

Responses to Recommendations

CHINA

Review in the Working Group: 9 February 2009
 Adoption in the Plenary: 11 June 2009

China’s responses to recommendations (as of 09.05.2012):

| In the Report of the Working Group: | In the Addendum: | During the plenary: | Summary: |
|---|-------------------------|--|--|
| 42 REC accepted; 50 rejected; 3 noted (considered as “pertaining to measures already being implemented or which had already been implemented”); 4 pending | No addendum | The delegation commented the 4 pending REC but did not give a clear position on them | Accepted: 42 Rejected: 50 No clear position: 4 Pending: 3 |

List of recommendations contained in Section II of the Report of the Working Group A/HRC/11/25:

“114. The recommendations formulated during the interactive dialogue have been examined by China and the recommendations listed below enjoy the support of China:

A - 1. Create conditions for an early ratification of the International Covenant on Civil and Political Rights (ICCPR) (Sweden); In accordance with its imperatives dictated by its national realities, to proceed to legislative, judicial and administrative reform as well as create conditions permitting the ratification, as soon as possible, of the ICCPR (Algeria); Analyse the possibility of ratifying/consider ratifying/ratify ICCPR (Argentina, Brazil, Austria);

A - 2. Continue its efforts: for the promotion of human rights (Oman); in legal and judicial reforms, economic development and other areas towards promoting a harmonious society, democracy, the rule of law and human rights (Viet Nam);

A - 3. Continue enhancing the quality of life of its people through the enjoyment of economic, social and cultural rights and pursuant to international standards (Nicaragua).

A - 4. Continue its national efforts for the promotion and protection of human rights, including in the area of strengthening its national human rights architecture (Egypt);

A - 5. Proceed as soon as possible with the publication and implementation of (Algeria)/Finalise and publish at an early date and then swiftly implement its National Human Rights Action Plan for 2009-2010 (Singapore).

A - 6. Consider strengthening the positive engagement with civil society, nongovernmental organizations and academic institutions, with a view to enhancing the promotion and protection of human rights and fundamental freedoms of its people (Malaysia).

A - 7. Intensify human rights awareness campaigns (Jordan); Continue to provide and improve training programmes on human rights for the judiciary (Jordan); judges and judiciary personnel (United Arab Emirates), law enforcement personnel and lawyers (Jordan); improve education, training and supervision of prison staff (Germany);

A - 8. Intensify its engagement with the international community to exchange best practices and cooperation on law enforcement supervision and training with a view to contributing to its judicial reform processes on the basis of equality and mutual respect (South Africa);

A - 9. Invite other Special Rapporteurs dealing with economic and social rights to visit the country (Saudi Arabia);

A - 10. Step up cooperation with the special procedures (Latvia); Engage with the Human Rights Council's special procedure mandate holders on addressing human rights challenges (New Zealand);

A - 11. Continue its cooperation with OHCHR (Brazil); Facilitate an early visit by the High Commissioner for Human Rights (Canada);

A - 12. Renew the Memorandum of Understanding in order to intensify technical assistance and advisory services in the field of human rights (Austria);

A - 13. Attach more importance to the protection of rights of the child through national plans for economic and social development (Qatar);

A - 14. Continue the efforts aimed at further enhancing the status of women and gradually do away with some traditional concepts in the rural areas that are likely to entrench practices that may still hamper progress in gender equality (Mozambique);

A - 15. Continue efforts in supporting persons with disabilities and ensuring their contribution in social life, as effective partners (Yemen).

A - 16. Adopt further measures to ensure universal access to health and education and other welfare for rural communities, minority regions, disadvantaged families and the internal migrant population (New Zealand);

A - 17. Adopt special measures in the context of the international financial crisis in order to guarantee job opportunities in rural areas (Morocco);

A - 18. Continue its endeavour to build a sound social security system and supporting services commensurate with national conditions, as well as its level of social and economic development (Philippines);

A - 19. Strengthen its efforts in poverty alleviation in order to continue reducing the number of persons living in poverty (Bhutan); Continue its poverty reduction programmes (Zimbabwe).

A - 20. Intensify its efforts to eradicate poverty, to improve its health infrastructure, including access to health services especially for vulnerable groups like women, children, the elderly, the disabled and ethnic minorities, and in fostering civil society participation (South Africa);

A - 21. Continue its efforts to guarantee the well-being, which allows all patients to enjoy basic health care services (Bahrain);

A - 22. Continue to strengthen policies to promote education and to address educational imbalances between urban and rural areas and among regions (Angola);

A - 23. Pursue the implementation of the concept of Scientific Outlook on Development perspectives to ensure comprehensive, coordinated and lasting development and to continue building a harmonious society marked by democracy, primacy of the law, equity and justice (Algeria);

A - 24. Continue to place people at the centre of development in a harmonious society for all so that this approach can further progress the economic, social and cultural rights (Jordan);

A - 25. Continue to explore methods of development and implementation of human rights in harmony with its characteristics, its realities and the needs of Chinese society (Algeria);

A - 26. Continue to invest financial and material resources, in conditions of the financial crisis, with the view to support the economic and social development in the country as a whole and the Tibet Autonomous Region in particular (Russian Federation);

A - 27. Bridge the gap in economic and social development between rural and urban areas and among regions (Bhutan);

A - 28. Share best practices with other developing countries on poverty reduction programmes and strategies, especially in rural areas (Philippines); Share with the international community its experience in promoting the right to development and poverty reduction (Viet Nam); Share its experiences and best practices in the field of reduction of poverty and improvement of standards of living with other developing countries (Malaysia);

A - 29. Continue its policies in the field of international cooperation in order to assist the efforts made by other countries to fulfil the right to development (Angola);

A - 30. In the light of its national realities, continue to implement the policy of strictly controlling and applying the death penalty (Egypt);

A - 31. Actively and prudently push forward reform of re-education through labour according to its national realities, so that everything goes according to its system (Sudan);

A - 32. Ensure the implementation of the legislation related to the 60 judicial reform measures as established at the end of 2008 (Indonesia); Continue to advance the rule of law and to deepen the reform of the judicial system (Netherlands);

A - 33. Continue to support and encourage the further development of China's media use of English and other foreign languages to help the outside world better understand China, including the objective coverage of China, a country too often deliberately and grossly misunderstood by some international media (Zimbabwe);

A - 34. Maintain, in strict compliance of law, to avoid the impunity for people who are qualifying themselves as human rights defenders with the objective of attacking the interests of the state and the people of China (Cuba);

A - 35. Continue its efforts for the promotion and protection of human rights and also for the legitimate interests of organisations and individuals working faithfully to uphold the human rights of the Chinese people (Cuba);

A - 36. While guaranteeing this freedom of speech, strengthen Internet governance to make sure the contents that incite war, racial hatred or defamation of religions are prohibited, and pornographic websites that are harmful to children and minors are banned or restricted (Islamic Republic of Iran);

A - 37. Continue its efforts to further ensure ethnic minorities the full range of human rights including cultural rights (Japan);

A - 38. Make more widely available to the world its experience in combining a strong state with ethnic regional autonomy (Sri Lanka);

A - 39. Hong Kong Special Administrative Region and Macao Special Administrative Region continue to function according to their realities and preserve different rights of their citizens in accordance with their laws (Benin);

A - 40. Share with interested developing countries their good practices in the implementation of this concept of Scientific Outlook on Development (Algeria);

A - 41. Make available in international languages to the rest of the world its experience in economic revolution, modernization and in satisfying the material needs of an enormous rural population (Sri Lanka);

A - 42. Share good practices that allowed China to achieve poverty reduction targets set in the United Nations Millennium Development Goals (Angola).

115. The following recommendations are noted and China indicated that they are pertaining to measures already being implemented or which had already been implemented:

P - 1. Guarantee that all detainees, regardless of their crimes, are held in facilities with decent standard and treatment (Germany);

P - 2. Develop and adopt a comprehensive policy to combat child labour (Finland);

P - 3. Strengthen the protection of ethnic minorities' religious, civil, socio-economic and political rights (Australia); In accordance with the Constitution, allow ethnic minorities to fully exercise their human rights, to preserve their cultural identity and to ensure their participation in decision-making; (and address these issues in the National Plan of Action) (Austria).

116. The following recommendations will be examined by China which will provide responses in due time. The responses of China to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eleventh session:

NC - 1. Inscribe a legal definition of discrimination in its national law (Portugal)/Evaluate the possibility of establishing a legal description of discrimination taking into account international legal standards in this area (Argentina);

NC - 2. Reduce the number of crimes carrying the death penalty (Australia, Canada);

NC - 3. Adopt specific legislation on domestic violence (Brazil);

NC - 4. Follow-up on this UPR (Austria).

117. The recommendations noted in the report in paragraphs 27(b),(c),(d),(e),(f), (g), 28 (a), (c), (d), (e), (f), (g), (h), 30(b),(c), 31, 38, 42, 43(a),(b),(e),(f),(g),(h) 56, 79(a), (c), 81(b), 82, 83(a),(c),(d),(e), (g), 84(a), 85(b),86(b),(e), 92(b),(c),(d),(e),(f),(g), (h), 95(b), (c), (d), 96, 97 did not enjoy the support of China.”

R - Paragraph 27(b) (Australia): “To abolish the death penalty and, as interim steps, reduce the number of crimes for which the death penalty can be imposed and publish figures on executions”

R - Paragraph 27(c) (Australia): “Recommended that the new softened media regulations for foreign journalists be extended to Chinese journalists”

R - Paragraph 27(d) (Australia): "To respond positively to outstanding visit requests by special procedures and issue a standing invitation"

R - Paragraph 27(e) (Australia): "To ratify the International Covenant on Civil and Political Rights (ICCPR) as quickly as possible and with minimal reservations"

R - Paragraph 27(f) (Australia): "To establish a national human rights institution, in accordance with the Paris Principles"

R - Paragraph 27(g) (Australia): "To investigate reports of harassment and detention of human rights defenders, including alleged mistreatment while in police custody, with a view to ending impunity"

R - Paragraph 28(a) (Canada): "To accelerate legislative and judicial reforms, particularly on death penalty and administrative detention, to be in compliance with the ICCPR"

R - Paragraph 28(c) (Canada): "To regularly publish detailed statistics on death penalty use"

R - Paragraph 28(d) (Canada): "To abolish all forms of administrative detention, including "Re-Education through Labour"

R - Paragraph 28(e) (Canada): "To eliminate abuse of psychiatric committal"

R - Paragraph 28(f) (Canada): "To provide those held on State-security charges with all fundamental legal safeguards, including access to counsel, public trial and sentencing, and eligibility for sentence reduction and parole"

R - Paragraph 28(g) (Canada): "To take immediate measures to implement the recommendations of November 2008 of the Committee against Torture, particularly on the inadmissibility in court of statements made under torture and the non-refoulement of refugees from the Democratic People's Republic of Korea"

R - Paragraph 28(h) (Canada): "To respond positively to outstanding requests made by several United Nations Special Procedures, including the Special Rapporteur on freedom of religion or belief, to visit China"

R - Paragraph 30(b) (The Netherlands): "To ratify the ICCPR as soon as possible and bring its legislation into line with its provisions"

R - Paragraph 30(c) (The Netherlands): "To extend a standing invitation to all United Nations special rapporteurs"

R - Paragraph 31 (Switzerland):

(a) "To amend the criminal procedure code in order to ensure the right to a lawyer and put in place a law for the protection of witnesses"

(b) "To publish the statistics of the total number of executions since the introduction of its revision to allow measurement of the decline in numbers"

(c) "To install a moratorium on the death penalty as a first step towards its total abolition"

(d) "To respect the fundamental rights of ethnic minorities in Xinjiang and Tibet, notably freedom of religion and movement"

R - Paragraph 38 (Mexico):

(a) "To respond positively to requests from Special Procedures on the right to food, human rights defenders, adequate housing, health, extrajudicial executions and toxic waste to visit China"

(b) "To give positive consideration to ratifying the Optional Protocol to the Convention against Torture (OP-CAT), the Convention on the Rights of Persons with Disabilities (CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance (CED)"

"To consider positively declaring a moratorium on the application of the death penalty with a view to abolishing it"

R - Paragraph 42 (The United Kingdom of Great Britain and Northern Ireland):

- (a) "To release a clear timetable for work towards ICCPR ratification"
- (b) "To reduce the scope of application of the death penalty, and publish statistics to show that the use of the death penalty is falling in China"
- (c) "To issue a standing invitation to the Special Procedures of the Human Rights Council"
- (d) "To grant greater access to Tibetan areas for OHCHR and other United Nations bodies, as well as diplomats and the international media"

R - Paragraph 43(a) (Germany): "To abolish administrative detention and forced labour without proper trial, access to legal representation and independent supervision"

R - Paragraph 43(b) (Germany): "To ensure every detainee has the right to regularly see visitors and has permanent access to legal counsel and effective complaint mechanisms"

R - Paragraph 43(e) (Germany): "To continue efforts to change its legal practice in a way which is conducive to markedly reducing the number of the death sentences being imposed and persons executed"

R - Paragraph 43(f) (Germany): "To consider an early release of detainees who are of old age or in fragile health"

R - Paragraph 43(g) (Germany): "To review its approach towards religious groups and practitioners, including those not organized in the officially recognized churches"

R - Paragraph 43(h) (Germany): "To guarantee all citizens of China, including its minority communities and religions, the exercise of religious freedom, freedom of belief and the freedom of worshipping in private"

R - Paragraph 56 (France):

- (a) "Recommended that provisions of the law on the work of foreign journalists be extended to Chinese journalists"
- (b) "To state a precise calendar for ratification and adoption of the necessary measures for the ratification of the ICCPR"
- (c) "Recommended the reduction of the great number of crimes which are subject to capital punishment, specifically, first of all, economic crimes, as well as abolishing the death penalty and increasing transparency on this issue by publishing national official statistics"
- (d) "To become a party to the Rome statute of the ICC"

R - Paragraph 79(a) (Finland): "To take effective measures to ensure that lawyers can defend their clients without fear of harassment and can participate in the management of their own professional organisations"

R - Paragraph 79(c) (Finland): "To withdraw its reservation to the article 6 of the Convention on the Rights of the Child."

R - Paragraph 81(b) (Latvia): "To consider extending a standing invitation to all special procedures of the Human Rights Council"

R - Paragraph 82 (Czech Republic):

- (a) "To accede to the OPCAT, improve its national implementation of the CAT, establish an independent and effective complaints procedure for victims of torture and review its compliance with the principle of "non-refoulement""
- (b) "To revise its legislation and practice that violate the right to freedom of expression and release all persons held in this connection, e.g., Mr. Paljor Norbu and persons arrested in connection with Charter 08"
- (c) "To reform its State secrets Law and definitions of crimes as incitement to subversion of state power so that they cannot be abused for persecution of human rights defenders in particular petitioners or journalists"
- (d) "To ensure the independence of judiciary and lawyers"
- (e) "To abolish the system of reeducation through labour and black jails"

- (f) "To review laws and practices in particular with regard to ensuring protection of the freedom of religion, movement, protection of the culture and language of national minorities, including Tibetans and Uyghurs"
- (g) "To end the "strike hard campaign" associated with numerous serious violations of human rights"
- (h) "To investigate all cases of police brutality and torture, e.g., death of Mr. Pema Tsepak in Chambo in January this year"
- (i) "To ensure protection of the right of peaceful assembly and release all persons arrested in this connection, e.g., Ms. Tashi Tao and Ms. Dhungtso in Kardze County."

R - Paragraph 83(a) (New Zealand): "Recommended establishing a national human rights institution, in accordance with the Paris Principles"

R - Paragraph 83(c) (New Zealand): "Recommended continued reform towards the eventual abolition of the death penalty, including greater transparency around its use"

R - Paragraph 83(d) (New Zealand): "Recommended conducting a review of its application of the 1984 safeguards, as adopted by ECOSOC 1984/50"

R - Paragraph 83(e) (New Zealand): "Recommended that China resume the dialogue in Tibet"

R - Paragraph 83(g) (New Zealand): "Recommended that the national action plan on human rights reflect concrete steps towards the ratification of the ICCPR"

R - Paragraph 84(a) (Argentina): "Recommended analysing the possibility of ratifying human rights instruments which are considered relevant in strengthening its promotion and protection, highlighting: ICCPR, International Convention for the Protection of All Persons Against Enforced Disappearances, and assess the possibility of accepting the competency of the Committee on Enforced Disappearances in accordance with the Convention, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention against Transnational Organised Crime"

R - Paragraph 85(b) (Portugal): "To ensure that primary education attains the constitutionally guaranteed universal compulsory status"

R - Paragraph 86(b) (Austria): "Recommended further reducing the applicability of the death penalty, in particular for non-violent crimes, and to provide statistics on the number of death sentences as well as on the SPC review procedure (how many cases are returned for retrial; in how many cases are defendants heard by the SPC)"

R - Paragraph 86(e) (Austria): "Recommended further strengthening cooperation through open invitations to Special Procedures"

R - Paragraph 92(b) (Sweden): "Recommended removing restrictions on freedom of information and expression"

R - Paragraph 92(c) (Sweden): "Recommended taking urgent steps to abolish the various systems of arbitrary detention"

R - Paragraph 92(d) (Sweden): "Recommended ensuring that any reformed prison or compulsory care system meets international human rights standards"

R - Paragraph 92(e) (Sweden): "Recommended continuing and deepening judicial reform, including by adopting measures to address the institutional weakness and lack of independence of the judiciary"

R - Paragraph 92(f) (Sweden): "Recommended abolishing or reforming the current hukou residency system to ensure that all citizens are ensured basic access to education, health care and other relevant social welfare systems on an equitable basis and in line with the principles of non-discrimination"

R - Paragraph 92(g) (Sweden): “Recommended lifting the current reservation to article 8.1(a) of the ICESCR, which ensures the right of everyone to form trade unions and join the trade union of his or her choice and welcomed more information on possible reforms in this area”

R - Paragraph 92(h) (Sweden): “Recommended establishing an independent national human rights institution in line with the Paris principles”

R - Paragraph 95(b) (Brazil): “To adhere to the Rome Statute of the ICC”

R - Paragraph 95(c) (Brazil): “To adhere to the OP-CAT”

R - Paragraph 95(d) (Brazil): “To consider establishing a moratorium on death penalty; adopt specific legislation on domestic violence; and continue its cooperation with OHCHR”

R - Paragraph 96 (Italy):

(a) “To lift secrecy on figures and statistics concerning death penalty; restrict its application to the most serious crimes according to international minimum standards; and to consider the establishment of a moratorium on the use of death penalty with a view to its abolition”

(b) “To simplify requirements for official approval of religious practices in order to allow more individuals to exercise their freedom of religion and belief and to better respect the religious rights of minorities”

(c) “To respond positively to requests of visits made by United Nations special procedures and to consider issuing a standing invitation to them”

R - Paragraph 97 (Hungary): “To accept different opinion if it is expressed by human rights defenders through peaceful demonstration.”

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