定。目前，有关方面正着手制定配套规定，将对强制医疗机构开展治疗、康复、管理、诊断评估、被强制医疗人员的权利保障等作出规范。劳教制度同 186.117。 186.117: On December 28, 2013, the 6 th Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 2013年12月28日，第十二届全国人大常委会第六次会议通过的《全国人民代表大会常务委员会关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。	forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm
186.151	Sweden 瑞典	Remove restrictions on freedom of information and expression that are not in accordance with international human rights law-established by law, and deemed necessary and proportionate; 撤销不符合国际人权法规定(由法律所规定的、认定有必要的和适度的)的对新闻和言论自由的限制	Not Accepted See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究。	Not Implemented 未执行 See report: Section 2.5

186.152	Sweden 瑞典	Urgently release those being held in detention or imprisonment for exercising their right to freedom of expression; 立即释放因行使言论自由权而被拘留或关押的人员	<p>Not Accepted 不接受</p> <p>See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留，所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定，公民有言论、出版、集会、结社、宗教信仰等方面的自由权利，但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利，从事违法犯罪活动将被依法追究刑事责任。</p>	<p>Not Implemented 未执行</p> <p>See report: Section 2.5, 2.7</p>
186.230	Sweden 瑞典	Take urgent steps to fully respect the rights of ethnic minorities, including peaceful political and religious practices and expressions of cultural identity; 即刻采取措施，充分尊重少数民族的权利，包括奉行和平的政治和宗教习俗以及表达文化身份的权利	<p>Not Accepted 不接受</p> <p>China's Constitution clearly stipulates that all ethnic groups are equal. The state guarantees the legal rights and interests of all ethnic minorities and forbids discrimination and oppression against any ethnic group. The relevant laws and regulations also fully guarantee all equal rights of ethnic minorities, including participation in the political and religious affairs and expression of cultural identity. Thus, there is no need to take any urgent step in this regard. 中国《宪法》明确规定，各民族一律平等，国家保障少数民族的合法权利和利益，禁止对任何民族的歧视和压迫。有关法律法规亦作出规定，充分保障少数民族享有包括参与政治和宗教事务及文化认同表达等在内的一切平等权利，不需要为此采取任何紧急措施。</p>	<p>Not Implemented 未执行</p> <p>See report: Section 2.8</p> <p>CERD expressed alarm in 2018 over numerous reports of rights violations in Xinjiang. (CERD/C/CHN/CO/14-17, para. 40-2) In 2015, CAT said it had received credible reports of torture of ethnic minorities. (CAT/C/CHN/CO/5, para. 40-41) CESCR expressed concern over violations of the rights of ethnic minorities in 2014. (E/C.12/CHN/CO/2, paras. 14, 38)</p> <p>CHRD joint submission to CERD (July 2018) highlighted violations of ethnic Uyghurs rights, and mass arbitrary detention of Uyghurs in re-education camps. https://www.nchr.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/</p>
186.62	Switzerland 瑞士	Ensure that human rights defenders can exercise their legitimate activities, including participation in international mechanisms, without being subjected to reprisals; 确保人权卫士可以开展合法活动，包括参与国际机制而不遭报复	<p>Accepted and already implemented 接受并已经执行</p> <p>There are a large number of organizations and individuals that safeguard others' rights and interests in China. Their activities are encouraged, protected and supported by the Chinese government. No one suffers reprisal for taking part in lawful activities or international mechanisms. As for the individuals or organizations engaging in illegal activities in the name of safeguarding human rights, they will be</p>	<p>Not Implemented 未执行</p> <p>See report: Section 2.7</p>

			duly prosecuted by the Chinese government will enforce punishment according to law. 中国有许多维护他人权益的组织和个人，他们的活动得到政府的鼓励、保护和扶持，没有人因从事合法活动或参与国际机制而遭受报复。对于打着“维权”旗号从事违法犯罪行为的个人或组织，中国政府依法进行惩处。	
186.73	Switzerland 瑞士	Facilitate the visits of the UN High Commissioner and the special procedures, including to Tibetan and Uighur areas; 为联合国高级专员和特别程序访华提供便利，包括访问西藏和维吾尔地区	Accepted 接受	Partially implemented 部分执行 See report: Section 1.3
186.108	Switzerland 瑞士	Publicize the statistics on executions; 公布处决情况的统计数据	Not Accepted 不接受 The statistics of death penalty and death penalty with reprieve is included in that of fixed-term imprisonment of more than five years and life imprisonment. There is no separate statistics on death penalty. 在中国法院的司法统计中，死刑和死缓的数字是与被判处五年以上有期徒刑、无期徒刑的罪犯的数字合并统计的，无单独的死刑统计数字。	Not Implemented 未执行 See report: Section 2.2
186.67	Syrian Arab Republic 阿拉伯叙利亚共和国	Continue to play an active role in the works of the Human Rights Council and continue to contribute in solving the issues relating to human rights in a fair, objective and non-selective manner; 继续在人权理事会的工作中发挥积极作用，并继续为以公正、客观和非选择性方式解决人权相关问题作出贡献	Accepted 接受	Not Implemented 未执行 See report: Sections 1.1, 1.2, 1.3 Poor Recommendation The premises of this recommendation & the baseline for comparison are misleading: China has not played a positive role on the HRC nor always contributed to solving problems in a “fair, objective and non-selective manner.”
186.231	Tajikistan 塔吉克斯坦	Continue measures to further economic and social development of Xinjiang Uygur Autonomous Region, to protect the right to freedom of religion and belief as well as to maintain stability in this autonomous region; 继续有关措施，推进新疆维吾尔自治区的经济社会发展，保护宗教和信仰自由权，并维护该自治区的稳定	Accepted 接受	Not Implemented 未执行 See report: Section 2.8 CERD expressed alarm in 2018 over numerous reports of rights violations in Xinjiang. (CERD/C/CHN/CO/14-17, para. 40-2) In 2015, CAT said it had received credible reports of torture of ethnic minorities. (CAT/C/CHN/CO/5, para. 40-41) CESCR expressed concern over violations of the rights of ethnic minorities in 2014. (E/C.12/CHN/CO/2, paras. 14, 38) CHRD joint submission to CERD (July 2018) highlighted violations of ethnic Uyghurs socio-economic rights, and mass arbitrary detention of Uyghurs in re-education camps. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-

				to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.57	Thailand 泰国	Look into the possibility of establishing the national human rights institution in China; 研究在中国成立国家人权机构的可能性	Accepted 接受	Not Implemented 未执行 See report: Section 1.2 Poor Recommendation Due to lack of government transparency, it's difficult to know or assess whether the government has "looked into the possibility" of doing this. "Looking into" this doesn't mean taking a step forward as long as no NHRI has been established.
186.46	Thailand 泰国	Keep up its efforts in raising awareness among law enforcement officers and security personnel throughout the country; 坚持努力, 提高全国执法人员和安全人员的意识	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	Partially Implemented 部分执行 See report: Chapter 4 Poor Recommendation HR training for officials barely exists, and relevant governmental depts. rarely disclose the contents of training materials, so it is unclear if materials promote universal human rights. Therefore, asking for its "continuation" doesn't address the problem. Additionally, this contains vague language about raising "awareness" but does not specify awareness about what.
186.123	Timor-Leste 东帝汶	Adjust and specify the applicable conditions and stipulations for the adoption of compulsory measures such as arrest, release on bail pending trial and residential surveillance; 调整和说明逮捕、审判前保释和监视居住等强制措施适用条件和规定	Accepted and already implemented 接受并已经执行 Based on the amended Criminal Procedure Law, Chinese public security organs have revised the Regulations on Procedures of Handling Criminal Cases for Public Security Organs, including revising the applicable conditions of bail, residential surveillance and arrest, and imposing a stricter requirement on the duration between arrest and custody. 公安机关根据修改后的《刑事诉讼法》对《公安机关办理刑事案件程序规定》进行了修改, 其中调整了取保候审、监视居住、逮捕的适用条件, 严格了逮捕后送看守所羁押的时限要求。	Not Implemented 未执行 See report: Sections 2.3, 2.10
186.132	Timor-Leste 东帝汶	Inform the suspects of their rights and obligations in a timely manner in accordance with the law, as well as to actively create conditions for lawyers to get involved in a lawsuit from the stage of criminal investigation; 及时依法告知嫌疑人他们的权利和义务, 并积极创造条件, 以便律师在犯罪调查阶段就可参与诉讼	Accepted 接受	Not Implemented 未执行 See report: Section 2.10
186.47	Togo 多哥	Continue the human rights awareness and training of the population; 继续开展全民人权意识宣传和培训	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all	Not implemented 未执行 See report: Chapter 4 Poor Recommendation State-controlled media does not raise awareness of universal human rights

			levels. China has included human rights education in training programs of civil servants. 中国政府高度重视人权教育并在各个层面大力推进, 已在公务员培训班次中纳入人权教育的有关内容。	or the content of international human rights conventions, and other forms of HR training and education for the general population in China don't exist. It is problematic to recommend China "continue" to do something that does not exist.
186.74	Togo 多哥	Pursue its policies in favour of the vulnerable strata of society; 推行向社会弱势群体倾斜的政策	Accepted 接受	Not Implemented 未执行 See report: Sections 3.1, 3.2, 3.3, 3.4, 3.5
186.14	Tunisia 突尼斯	Accelerate administrative and legislative reforms with a view of ratifying the ICCPR; 加快行政和立法改革, 以期批准《公民权利和政治权利国际公约》	Accepted 接受	Not Implemented 未执行 See report: Section 1.1
186.16	Tunisia 突尼斯	Ratify the CPED, OP-CAT as well as the Rome Statute; 批准《保护所有人免遭强迫失踪国际公约》、《禁止酷刑公约任择议定书》及《罗马规约》	Not Accepted 不接受 Concerning the enforced disappearance, China has enacted related regulations, and will carry out the study on the possibility of acceding to the CPED in due time. As for OP-CAT, the Chinese government believes that the promotion and protection of human rights is mainly realized through the efforts of countries themselves, not through the means of visits to state parties. 关于免遭强迫失踪问题, 中国已制定相应规定, 将适时就加入该公约的可能性进行研究。关于《禁止酷刑公约》任择议定书问题, 中国政府认为, 促进和保护人权主要依赖各国政府通过自身努力实现, 而非基于对缔约国查访的方式。	Not Implemented 未执行 See report: Section 1.1
186.59	Tunisia 突尼斯	Set up a national institution in line with the Paris Principles and ensure a climate that is favourable to the activities of human rights defenders, journalists and other civil society actors; 按照《巴黎原则》设立国家人权机构(新西兰); 按照《巴黎原则》设立一个国家机构, 并保障利于人权卫士、记者和其他民间社会活动人士开展活动的氛围	Not Accepted 不接受 China has not established a national human rights institution in terms of the Paris Principles. However, many government agencies in China assume and share similar responsibilities. The issue of establishing a national human rights institution falls into China's sovereignty, and should be considered in a holistic manner in accordance with its national conditions. 中国尚未设立《巴黎原则》意义上的国家人权机构, 但许多部门承担着类似的职责。是否及何时设立国家人权机构是中国主权范围内的事情, 将按照实际需要予以综合考虑。	Not Implemented 未执行 See report: Sections 1.2, 2.5, 2.7
186.54	Turkmenistan 土库曼斯坦	Continue its ongoing review of national laws to ensure that they are in line with its international human rights law obligations; 继续审议国内法律, 确保这些法律符合该国的国际人权法律义务	Accepted 接受	Not Implemented 未执行 See report: Section 1.3

186.197	Turkmenistan 土库曼斯坦	Continue advancing the construction of permanent houses for farmers and herdsmen in the region on a voluntary basis and in their real needs; 继续本着自愿原则、按照真实需求推进该区域农牧民永久住宅的建设	Accepted 接受	Not Implemented 未执行 In its 2018 COB, CERD expressed concern about large numbers of farmers and nomadic herders, including from ethnic autonomous areas, who have forcibly lost their traditional lands and livelihoods due to poverty-alleviation and ecological restoration resettlement measures. (CERD/C/CHN/CO/14-17, paras. 26-7) CESCR also raised concerns over the forced resettlement of nomadic persons in its 2014 COB. (E/C.12/CHN/CO/2, para. 31)
186.147	Uganda 乌干达	Adopt further measures to firmly crack down on cult organizations to safeguard freedom of worship and the normal religious order; 采取进一步措施, 严厉打击邪教组织, 保障礼拜自由和正常宗教秩序	Accepted 接受	Not Implemented 未执行 See report: Section 2.8 Poor Recommendation This recommendation practically supports China's persecution of Falun Gong, which the government has labelled a "cult," in the name of "safeguarding" "normal" "religious order," while it says nothing about the officially unrecognized and persecuted house church Christians.
186.172	Uganda 乌干达	Ensure the implementation of the Electoral Law; 确保实施《选举法》	Accepted 接受	Not Implemented 未执行 See report: Section 2.1
186.173	Uganda 乌干达	Further guarantee citizens' right to express themselves, to vote and to be elected; 进一步保障公民的言论、选举和被选举权	Accepted 接受	Not Implemented 未执行 See report: Sections 2.1, 2.5 Poor Recommendation Since these rights have not been "guaranteed" in China, it makes little sense to ask the state to "further guarantee" them. Such wording has the effect of misguidedly praising the government.
186.38	Ukraine 乌克兰	Continue its efforts for promotion of human rights with particular attention to the fulfilment of the NHRAP for 2012 – 2015; 继续努力促进人权, 重点落实《国家人权行动计划(2012-2015年)》	Accepted 接受	Not Implemented 未执行 See report: Section 1.2
186.79	United Arab Emirates 阿拉伯联合酋长国	Continue its efforts to successfully achieve the Child Development Plan 2011-2020 set by the State Council in 2011; 继续努力成功实现国务院 2011 年作出的《中国儿童发展纲要(2011-2020年)》	Accepted 接受	Partially implemented 部分执行 See report: Section 3.4 Poor Recommendation This recommendation incorrectly presumes China has made "successful efforts" to achieve the stated goals and asks China to "continue" actions that it has not yet done.
186.15	United Kingdom of Great Britain & N. Ireland 大不列颠及北爱尔兰联合王国	Set out a clear legislative timetable for ratification of the ICCPR; 规定批准《公民权利和政治权利国际公约》明确的立法时间表	Not Accepted 不接受 See 186.1: China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set	Not Implemented 未执行 See report: Section 1.1

			out so far. 中国正在稳妥推进司法和行政改革, 为批准《公民权利和政治权利国际公约》积极做准备, 目前无法提出具体时间表。	
186.116	United Kingdom of Great Britain & N. Ireland 大不列颠及北爱尔兰联合王国	Abolish all forms of arbitrary and extra-judicial detention; 废除一切形式的任意拘留和法外拘留	Not Accepted 不接受 See 186.115: There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留, 所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定, 公民有言论、出版、集会、结社、宗教信仰等方面的自由权利, 但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利, 从事违法犯罪活动将被依法追究刑事责任。	Not Implemented 未执行 See report: Section 2.3, 2.9
186.115	United States of America 美国	End the use of harassment, detention, arrest, and extralegal measures such as enforced disappearance to control and silence human rights activists as well as their family members and friends; 不再使用骚扰、拘留、逮捕以及强迫失踪等非法措施控制和压制人权活动人士及其家人和朋友	Not Accepted 不接受 There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law. 中国不存在任意和法外拘留, 所有的刑事拘留和治安拘留均分别依据《刑事诉讼法》和《治安管理处罚法》决定并执行。根据中国《宪法》和相关法律规定, 公民有言论、出版、集会、结社、宗教信仰等方面的自由权利, 但公民行使上述权利时不得损害国家、社会和集体的利益及其他公民的合法权利, 从事违法犯罪活动将被依法追究刑事责任。	Not Implemented 未执行 See report: Sections 2.3, 2.7, 2.9
186.127	United States of America 美国	Reform its administrative justice system, including by eliminating "reeducation	Not Accepted 不接受 Concerning ICCPR ratification, see 186.1: China is now prudently carrying	Partially implemented 部分执行 See report: Sections 1.1, 2.9

		through labour”, and ratify the ICCPR 改革中国的行政司法制度，包括废止“劳教”并批准《公民权利和政治权利国际公约》	out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far. Concerning the abolition of re-education through labour, see 186.117: Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced. 关于批准《公民权利和政治权利国际公约》问题，同 186.1: 中国正在稳妥推进司法和行政改革，为批准《公民权利和政治权利国际公约》积极做准备，目前无法提出具体时间表。关于废除劳教问题，同 186.117: 2013 年 12 月 28 日，第十二届全国人大常委会第六次会议通过的《全国人民代表大会常务委员会关于废止有关劳动教养法律规定的决定》，废除了劳动教养制度。劳教制度废止后，对正在被依法执行劳动教养的人员，解除劳动教养，剩余期限不再执行。	China abolished the RTL system in December 2013, although other forms of extra-judicial administrative detention are still used. http://news.xinhuanet.com/english/china/2013-12/28/c_133003042.htm
186.234	United States of America 美国 利坚合众国	Protect the rights of ethnic minority groups, including Tibetans, Uighurs, and Mongolians, in accordance with China’s Constitution and international human rights commitments; 依照中国《宪法》和国际人权承诺，保护包括藏族、维吾尔族和蒙古族在内的少数民族的权利	Accepted and already implemented 接受并已经执行 In accordance with China’s Constitution and international human rights commitments, the Chinese government guarantees that all ethnic minorities fully exercise political, economic, cultural, social, educational, religious and other basic rights, and vigorously promotes development of all undertakings for ethnic minorities and in ethnic minority areas. 中国政府切实依照中国《宪法》和国际人权承诺，保障所有少数民族充分行使政治、经济、文化、社会、教育、宗教等各项基本权利，大力推动少数民族和民族地区各项事业繁荣发展。	Not Implemented 未执行 In its 2018 COB, CERD expressed concern about the lack of rights protections for ethnic minorities (CERD/C/CHN/CO/14-17, paras. 18-20, 40-1) CESC and CAT also expressed concern over rights violations in their 2014 and 2015, respectively, COBs (E/C.12/CHN/CO/2, paras. 14, 38; CAT/C/CHN/CO/5, para. 40-41). CHRD joint submission to CERD (July 2018) highlighted violations of ethnic minorities, particularly Uyghurs. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/
186.30	Uruguay 乌拉圭	Consider the possibility of acceding to the Rome Statute of the ICC as well as its Agreement on Privileges and Immunities; 考虑加入《国际刑事法院罗马规约》及其《特权和豁免协定》的可能性	Accepted 接受	Not Implemented 未执行 See report: Section 1.1 Poor Recommendation Given the lack of government transparency, it’s very difficult to assess whether the government has “considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.31	Uruguay 乌拉圭	Consider the possibility of acceding to the CPED and recognize the competence of	Accepted 接受	Not Implemented 未执行 See report: Section 1.1

		its Committee; 考虑加入《保护所有人免遭强迫失踪国际公约》的可能性，并承认《公约》委员会的职权		Poor Recommendation Given the lack of government transparency, it's very difficult to assess whether the government has "considered" doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.101	Uruguay 乌拉圭	Increase efforts to combat the stigma associated with boys and girls with disabilities and review the family planning policy with the aim of combatting the deep causes of abandonment of boys and girls with disabilities as well as to provide sufficient community services and assistance in rural regions; 加大努力，消除残疾男童和女童被视为耻辱的现象，审视计划生育政策，解决遗弃残疾男童和女童的深层原因，并在农村地区提供充分的社区服务和援助	Accepted 接受	Partially implemented 部分执行 See report: Section 3.5
186.238	Uzbekistan 乌兹别克斯坦	Step up measures to bring to justice persons who instigate others to commit acts of self-immolation; 加强措施，将煽动他人自焚的人员绳之以法	Accepted 接受	Assessment Unavailable 无法评估 After expressing concerns about allegations of rights violations in Tibet which led to an escalation in self-immolations as a form of protest, the High Commissioner urged China in 2012 to allow independent and impartial monitors to visit and assess the conditions on the ground in Tibet. However, to date, no access has been granted to the High Commissioner or Special Procedures. http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12729&LangID=E Inappropriate Recommendation Uzbekistan in effect urged China to systematically persecute ethnic Tibetans whom the government accused of "inciting self-immolation." Such a recommendation is not oriented to address human rights abuses at the roots of ethnic repression, cultural destruction, deprivation of religious freedom, exploitation of natural resources, and ecological and environmental degradation in Tibet, which ultimately led to this desperate form of protest. Rather, it advocates further political repression.
186.48	Uzbekistan 乌兹别克斯坦	Include human rights education in training programme for the government officials; 将人权教育纳入面向政府官员的培训方案	Accepted and already implemented 接受并已经执行 See 186.39: The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil	Partially implemented 部分执行 See report: Chapter 4

			servants. 中国政府高度重视人权教育并在各个层面大力推进，已在公务员培训班次中纳入人权教育的有关内容。	
186.223	Venezuela, Bolivarian Republic of 委内瑞拉(玻利瓦尔共和国)	Continue to guarantee the rights of ethnic minorities on an equal footing and in accordance with the law; 继续保障少数民族依法平等享有各项权利	Accepted 接受	Not Implemented 未执行 In its 2018 COB, CERD expressed concern about the lack of rights protections for ethnic minorities (CERD/C/CHN/CO/14-17, paras. 18-20, 40-1) CESCR and CAT expressed concern over rights violations in their 2014 and 2015 COBs, respectively. (E/C.12/CHN/CO/2, paras. 14, 38; CAT/C/CHN/CO/5, para. 40-41) CHRD joint submission to CERD (July 2018) highlighted violations of ethnic minorities, particularly Uyghurs. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/ Poor Recommendation Ethnic minorities' rights are not guaranteed – it makes little sense to ask the government to “continue” something that it has not done.
186.162	Viet Nam 越南	Further develop and manage internet and communications sectors, ensuring the legitimate rights and interests of ordinary people enjoying safe and secure internet usage; 进一步发展和管理互联网和通信部门，保障普通大众安全安心上网的合法权益	Accepted 接受	Assessment Unavailable 无法评估 See report: Section 2.5 Inappropriate Recommendation This recommendation supports the Chinese government's draconian cyber policies and censorship in the name of “public security” at the expense of freedom of expression and a free Internet. It is counter-productive to the UPR's objective to protect and promote human rights.
186.228	Viet Nam 越南	Continue to carry out the system of regional autonomy in ethnic areas and give more favourable conditions to ethnic minorities for participating in the fields of politics, economy and culture; 继续在少数民族地区实行区域自治制度，并为少数民族参与政治、经济和文化领域工作提供更多便利条件	Accepted 接受	Not Implemented 未执行 See report: Section 2.1 In its 2018 COB, CERD expressed concerns about the marginalization of ethnic minorities in civil, political, economic, and educational life. (CERD/C/CHN/CO/14-17, paras. 21-7, 40-4) CESCR expressed concerns over rights violations in ethnic minorities autonomous regions in its 2014 COB (E/C.12/CHN/CO/2, paras. 14, 38). CHRD joint submission to CERD (July 2018) highlighted restrictions placed on ethnic minorities in areas of politics, the economy, and culture. https://www.nchrd.org/2018/08/civil-society-follow-up-report-submitted-to-un-committee-on-the-elimination-of-racial-discrimination-july-2018/ Poor Recommendation

				This recommends “continuing” a system that has not provided genuine autonomy in ethnic areas, where the conditions for ethnic minorities to exercise their political, economic and cultural rights have deteriorated.
186.245	Yemen 也门	Give priority to the right of people to development and to continue efforts to uplift the standard of living of the people in the framework of China’s efforts to protect and promote human rights; 优先处理人民的发展权问题，并在中国保护和促进人权的工作框架内，继续努力提高人民的生活水平	Accepted 接受	Not Implemented 未执行 See report: Sections 3.3, 3.4, 3.5 Poor Recommendation The language of “right of people to development” is vague and it’s unclear whether it refers to the human right to development. The Chinese government has not promoted the “right to development” as a human right to equitable and participatory human development in compliance to international standards. Expanding income disparities and worsening pollution in China demonstrate that such unsustainable development does not protect social and economic rights.
186.32	Zambia 赞比亚	Consider ratifying the ICCPR and establishing a National Human Rights Institution; 考虑批准《公民权利和政治权利国际公约》并设立一个国家人权机构	Accepted 接受	Not Implemented 未执行 See report: Sections 1.1, 1.2 Poor Recommendation Given the lack of government transparency, it’s very difficult to assess whether the government has “considered” doing this. Proposing an action with no measurable benchmark makes this recommendation weak.
186.105	Zimbabwe 津巴布韦	Continue to implement policies and programmes aimed at fulfilling the interests of the disabled; 继续实施旨在实现残疾人利益的政策和方案	Accepted 接受	Not Implemented 未执行 See report: Section 3.5 Poor Recommendation This is based on a problematic presumption about the existence of adequate policies & programs for protecting the rights of persons with disabilities; in their absence, the govt cannot “continue” to implement them.
186.218	Zimbabwe 津巴布韦	Continue to extend its State scholarship programmes to ensure that students do not drop out of school because of poverty; 继续扩大国家奖学金方案，确保学生不因贫辍学	Accepted 接受	Not Implemented 未执行 See report: Sections 3.3, 3.4

**Annex 3. Updates on 31 Cases of Arbitrary Detention
Based on UN WGAD Opinions (2009-2018)¹**

Names of Individuals	Document # of UN WGAD Opinion	Year of WGAD Opinion	Detention Status (information available as of September 2018)
Gao Zhisheng	A/HRC/WGAD/2010/26	2010	Released in Aug 2014 into house arrest: https://www.nchrd.org/2011/02/prisoner-of-conscience-gao-zhisheng/
Thamki Gyatso, Tseltem Gyatso, Kalsang Gyatso	A/HRC/WGAD/2010/29	2010	In prison: http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/WGAD/2010/29&Lang=E; http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/WGAD/2010/29&Lang=E; http://www.rfa.org/english/news/tibet/released-09092016163542.html
Liu Xiaobo	A/HRC/WGAD/2011/15	2011	In prison: https://www.nchrd.org/2011/03/prisoner-of-conscience-liu-xiaobo/
Liu Xia	A/HRC/WGAD/2011/16	2011	Under house arrest: https://www.nchrd.org/2011/03/prisoner-of-conscience-liu-xiaobo/
Liu Xianbin	A/HRC/WGAD/2111/23	2011	In prison: https://www.nchrd.org/2011/03/prisoner-of-conscience-liu-xianbin/
Zhou Yongjun	A/HRC/WGAD/2011/29	2011	In prison: http://www.asianews.it/news-en/Tiananmen%E2%80%99s-legacy:-after-26-years,-participants-still-in-prison-for-human-rights-34414.html
Chen Wei	A/HRC/WGAD/2012/7	2012	In prison: https://www.nchrd.org/2011/01/prisoner-of-conscience-chen-wei/
Gulmira Imin	A/HRC/WGAD/2012/29	2012	In prison: http://www.chinaaid.org/2015/04/gulmira-imin.html
Qi Chonghuai	A/HRC/WGAD/2012/36	2012	In prison: https://www.nchrd.org/2011/04/prisoner-of-conscience-qi-chonghuai/
(North Koreans)	A/HRC/WGAD/2012/51	2012	N/A
Guo Quan	A/HRC/WGAD/2012/59	2012	In prison: https://www.nchrd.org/2011/02/prisoner-of-conscience-guo-quan/
Chen Kegui	A/HRC/WGAD/2014/2	2014	Served full sentence, released: http://www.voanews.com/a/ap-nephew-of-blind-activist-chen-released-from-china-prison/2886642.html
Ilham Tohti	A/HRC/WGAD/2014/3	2014	In prison, serving life sentence: https://www.nchrd.org/2014/07/prisoner-of-conscience-ilham-tohti/
Ma Chunling	A/HRC/WGAD/2014/4	2014	Released. Fled to Thailand: http://www.theepochtimes.com/n3/1918003-capitol-hill-forum-discusses-persecution-

			and-torture-of-falun-gong-demise-of-the-ccp/
Xing Shiku	A/HRC/WGAD/2014/8	2014	Involuntary detained in psychiatric institution: https://www.nchrd.org/2016/03/xing-shiku/
Wang Hanfei	A/HRC/WGAD/2014/21	2014	Served full sentence, released: https://www.nchrd.org/2013/05/prisoner-of-conscience-wang-hanfei/
Tang Jingling, Qingying Wang, Qinting Yuan	A/HRC/WGAD/2014/49	2014	In prison: https://www.nchrd.org/2014/10/prisoner-of-conscience-tang-jingling/
Ren Ziyuan	A/HRC/WGAD/2014/55	2014	Served full sentence, released: https://www.nchrd.org/2014/05/prisoner-of-conscience-ren-ziyuan%C2%9F/
Ding Jiayi	A/HRC/WGAD/2015/3	2015	In prison: https://www.nchrd.org/2013/10/prisoner-of-conscience-ding-jiayi/
Su Changlan	A/HRC/WGAD/2015/39	2015	In detention: https://www.nchrd.org/2015/05/prisoner-of-conscience-su-changlan/
Yu Shiwen	A/HRC/WGAD/2016/11	2016	Released from detention into residential surveillance in Aug 2016: https://www.nchrd.org/2015/02/prisoner-of-conscience-yu-shiwen/
Phan (Sandy) Phan-Gillis	A/HRC/WGAD/2016/12	2016	In detention: http://www.nytimes.com/2016/08/31/world/asia/china-us-spy-phan-gillis.html
Tang Zhishun, Xing Qingxian	A/HRC/WGAD/2016/30	2016	In detention: https://www.nchrd.org/2015/10/xing-qingxian/ ; https://www.nchrd.org/2015/10/tang-zhishun/
Xia Lin	A/HRC/WGAD/2016/43	2016	In prison: https://www.nchrd.org/2015/02/prisoner-of-conscience-xia-lin/
Wu Zeheng	A/HRC/WGAD/2016/46	2016	In prison: https://www.nchrd.org/2016/07/wu-zeheng/
Tsegon Gyal	A /HRC/WGAD/2017/4	2017	In prison: http://tchrd.org/prominent-former-political-prisoner-tsegon-gyal-sentenced-to-three-years-on-charge-of-inciting-separatism/
Huang Wenxun, Yuan Bing Yuan Xiaohua	A/HRC/WGAD/2017/5	2017	Served full sentence, released: https://www.nchrd.org/2014/01/prisoner-of-conscience-huang-wenxun/ ; https://www.nchrd.org/2014/04/prisoner-of-conscience-yuan-fengchu/ ; https://www.nchrd.org/2014/04/prisoner-of-conscience-yuan-xiaohua/
Hu Shigen, Xie Yang, Zhou Shifeng	A/HRC/WGAD/2017/59	2017	Hu & Zhou, in prison: https://www.nchrd.org/2016/01/hu-shigen-%E8%83%A1%E7%9F%B3%E6%A0%B9/ ; https://www.nchrd.org/2016/01/zhou-

			shifeng-%E5%91%A8%E4%B8%96%E9%94%8B/ Xie, released after trial & conviction into house arrest: https://www.nchrd.org/2016/09/xie-yang/
Tashi Wangchuk	A/HRC/WGAD/2017/69	2017	In prison: https://freetibet.org/news-media/na/political-prisoner-tashi-wangchuk-denied-appeal
Mi Sook Kang, Ho Seok Kim	A /HRC/WGAD/2017/81	2017	N/A
Liu Feiyue Huang Qi	A /HRC/WGAD/2018/22	2018	In detention, awaiting trial: https://www.nchrd.org/2016/12/liu-feiyue/ ; https://www.nchrd.org/2016/12/huang-qi/

¹ The list of cases is based on information provided by the UN Working Group on Arbitrary Detention: <http://www.ohchr.org/EN/Issues/Detention/Pages/OpinionsadoptedbytheWGAD.aspx>.