

## **ADVANCE QUESTIONS TO CHINA (FIRST BATCH)**

### **URUGUAY**

- Uruguay would like to know about what efforts have been made in the last years to ensure human rights defenders, journalists and other civil society actors can carry out their work in a safe environment without fear of reprisals.

### **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

- When will the Government implement the recommendations made by the UN Committee for the Elimination of Racial Discrimination regarding Xinjiang Autonomous Uyghur Region, including to: halt the practice of detaining individuals who have not been lawfully charged, tried, and convicted for a criminal offence in any extra-legal detention facilities; immediately release individuals detained under these circumstances; eliminate travel restrictions that disproportionately affect members of ethnic minorities; and provide statistics on the numbers of those held involuntarily in the past 5 years?
- What steps is the Government taking to ensure that freedom of religion or belief, freedom of movement, and cultural rights are respected and protected for all religious and ethnic groups in China, particularly those in Tibet?
- What steps is the Government taking to ensure that lawyers, activists, journalists and human rights defenders including Wang Quanzhang, Yu Wensheng, Jiang Tianyong, Li Yuhan, Gao Zhisheng, Tashi Wangchuk, Ilham Tohti, Wu Gan and Huang Qi are protected from harassment, mistreatment and discrimination, and that those detained for merely exercising their constitutional rights are released without delay?
- What steps will the Government take to reduce restrictions, including through the Foreign NGO law on domestic and international NGOs in China, in order to allow them to play a full and active role in promoting and protecting the full range of human rights in China (including but not limited to LGBT+ rights, women's rights and disability rights)?
- How will the Government ensure that there is a robust, fair and impartial mechanism in place for those detained to report torture, mistreatment and lack of access to a lawyer– including those held in extra-judicial and pre-trial detention facilities?

### **NETHERLANDS**

- Which steps are required for China to ratify the International Covenant on Civil and Political Rights (ICCPR) and according to which timeline does China intend to take these steps?

- How and according to which timeline does China intend to expedite the registration of foreign NGOs working in all human rights related fields as defined in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights?
- Which steps will China take to bring the Measures on the Administration of Law Firms (2016), the Measures on the Administration of Lawyers' Practice (2016), and the Annual Inspection through the Judicial Bureau in line with articles 16(a) and 18 of the UN Basic Principles on the Role of Lawyers?
- Can China indicate the steps that it has undertaken to implement the Netherlands' 2013 UPR recommendation "to include a prohibition of discrimination of any kind, including discrimination based on [not just sex, but] sexual orientation and gender identity, ethnicity, religion and infection with HIV, in labor and employment law in line with international standards."?
- Which steps will China undertake to implement the Concluding Observations on Xinjiang addressed by the Committee on the Elimination of Racial Discrimination (CERD) in August 2018? Does China intend to allow the OHCHR Office to visit Xinjiang?
- To the government of the Hong Kong Special Administrative Region: which steps does Hong Kong intend to take to address international concerns about press freedom in Hong Kong and to ensure a safe and enabling environment for journalists to carry out their work independently and without undue interference?

## **SWEDEN**

- How, and what is the timeline for the Government of the PRC to implement the recommendations made by UN CERD including with regard to Tibet and Xinjiang?
- What steps will the Government of the PRC take to amend the disproportionate policies in Xinjiang to ensure freedom of religion or belief, and movement for persons of all ethnic groups?
- What actions will the Government of the PRC take to remove restrictions on freedom of expression and information?
- How will the Government of the PRC ensure that citizens, including human rights defenders and other civil society activist, are not harassed or detained for exercising the freedom of expression?
- What steps are planned to ensure the implementation of the Anti-Domestic Violence Law, ADVL, especially at the local level?

- How will the All-China Women's Federation and the National Committee on Children and Women be empowered in order to make sure that all government agencies take urgent steps to appropriately implement ADVL within their areas of responsibility?

## **UNITED STATES OF AMERICA**

- Can China provide the number of people involuntarily held in all detention facilities in Xinjiang during the past five years, along with the duration and location of their detention; the grounds for detention; humanitarian conditions in the centers; the content of any training or political curriculum and activities; the rights detainees have to challenge the illegality of their detention or appeal the detention; and any measures taken to ensure that their families are promptly notified of their detention?
- Can China clarify the basis for its apparent criminalization of peaceful religious practices as justification to detain people in these political "re-education" camps in Xinjiang, as well as which officials are responsible for this policy?
- Will China commit to facilitate a visit to the Tibet Autonomous Region, Tibetan areas of neighboring provinces, the Xinjiang Uyghur Autonomous Region, and other places of interest in China by the UN High Commissioner for Human Rights and the Special Rapporteur on Freedom of Religion or Belief by the end of 2019?
- Under China's ratification of the UN Convention Against Torture, specifically Article 3, what steps is the government taking to ensure North Korean and Burmese refugees, many of them women and children, are not forcibly repatriated back to their home countries to face certain excessive punishments such as torture and even death?
- Since the Chinese constitution guarantees religious liberty, what steps is China taking to stop the continued repression of religious freedom, such as increasingly strict regulations being passed or proposed on religious activity China has passed or proposed, the detention and mistreatment of Falun Gong practitioners, and the church closure and demolition campaigns seen in multiple provinces throughout the country?
- What is China doing to end the unlawful practices of torture, secret detentions, and detention without due process halt the practice of detaining individuals who have not been lawfully charged, tried and convicted for a criminal offense in including Wang Quanzhang, who has been held incommunicado for over three years without an open trial, and Swedish citizen Gui Minhai, who was released in 2017 and redetained in January 2018?
- What is China's response to growing international concern about Beijing's continued encroachment on Hong Kong's autonomy, the abduction of individuals from Hong Kong, and growing restrictions on the freedoms of expression, association, and political participation in Hong Kong?

- How does the Chinese state define “win-win cooperation” in the context of human rights? Does China believe that human rights are inalienable and belong to individuals or that they arise from the permission of the authorities?

#### **PORTUGAL on behalf of the Group of Friends on NMIRF’s**

- Could the State-under-review describe its national mechanism or process responsible for coordinating the implementation of accepted UPR recommendations and the monitoring of progress and impact?
- Has the State-under-review established a dedicated ‘national mechanism for implementation, reporting and follow-up’ (NMIRF) covering UPR recommendations, but also recommendations/observations generated by the UN human rights Treaty Bodies, the Special Procedures and relevant regional mechanisms? If so, could the State-under-review briefly share its experience on creating such mechanism, including challenges faced and lessons learnt, as well as any plans or needs to strengthen the NMIRF in the future?

#### **AUSTRIA**

- Austria is concerned about reports that persons from DPRK have been denied access to refugee determination procedures in China. What efforts are currently being undertaken to ensure that the principle of non-refoulement is fully incorporated into domestic legislation?
- Austria notes the ongoing process to reduce the number of offences punishable by the death penalty and would be interested to receive more detailed information on current developments. What further steps are considered to significantly reduce the number of death sentences and to ensure transparency on the number of executions carried out?
- Reports by UN bodies have highlighted concerns with regard the discrimination of ethnic minorities including in the Autonomous Region of Tibet, of Xinjiang and of Inner Mongolia. Mass internment of Uighurs in the Autonomous Region of Xinjiang is particularly alarming and we have taken note of explanations given by the authorities. What procedural guarantees are available for the concerned persons in particular regarding their access to remedy and the possibility for a review by independent judges on the lawfulness of the detention?

#### **NORWAY**

- Recent reports have raised widespread concern for the situation for ethnic and religious minorities in China’s Xinjiang Uyghur Autonomous Region. What is being done to ensure proportionality and to avoid arbitrariness in the deprivation of people’s liberties in the region?

- Norway has taken note of China's stated aim to reduce the use of the death penalty and the number of crimes punishable by death penalty, and to move towards abolition. Lack of transparency on the use of death penalty remains a concern. What specific steps are taken to ensure development away from the use of death penalty and to move towards greater openness about these issues?
- What steps is China taking to ensure a safe and enabling environment for human rights defenders, including lawyers, and to follow up nationally the consensus resolution on Human Rights Defenders adopted by the UN General Assembly in 2017 (res. A/RES/72/247, adopted 24 December 2017)?
- China accepted Norway's recommendation from 2013 to make further efforts towards safeguarding the freedom of expression of all citizens. What concrete steps has China taken to respect, protect and ensure the freedom of expression of all citizens?
- When will China ratify the ICCPR?

#### **CANADA**

- What steps is China taking to grant equal marriage and family protections to LGBTI couples in its new Civil Code?

#### **GERMANY**

- Germany welcomes China's plans to amend criminal procedure law. From this process, what progress can be expected towards guaranteeing the right of detainees to a fair trial, including the right to be held in a recognized place of detention, prompt notification of family after arrest, and timely access to a legal counsel chosen by the detainee?
- Is China planning to further reduce the number of crimes carrying the death penalty and consider a moratorium?
- Will China commit to receiving UN Special Procedures and allow them unhindered access, including to areas home to Muslim ethnicities like the Uyghurs, Kazakhs and Kyrgyz as well as Tibetans to investigate allegations of mass detention, and severe restrictions of the rights to freedom of religion and belief, opinion and expression, peaceful assembly, association, movement, culture, and a fair trial?
- Will China implement the recommendations of the Committee on the Elimination of Racial Discrimination of 30 August 2018 and release all individuals who have not been lawfully charged, tried and convicted for a criminal offence from its extra-legal detention facilities in Xinjiang?
- How does China react to allegations of organ-harvesting in prisons and detention facilities? Can China provide data on annual numbers of organ transplantations and legal sources of organ donations in order to dispel these allegations?

- Does China abide by the principle of non-refoulement, including in cases of North-Korean refugees in China?
- How do the interpretations of the Hong Kong laws by the NPCSC ensure that freedom of press and opinion are upheld in consistence with the provisions under the Basic Law and the HKSAR Bill of Rights?

## **BELGIUM**

- Does the Government of the People's Republic of China consider ratifying the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court?
- Is the government of the People's Republic of China considering issuing a standing invitation to the special procedures and considering responding positively to the outstanding requests of special rapporteurs to visit the country?
- How many individuals have been sentenced to death and/or executed since the China's last UPR in 2013? How many of those have/had children? How many children are affected this way? Will the People's Republic of China publish national statistics on death penalty sentences and executions, taking into account gender, location, ethnicity and other relevant characteristics?
- How is the People's Republic of China ensuring that any legal provisions to protect national security are clearly and strictly defined and conform to international human rights law and standards, in the Anti-Espionage Law, the National Security Law, the Anti-terrorism Law, the Foreign NGO Management Law, the Cyber Security Law, the National Intelligence Law and the Regulations on Religious Affairs?
- The CERD committee expressed concern about the treatment of ethnic minorities in Tibet and Xinjiang, in particular the use of re-education camps. Which steps is the People's Republic of China taking to address these concerns?

## **PAKISTAN**

- After the second cycle of UPR, China has published an Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015) and the National Human Rights Action Plan of China (2016-2020). What is the role of NGOs in drafting and implementing the National Human Rights Action Plan?
- China has made tremendous achievements in implementing the right to development. Could China share relevant experience?

- It is understood that China will lift the entire impoverished population in rural areas out of poverty under current standards by 2020. What measures has China taken to ensure the realization of this goal?

### **BOLIVIA (PLURINATIONAL STATE OF)**

- Can you share good practices and experiences with regards to how Chinese citizens nowadays realise petition on-line, which is easy and convenient for making appeals and suggestions.
- How does the Chinese Government improve the housing conditions of rural and urban residents by improving the management of planning and construction?

### **BELARUS**

- What policies has China adopted in recent years to build network infrastructure and enable the Internet to benefit the people and improve their livelihood?
- Is the proportion of ethnic minority officials in China equal to the proportion of their population in the total population?

### **SWITZERLAND**

- Switzerland welcomes the reduction of the number of offences for which the **death penalty** may be imposed since China's last UPR in 2013. What are exact statistics, disaggregated by sex, age, nationality and ethnicity, and other applicable criteria, regarding China's use of the death penalty (including inter alia, the number of persons sentenced to death, the number of persons on death row, the number of executions carried out, the number of death sentences reversed or commuted on appeal and the number of scheduled executions)?
- We are particularly pleased by China's acceptance of our recommendation during the second cycle regarding the **visit of the UN High Commissioner for Human Rights** to the Tibetan Autonomous Region and to the Xinjiang Uyghur Autonomous Region. What steps have you taken with the new High Commissioner to implement this recommendation without restrictions? What is the status of the other outstanding requests from other UN mandate holders?
- Former High Commissioner expressed his concerns regarding the **disappearance of booksellers in Hong Kong**, including Swedish citizen Gui Minhai. What is his current status and will there be a public and independent investigation into the circumstances regarding the disappearance of booksellers?
- With respect to the so-called "**Social Credit System**", what are the legal and judicial safeguards in place to protect citizens' rights to privacy and freedom of expression?

Are citizens able to access the data collected about themselves and eventually contest punitive measures resulting from low scores?