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## Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 6

Universal Periodic Review

### 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

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\* The present document was not edited before being sent to the United Nations translation services.

1. China participated in the third cycle of Universal Periodical Review of the Human Rights Council in November 2018 in a responsible and constructive manner. During the review, most countries commented positively on China's achievements in human rights and put forward helpful recommendations. China attaches great importance to these recommendations. An inter-agency mechanism led by the Ministry of Foreign Affairs and composed of over 40 departments across the legislative, judicial and administrative sectors has been established to carefully examine these recommendations.

2. The Chinese side has decided to accept most of the 346 recommendations, or 284 of them, covering more than 20 areas, including poverty reduction, rule of law, people's wellbeing, counterterrorism, religion, and international cooperation. This fully demonstrates China's determination and its active, open attitude toward promoting and protecting human rights. On the other hand, China has decided not to accept 62 of the recommendations, mainly because they are inconsistent with China's national conditions, contradictory with Chinese laws, politically biased or untruthful. The specific replies are as follows.

28.1. Accepted.

28.2. Not Accepted. Countries have the right to determine the application of the death penalty within the framework of international law. China's basic policy in this regard is that the death penalty should be retained with its application strictly and prudently limited.

On the Optional Protocol to the Convention against Torture, China maintains that human rights should be promoted and protected mainly through the efforts of national governments, rather than through visits to state parties.

28.3. Not Accepted. The primary responsibility for the implementation of international human rights treaties falls on national governments. Citizens should resort to domestic complaint institutions for remedies and solutions when their rights are violated.

28.4. Accepted and being implemented.

28.5. Not Accepted. China is making preparations for ratification, but the specific date of ratification depends on whether relevant conditions in China are in place.

28.6. Not Accepted. See 28.5.

28.7. Not Accepted. Further observation is needed to ascertain the universality of this convention.

28.8. Not Accepted. See 28.7.

28.9. Accepted and being implemented.

28.10. Not Accepted. See 28.5.

28.11. Not Accepted. See 28.2.

28.12. Not Accepted. See 28.3.

28.13. Not Accepted. See 28.2.

28.14. Not Accepted. The specific date of ratification depends on whether relevant conditions in China are in place.

28.15. Not Accepted. See 28.14.

28.16. Accepted.

28.17. Not Accepted. China will continue to follow the work of the International Criminal Court, and hopes it will earn broader trust and support through its work.

28.18. Not Accepted. See 28.17.

28.19. Not Accepted. China will continue to carefully deliberate the ratification of the Convention and the Protocol.

28.20. Not Accepted. China will carefully deliberate the ratification of the Convention.

28.21. Not Accepted. China applies compulsory measures of criminal detention and arrest to criminal suspects in strict accordance with law.

28.22. Not Accepted. China welcomes and provides facilitation as stipulated by law for visits to the Xinjiang Uygur Autonomous Region by diplomats, Chinese and foreign journalists, and tourists who make the visits in accordance with the Chinese law. On the other hand, China firmly opposes interference in its sovereignty and internal affairs under any pretext.

28.23. Not Accepted. See 28.21 and 28.22.

28.24. Accepted.

28.25. Not Accepted. Decisions to invite special procedures for visits should be made by countries independently in accordance with their national conditions.

28.26. Not Accepted. The work of special procedures should be carried out based on thorough consultation with countries and respect for their sovereignty.

28.27. Not Accepted. China welcomes visits to the Xinjiang Uygur Autonomous Region and the Tibet Autonomous Region by foreigners in accordance with relevant laws and regulations, but firmly opposes the practice of using the visits as an excuse to pressure the Chinese government and interfere in China's internal affairs.

28.28. Not Accepted. See 28.27.

28.29. Not Accepted. See 28.25.

28.30. Accepted.

28.31. Accepted.

28.32. Not Accepted. See 28.22.

28.33. Accepted.

28.34. Not Accepted. See 28.27.

28.35. Not Accepted. See 28.22.

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28.40. Not Accepted. See 28.27.

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28.42. Not Accepted. See 28.22.

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- 28.57. Accepted and already implemented.
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- 28.64. Accepted.
- 28.65. Accepted.
- 28.66. Not Accepted. China has not established a national human rights institution. However, many government agencies in China assume similar responsibilities.
- 28.67. Not Accepted. See 28.66.
- 28.68. Accepted.
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- 28.91. Accepted and being implemented.
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- 28.129. Accepted.
- 28.130. Accepted and being implemented.

- 28.131. Accepted.
- 28.132. Accepted and being implemented.
- 28.133. Accepted.
- 28.134. Accepted.
- 28.135. Accepted and being implemented. According to the territorial principle, Chinese companies operating overseas must observe local laws and regulations and refer to the UN Guiding Principles on Business and Human Rights.
- 28.136. Accepted.
- 28.137. Accepted.
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- 28.148. Accepted.
- 28.149. Accepted.
- 28.150. Not Accepted. The Special Provisions of the Criminal Law of China have made clear and specific stipulations on the subjective and objective elements and prescribed punishments of subversion of state power and other crimes.
- 28.151. Accepted.
- 28.152. Accepted and already implemented.
- 28.153. Accepted.
- 28.154. Accepted.
- 28.155. Accepted.
- 28.156. Accepted.
- 28.157. Accepted.
- 28.158. Not Accepted. In China, the statistics of the death penalty and death penalty with reprieve are combined with those of fixed-term imprisonment of more than five years and life imprisonment.
- 28.159. Not Accepted. See 28.2 and 28.158.
- 28.160. Not Accepted. See 28.2 and 28.158.
- 28.161. Not Accepted. See 28.2 and 28.158.
- 28.162. Not Accepted. See 28.2 and 28.158.
- 28.163. Not Accepted. See 28.2 and 28.158.
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- 28.167. Not Accepted. See 28.2 and 28.158.
- 28.168. Not Accepted. See 28.2 and 28.158.
- 28.169. Not Accepted. See 28.2 and 28.158.
- 28.170. Accepted
- 28.171. Accepted and already implemented.
- 28.172. Accepted.
- 28.173. Accepted and already implemented.
- 28.174. Accepted and already implemented.
- 28.175. Not Accepted. In Xinjiang Uyghur Autonomous Region, where efforts are made to fight terrorist extremism in accordance with law, human rights are also seriously protected. There is no such problem as arbitrary detention.
- 28.176. Not Accepted. China is a country under the rule of law, and its judicial organs operate in accordance with laws and regulations.
- 28.177. Not Accepted. See 28.175.
- 28.178. Not Accepted. See 28.175.
- 28.179. Not Accepted. See 28.175.
- 28.180. Not Accepted. See 28.175.
- 28.181. Not Accepted. See 28.176.
- 28.182. Accepted and already implemented.
- 28.183. Accepted and already implemented.
- 28.184. Accepted.
- 28.185. Accepted and already implemented.
- 28.186. Accepted and already implemented.
- 28.187. Accepted.
- 28.188. Accepted.
- 28.189. Not Accepted. Religious affairs must be run in accordance with laws and regulations. The reincarnation of Living Buddhas should be consistent with religious rituals, historical conventions and China's laws and regulations.
- 28.190. Not Accepted. China is a country under the rule of law, and its citizens' freedom of religious belief is protected in accordance with law. However, those who break the law must be punished in accordance with law whether they are religious believers or not.
- 28.191. Not Accepted. See 28.175.
- 28.192. Accepted.
- 28.193. Accepted.
- 28.194. Accepted and already implemented.
- 28.195. Accepted and already implemented.
- 28.196. Accepted and already implemented.
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- 28.199. Accepted.
- 28.200. Accepted.

28.201. Accepted and already implemented.

28.202. Accepted.

28.203. Not Accepted. China protects its citizens' freedom of speech in accordance with law, and deals with people who violate the law and illegal information in accordance with law.

28.204. Accepted and already implemented.

28.205. Accepted and already implemented. This reply does not affect the consistent position of the Chinese government on "human rights defenders". China's laws protect the lawful rights and interests of all citizens as equals. This reply also applies to other recommendations concerning "human rights defenders".

28.206. Accepted.

28.207. Accepted and already implemented.

28.208. Accepted and already implemented.

28.209. Accepted.

28.210. Accepted.

28.211. Accepted.

28.212. Accepted and already implemented.

28.213. Not Accepted. China is a country under the rule of law, and all its citizens are equal in front of law. The request to release those who are under compulsory measures or serving sentences in accordance with law is an interference in China's judicial sovereignty.

28.214. Accepted.

28.215. Accepted.

28.216. Accepted and already implemented.

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- 28.293. Accepted and already implemented.
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- 28.299. Accepted.
- 28.300. Accepted.
- 28.301. Accepted.
- 28.302. Accepted.
- 28.303. Accepted.
- 28.304. Accepted and being implemented.
- 28.305. Accepted.
- 28.306. Accepted.
- 28.307. Accepted.
- 28.308. Not Accepted. China will carefully examine this Initiative.
- 28.309. Accepted.
- 28.310. Accepted.
- 28.311. Accepted.
- 28.312. Accepted.
- 28.313. Accepted.

28.314. Accepted and being implemented. China will carefully deliberate the ratification of the Treaty.

28.315. Accepted.

28.316. Accepted.

28.317. Not Accepted. See 28.27. The Chinese government guarantees, in accordance with law, the right to reside and travel of people of all ethnic groups, and their entry into and exit from the country. The Chinese government also ensures social order and sound port administration in accordance with laws and regulations to prevent violent terrorists at home and abroad from committing crimes.

28.318. Accepted and already implemented.

28.319. Not Accepted. The Chinese government always guarantees, in accordance with law, the freedom of assembly and religious belief and the cultural rights of people of ethnic minorities. There is no need for urgent steps.

28.320. Accepted and already implemented.

28.321. Accepted.

28.322. Accepted and already implemented.

28.323. Accepted.

28.324. Accepted.

28.325. Not Accepted. See 28.22.

28.326. Accepted.

28.327. Accepted and already implemented.

28.328. Accepted.

28.329. Accepted.

28.330. Accepted.

28.331. Accepted.

28.332. Accepted.

28.333. Not Accepted. See 28.213.

28.334. Accepted and already implemented.

28.335. Accepted and already implemented.

28.336. Not Accepted. See 28.213.

28.337. Accepted and already implemented.

28.338. Accepted and already implemented.

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28.341. Accepted and already implemented.

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28.343. Accepted and already implemented.

28.344. Accepted and already implemented.

28.345. Accepted and being implemented.

28.346. Accepted and being implemented.