



General Assembly

Distr.: General
5 August 2013
English
Original: Chinese

Human Rights Council
Working Group on the Universal Periodic Review
Seventeenth session
Geneva, 21 October–1 November 2013

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21**

China

* Reissued for technical reasons on 13 September 2013.

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I. Methodology, consultation process and background

A. Methodology and consultation process

1. The present report was compiled on the basis of the “General guidelines for the preparation of information under the universal periodic review” as set forth in Human Rights Council Decision 17/119: Follow-up to the Human Rights Council resolution 16/21 with regard to the universal periodic review (document A/HRC/DEC/17/119). It focuses on introducing the policies and practices undertaken to promote and protect human rights in China, including the Mainland, Hong Kong Special Administrative Region and Macao Special Administrative Region since the first-cycle universal periodic review in 2009, as well as the implementation of recommendations accepted at the time of the first-cycle review, the challenges remaining, and future goals for human rights work. In accordance with the principle of “One Country, Two Systems”, Parts V and VI of this report respectively introduce the corresponding conditions in the Hong Kong and Macao Special Administrative Regions of China, and were separately compiled by the governments of those Regions. A better understanding of the content of the present report can be gained by reading it in conjunction with the first national report submitted by China at the time of the 2009 review (document A/HRC/WG.6/4/CHN/1). **The bracketed paragraph numbers and recommendations cited in the sub-headings of the present report refer to those in the “Conclusions and/or recommendations” section of the Report of the Working Group on the Universal Periodic Review: China (document A/HRC/11/25).**

2. To compile the present report, China’s Ministry of Foreign Affairs took the lead in setting up a special task force comprising representatives of nearly 30 legislative, judicial and administrative organs of the national Government (see Annex I for a complete listing). The Ministry also solicited the oral and written opinions of nearly 20 non-governmental organizations and academic institutions, including the All-China Federation of Trade Unions, the All-China Women’s Federation, the China Society for Human Rights Studies, and the Institute of Law of the Chinese Academy of Social Sciences (see Annex II for a complete listing). Broad public input on the report was sought via the website of the Ministry of Foreign Affairs.

B. Follow-up on the first-cycle review (paragraph 116, recommendation 4)

3. Following the first-cycle universal periodic review, the Ministry of Foreign Affairs led the formation of a working group on carrying out its recommendations. It distributed the aforementioned Working Group Report on the universal periodic review (containing the recommendations accepted) among the relevant organs of the national Government, and convened numerous meetings to study ways of carrying out the accepted recommendations and draw up concrete plans for their implementation. Information regarding the implementation of those recommendations and the resulting achievements is reflected in the specific content of the present report.

C. The concept and theoretical system of human rights under socialism with Chinese characteristics (paragraph 114, recommendations 23 and 25)

4. China respects the principle of universality of human rights, and is of the view that all countries have a duty to take measures, commensurate with their national conditions, continuously to promote and protect human rights in accordance with the purposes and

principles of the Charter of the United Nations and the basic spirit of the Universal Declaration of Human Rights and the relevant international human rights instruments. The international community should accord equal attention to the achievement of civil and political rights, economic, social and cultural rights, and the right to development; it should also promote the coordinated development of individual and collective human rights. China is committed to carrying out exchanges and cooperation on human rights with all countries, and to promoting the resolution of human rights issues in a fair, objective and non-selective manner by the international community.

5. The Chinese Government is working to explore paths for human rights development, establishing a robust system of human rights safeguards, and continuously enriching the theory of human rights, all within the framework of socialism with Chinese characteristics. It strongly advocates a scientific outlook on development, emphasizes “putting people first”, and takes the furtherance and protection of the right to subsistence and the right to development as first principles. It coordinates and promotes the safeguarding of civil, political, social, and cultural rights as well as the rights of special groups, develops a broader, fuller and sounder people’s democracy, and comprehensively promotes the coordinated development of rights of all kinds. It fosters a fairer and more harmonious society, and works to ensure that every citizen enjoys a life of ever-greater dignity, freedom and well-being.

II. Legislative and institutional framework for promoting and protecting human rights

A. Human rights legislation

6. A legal system for socialism with Chinese characteristics finally took shape by the end of 2010. With the Constitution as its commander, this system took as its backbone the statutes comprising the many branches of Constitutional, civil, commercial, administrative, economic, social, criminal, and litigation and non-litigation procedural law, and was built using the multiple layers of legal norms found in legislative statutes and administrative and local rules and regulations. Since then, China has continued to strengthen its human rights legislation; six new statutes including the Law on Intangible Cultural Heritage and the Law on Mental Health have been promulgated, Amendment (VIII) to the Criminal Law has been passed, and 25 other statutes, such as the Criminal Procedure Law, the Civil Procedure Law, the Law on Lawyers, the Labour Contract Law and the Law on Prevention and Control of Occupational Diseases have been amended. Thus since its founding in 1949 up to the end of 2012, China had drawn up a Constitution and many other laws, of which a total of 243 are currently in effect; in this way, the framework of human rights law under socialism with Chinese characteristics has been continuously enriched and perfected.

B. China’s accession to international human rights instruments and the current status of their implementation (paragraph 114, recommendation 1)

7. China is a party to 26 international human rights instruments (see Annex III for a complete listing). It is a signatory to the International Convention on Civil and Political Rights (ICCPR); currently, the relevant organs of the national Government are continuing steadily to pursue administrative and legislative reforms in preparation for ratifying the Convention. During the period from early 2009 to July 2013, the Chinese Government took part in the review of its joint tenth through thirteenth reports to the Committee on the

Elimination of Racial Discrimination on its implementation of the International Convention on the Elimination of All Forms of Racial Discrimination; it also submitted its joint third and fourth reports on implementation of the Convention on the Rights of the Child, its first report on implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, its joint seventh and eighth reports on implementation of the Convention on the Elimination of All Forms of Discrimination against Women, and its sixth report on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the United Nations. It submitted its first report on implementation of the Convention on the Rights of Persons with Disabilities to the United Nations Committee on the Rights of Persons with Disabilities on schedule in 2010, and smoothly passed the Committee's review of the report in 2012.

8. The Chinese Government maintains contacts and constructive dialogue with the human rights treaty bodies on the basis of sincere cooperation and a responsible attitude. It values and gives full consideration to the views and suggestions expressed by the treaty bodies, and adopts and implements these to the greatest extent its domestic conditions permit.

C. Institutional safeguards for human rights

1. The judicial system (paragraph 114, recommendations 2 and 32)

9. Beginning in late 2008, China mobilized a new round of judicial reforms, of which the strengthening of human rights safeguards was an important goal. Specific tasks of these reforms fell into the four areas of optimizing the allocation of judicial functions, implementing a criminal policy that balances severity with leniency, strengthening judicial team-building, and strengthening budgetary funding for the judiciary. Currently, a total of 60 judicial reforms have already achieved basic completion, and are being embodied in the revision and improvement of related legislation.

10. For example, the Supreme People's Court has taken on the reform of the people's trial assessor system, standardization of sentencing, and the reform of trial procedures. To ensure solid implementation of the reforms, the Court issued the Third Five-Year Reform Outline for the People's Courts (2009–2013) in March 2009, containing proposals for 132 specific reforms including a broadening of the selection range and scope of activity at trials for people's assessors, as well as stricter regulation of the discretion of judges. To date 113 of these specific reforms have been completed. In February of 2009, the Supreme People's Procuratorate issued a work plan for deepening procuratorial reform for the period 2009–2012, containing proposals for 87 specific reforms including reform of the means and procedures used in the selection of people's supervisors at trials, as well as solidifying and perfecting the legal supervision of criminal and civil litigation proceedings. These specific reforms have essentially been completed.

2. Formulating a comprehensive plan for human rights development (paragraph 114, recommendations 4 and 5)

11. In April of 2009, the Chinese Government drafted and issued the National Human Rights Action Plan for 2009–2010. Results of the final evaluation of the Plan indicate that each of the measures it contained had been implemented effectively and each goal realized in a timely manner; roughly 35% of the binding indicators and more than 50% of the indicators connected with people's livelihoods had been completed ahead of schedule or in excess of their quotas. On the basis of a conscientious summing-up of the experience, the Chinese Government has drafted and issued a National Human Rights Action Plan for 2012–2015.

12. The Chinese Government actively supports theoretical research on a national human rights organ. The Chinese Academy of Social Sciences and the China University of Political Science and Law are undertaking intensive studies on such topics as the function and role of national human rights organs and the feasibility of establishing such an organ in China. Some institutions have also set up specialized research groups, convened numerous symposia, sent research missions to countries where such national human rights organs have already been established, and published a number of books and academic monographs, such as *An Overview of National Human Rights Organizations*, in this regard as well.

13. On 27 March 2013, the Chinese Ministry of Foreign Affairs and the Australian Human Rights Commission jointly organized a seminar in Beijing at which such topics as the function, role and future development of a national human rights institution and an analysis of the feasibility of establishing such an institution in China were discussed in depth.

3. Human rights education (paragraph 114, recommendation 7)

14. The Chinese Government has made human rights education an important element in the two National Human Rights Action plans issued to date [*see paragraph 11 above*], clarifying the position of the State as the main body in the compulsory system of human rights education. Currently, the sixth national five-year plan for popularizing understanding of the law, presently under implementation, includes human rights education as an important element of educating all citizens about the legal system, and emphasizes providing human rights education to leading officials at all levels, public servants and youth.

15. From October 2009 to December 2012, the Information Office of China's State Council held a total of six training courses in knowledge of human rights for officials in the Party, Government and the judicial system at all levels. The Central Party School and Party educational units at all levels have universally incorporated human rights in their curricula and conduct human rights education for leading officials of all ranks. The Ministry of Justice is fostering awareness of the rule of law and human rights among law enforcement personnel by providing training for prison wardens from across the country, as well as educational activities in core values for law enforcement officers in the judicial administration system from around China. The Ministry of Public Security is normalizing and systematizing human rights education by sponsoring the preparation of teaching materials on police law enforcement and human rights safeguards, and requiring public security organs at all levels to set up courses on that topic in all scheduled rotational training for police officers; it also features human rights knowledge and education topics on its public security education and training website. The All-China Lawyers Association is improving the role of lawyers in safeguarding human rights by means of organizing specialized training as well as study and discussion activities for them.

16. In 2011, the Chinese Ministry of Education incorporated the Nankai University Human Rights Study Centre, the China University of Political Science and Law Institute of Human Rights Studies, and the Guangzhou University Centre for Human Rights Research and Education in the group of institutions comprising the humanities- and social sciences-focused research base managed by the Ministry, and provided special funds for their support. The construction of a new series of national human rights education and training centres has entered the substantive assessment phase.

17. The Chinese Government encourages the central and regional news media to set up columns and features on human rights, and continues to support the development of *Human Rights* magazine, the China Human Rights Net and other non-governmental human rights websites. As of December 2012, the China Society for Human Rights Studies had

organized a total of four national meetings for human rights research institutions throughout the country to exchange their work experience, and universities associated with the Society had held four annual meetings on human rights education in Chinese institutions of higher learning.

4. Participation of non-governmental organizations, academic institutions and the information media in safeguarding human rights (paragraph 114, recommendation 6)

18. By the end of 2012, there were 492,000 non-governmental organizations registered in China, active in the domains of education and technology, culture and health, social administration, charity and welfare, and safeguarding human rights. Academic institutions of all kinds conscientiously undertake research on the theory of human rights, popularize human rights concepts and knowledge, and raise awareness of human rights throughout society as a whole. The media also actively publicize and spread knowledge of human rights, and oversee the safeguarding of citizens' rights, by means of publications, press articles, and news reports.

19. Since 2009, the Chinese Government has been encouraging and supporting non-governmental organizations and academic institutions to take part in human rights legislation through a variety of channels, including proposals by deputies in the National People's Congress and members of the Chinese People's Political Consultative Conference, draft opinions by legal experts, theoretical discussions, and internet opinion polling; they are also invited to participate in the compilation of the National Human Rights Action Plan and of reports on the implementation of international human rights instruments. Financial support and training are also provided to civil legal aid institutions, improving their ability to take part in the safeguarding of human rights.

III. Achievements and practices in the promotion and protection of human rights

A. Economic, social and cultural rights

1. Overview (paragraph 114, recommendations 2, 3, 24 and 27)

20. China has mounted a highly effective response to the severe impact of the international financial crisis, maintaining an average GDP growth of 9.3 per cent per annum from 2008 to 2012. Its GDP reached 51.9 trillion yuan renminbi in 2012, vaulting to the second highest rank in the world. Rural and urban residents' incomes maintained average annual growth rates of 9.9 per cent and 8.8 per cent respectively.

21. In 2011, China issued the Outline of the Twelfth Five-Year Plan for Economic and Social Development (hereafter abbreviated as the "Outline of the Twelfth Five-Year Plan"), which drew a grand blueprint for economic and social development from 2011 to 2015. Concrete implementation of the Outline is playing, and will continue to play, an important role in safeguarding the people's economic, social and cultural rights and in raising their standard of living.

22. In 2012, China issued and implemented the Plan for the National System of Basic Public Services under the Twelfth Five-Year Plan. This Plan effectively ensuring fairness and justice by highlighting the principle of preferential allocation of public resources to rural and poor areas as well as vulnerable social groups, and working to shrink disparities in public services between urban and rural areas and among geographical regions.

2. The right to subsistence (paragraph 114, recommendations 19 and 20)

23. The Chinese Government gives first priority to the realization of the people's rights to subsistence and to development, and has achieved clear improvements in promoting those rights for people in poverty and vulnerable groups. The Government has drafted and is vigorously implementing the Outline for Development-oriented Poverty Reduction for China's Rural Areas (2011–2020), as the population of rural poor continues to decline dramatically. In 2011, the Government raised the standard income ceiling for poverty relief to 2,300 yuan, covering 122,380,000 recipients; by the end of 2012, the number of people covered under that standard had dropped to 98,990,000 persons, or 10.2 per cent of the rural population.

24. The living standard for residents of urban and rural areas in China has risen continuously over the past few years. From 2008 to 2012, per capita food consumption rose from 398 kilogrammes to 435 kilogrammes. By 2012, the Engel coefficient for urban and rural families had dropped to 36.2 per cent and 39.3 per cent respectively. The right to food has now been guaranteed for both urban and rural residents of China, as dietary patterns improve and nutritional standards rise.

25. The fundamental achievement of the right to subsistence and the continual rise in the standard of living have laid a solid foundation for the people's full enjoyment of their right to development along with the full realization of their development.

3. The right to work (paragraph 114, recommendation 17)

26. A total of 58.7 million urban dwellers throughout China found new jobs between 2008 and 2012, while the registered urban unemployment rate remained below 4.3 per cent. In response to the international financial crisis, the Government has promptly deployed policies to shore up enterprises and stabilize jobs, to broaden and stabilize employment, and especially to strengthen migrant workers' vocational skills and provide them with entrepreneurship training to help them raise their skills, find jobs and start businesses. The Government has also drafted and is implementing a plan to boost employment for the period 2011–2015; this is China's first plan designed specifically to promote employment at the State level.

27. China has created a framework of laws for protecting the rights of workers. It promulgated the Law on Mediation and Arbitration of Labour Disputes, and has introduced laws and regulations setting out the rules for mediating labour disputes in enterprises. To date, 1,737 labour dispute arbitration courts have been set up; since 2008, some 6.023 million dispute cases have been handled by arbitration and mediation organs at all levels throughout the country, maintaining a claim settlement rate of around 90 per cent. A universal minimum wage adjustment mechanism has also been established. Twenty-five of China's provinces had readjusted their minimum wage standards by 2012, increasing them by an average of 20.2 per cent. Normal enterprise wage growth mechanisms and payment security mechanisms are also gradually being established, and employee wages have been growing steadily in tandem with overall economic development. Relatively better-quality labour security supervision systems and working mechanisms have been drawn up, and a total of 3,291 labour security supervisory organs have been established throughout the country.

28. Laws, regulations and rules governing safety at work have been further amended and perfected, improving systems for production safety supervision, law enforcement monitoring and emergency rescue and relief, and there has been a steady improvement in the production safety situation overall. The number of fatalities in accidents of all kinds dropped by 13.5 per cent between 2009 and 2012.

29. By the end of 2012, 280 million workers throughout China had joined trade union organizations; of those 105 million were members of farmers' unions. Nationwide, the number of enterprises carrying out collective wage bargaining had reached 2.899 million, covering 144 million workers, and a total of 17,000 organizations had been established in which labour relations were coordinating among workers, employers and the Government via the tripartite mechanism.

4. The right to social security (paragraph 114, recommendation 18)

30. Over the past four years, the Chinese Government has achieved positive results in its efforts to build a social security system covering urban and rural residents and comprising social security, social assistance, social welfare and charities.

31. The Social Insurance Law promulgated in 2010 set forth the basic pension/old-age, basic health, work-injury, unemployment and maternity social insurance systems being established at the national level. The new social old-age/pension insurance systems implemented for rural and urban residents achieved full coverage in 2012, eight years ahead of the date envisioned in the original plan. The number of urban and rural residents taking part in insurance programmes reached 484 million, of whom 131 million were receiving pensions. The average monthly pension received by enterprise staff retirees rose from 1,225 yuan in 2009 to 1,721 yuan in 2012. A basic medical insurance system is taking preliminary shape, with more than 1.3 billion people participating in various types of medical insurance schemes. Policies on unemployment, work injury and maternity insurance are also being continuously improved and benefits raised. As of the end of 2012, the number of persons participating in work-accident insurance had reached 190.1 million, an increase of 37.9 per cent over the corresponding figure for the end of 2008.

32. A subsistence security system, fully converting urban and rural residents, has been basically implemented. By the end of 2012, the numbers of persons in urban and rural areas receiving the basic subsistence allowance were 21.425 million and 53.41 million respectively; basic subsistence expenditures had grown to 139.23 billion yuan, an increase of 64.7 per cent over the 2009 figure.

5. The right to housing

33. At the same time as it is meeting the housing requirements of the public by developing the commercial housing market, the Chinese Government continues to implement indemnificatory low-income housing projects to meet the housing requirements of the needy.

34. From 2009 to 2012, the Central Government has cumulatively allocated more than 450 billion yuan in grant funds for the construction of affordable urban housing and the transformation of shanty areas; construction was begun on 29 million units of affordable urban housing throughout the country, of which more than 17 million units have been basically completed. At the same time, nearly 5 million low-income and economically disadvantaged urban households throughout China received low-cost housing rental subsidies distributed by the Government to assist them with their housing difficulties. From 2010 to 2012, the Chinese Government cumulatively allocated 68.972 billion yuan, providing support to 9.5 million poor rural households for renovating dilapidated housing.

35. In recent years, under Chinese Government measures for improving and perfecting the land requisition, demolition and resettlement system, standards are being set and procedures rigorously enforced for such operations. Illegal demolition is strictly forbidden and the scope of supervision and inspection has been broadened to protect the lawful rights of citizens.

6. The right to education (paragraph 114, recommendations 16 and 22)

36. In 2010, China promulgated the Outline for the National Medium and Long Term Programme for Education Reform and Development (2010–2020). From 2008 to 2011, aggregate financial investment in education grew from 1.045 trillion yuan to 1.8587 trillion yuan, representing an increase from 3.31 per cent to 3.93 per cent of overall GDP. In 2011, China instituted comprehensive nine-year compulsory education, which now covers 100 per cent of the population. The gross rate of enrolment in higher education had reached 30 per cent by the end of 2012; with a total scale of 33.25 million persons in school, China ranks first in the world in this category.

37. The Chinese Government is taking a series of policy measures to sustain the expansion of investment in the renovation of rural junior high school buildings and the construction of turnover dormitories for teachers, along with the preferential allocation of educational resources to rural, inland and western, and ethnic minority areas, that have clearly improved imbalances in education. China has set up a system of policies to provide subsidies for students from poor families, covering all stages of education from preschool to graduate study; each year, nearly 80 million students from poor families receive such subsidies, amounting in value to nearly 100 billion yuan. In the fall term of 2011, the State mobilized a pilot programme to provide nutritious-meal allowances for some 30 million rural students in compulsory education.

38. The Chinese Government attaches great importance to safeguarding the compulsory education rights of children accompanying rural workers migrating to urban areas. Currently a total of 13.9387 million such children are receiving compulsory education in cities, accounting for 9.7 per cent of the overall number of students at the compulsory education stage; 80.2 per cent of these children are enrolled in public schools. The Chinese Government will take measures to permit them to participate in local matriculation exams, gradually resolving the difficulties this group has had in continuing their studies in the localities where they completed their compulsory education. Education for disabled children has also been made more broadly available, and the education system for persons with disabilities is undergoing continuous improvement.

7. Cultural rights (paragraph 114, recommendation 3)

39. Since 2009, Chinese governments at all levels have continuously increased their investment in culture, and have implemented preferential policies in this regard for people in western China and at the grass roots level, as well as those in vulnerable groups. As of the end of 2011, public admission to all provincial-level museums had been made free of charge, and access to all public libraries, cultural centres and town and township community centres had been made barrier- and threshold-free. Mass culture institutions at all levels were conducting extensive content-rich and healthy public cultural activities; in 2011 alone, 107,000 exhibitions were held, 620,000 cultural and artistic activities were organized, and 340,000 training courses of all kinds were offered. There was a surge in volunteer cultural services throughout the country, greatly enriching the cultural life of people at the grass roots. Public cultural services systems are undergoing continuous improvement, and the implementation of a policy to put cultural centres and libraries in every county and community centres in every township has basically been completed, greatly improving the conditions of cultural life for the broad mass of the people.

8. The right to health (paragraph 114, recommendations 16, 20 and 21)

40. The health conditions of the people in China have further improved in recent years. Average per capita life expectancy reached 75 years in 2012, and maternal mortality rates dropped from 34.2 per hundred thousand in 2008 to 24.5 per hundred thousand in 2012;

infant mortality rates decreased from 14.9 per thousand to 10.3 per thousand in the same period. Primary health indicators are at the forefront of those for developing countries.

41. Since the implementation of deepened reform of the medical and health-care systems in 2009, a preliminary basic medical and health system for urban and rural residents has been set up, ensuring the availability of basic medical and health-care services for all Chinese citizens; the policy of placing a clinic in every hamlet and a health centre in every township has been basically implemented, as well as the goal of having a county-standard hospital in every county.

42. To improve the protection of its citizens' health, China promulgated and implemented a Food Safety Law in 2009, established a Food Safety Commission under the State Council in 2010, and set up a National Centre for Food Safety Risk Assessment in 2011. At the same time, it is continuously improving and perfecting the system of food safety regulations and standards, strengthening the monitoring, assessment and early warnings of food safety risks, actively initiating food safety improvements, and setting up systems for market access permits, mandatory factory inspections, and daily sampling inspections.

43. The Chinese Government has assigned an enhanced strategic importance to environmental protection; it has made the reduction of major pollutant emissions a binding commitment, proposed strategic concepts like promoting ecological progress, and is working to resolve outstanding environmental issues. The Ministry of Environmental Protection has begun monitoring levels of pollutants closely related to human health, such as PM_{2.5} fine particulates, in such key areas as the Beijing-Tianjin-Hebei region, the Yangtze River Delta and the Pearl River Delta, as well as in municipalities directly under the Central Government and provincial capitals, and making public the information obtained.

B. Civil rights and political rights

1. Safeguarding the right to life (paragraph 114, recommendation 30 and paragraph 116, recommendation 2)

44. Although the death penalty is retained in China, it is strictly controlled and sparingly used. In the past few years, China has further reduced its application by taking a series of important measures to improve and perfect the evidence system in death penalty cases, reduce the number of capital crimes, and codify the standards for application of the death penalty and the procedures by which such cases are handled.

45. In 2010, the Supreme People's Court and other organs of the Central Government jointly issued regulations on issues arising in connection with the examination and evaluation of evidence in death penalty cases and the exclusion of illegal evidence in criminal cases, emphasizing the need to eliminate all reasonable doubt regarding facts and evidence when applying the death penalty, and to apply strict standards when examining and evaluating evidence in such cases.

46. Under Amendment (VIII) to the Criminal Law, adopted in 2011, China abolished the death penalty for thirteen separate non-violent economic crimes, accounting for 19.1 per cent of the capital crime category. In order to create legal conditions for further gradual reductions in the application of the death penalty, the Amendment also provides that any person 75 years of age or older at the time of trial is exempt from its application.

47. In 2012, China amended its Criminal Procedure Law, explicitly writing "respect for and safeguarding of human rights" into the law and further improving and perfecting the death penalty review procedure. The Law provides that the Supreme People's Court shall

review death penalty cases and question defendants, that any requests from the counsel for the defense should be heard by the Court, and that the Supreme People's Procuratorate may provide advice to the Court.

2. Safeguarding the right to freedom of the person (paragraph 114, recommendation 31)

48. The re-education through labour system is an educational and correctional measure that is commensurate with China's national conditions; it has examination and approval procedures, oversight mechanisms and relief channels that are set by statute. The Government organs under whose purview it falls are presently in the process of studying specific proposals for actively and steadily promoting reform of the system of reeducation through labour.

49. In order to further codify the application of coercive measures, the Criminal Procedure Law as amended in 2012 specifies stricter and more detailed conditions for arrest, along with additional procedures to be followed by the People's Procurators in interrogating criminal suspects and hearing the views of defense counsel when investigating and approving arrests; it also establishes a system for reviewing the detention of persons already in custody, as well as improving procedures for suspending or modifying coercive measures and reducing the use of detention. Together with such statutes as the Regulations on Detention promulgated in 2012, these provisions play a part in forcefully safeguarding the lawful rights of citizens.

50. Important breakthroughs have been made in setting up the community correction system provided for under Amendment (VIII) to the Criminal Law and the newly-revised Criminal Procedure Law, which established the legal framework for community correction and expanded the scope of application for non-custodial penalties. The Measures for Implementation of Community Correction, jointly published by the Government organs concerned, codified the work flow of community correction and provided system safeguards. At present, the cumulative total of persons receiving community correction throughout China stands at 1.401 million, and the results have been positive.

3. Voting rights and political participation

51. In 2010, China amended the Election Law of the National People's Congress and Local People's Congresses, further improving and perfecting the election system. Under the amended law, deputies to the People's Congresses are elected in the same proportion to the urban and rural populations, commensurate with the country's conditions of economic, political and cultural development and changes in the urban and rural populations. China also revised the Organic Law of the Villagers Committees in 2010, further improving and perfecting procedures for electing and recalling members of those bodies, as well as their democratic management and system of democratic supervision. At the same time, the judicial authorities punish and prevent the crime of disrupting elections, in accordance with the law.

52. From 2011 to 2012, elections to new terms of office for deputies to county and township people's congresses were held in 31 provinces, autonomous regions and municipalities directly under the Central Government throughout China, producing some two million deputies at the county and township levels. Direct elections were held for membership in 98 per cent of the villagers committees in the country, with average voter turnout reaching 95 per cent.

4. Prohibition of torture

53. China is continuously improving and perfecting its laws in order to prevent and suppress unlawful acts by individual judicial officials, such as the extraction of confessions

under torture in the process of collecting evidence in a case. The Criminal Procedure Law has been amended to explicitly prohibit the coerced self-incrimination of any person, and to safeguard the voluntary nature of statements made by criminal suspects and accused persons; it also strengthens the rules for excluding illegal evidence, stipulating that statements obtained using unlawful methods such as coercion, as well as witness testimony obtained by unlawful methods such as violence or threats, shall be excluded. At the same time, further provisions have been added to stipulate procedures for the prompt delivery of suspects to detention facilities for custody following their being taken into custody or arrested, their interrogation in the detention facility, and the audio and video recording of the interrogation process. The newly revised judicial interpretations accompanying the amended Law clarify and refine the standards for its enforcement, strengthen the monitoring of procedures by which criminal cases are handled, and provide that such actions as the extortion of confessions under torture by judicial officials during the legal proceedings must be investigated and verified so that those responsible are prosecuted in accordance with the law.

54. The organs of public security have carried out a thorough and standardized remodelling of law enforcement building facilities, using physical barriers to separate areas in which cases are handled from other parts of the facilities, and installing electronic monitoring equipment that fully covers those areas. They have also installed audiovisual recording equipment in interrogation rooms to monitor the entire process of interrogation of criminal suspects by the personnel handling the case. The procuratorial authorities work continuously to standardize evidence-gathering procedures in the investigation and prosecution of cases of criminal abuse of official administrative powers and ensure that fully-synchronized audiovisual recordings are made of the interrogations of persons suspected of such crimes. In accordance with the law, supervised areas are subject to monitoring by the procuratorial and police authorities and by society at large.

5. The right to fair adjudication (paragraph 114, recommendations 34 and 35)

55. The amended Criminal Procedure Law and the newly revised judicial interpretations accompanying it further safeguard the right of accused persons to receive a fair trial by means of specific measures requiring that criminal suspects be allowed to hire defense counsel during the pre-trial investigation stage, expanding the scope of application of legal aid, improving and perfecting procedures for defense counsel to visit criminal suspects, further improving trial procedures, standardizing the way in which sentencing recommendations are handled, strengthening the obligation of witnesses to testify in court, establishing a mechanism for subsidizing witness testimony, and improving and perfecting systems for protecting witnesses. In their substantive work, the judicial organs protect the lawful rights and interests of citizens, individuals and organizations from infringement by handling cases in strict accordance with the law, ensuring that punishments are commensurate with crimes, and preventing crimes from going unpunished.

56. The amended Civil Procedure Law safeguards the litigation rights of the parties involved in disputes by further improving and perfecting the procedures by which charges are brought, cases accepted and pre-trial preparation is carried out; establishing systems for small claims litigation, public interest litigation, and relief for third-party victims; and improving and perfecting systems for conservatory measures, evidence handling, process-serving and the open availability of trial judgment documents, as well as procedures for supervising trials.

57. Judicial information is fully open, and the systems governing people's trial assessors and people's trial supervisors have been further solidified and perfected. The Supreme People's Court has drafted six provisions on judicial openness and opinions on further strengthening the work of the people's trial assessors. Courts at all levels throughout the

country are setting up reception facilities for case registration, publicly announcing trials and providing information about legal assistance, and broadening the scope of selection for people's trial assessors in their proceedings. People's trial assessors took part in more than two million trials from 2010 to 2011.

58. Effective safeguards have been established for the right of lawyers to practice their profession. The amended Criminal Procedure Law and the Law on Lawyers have clarified their advocacy status at all stages of the litigation process, required that criminal suspects in all cases should be allowed to hire lawyers for their defence, improved and perfected the safeguards regarding the requirements and other measures under the law for lawyers' meetings with their clients, and broadened the range of case records to which lawyers have access. Currently, there are nearly 20,000 law firms and 230,000 lawyers in China, with a yearly average of 2.3 million cases litigated in courts, another million non-litigation legal cases, and 300,000 cases in which legal aid was provided.

6. The right to freedom of religious belief

59. In accordance with the law, the Chinese Government safeguards its citizens' freedom of religious belief, protects normal religious activities, defends the lawful rights and interests of religious communities, and assists them in resolving substantive difficulties. Currently, there are about 5,500 religious groups in China, along with nearly a hundred religion-affiliated academic institutions and as many as 140,000 places of religious activity registered in accordance with the law and open to the public. Religious clergy number some 360,000, and there are around 100 million believers. All normal religious duties performed by the clergy, such as the normal religious activities carried out in places of worship or believers' homes in accordance with religious custom, are regulated by religious organizations and the believers themselves; these activities are protected by law and may not be interfered with by any person. Beginning in 2009, the funds provided by the Chinese Government to religious communities for the maintenance and repair of temples and other places of worship were increased to 20 million yuan, and again in 2011 to 30 million yuan. In 2010, the State Council incorporated religious facilities in the general plans for reconstruction following the Yushu earthquake disaster, investing nearly 1 billion yuan in post-disaster recovery and reconstruction. The Chinese Government has also invested 800 million yuan in a major effort to improve the physical conditions in the offices of national religious groups, as well as in the classrooms of religious schools and colleges. The State has published specific documents on the resolution of issues arising in connection with social safeguards for clerical personnel, and has completed the basic implementation of full coverage on a voluntary basis.

7. Freedom of speech and of the information media (paragraph 114, recommendations 33 and 36)

60. The State continues to increase its investment in basic information facilities. As of the end of December 2012, the number of Chinese citizens using the Internet had reached 564 million and the Internet penetration rate was 42.1 per cent; 309 million people were also using micro-blogs. Each year the online interactions taking place during sessions of the National People's Congress and the National Committee of the Chinese People's Political Consultative Conference provide a direct connection to the highest national decision-makers. It has become common practice for national and local legislative and governmental organs to solicit the views of the public via the Internet while in the process of drafting legislation or setting policies.

61. In order to protect the security of network information and safeguard the lawful rights and interests of citizens, the Standing Committee of the National People's Congress adopted the Decision on Strengthening the Protection of Information on Networks in 2012,

strictly forbidding the theft or acquisition by other unlawful means, as well as the sale or transfer to other persons by other unlawful means, of individual citizens' electronic information. The Chinese Government has taken numerous measures to strengthen the management of the Internet, prohibiting content that incites violence or racial hatred, resolutely banning pornographic websites harmful to children, and cracking down on Internet fraud and other such criminal activity.

62. Press and publication laws have been further strengthened, and the press and publication industries have steadily grown in scale. At present, China has the world's largest volume of books published and daily newspapers circulated, the second-largest volume of electronic publications, and the third-largest printing industry by gross output value. In recent years, the State has focused on promoting programmes to benefit the people, such as the Nationwide Reading project, the Rural Libraries project, and the translation and publication of works in minority languages, and has continuously improved and perfected the infrastructure for reading activities. The Chinese media's degree of openness is also increasing steadily, with objective reporting about China in English, French and other languages to help the outside world understand the real China.

63. The State is comprehensively promoting transparency in Government affairs. Currently some 45,000 Government Web portals are already in operation; in 2011, 31 provinces, regions and municipalities voluntarily disclosed some 28.85 million pieces of information, while the various ministries and departments of the central State organs voluntarily disclosed some 1.49 million pieces of information.

8. The right of supervision

64. Citizens' rights of democratic supervision have received further safeguards. The National People's Congress and its Standing Committee fully exercise their powers to supervise the implementation of the Constitution and laws, comprehensively promoting the protection and realization of the rights of citizens. On numerous occasions, the Standing Committee has heard and reviewed special work reports of the State Council, Supreme People's Court, and Supreme People's Procuratorate, as well as reports on the implementation of the plan for national economic and social development and its budget; examined the implementation of such laws as the Law on the Protection of the Rights and Interests of Women from the standpoint of law enforcement; and conducted special inquiries into such particular projects as the reform of the systems governing the central budget, national food security and enhancement of medical and health care. The supervision mechanism of the Chinese People's Political Consultative Congress is also undergoing gradual improvement, with a corresponding increase in the effectiveness of democratic supervision.

65. Governments at all levels, along with their functional and petition departments, safeguard the lawful rights and interests of citizens by conscientiously implementing the Regulations Concerning Letters of Petition, providing unimpeded and normalized channels for letters of petition, vigorously promoting such measures as online petitions and telephone complaint hotlines, improving and perfecting mechanisms for collecting advice from citizens, strengthening systems for the collection and analysis of information, and motivating leading officials to get directly involved in handling petitions, investigating and resolving conflicts and disputes, and reducing the backlog of cases.

C. Rights of special groups

1. Women's rights (paragraph 114, recommendation 14; paragraph 116, recommendation 3)

66. The promotion of equality between men and women is a basic State policy of China. It has enacted a legal framework comprising a full set of laws to protect women's rights and interests, centred on the Law on the Protection of Rights and Interests of Women and including such statutes and regulations as the Law on Marriage.

67. The Chinese Government has incorporated women's development in the general planning for national economic and social development. The Outline of the Twelfth Five-Year Plan contains chapters and sections dealing specifically with safeguarding the rights and interests of women and children. In 2011, China's State Council promulgated the Outline for Women's Development in China, formulating 57 primary objectives and 88 strategies and measures for women in the seven major areas of health, education, the economy, participation in decision-making and management, social security, the environment, and the law.

68. The Chinese Government is working to eliminate outdated conceptions of gender, using multiple methods and media including rural radio broadcasting and blackboard newspapers, as well as local operatic theatre, to increase awareness among the people in rural areas about protecting the rights and interests of women and children. It is also training women workers at the grassroots, carrying out popular science education, improving health conditions, and advancing international cooperation.

69. The Chinese Government is also combating violence against women in a variety of ways. In 2010, the Supreme People's Court and several organs of the Central Government jointly issued the Opinions on Legal Punishment for the Crimes of Abducting and Trafficking in Women and Children, further broadening the scope of judicial protection for the personal rights of women and children. By the end of 2011, 28 provinces, regions and municipalities had published local laws, regulations and other documents against domestic violence; the Law against Domestic Violence has been included in the legislative working agenda of the Standing Committee of the National People's Congress for 2012 and 2013, and currently also figures in the Committee's Twelfth Five-Year Work Plan.

2. Children's rights (paragraph 114, recommendation 13)

70. China has enacted a full legal framework to protect the rights and interests of children, including the Law on Protection of Minors, the Compulsory Education Law, and the Law on Prevention of Crime by Minors.

71. China views children's development as an important component of economic and social development, and has incorporated it as such in overall economic and social planning at the State level. In 2011, the State Council promulgated the Outline for Children's Development (2011–2020), adhering to the principles of prioritizing children and ensuring their maximum benefits and interests, and proposing 52 primary objectives and 67 strategies and measures to be accomplished by the year 2020 in the five major areas of health, education, social benefits, the social environment and legal protections.

72. The environment and conditions in which children live and develop in China have markedly improved. In the area of health, the mortality rate for children five years of age and below decreased from 18.5 per thousand in 2008 to 13.2 per thousand in 2012. With regard to social benefit protections, the assistance and protection mechanisms for orphaned and disabled children, children affected by HIV/AIDS, children from poor households, and homeless children are being continuously improved and perfected.

3. Rights of the elderly (paragraph 114, recommendation 20)

73. The lawful rights and interests of the elderly in China are fully safeguarded. The Law on Protection of the Rights and Interests of the Elderly, promulgated in 1996, was amended in 2009 and again in 2012, so as to better protect the rights of the elderly in such areas as domestic maintenance and support, social security, housing conditions, pension services, and social participation. The cause of the elderly has been incorporated in overall economic and social planning at the national level, with the drafting and initial implementation of development planning for the elderly in China under the Twelfth Five-Year Plan and a plan for building a social services system for seniors over the 2011–2015 period.

74. The system of old-age safeguards is also undergoing continuous improvement. China has basically implemented full coverage of the social old-age insurance system. The Government has raised the level of basic pensions for enterprise retirees for eight years in a row. The strengthening of assistance systems of all kinds is better safeguarding the basic living conditions of the elderly urban and rural poor. A “home-based, neighbourhood-assisted, institutionally-supported” social services network is gradually taking shape. The elderly are actively taking part in cultural and physical activities and social development, and have become a force to be reckoned with in building society.

4. Rights of persons with disabilities (paragraph 114, recommendation 15)

75. The State has formulated more than 60 laws and regulations, like the Law on the Protection of Disabled Persons, to protect the rights of persons with disabilities in the areas of health, education, employment, social safeguards, participation in the management of national affairs, and social life, as well as to eliminate prejudice against the disabled. The Mental Health Law and the Regulations on Construction of a Barrier-Free Environment were promulgated in 2012, while the Regulations on Preventing Disabilities and Rehabilitating the Disabled are being urgently drafted, and the Regulations on Education for the Disabled are being revised. The Chinese Government has incorporated the cause of persons with disabilities in overall economic and social planning at the State level. In 2011, an outline of development for the disabled under the Twelfth Five-Year Plan was published, setting the overall direction of development for the cause of the disabled in China. Social protection and services systems for the disabled are gradually being established, and the conditions under which such persons live and develop are markedly improving. More than a third of provinces, regions and municipalities are establishing supplementary living stipend systems for the disabled. From 2008 to 2012, nearly 12.2 million disabled persons received rehabilitation in one form or another; some 6.2 million disabled persons in rural areas have been helped out of poverty, and employment was arranged for nearly 1.7 million disabled persons in urban areas. Great strides have also been made in creating barrier-free environments in cities, with further strengthening of barrier-free services in the rail transportation, civil aviation, and financial service sectors.

76. An international forum on the theme of “Removing Barriers, Promoting Integration” was held in Beijing in June 2012 and adopted an outcome document entitled “The Beijing Declaration on Disability-inclusive Development”. In 2010, China successfully convened the Guangzhou Asian Para Games. Also that year, the first pavilion on the theme of the disabled in the history of world expositions was set up at the Shanghai World Expo.

5. Rights of ethnic minorities (paragraph 114, recommendations 16, 26 and 37)

77. The Chinese Government has consistently attached great importance to developing the cause of human rights for ethnic minorities, and ensured that they enjoy extensive human rights.

78. *Further advancing the political rights of ethnic minorities* Members of all ethnic minorities participate in the management of national and local affairs on an equal basis with people of the majority Han ethnic group. Ethnic minority deputies constituted a total of 13.69 per cent of the deputies at the twelfth National People's Congress, exceeding the proportion of ethnic minorities in the overall population; fully 55 of China's ethnic minorities were represented by deputies of their own ethnicity. The proportion of leading officials in ethnic-minority regions who are of the local ethnicity is also gradually rising.

79. *Fully respecting freedom of religious belief in ethnic regions* In Tibet, the manner of succession of the reincarnated Living Buddha is fully respected, and traditional religious activities proceed normally. Currently, there are more than 1,780 places of religious activity of all types in Tibet, with some 46,000 monks residing in monasteries. Tibetan cultural customs and practices continue to be handed down and protected.

80. *Further safeguarding the economic rights of ethnic minorities* Investment in ethnic regions continues to grow. From 2010 to 2012, there were some 6 billion yuan invested for ethnic minority development projects arranged by the central financial authorities alone, used for promoting accelerated economic and social development in ethnic minority regions. At the same time, the scope of poverty alleviation and development efforts is increasing. On the basis of the 2,300 yuan poverty alleviation standard, the number of recipients of poverty alleviation assistance decreased from 50.54 million to 31.21 million from 2010 to 2012, and the overall poverty rate dropped from 35.4 per cent to 21.7 per cent.

81. *Further safeguarding the social rights of ethnic minorities* Since 2009, the Government has greatly increased subsidy funding for ethnic education, and a complete system from pre-school through college levels has taken shape; the number of years of education received by 14 ethnic minorities, including Koreans, Manchus, Mongols and Kazakhs, now exceeds the national average. The Government has established, in other provinces of China, special schools and classes to enrol students from Tibet and Xinjiang in order to train talented people of all kinds for those two regions. Medical and health service systems in ethnic regions are also being continuously improved.

82. *Further safeguarding cultural rights of ethnic minorities, and conscientiously safeguarding the rights of ethnic minorities to use and develop their own languages and writing systems* As of May 2012, there were 73 radio stations broadcasting 441 scheduled programmes (of which 105 were in minority languages), and 90 television stations broadcasting 489 programmes (of which 100 were in minority languages), in ethnic autonomous areas. Solid results have also been achieved in the preservation and protection of endangered cultural heritage, with projects for 55 ethnic minorities accounting for 42 per cent of the national intangible cultural heritage list.

83. In the process of responding to the international financial crisis that recently swept the globe, the Chinese Government continues to increase investment in the Tibet Autonomous Region in the areas of finance and taxation, banking, capital investment, industrial construction and the development of social programmes, and has adopted a series of special preferential policies to promote the economic and social development of that Region. In 2012, per capita disposable income for residents of urban areas in Tibet reached 18,056 yuan, an increase of 11.5 per cent over the previous year, while per capita net income of farmers and herdsmen reached 5,645 yuan, an increase of 15.1 per cent over the previous year.

D. Participation in international human rights activities

1. Cooperation with the United Nations High Commissioner for Human Rights and the Office of the High Commissioner (paragraph 114, recommendations 11 and 12)

84. China has maintained good and cooperative relations with the United Nations High Commissioner for Human Rights as well as the Office of the High Commissioner. In 2011, China and the Office of the High Commissioner successfully held a joint legal seminar in Beijing. The two sides are currently maintaining communication on undertaking new cooperative projects. The Chinese Government continues to support the work of the Office of the High Commissioner with donations, the amount of which have increased yearly from US\$20,000 in 2010 to US\$50,000. China welcomes the High Commissioner to visit China at a mutually suitable time.

2. Cooperation with the special procedures (paragraph 114, recommendations 9 and 10)

85. China continues to cooperate with the United Nations human rights special procedures. In December 2010, the Chinese Government welcomed the Special Rapporteur on the right to food, Mr. Olivier De Schutter, to China. China also maintains communication and exchanges with the relevant special procedures of the Human Rights Council. The Chinese Government has always handled communications from the special procedures of the Human Rights Council conscientiously, and promptly responds to those communications on the basis of careful study.

3. Bilateral and multilateral exchanges and cooperation on human rights (paragraph 114, recommendations 8, 28, 29, 38, 40, 41 and 42)

86. Within the framework of South-South cooperation, China endeavours, to the best of its ability, to provide economic and technical assistance to other developing countries with financial difficulties; some 120 developing countries around the globe have received such assistance in one form or another. Since the year 2000, China has set up more than 700 projects to help aid recipients; it has helped build 30 agricultural technology demonstration centres in developing countries, dispatching large numbers of agricultural experts to carry out technical cooperation, thereby actively helping those countries to raise their agricultural production capacity and increase grain yields; it has helped build some 100 primary and secondary schools and some 30 hospitals, and dispatched medical personnel to 56 developing countries; it has provided training in China for more than 100,000 talented people in all fields from developing countries; it has actively assisted developing countries to develop clean, renewable energy resources; it has vigorously supported reconstruction in developing countries affected by disasters; and it has cancelled the debt owed by 50 heavily-indebted poor countries and least-developed countries on Government loans to them from China that had matured.

87. To better realize the right to development, China is actively sharing its experience and practices in the areas of poverty alleviation, development of education and health, economic development promotion, and governance with other developing countries, assisting recipient countries to improve their self-development abilities, and promoting economic development and social progress in recipient countries. In 2005, the International Poverty Reduction Centre in China was jointly established by China, the United Nations Development Programme and other international organizations, and is contributing to the cause of poverty reduction around the world.

88. China continues to actively undertake and participate in bilateral and international human rights exchanges and cooperation. It has held dialogues or consultations on human rights with nearly 20 countries, and continues to undertake technical cooperation on human rights with Australia and other countries. China's judicial authorities actively take part in

exchanges with their foreign counterparts in such programmes as the Sino-German Rule of Law Dialogues, and in exchanges and cooperation with the judiciaries of other countries. China plays a constructive role in the Human Rights Council, the Third Committee of the General Assembly, and other human rights mechanisms, and encourages all countries to address human rights issues in a fair, objective and non-selective manner and promoting the healthy development of the international human rights cause.

89. For the past four years, the China Society for Human Rights Studies has sponsored the second through fifth sessions of the Beijing Forum on Human Rights, at which the relationship of human rights with issues of development, culture, science and technology, and the environment are discussed. The Forum has become an important international platform for both developing and developed countries to take part in dialogue and exchange on human rights.

IV. Challenges and future goals

A. Difficulties and challenges

90. China is still a developing country. With a large population and weak economic foundations, the following are among the difficulties and challenges it faces in promoting and protecting human rights.

91. Development is still affected by issues of lack of balance, lack of coordination, and lack of sustainability. The number of potential recipients of poverty relief is still near 100 million people, placing considerable strain on aid to the poor. Overall employment pressures are not abating, with structural imbalances coming to the fore. Income distribution structures are irrational. The housing system is imperfectly designed with regard to meeting consumer demand. Disparities persist between basic medical care and health services and the health needs of the people. Contradictions between economic development and the resources and environment are becoming increasingly prominent.

92. The general standard of social programmes in some ethnic regions is relatively lagging. The social environment for the development of women needs further improvement, while safeguards for the rights of special groups such as the elderly and persons with disabilities face pressures. Injustices still exist in the judicial sphere; further improvement is needed in judicial safeguard mechanisms for human rights, and the level of human rights awareness and respect for the law in the exercise of administrative authority among law enforcement officials need to be raised.

B. Future goals

93. China has promulgated the Outline of the Twelfth Five-Year Plan and the National Human Rights Action Plan for 2012–2015, and has proposed the ambitious goal of creating a society in which moderate prosperity is universal by the year 2020. The Chinese Government will further promote and protect human rights by propelling the cause of human rights in China to a whole new level on the basis of the principles of lawful, comprehensive and pragmatic advancement. As the next step, China will focus on carrying out the following tasks, aimed at the challenges existing in the economic and social spheres.

94. Transform the mode of economic development; strengthen the balance, coordination and sustainability of development; work to reduce urban/rural and inter-regional gaps and disparities; strive for an annual growth rate exceeding 7 per cent in per capita disposable

income for urban residents and per capita net income for rural residents; and work to realize a doubling of the 2010 GDP and per capita urban and rural incomes by the year 2020.

95. Implement poverty alleviation projects in contiguous areas with special difficulties, and promote the development of impoverished areas and populations by means of poverty alleviation development. Persevere in implementing the employment priority strategy, work hard to create jobs for more than 9 million urban residents a year, and keep registered urban unemployment below 5 per cent. Improve and perfect indemnificatory systems for construction, allocation, management and withdrawal of housing, advance the renewal of urban shanty areas, and bring about clear improvements in housing conditions for migrant workers.

96. Initially set a basic medical and health care system covering urban and rural residents by the year 2015, so that all residents enjoy basic medical safeguards and public health services. Work hard to effect clear reductions in the emission of major pollutants, greatly improve the quality of drinking water in urban and rural areas, ensure that air quality in 80 per cent of municipalities at the county level and above reach or exceed the Grade II standard, and focus on reducing heavy metal pollutant emissions in key areas to 15 per cent below their 2007 levels.

97. Promote economic development in ethnic minority regions and strengthen their self-development capacity. Ensure women's ability to participate equally in public affairs and derive equal benefit therefrom. Perfect the social security and services systems, effectively safeguard the rights and interests of children, persons with disabilities, and the elderly.

98. Persevere in the management of State affairs in accordance with the law, build a government that governs by law, continue to deepen judicial reforms, maintain and perfect the judicial system under socialism with Chinese characteristics, and ensure that the judicial and procuratorial organs exercise their powers independently in accordance with the law. Raise the scientific level of social management, and secure and standardize the channels by which the people can express their demands, coordinate their interests and protect their rights and interests. Undertake broader popular education about the law, strengthen social awareness about studying, respecting, obeying and using the law, raise the awareness of law enforcement personnel regarding the law and protection of human rights, and improve and perfect measures of all kinds to protect human rights within the law enforcement process.

V. Promotion and protection of human rights in the Hong Kong Special Administrative Region (paragraph 114, recommendation 39)

A. Methodology and public consultation

99. In preparing this part of the report, the Hong Kong Special Administrative Region (HKSAR) Government conducted an exercise in February and March 2013 to consult the public. A consultation document published by the HKSAR Government was sent to a broad spectrum of the community, including the Legislative Council (LegCo), relevant non-governmental organizations, interested members of the public and the media, and distributed through the District Offices and on the internet. During the consultation period, the HKSAR Government also collected views from representatives of non-governmental organizations at the LegCo and the Human Rights Forum. The HKSAR Government has carefully considered all the comments received.

B. Framework and measures for promoting and safeguarding human rights

100. As stated in the previous report, in the HKSAR, human rights are fully protected by law. The legal safeguards are provided in the Basic Law of the HKSAR of the People's Republic of China, the Hong Kong Bill of Rights Ordinance and other relevant ordinances. They are buttressed by the rule of law and an independent judiciary. In addition, there are a number of organisations which help promote and safeguard different rights, including the Equal Opportunities Commission, the Privacy Commissioner for Personal Data (PCPD), the Ombudsman, the Independent Police Complaints Council (IPCC), and the legal aid services. The HKSAR Government's performance in promoting and safeguarding human rights is open to scrutiny through periodic reports to the United Nations human rights treaty monitoring bodies and is constantly watched over by the LegCo, the media, various human rights non-governmental organizations and the community at large. Since the last review, the HKSAR Government continued to attach great importance to promoting human rights through public education and publicity.

C. Achievements and challenges

101. The Basic Law provides that the ultimate aim is the election of the Chief Executive (CE) and all Members of the LegCo by universal suffrage in light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. According to the decision adopted by the Standing Committee of the National People's Congress in December 2007, the election of the CE may be implemented by universal suffrage in 2017, and after the CE is elected by universal suffrage, the election of the LegCo of the HKSAR may be implemented by the method of electing all the members by universal suffrage.

102. In the summer of 2010, the reform package put forth by the HKSAR Government for the elections of the CE and LegCo in 2012 was passed by a two-thirds majority of all the members of the LegCo, given consent by the CE and endorsed by the Standing Committee of the National People's Congress. For the first time since its establishment in 1997, the HKSAR has completed the constitutional procedures required to amend the electoral methods for the CE and the LegCo. The two elections were held successfully in March and September 2012 respectively.

103. The HKSAR Government is fully committed to attaining universal suffrage for both the CE and the LegCo elections in accordance with the Basic Law and the decision of the Standing Committee of the National People's Congress of December 2007. With the experience gained in the 2010 exercise, the HKSAR Government will, at an appropriate juncture, launch public consultations on the election methods for the LegCo election in 2016 and the CE election in 2017, and initiate the required constitutional procedures accordingly.

104. In May this year, the LegCo passed a bill to abolish all appointed seats of the District Councils (DCs) from the next term of those Councils, which will commence in 2016.

105. Another major development since the previous review is the much enhanced screening mechanism for torture claims introduced by the HKSAR Government in December 2009. The mechanism has been underpinned by statute since December 2012. Under the mechanism, claimants are given every reasonable opportunity to establish their claims. Aggrieved claimants may appeal to a statutory Torture Claims Appeal Board comprising former judges or magistrates. A claimant may not be removed from the

HKSAR to another country where there are substantial grounds for believing that the claimant would be in danger of being subjected to torture there.

106. On the protection of privacy, in 2012 the Personal Data (Privacy) Ordinance was amended to strengthen the protection of personal data privacy. The amendments include enhancing regulation over the use of personal data in direct marketing and provision of personal data to others for use in direct marketing.

107. The HKSAR Government continues to respect the freedom and rights of peaceful assembly and procession, as enshrined in the Basic Law and the Hong Kong Bill of Rights Ordinance. The Police have been facilitating all lawful and peaceful public meetings and processions while ensuring public order and public safety.

108. To enhance the mechanism for handling of complaints against the Police, the Independent Police Complaints Council (IPCC) Ordinance came into force in June 2009, to provide the Council an independent statutory status vested with statutory functions and powers to observe, monitor and review the handling and investigation of reportable complaints by the Police. The Ordinance imposes a statutory duty on the Police to comply with the Council's requirements, further enhancing the Council's independence in dealing with complaints against the Police.

109. Freedom of expression and press freedom are fundamental rights enjoyed by people in the HKSAR. As always, the media reports freely, commenting extensively and liberally on local and external matters. Applications for licences for broadcasting are considered by an independent regulator fairly and in strict accordance with the law and established procedures.

110. To tackle the issue of poverty, the HKSAR Government set up a high level Commission on Poverty in December 2012 to review the effectiveness of existing poverty alleviation policies, formulate new policies to prevent and alleviate poverty and social exclusion, as well as promote upward social mobility.

111. On labour rights, the HKSAR Government completed a policy study on standard working hours (SWH) and released the study report in November 2012. In April 2013, the CE appointed representatives of various sectors to the SWH Committee, with a view to building consensus and identifying the way forward.

112. In the HKSAR, workers' rights to form and join trade unions are guaranteed by the Basic Law and the Hong Kong Bill of Rights. Members and officers of a registered trade union enjoy a number of rights and immunities under the Trade Unions Ordinance. The Employment Ordinance provides employees with protection against anti-union discrimination. The HKSAR Government is studying the details of a proposal regarding reinstatement or re-engagement of an employee who has been unreasonably and unlawfully dismissed.

113. There has been substantial improvement in the earnings of grassroots employees after the Statutory Minimum Wage (SMW) was introduced in 2011. The SMW rate has increased by HK\$2 to HK\$30 an hour with effect from 1 May this year. The SMW rate is reviewed at least once in every two years.

114. The Race Discrimination Ordinance came into full operation in July 2009. To promote racial equality and ensure ethnic minorities' access to key public services, the HKSAR Government will extend the application of administrative guidelines to 21 bureaus, departments and public authorities later this year.

115. Since the first-cycle review, the HKSAR Government has strengthened support services to facilitate ethnic minorities' integration into the community. The enhancement measures include increasing the number of support service centres to provide ethnic

minorities with different kinds of training and activities. In 2013, the CE has also announced further measures to enhance the support for non-Chinese speaking students¹ in learning the Chinese language, including, amongst others, parents' participation in summer bridging programmes to facilitate students' early adaptation to the local education system, enhancing the professional competencies of teachers, etc. The HKSAR Government will make further endeavours, taking into consideration stakeholders' views.

116. Since the last review, the HKSAR Government has fulfilled and will continue to fulfil its obligations under the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child.

117. As in many parts of the world, sexual orientation is a controversial subject in the HKSAR. This notwithstanding, the HKSAR Government's position is clear – no person should be discriminated against on any grounds, including sexual orientation. The HKSAR Government has been undertaking extensive publicity and promotion with a view to fostering in the community a culture of mutual understanding, tolerance and respect. More resources will be injected into this area.

118. During the last review, the HKSAR was recommended to “continue to function according to their realities and preserve different rights of their citizens in accordance with their laws”. The HKSAR Government has made continuous efforts in protection of human rights in the light of actual situation. The HKSAR Government will not underestimate the difficulty and challenges in building up consensus on various controversial issues, such as constitutional development and the protection of rights of sexual minorities, in the coming years. The HKSAR Government will protect and promote the rights of different groups through legal and administrative means, and in close collaboration with different sectors.

VI. Promotion and protection of human rights in the Macao Special Administrative Region (paragraph 114, recommendation 39)

A. Methodology and public consultation

119. During the process of drafting this report, all government departments cooperated closely with related non-governmental organizations in order to provide the latest information for the report. The government of the Macao Special Administrative Region (MSAR) uploaded the text of this report to its website and that of the Law Reform and International Law Bureau and issued a related press release in May 2013 for public comment. The report was extensively distributed at different levels, including the Legislative Assembly, government departments, related non-governmental organizations, the media, and the internet.

B. The legislative and institutional framework for the promotion and protection of human rights

120. As a special administrative region of the People's Republic of China, pursuant to the Basic Law of the MSAR of the People's Republic of China (hereinafter referred to as the

¹ For the planning of education support measures, students whose spoken language at home is not Chinese are broadly categorised as NCS students.

Basic Law), the MSAR exercises a high degree of autonomy and enjoys executive, legislative and independent judicial power, including that of final adjudication. The Basic Law safeguards the rights and freedoms of residents of the MSAR at the constitutional level, with related provisions recorded in Chapters III (Political and Social Rights), V (Economic Rights) and VI (Cultural and Social Affairs Rights).

121. At present, there are altogether 20 international human rights treaties which are applicable in the MSAR, including the following seven core human rights treaties: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD), whose application commenced in August 2008. The MSAR has been submitting implementation reports in line with the requirements of the above-mentioned core human rights treaties. Since the handover, the MSAR has already submitted its initial report on the CRPD and two reports on the ICESCR, CEDAW, CERD, CAT and CRC through the Central Government of China. The MSAR had also submitted its initial report with reference to the ICCPR.

122. The MSAR has multiple local laws to further implement the protection of human rights, which mainly include the Legal Framework for Family Policy, the Rights to Assembly and Protest, the General Regime of the Right of Association, the Press Law, the Prevention, Treatment and Rehabilitation of Disabled Persons Ordinance, the Legal Framework for the Non-tertiary Education System, the Personal Data Protection Act, the Law on the Combat against the Crime of Human Trafficking, the Law for the Employment of Non-resident Workers, the Social Security System, the Economical Housing Law and so forth.

123. The residents of the MSAR can directly invoke legal provisions from different human rights treaties so as to safeguard their personal rights, and can apply for legal assistance should they have insufficient economic means. The new General Legal Aid System adopted in 2012 expands the scope of persons eligible for aid to include non-local employees and students, among others. The Commission Against Corruption and the Office for Personal Data Protection supervise and guarantee the enforcement of human rights in their functional areas, and the committees concerned with different realms of human rights formed by the representatives of civil society and non-governmental organizations, including the Commission for the Protection of Victims of Violent Crimes, the Refugees Commission, the Consultative Commission for Women's Affairs, the Commission for Disciplinary Control of the Security Forces and Services of Macao, the Commission on the Fight against AIDS, the Mental Health Commission, the Human Trafficking Deterrent Measures Concern Committee, the Senior Citizens Affairs Committee, the Commission on the Fight Against Drugs, the Commission for the Rehabilitation of Persons with Disabilities, and the Commission for the Prevention and Control of Chronic Diseases, can also promote the development of human rights.

124. Human rights education has been incorporated into the school curriculum. The MSAR government has also launched promotional activities and specialized training on human rights for government staff, judiciary personnel and various community groups. In the area of publicity, the government has used a variety of means, including pamphlets, web pages, and special topic discussions and seminars, to extensively publicise United Nations human rights treaties.

C. Progress in promoting and protecting human rights

125. The MSAR attaches great importance to the suggestions made by the United Nations Working Group on the Universal Periodic Review. Since the first-cycle review, the MSAR has continued to adopt a variety of measures to promote and safeguard human rights, as well as gradually implementing the commitments made in the previous report; the major developments are as follows.

126. The MSAR government implements a 15-year free education scheme, and began providing textbook grants in the 2009/2010 school year. Students who have financial difficulties can also apply for tuition assistance, subsistence allowances and study materials allowances. The government has also established university grants, including school loans, scholarships, accommodation allowances, travel allowances in order to encourage students to continue their higher education. The MSAR government has always attached great importance to the cultivation of whole-person development of youth, and the Macao Youth Policy (2012–2020) was drawn up for this reason. In order to promote lifelong learning, a continuing education development scheme for subsidizing residents' education was introduced in 2011.

127. The Law on Individual Provident Fund Accounts formulated in 2012 consolidates retirement protections for residents. In addition, qualified seniors aged 65 or above may draw a monthly old-age pension and a yearly senior citizens subsidy, and those who have financial difficulties may also apply for allowances. Moreover, apart from the existing free public healthcare services, the Government started introducing a healthcare plan in 2009 to subsidize residents seeking treatment at private medical institutions.

128. A classification and grading system for assessment, registration and issue of permits for the disabled introduced in 2011 provides free public healthcare services and preferential transportation rates for disabled persons who have been assessed as qualified to receive these allowances. The MSAR government has been financially and technically supporting non-governmental organizations providing assistance to vulnerable groups, as for example, the provision of home care services for the disabled or frail seniors who lack access to family care.

129. In order to assist the families with financial difficulties in resolving their housing problems, the MSAR government has built over 19,000 public housing units and promoted a provisional housing allowance scheme for families awaiting public housing.

130. The "Historic Centre of Macao" was inscribed on the World Cultural Heritage list in 2005. At present, there is a total of 128 monuments, buildings, complexes and sites under conservation, along with 10 intangible cultural heritage items. Since 2011, the "Parade through Macao, Latin City" has been held every year to promote cultural integration among different ethnic groups and the formulation of cross-departmental strategies for the protection of the historic city centre, so as to enhance awareness of cultural heritage protection.

131. The media industry continued to flourish in the MSAR after the handover. Chinese-language daily newspapers, which are continuously published, have increased in number from eight to ten; among them is a new newspaper distributed free of charge. Portuguese-language daily newspapers have increased from two to three, and three English daily newspapers have also been set up in succession. As for the broadcasting industry, a cable television station and four satellite television stations launched services successively after the handover. In addition to the Press Law, which provides a legal basis for guaranteeing journalists' independence in practicing their trade, the MSAR government introduced a government spokesman system in February 2010 and established press and public relations

coordinators in every government department, so as to allow the media to make inquiries at government departments at any time and ensure the free flow of information.

132. The Slavery Convention, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime are all applicable in the MSAR. In addition to maintaining the usual close cooperation and exchanging intelligence with police affairs departments outside the Region, the MSAR government signed a cooperation agreement on combating trafficking in persons with the Mongolian Government in 2010 and a cooperation agreement on risk assessment and escort services for victims of trafficking in persons with the Hong Kong office of the International Organisation for Migration in 2012. The MSAR has also formulated Law No. 6/2008 on the fight against trafficking in persons, and has established a Human Trafficking Deterrent Measures Concern Committee, publicised information on combating human trafficking, set up a 24-hour enquiry hotline, organised training programmes for police officers, drawn up plans for protecting victims, and cooperated with non-governmental organizations to establish shelters providing such services as medical and economic assistance, legal consultations, and skills training for the victims of trafficking, so as to help them reintegrate into society.

133. The implementation of the United Nations Convention against Corruption in the MSAR began on 12 February 2006. The MSAR government committed to the adoption of multiple implementation measures under the Convention, including legislative and administrative measures. The Law of 2009 on the Prevention and Suppression of Bribery in the Private Sector was formulated to crack down on corrupt behaviour in the private realm. In the area of social development, Law No. 1/2013 on the Legal Regime of Declaration of Assets and Interests amended the Declaration of Assets Act, which had been in force for many years. Additionally, the Organic Law of the Commission Against Corruption of the MSAR, amended in 2012, extends the functional scope of the ombudsman to the special administrative relations existing between private individuals in order to strengthen the protection of residents' legal rights and interests.

134. A succession of statutes have been formulated for the purpose of building a responsible, highly effective and incorruptible administrative team; these include the General Rules for Principal Officials of the Macao Special Administrative Region, the General Regulations for Principal Officials of the MSAR, the Fundamental Provisions of Regulations for Leaders and Chiefs, the Supplementary Provisions of Regulations for Leaders and Chiefs and the Limitations Imposed on Chief Executives and Principal Officials after Termination of Term of Office.

D. Future objectives and challenges

135. To further strengthen the protection of human rights, the MSAR will formulate a domestic violence prevention act, a legal framework for the protection of seniors' rights and benefits and a cultural heritage protection act, as well as amending the Press Law and improving the tertiary education system.

136. The aging of the population presents a trial for the MSAR government. In addition, the MSAR government will increase regional cooperation in the investigation and collection of evidence related to fighting corruption. The development of the MSAR is accompanied by simultaneous opportunities and challenges, and the MSAR government is committed to continuing to adopt the measures necessary to ensure the protection and implementation of the fundamental rights and freedoms of the residents of the Region.

Annex 1

Government institutions contributing to the preparation of China's national report under the universal periodic review

- Supreme People's Court
- Supreme People's Procuratorate
- Legislative Affairs Commission of the National People's Congress Standing Committee
- Ministry of Foreign Affairs
- National Development and Reform Commission
- Ministry of Education
- Ministry of Industry and Information Technology
- State Ethnic Affairs Commission
- Ministry of Public Security
- Ministry of Civil Affairs
- Ministry of Justice
- Ministry of Human Resources and Social Security
- Ministry of Environmental Protection
- Ministry of Housing and Urban-Rural Development
- Ministry of Agriculture
- Ministry of Commerce
- Ministry of Culture
- National Health and Family Planning Commission
- State General Administration of Press, Publication and Broadcasting
- State Administration of Work Safety
- State Administration for Religious Affairs
- Hong Kong and Macao Affairs Office of the State Council
- Legislative Affairs Office of the State Council
- State Council Information Office
- State Bureau for Letters and Calls
- Office of the State Council Leading Group on Poverty Alleviation and Development
- National Working Committee on Children and Women under the State Council

Annex 2

Non-governmental organizations and academic institutions consulted during the preparation of China's national report under the universal periodic review

- Chinese Academy of Social Sciences
- All-China Federation of Trade Unions
- All-China Women's Federation
- China Disabled Persons' Federation
- China NGO Network for International Exchanges
- Chinese Association for International Understanding
- Chinese People's Association for Peace and Disarmament
- China Foundation for Peace and Development
- China Society for Human Rights Studies
- China Foundation for Human Rights Development
- China Care Association
- China Association of Poverty Alleviation and Development
- China Law Society
- United Nations Association of China
- Red Cross Society of China
- China Association for the Protection and Development of Tibetan Culture
- China Tibetology Research Centre
- China Ethnic Minorities Association for International Exchanges
- China Glory Society
- China Education Association for International Exchange
- All-China Lawyers Association
- Internet Society of China

Annex 3

The 26 international human rights instruments to which China is a party

(Includes international human rights instruments and instruments in other areas closely related to human rights. An asterisk (*) denotes a core human rights convention.)

1. Convention on the Prevention and Punishment of the Crime of Genocide
2. Convention relating to the Status of Refugees
3. Protocol relating to the Status of Refugees
4. International Convention on the Elimination of All Forms of Racial Discrimination*
5. International Convention on the Suppression and Punishment of the Crime of Apartheid
6. Convention on the Elimination of All Forms of Discrimination against Women*
7. Convention on the Rights of the Child*
8. Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value
9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*
10. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
11. Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
12. Geneva Convention relative to the Protection of Civilian Persons in Time of War
13. Geneva Convention relative to the Treatment of Prisoners of War
14. Protocol Additional to the Geneva Convention of 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)
15. Protocol Additional to the Geneva Convention of 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)
16. Convention concerning Vocational Rehabilitation and Employment (Disabled Persons)
17. Convention concerning the Rights of Association and Combination of Agricultural Workers
18. International Covenant on Economic, Social and Cultural Rights*
19. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
20. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour
21. Convention concerning Minimum Age for Admission to Employment
22. Convention concerning Discrimination in Respect of Employment and Occupation

23. Convention concerning Employment Policy
 24. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
 25. Convention on the Rights of Persons with Disabilities*
 26. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
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