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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \***

**People's Republic of China (including Hong Kong and Macao  
Special Administrative Regions (HKSAR) and (MSAR))**

The present report is a summary of 46 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. China Labour Bulletin (CLB) urged the Government to rescind its current reservation to Article 8, 1. (a) of the ICESCR, which limits workers' freedom of choice concerning trade union membership; and to ratify ICCPR.<sup>2</sup> Human Rights in China (HRIC) noted that China should remove its reservations restricting the power of treaty bodies to review concerns or allegations raised by individuals or other State Parties, and ratify ICRMW.<sup>3</sup> International Trade Union Confederation (ITUC) indicated that the Government needs also to ratify ILO Conventions Nos. 87 and 98.<sup>4</sup>

### **B. Constitutional and legislative framework**

2. China Society for Human Rights Studies (CSHRS) indicated that amendments to the three main litigation laws including the Criminal Litigation Law have been put on the agenda of 5-year legislative programme of the National People's Congress (NPC). It is widely believed by scholars that "presumption of innocence", "the right of silence for criminal suspects" and "the presence of a lawyer during interrogation of criminal suspects" could be added to the new law.<sup>5</sup> According to HRIC the evolving constitutional and legal framework for the promotion and protection of human rights is, however, undercut by the state secrets system (which includes the State Secrets Law, related provisions of the State Security Law, Criminal and Criminal Procedure Laws, and various regulations).<sup>6</sup>

3. After the handover of Hong Kong's administration to the PRC in 1997, China adopted a 'One Country, Two Systems' policy, as indicated by Hong Kong Human Rights Monitor (HKHRM).<sup>7</sup> On three instances of interpretation of the Basic Law so far, after the handover, two of them have led to violation of the human rights guaranteed to a large number of families and individuals regarding the right of abode, barring split families from reuniting, and a third interpretation deprived the right to universal suffrage to eligible voters for the Legislative Council.<sup>8</sup>

### **C. Institutional and human rights infrastructure**

4. United Nations Association of China (UNA-C) recommended the establishment of a national institution in line with the Vienna Declaration and Programme of Action and the "Paris Principles" and that, in the pursuit of this goal, the Government should intensify inter-agency coordination and strengthen authorities and responsibilities of various institutions.<sup>9</sup> According to World Uyghur Congress and the Uyghur Human Rights Project of the Uyghur American Association (WUC and UHRP), a national human rights institution with ethnic minorities representation and genuine participation would be vital.<sup>10</sup> Hong Kong Human Rights Commission (HKHRC) and HKHRM recommended that the Hong Kong Special Administration Region (HKSAR) set up a national human rights institution in line with the Paris Principles.<sup>11</sup>

### **D. Policy measures**

5. Beijing Children's Legal Aid and Research Center ("the BCLARC") recommended that a scientific, effective system of data collection, management and dissemination of information be established as soon as possible.<sup>12</sup> ITUC indicated that on a range of issues there are no official records and those that do exist are contradictory and misleading and that most central statistics are 'secret'.<sup>13</sup>

6. Beijing Legal Aid Office for Migrant Workers (BLAOMW)<sup>14</sup> and BCLARC indicated that NGOs and other experts have played an increasingly important role in the drafting and amendment of legislation.<sup>15</sup> China Economic and Social Council (CESC) also pointed out that the Sichuan earthquake and the successful Beijing Olympics had stimulated the growth of civil society in China.<sup>16</sup> Tibetan UPR Forum (TUPRF) recommended the Government to allow the functioning of independent civil society organizations in Tibet Autonomous Region (TAR), and to offer access and support to bilateral technical assistance providers and international NGO to further develop Tibetan civil society organizations.<sup>17</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

7. HRIC noted that the Government has not extended a standing invitation to all Human Rights Council thematic special procedures.<sup>18</sup> Human Rights First (HRF) recommended issuing an invitation to the Special Rapporteur on human rights defenders.<sup>19</sup> Human Rights Without Frontiers International (HRWFI) encouraged China to extend an invitation to the Special Rapporteur on freedom of religion or belief.<sup>20</sup> TUPRF recommended to invite the Special Rapporteur on Summary and Arbitrary Executions and to provide unimpeded access to the Tibet Autonomous Region (TAR) for United Nations human rights experts, including the United Nations High Commissioner for Human Rights and other independent observers.<sup>21</sup> Unrepresented Nations and Peoples Organization (UNPO) called on China to implement recommendations made by the Working Group on arbitrary detention (WGAD) in their 2004 report, including officially defining terminology such as “endangering national security”, “violating the unity and integrity of the state”, etc. and to extend an invitation to the WGAD, including to visit the Xinjiang Uyghur Autonomous Region (XUAR).<sup>22</sup>

### **B. Implementation of international human rights obligations**

#### **1. Equality and non discrimination**

8. According to HRIC, the vulnerability of women to discrimination is exacerbated by the absence of any legal definition of “discrimination”.<sup>23</sup> All China Women’s Federation (ACWF) believed that gender bias and discrimination is the fundamental reason behind the various forms of violence against women.<sup>24</sup> It also referred to the importance of increasing the proportion of women in politics and the quality of women’s political participation. ACWF called for the government to take measures to improve the social and cultural environment and try advocating for changes in the stereotyped gender culture to create an environment conducive to women’s political participation.<sup>25</sup>

9. According to ITUC minorities do not have equal access to education opportunities and employment. Discrimination is the source of deep resentment in some areas, such as in XUAR, the Inner Mongolia Autonomous Region and TAR and neighbouring areas.<sup>26</sup> Islamic Human Rights Commission (IHRC) noted that signs like the following have been posted in many public buildings in Beijing: ‘Whenever anyone that can be identified as “Tibetan”, “Xinjiang Uighur” and “Qinghai Hualong Hui” enters the building, please report them to the security department. Security guards will persuade them to leave the building’.<sup>27</sup>

10. HKHRM indicated that while a Race Discrimination Bill was passed in Hong Kong into law in July 2008, the law has a weak definition of indirect discrimination; does not cover most government functions, especially those of the immigration and the police; does not cover

discrimination on the basis of nationality, citizenship and residence thereby effectively excluding mainlanders, immigrants and migrant workers; and does not offer protection for foreign domestic workers.<sup>28</sup> HKHRM indicated that the HRC should echo CERD's call to urge the HKSAR to ensure the law's full compliance with international human rights standards.<sup>29</sup>

11. Beijing Aizhixing Institute (BAI) reported on the stigmatization and social discrimination faced by hemophiliacs,<sup>30</sup> indicating that courts often refuse to hear litigations for compensation in cases of their infection with Hepatitis and HIV/AIDS due to the lack of blood control previous to 1995;<sup>31</sup> that hemophiliacs who continue fighting for rights and compensation often meet with government's suppression;<sup>32</sup> and about the lack of adequate and timely treatment and sometimes health insurance coverage.<sup>33</sup>

12. China Disabled Persons' Federation (CDPF) indicated that, while remarkable improvement has been witnessed in China in recent years, persons with disabilities remain a vulnerable group, encounter specific difficulties and nearly ten million live in poverty.<sup>34</sup>

## **2. Right to life, liberty and security of the person**

13. Institute of Law of the Chinese Academy of Social Sciences (IL-CASS) stated that urgent work on legislation to restrain the use of the death penalty shall aim to gradually reduce the provisions of death penalty for economic crimes in China.<sup>35</sup> It also advised that guiding opinions on death penalty cases shall be further studied and prepared to provide guidelines for the Higher People's Courts and Intermediate People's Courts across the country.<sup>36</sup> Dui Hua Foundation (DHF) indicated that in classifying capital punishment statistics as "state secrets," China prevents open discussion on the use and large number of crimes eligible for capital punishment, and the Government's goal to ultimately abolish it.<sup>37</sup> Amnesty International (AI) noted that since the Supreme People's Court (SPC) resumed its review of death sentences on 1 January 2007, authorities have claimed a drop in their number.<sup>38</sup> DHF estimated that China executed between 5,000 and 6,000 individuals in 2007.<sup>39</sup>

14. Human Rights Watch (HRW) noted that in early April 2008, requests from the United Nations High Commissioner for Human Rights and several United Nations Special Rapporteurs to visit the TAR were declined.<sup>40</sup> According to HRW, the whereabouts of several hundred Tibetans accused of participating in the March 2008 protests in TAR remain unknown.<sup>41</sup>

15. AI indicated that numerous regulations to strengthen the prohibition of torture fail to fully comply with definitions of torture under international law.<sup>42</sup> UNA-C stated that the Supreme Court issued clear instructions that testimonies of witnesses, statements of victims and confessions of defendants would be invalid if concrete evidence showed that they are acquired by torture, threat, enticement, deceit or other unlawful means. However, these are not included in the Criminal Procedure Law.<sup>43</sup> Chinese Human Rights Defenders (CHRD) indicated that torture continues to be employed, there is a serious lack of transparency in investigations and confessions are still treated as the most valuable form of evidence and are often coerced.<sup>44</sup> AI reported that it continues to receive reports of deaths in custody in prisons, "re-education through labour" (RTL) facilities and police detention centres, many of which are alleged to be the result of torture or ill-treatment in custody.<sup>45</sup> CSHRS stated that problems such as extortion by torture, wrong sentences and contempt for lawyers are sources of unjust cases and have led to many cases of human rights violations.<sup>46</sup>

16. UNA-C indicated that there is an urgent need to reform the RTL system.<sup>47</sup> AI noted that forms of administrative detention include RTL, custody and education (for prostitutes and those

soliciting prostitutes), and enforced drug rehabilitation. It is estimated that between 300,000 and 500,000 individuals are held in RTL system. While the Public Order Administrative Punishment Law allows defendants to challenge or appeal for a reduction or suspension of their sentences, in practice defendants rarely succeed.<sup>48</sup> AI noted that according to the 2006 report on the mission to China by the United Nations Special Rapporteur on torture, an estimated of 66 per cent of cases of torture are thought to take place in administrative detention.<sup>49</sup>

17. CHRD reported on a new form of illegal detention—“black jails” usually run by local governments and institutions (such as the judiciary)<sup>50</sup>, and “double regulation” (*shuanggui*), according to which party or government officials suspected of corruption or malfeasance are detained. CHRD believed that torture and ill-treatment of those held in “double regulation” facilities are a major problem.<sup>51</sup>

18. ITUC highlighted that forced labour is a serious problem, making reference to prisoners sentenced by the criminal justice system to reform through labour; the use of RTL, and the “custody and education” programs, whereby children between 13 and 16 years can be sent to custody and re-education programs by local public security bureaux without recourse to the criminal justice system<sup>52</sup>

19. ACWF noted that in spite of all the efforts made by the Government, acts and cases of violence against women exist, such as trafficking in women and children, gender-based domestic violence, sexual harassment, and killing and abandonment of girl babies. Shelters and assistance available for women victims of violence fall short of needs.<sup>53</sup> It called on China to consider the formulation of a specific law on domestic violence in its national legislation plan, and also revise and improve its current relevant laws before the formal introduction of a national law on domestic violence.<sup>54</sup>

20. According to ITUC, the Macau SAR is a transit and destination for women trafficked for purposes of commercial sexual exploitation and there is evidence that some are deceived or coerced into sexual servitude, often through the use of debt bondage.<sup>55</sup>

21. BCLARC indicated that China has some advanced administrative rules and regulations, such as the Provisions on the Prohibition of Child Labour. But many of them have not been well enforced. It recommended that the staff of relevant government departments receive appropriate training in child protection so that cases of children’s rights violations will be prevented.<sup>56</sup> ITUC noted that child labour is prohibited by law and restrictions are in force for those aged between 16 and 18. In practice however, there is substantial employment of children under the age of sixteen and child labour is a growing problem in the private sector, especially in textiles and the export sector in general. Children are also employed in piece-work (home based), fireworks, construction, entertainment, (organised) begging, street selling, kilns and prostitution.<sup>57</sup>

### **3. Administration of justice, including impunity and the rule of law**

22. Center for the Study of Human Rights at Nankai University (CSHRNU) indicated that China has promulgated and revised a series of human rights-related laws, but there is still room for further improvements concerning the Constitution’s legal remedy system, the scope of accepting administrative litigation, the jurisdiction of civil litigation and the financial sustainability of the courts.<sup>58</sup> UNA-C further indicated that: qualified judges fall far short of the growing needs, especially in under-developed regions;<sup>59</sup> intervention in the legal proceedings from chief judges or superior courts still happen from time to time, which undermines the independence of the trials and litigants’ exercise of their right of appeal;<sup>60</sup> and courts still face

restriction from local governments in terms of human, financial and material resources, resulting in different verdicts on cases of similar nature, thus affecting the equality of civilians' access to legal remedy.<sup>61</sup> The Law on Lawyers was revised in October 2007 and its revisions are yet to be reflected in the Criminal Procedure Law.<sup>62</sup>

23. Lawyers Rights Watch Canada (LRWC) indicated that all judicial appointments, removals and functions are exercised under the direct control of the Government.<sup>63</sup> China Human Rights Lawyers Concern Group (CHRLCG) reported on problems faced by human rights lawyers and legal rights defenders, for defending the rights of forcibly evicted residents, rights defenders, dissident writers and journalists and other underprivileged groups in mainland China, and cases being considered "highly politically sensitive".<sup>64</sup> HRW further indicated that authorities have prevented lawyers from Beijing from representing Tibetan protesters.<sup>65</sup> LRWC indicated that CCP has forbidden courts from accepting lawsuits on behalf of Falun Gong practitioners.<sup>66</sup> DHF noted that the Criminal Procedure Law requires courts to provide access to criminal trials for any observer, with some exceptions.<sup>67</sup> DHF indicated that courts limit access to verdicts beyond the limited distribution to those associated with a criminal case; lawyers and defendants' family members are warned against circulating verdicts under vague threat of prosecution under "state secrets" laws; and courts often do not circulate verdicts and bar general public access to court registries.<sup>68</sup>

24. UNA-C indicated that the Communist Party and government at various levels have established Correspondence and Visit Offices, responding to petitions by citizens through e-mail, fax, telephone call or visit.<sup>69</sup> UNA-C suggested that Correspondence and Visit Offices should be equipped with enforcement power in order to carry out their functions more effectively.<sup>70</sup>

25. BCLARC, noting that juvenile tribunals have been established across the country, recommended that the Supreme People's Procuratorate and the Ministry of Public Security establish professional divisions to guide and coordinate juvenile cases and that they promote the local procuratorates and public security organs to establish professional divisions staffed with professional prosecutors and police as soon as possible.<sup>71</sup>

#### **4. Right to privacy, marriage and family life**

26. There is no law or policy about same-sex sexual harassment and sexual violence, as highlighted by Sexual Rights Initiative (SRI). Homosexual marriage is not supported by law and homosexual people cannot adopt children, as noted by SRI.<sup>72</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

27. Child Care and Compassion Society (CCCS) suggested that the Government pay more attention to the spiritual demand of various groups of people during the period of social transformation, and address some practical problems. For example, famous Buddhist and Taoist sacred mountains should be prevented from over exploitation; favourable conditions should be provided for religious followers to religious sites; and over interference by nonreligious factors to religious sites should be avoided.<sup>73</sup>

28. HRWFI indicated that public expression of religion is not protected in the Constitution and religious activities that impair public order, health, or education, and "foreign domination" of religion are prohibited.<sup>74</sup> The Becket Fund (TBF) reported that in January 2008, the Government issued new guidelines for implementing the National Regulations on Religious

Affairs (RRA) in TAR and that the guidelines assert control over all aspects of Tibetan Buddhist belief and practice, including the movement of monks and nuns.<sup>75</sup> According to HRWFI, the RRA allow local officials to arbitrarily arrest believers, close places of worship, and place restrictions on the movement and action of clergy, even on recognized religions.<sup>76</sup> Adherents are often arrested and punished for a wide range of criminal charges related to religious activity, such as disturbing the social order, violating restrictions on the ability of unregistered groups to assemble, travel, or publish literature.<sup>77</sup> HRWFI reported that ethnic and religious minorities, such as Uighur Muslims and Tibetan Buddhists, face restrictions on their freedom of religion and their culture. However, this applies also to Han Chinese who practice non-recognized religions.<sup>78</sup> According to HRW, Xinjiang authorities, in June 2007, started confiscating Muslims' passports in an apparent bid to prevent them from making non-state-approved pilgrimages to Mecca,<sup>79</sup> and the the Government only tolerates religious activities in state-controlled religious venues, and conducted by state-appointed clerics.<sup>80</sup> Falun Gong Human Rights Working Group (FGHRWG) indicated that China banned Falun Gong, a spiritual practice, on 20 July 1999.<sup>81</sup> FGHRWG indicated that Falun Gong practitioners have been reportedly subjected to: arbitrary detentions; several forms of torture, inhumane or degrading treatment; forced labour; organ harvesting; lengthy jail terms; suspension of licenses and intimidation of lawyers representing them; travel restrictions; suspension of pension payments; appropriation of property; and expulsion of children from schools.<sup>82</sup> European Centre for Law and Justice (ECLJ) noted that MSAR and HKSAR allow the Falun Gong to practice freely.<sup>83</sup>

29. International PEN (I-PEN) noted that dissident writers and journalists who are not in prison face serious restrictions on their movements and on their ability to speak and publish freely.<sup>84</sup> I-PEN reported on websites that have been shut down recently, including a site for Tiananmen Mothers and Uighur Online, a site aimed at promoting understanding between Han Chinese and ethnic Uighurs.<sup>85</sup> Reporters sans Frontiers (RSF) reported that websites most used by Tibetan students and a Mongolian Youth Forum have also been shut down;<sup>86</sup> and that authorities refused to grant foreign correspondents permits to enter TAR. It indicated that at least 25 journalists, were reportedly expelled from TAR and surrounding areas between 14 and 20 March 2008;<sup>87</sup> and I-PEN noted that, since March, small numbers of journalists have been allowed into Tibetan areas on three government-organized visits.<sup>88</sup>

30. HKHRM reported on surveys that indicated that self-censorship is the most important indicator of decreased press freedom in Hong Kong.<sup>89</sup> Reference was made to the rejection of a broadcasting license to the Citizens Radio;<sup>90</sup> and to the recommendation of a government appointed Committee that the Radio Television Hong Kong (RTHK), a strong critic of the Chinese and Hong Kong authorities, was not fit to act as the future public service broadcaster.<sup>91</sup>

31. According to AI, in recent years the authorities increasingly use vaguely defined criminal charges, including "subverting state power", "disturbing public order", "endangering state security", and "leaking state secrets", to silence and imprison peaceful activists in China.<sup>92</sup> HRF indicated that human rights defenders work in an increasingly hostile environment; they face arrest and detention in "black-jails" and RTL camps; threats and intimidation.<sup>93</sup>

32. CHRD recommended that the UPR Working Group ask to conduct a review of the "Regulations for Registration and Management of Social Organizations", in particular with regard to the requirement that an organization has to be associated with a governmental "oversight unit", and to review the "Law of PRC on Assemblies, Processions and Demonstrations".<sup>94</sup>

## **6. Right to work and to just and favourable conditions of work**

33. All China Federation of Trade Unions (ACFTU) indicated that, while Chinese trade unions have made great achievements in safeguarding workers' rights and interests, there are still a lot of defects in the protection of workers' rights and interests. In particular, problems like working overtime and defaulting on wage payments in some privately-operated enterprises and foreign-invested labour-intensive enterprises, and safety problems and acts of tort often take place; and that a large part of 140 million migrant rural workers have not joined trade unions.<sup>95</sup> ACFTU also noted that with the development of the socialist market economy, profound changes have taken place in labour relations in Chinese enterprises and the number of labour disputes tends to increase.<sup>96</sup>

34. CLB informed about negative consequences for millions of laid-off workers as a result of the State-Owned Enterprises (SOE) restructuring program, such as widespread non-payment of wages, pensions and social security benefits; lack of access to appropriate legal remedies, and politicization of SOE labor-related cases.<sup>97</sup> Some protests concerning the restructuring of SOEs have led to worker activists being arrested and sentenced on charges of "subversion of state power".<sup>98</sup>

35. ITUC reported that workers are prevented by law from organising outside the ACFTU, which is bound by its constitution to accept the leadership of the CPP<sup>99</sup> and groups established to support workers are the object of intensified official monitoring and harassment.<sup>100</sup> Local government and company management have increasingly turned to violent repression of worker protests with large scale deployment of armed and riot police.<sup>101</sup> Dozens of independent labour activists remain imprisoned.<sup>102</sup>

36. BLAOMW indicated that although several important laws, regulations and policies have been passed for the protection of migrant workers' many challenges still exist. The labour dispute resolution system is still overly complicated and expensive. BLAOMW suggested that parties should be able to choose whether they prefer labour arbitration or court;<sup>103</sup> and that the Government should encourage and support both new and existing civil society organizations engaged in providing legal aid service for migrant workers, especially in terms of funding.<sup>104</sup>

37. HRW indicated that migrant construction workers remain vulnerable to lack of payment of their wages, injury and death, working in environments in which the majority of employers fail to pay legally required medical and accident insurance.<sup>105</sup>

38. ITUC reported that Macau is believed to have a black list of local workers who have supported strikes, and entry to foreign "trouble-makers" is denied. A new labour law has just been passed in August 2008 but has been widely criticized by local labour groups for failing to impose criminal sanctions against employers who do not pay wages and not setting maximum working hours and minimum wages.<sup>106</sup>

## **7. Right to social security and to an adequate standard of living**

39. CESC referred to recent developments in legislations that have further improved the safeguard of citizen's economic and social rights, such as the Property Rights Law, the Labour Contract Law and the Regulation of Disclosure of Government Information.<sup>107</sup> China-Africa Business Council highlighted the importance of guiding entrepreneurs to actively fulfill their social responsibilities.<sup>108</sup>



40. ITUC noted that people, in particular in rural and ethnic minority regions, remain under the poverty line and inequality has been rising.<sup>109</sup> Asociación Nacional de Economistas de Cuba (ANEC) recommended continuing paying attention to socio-economic disparities between urban and rural areas.<sup>110</sup>

41. HRW noted that millions of migrant construction workers continue to be denied social welfare benefits due to the official household registration system, or *hukou*, which specifically excludes them.<sup>111</sup> CESC proposed that proactive employment policies should be applicable also to migrant workers, as they have not been registered as urban residents eligible to these policies. The government should also improve the basic living allowance system, raise the minimum salary and push forward reforms in medical services and housing systems to provide basic living allowance, healthcare aids and low-rent houses to the people that have most difficulties in making the living in urban areas.<sup>112</sup>

42. According to information cited by Tibet Women's Association (TWA), maternal and infant mortality rate remains high. Poor nutrition, lack of trained health-care personnel, and limited access to emergency health-care, place Tibetan women and infants at high risk of birth-related deaths.<sup>113</sup>

43. Despite new guidelines and policy documents for sexual and reproductive health and AIDS education in schools, SRI reported on the lack of qualified teachers, standard curricula and appropriate teaching materials in minority languages;<sup>114</sup> forced and anonymous testing for some groups; travel restrictions against people living with HIV and AIDS (PLWHAs); refusal of care by hospitals; rejection by schools of AIDS orphans; difficulties to access welfare benefits; lack of prevention and treatment services in jail; risks faced by sex workers and illegal drug users of being arrested by police when seeking counselling or preventive treatment.<sup>115</sup>

44. China Family Planning Association (CFPA) observed that the Government has made many laws and regulations to protect people's rights on reproductive health and family planning. Except Tibet, all the other 30 provinces amended or established their local family planning.<sup>116</sup> CFPA also commented that many things remain to be done in order to further improve human rights situation, mainly regarding: (1) incidents in violation of peoples' reproductive rights do occur from time to time in some remote, bordering and economically underdeveloped areas; (2) how to fully and effectively protect the reproductive health and rights of adolescents; (3) most of the migrants are still out of the existing reproductive health and family planning service system and therefore their reproductive health and rights can not be fulfilled entirely.<sup>117</sup>

45. China Society for Promotion of the Guangcai Program (CSPGP) indicated that significant attention should be paid to the environmental protection and sustainable development.<sup>118</sup>

46. According to Centre on Housing Rights and Evictions (COHRE) over 1 million people were displaced during the preparations of the 2008 Olympic games. Demolitions and evictions had often been undertaken without due process, adequate compensation, and access to legal recourse.<sup>119</sup> COHRE reported on cases of harassment, and imprisonment of housing rights activists, including outside Beijing.<sup>120</sup>

## **8. Right to education and to participate in the cultural life of the community**

47. China Education Association for International Exchange (CEAIE) made references to achievements in the area of education such as the nine-years of compulsory education, achievements in adult's literacy, development of vocational and technical training, pre-school

education.<sup>121</sup> HRIC recommended ensuring that primary education attains the constitutionally guaranteed universal compulsory status.<sup>122</sup>

48. HRW made reference to the ‘Work and Study’ programs noting that regulations fail to provide a clear definition of the acceptable kind, intensity, and overall time duration of this special category of work. In recent years, numerous cases of children working in abusive conditions under the guise of these work and study programs have been documented.<sup>123</sup>

49. TWA indicated that few Tibetan children continue to secondary school and even fewer graduate with a university degree. Attending higher level school is a financial burden to the family.<sup>124</sup> According to China Tibetology Research Centre (CTRC) the Tibetan language is now widely applied in the education system in TAR, and that the study and use of the Tibetan language are high on the agenda of various levels of governments.<sup>125</sup> TWA noted that bilingual education is limited only up until primary school and the middle and higher school classes are taught in Mandarin.<sup>126</sup>

### **9. Minorities and indigenous peoples**

50. China Association for the Preservation and Development of Tibetan Culture (CAPDTC) indicated that over the past 50 years, tremendous changes have happened in TAR, however its economic and social development still lags behind many other areas in China and there is still room for improvement in the human rights situation.<sup>127</sup> TUPRF reported on forced evictions, land confiscation and fencing policies in pastoral areas inhabited primarily by Tibetans causing irreparable consequence on their livelihood.<sup>128</sup> UNPO called upon China to implement policies aimed at preserving Tibetan traditions, culture and identity.<sup>129</sup>

51. UNPO noted that in recent years, the government has promoted rural and urban migration as a solution to poverty in XUAR and that this transfer policy mainly targets women between the ages of 16 and 25. UNPO stated that reports indicate that authorities intimidate the women and their families to relocate. At the same time, the Government continues to support thousands of Han Chinese economic migrants in search of jobs, changing the demographics and severely threatening Uighur culture.<sup>130</sup>

52. UNPO urged the Government to ensure Inner Mongolians can freely access and publish any literary and artistic works concerning the people and culture of Inner Mongolia;<sup>131</sup> and urged the government to halt its policy of forceful relocation and land confiscation, and to allow ethnic Mongolians to pursue their traditional life on their ancestral lands.<sup>132</sup>

### **10. Migrants, refugees and asylum seekers**

53. While making reference to the situation of foreign domestic workers (FDWs) in Hong Kong, HKHRM appealed to the HRC to urge China and HKSAR governments to make the ICRMW applicable to Hong Kong (and other parts of China); to scrap the employee’s retraining levy; and to echo the calls of the CEDAW (2006), CESCR (1994, 1996, 2001 and 2005) and CERD (1996 and 2001) to urge the HKSAR Government to abolish and address the problems of the Two-Week Rule, which requires FDWs to leave Hong Kong once their contract expires or is prematurely terminated.<sup>133</sup>

### **11. Human rights and counter-terrorism**

54. According to HRW, a precise assessment of the human rights situation in Xinjiang is complicated by the fact that some sectors of the Uyghur separatist movement have resorted to

violence in pursuit of national independence. The government has taken a hard-line approach to all expressions of separatism.<sup>134</sup> According to UNPO, Chinese authorities regularly assert all Uyghurs to be Muslim “extremists” and frequently apply the label “terrorist” to their community.<sup>135</sup>

### III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

55. Centro de Estudios sobre Asia y Oceanía (CEAO), Agriculture Industry Chamber of Commerce of the All China Federation of Industry and Commerce (AICC-ACFIC), CSPGP and CESC highlighted China’s economic development over the last couple of decades has been an outstanding success with a substantial reduction of those living in absolute poverty.<sup>136</sup>

### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

### V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

56. UNA-C stated that CSOs need to strengthen themselves to enhance their role in protecting human rights, that OHCHR sponsored a series of training courses, in September 2007, and that a number of Chinese CSOs took part in and benefited from the training. It recommended that similar courses be organized on a regular and more frequent basis.<sup>137</sup>

57. BCLARC noted that China is both a developing country and a country with 341 million children, and that the Government faces many challenges with respect to child protection. It understood these challenges and hoped that the United Nations human rights protection agencies will give more financial and technical support to China in this area in the future.<sup>138</sup>

#### Notes

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<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council)

ACFTU	All-China Federation of Trade Unions, Beijing (China)
ACWF	All-China Women’s Federation, Beijing (China)*
AI	Amnesty International, London (England)*
AICC-ACFIC	Agricultural Industry Chamber of Commerce of the All-China Federation of Industry and Commerce (ACFIC) (China)
ANEC	Asociación Nacional de Economistas de Cuba, Cuba *
BAI	Beijing Aizhixing Institute, China
BCLARC	Beijing Children’s Legal Aid and Research Center, China, with contributions from: the Child Protection Legal Affairs Committee of Beijing Lawyers’ Association; the Child Protection Committees of the Anhui Lawyers’ Association; the Fujian Lawyers’ Association; the Liaoning Lawyers’ Association and the Inner Mongolia Lawyers’ Association; the Youth Working Committee of Shanxi Lawyers’ Association and the Shanxi Child Legal Aid Office
BLAOMW	Beijing Legal Aid Office for Migrant Workers, China
CABC	China-Africa Business Council, Beijing (China)
CAPDTC	China Association for Preservation and Development of Tibetan Culture
CCCS	China Care and Compassion Society, Beijing (China)*

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CDPF	China Disabled Persons' Federation, China*
CEAIE	China Education Association for International Exchange, China*
CEAO	El Centro de Estudios sobre Asia y Oceanía, Habana (Cuba)
CESC	China Economic and Social Council, Beijing (China)
CFPA	China Family Planning Association, Beijing (China)*
CHRD	Chinese Human Rights Defenders, China
CHRLCG	China Human Rights Lawyers Concern Group, China
CLB	China Labour Bulletin, Hong Kong (China)
CSHRS	China Society for Human Rights Studies, China*
CSJRNU	Center for the Study of Human Rights at Nankai Universit, Tianjin (China)
CSPGP	China Society for Promotion of the Guangcai Program, China *
CTRC	China Tibetology Research Centre, China
COHRE	Centre on Housing Rights and Evictions, Geneva (Switzerland)*
DHF	Dui Hua Foundation, San Francisco (USA)*
ECLJ	European Centre for Law and Justice, Strasbourg (France)*
FGHRWG	The Falun Gong Human Rights Working Group, San Diego (USA)
HKHRC	Hong Kong Human Rights Commission, a coalition of eleven non-governmental organizations: Christians for Hong Kong Society; Hong Kong Catholic Youth Council; Hong Kong Christian Industrial Committee; Hong Kong Christian Institute; Hong Kong Federation of Catholic Students; Hong Kong Social Workers' General Union; Hong Kong Storehouse and Transportation Staff Association; Hong Kong Women Christian Council; Justice and Peace Commission of the Hong Kong Catholic Diocese; Society for Community Organization; Student Christian Movement of Hong Kong, Hong Kong (China)
HKHRM	Hong Kong Human Rights Monitor, Hong Kong (China)
HRF	Human Rights First, Washington DC (USA)*
HRIC	Human Rights in China, New York (USA)
HRW	Human Rights Watch, Geneva (Switzerland)*
HRWFI	Human Rights Without Frontiers International, Brussels (Belgium)
IHRC	Islamic Human Rights Commission, Wembley (England)
IL-CASS	Institute of Law-Chinese Academy of Social Sciences, Beijing (China), information on the Chinese Legislative Restrictions on the Death Penalty and their Application; and on the Anti-Torture Situation in China
I-PEN	International PEN, London (England) *
ITUC	International Trade Union Confederation, Brussels (Belgium)
LRWC	Lawyer's Rights Watch Canada, Vancouver (Canada)*
RSF	Reporters sans Frontieres, Paris (France)*
SRI	Sexual Rights Initiative, Buenos Aires (Argentina): a coalition including MULABI – Latin American Space for Sexualities and Rights, Action Canada for Population and Development and Creating Resources for Empowerment and Action-India and others.
TBF	The Becket Fund, Washington DC, USA*
TUPRF	Joint submission by the Tibetan UPR Forum, a global coalition of organizations acting as the Tibetan consultation on the UPR: Mouvement contre le racisme et pour l'amitié entre les peuples; France Libertés; Helsinki Foundation for Human Rights; Society for Threatened Peoples; Asian Indigenous and Tribal Peoples Network; The International Campaign for Tibet – The Netherlands; Tibetan Centre for Human Rights and Democracy – India; Tibetan Women's Association – India; Tibetan United Nations Advocacy – Switzerland.
TWA	Joint submission by the Tibetan Women's Association -India; Tibetan Women's Association -North America; Tibetan Women's Association - Canada; Tibetan Women's Association -Europe.
WUC and UHRP	Joint submission by the World Uyghur Congress and Uyghur Human Rights Project of the Uyghur American Association, Washington, D.C
UNA-China	United Nations Association of China, Beijing, China* information on Human Rights Institutions in China , and on China's Judicial Reform and Human Rights Protection

- <sup>2</sup> CLB, para. 15, page 5. See also submission from ITUC, page 10.
- <sup>3</sup> HRIC, paras. 2-3, page 1.
- <sup>4</sup> ITUC, para. 32, page 10.
- <sup>5</sup> CSHRS, para. 6, page 3.
- <sup>6</sup> HRIC, para. 5, page 1.
- <sup>7</sup> HKHRM, para. 1, page 1.
- <sup>8</sup> HKHRM, para. 3, page 1.
- <sup>9</sup> UNA-C, page 2, Section II, para 1, part A, of the information on human rights institutions in China,.
- <sup>10</sup> WUC and UHRP, page 3.
- <sup>11</sup> HKHRM, page 5.
- <sup>12</sup> BCLARC, para. 8, pp.4-5.
- <sup>13</sup> ITUC, para. 6, page 2.
- <sup>14</sup> BLAOMW, para. 5, page 2.
- <sup>15</sup> BCLARC, para.4, page 2.
- <sup>16</sup> CESC, pp.4-5.
- <sup>17</sup> TUPRF, page 9.
- <sup>18</sup> HRIC, para. 10, page 2.
- <sup>19</sup> HRF, para. 15, page 5.
- <sup>20</sup> HRWFI, page 4.
- <sup>21</sup> TUPRF, page 9.
- <sup>22</sup> UNPO, page 2, part 1.1.
- <sup>23</sup> HRIC, para. 12, page 3.
- <sup>24</sup> ACWF, para. 12, page 3.
- <sup>25</sup> ACWF, para. 6, page 2.
- <sup>26</sup> ITUC, para. 27, page 7.
- <sup>27</sup> IHRC, page 2.
- <sup>28</sup> HKHRM, para. 21, page 4.
- <sup>29</sup> HKHRM, para. 22, page 5.
- <sup>30</sup> BAI, page 2.
- <sup>31</sup> BAI, pp. 2-3.
- <sup>32</sup> BAI, page 4.
- <sup>33</sup> BAI, page 5.
- <sup>34</sup> CDPF, page 1.
- <sup>35</sup> IL-CASS, para 13, pp.4-5, of the information on Chinese legislative restrictions on the death penalty and their application.
- <sup>36</sup> IL-CASS, para 14, page 5, of the information on Chinese legislative restrictions on the death penalty and their application.
- <sup>37</sup> DHF, para. 4, page 1. See also HRIC; AI.

- <sup>38</sup> AI, page 1. See also submission from CSHRS.
- <sup>39</sup> DHF, paras. 7-8.
- <sup>40</sup> HRW, page 2.
- <sup>41</sup> HRW, page 2.
- <sup>42</sup> AI, page 4. See submission for cases cited.
- <sup>43</sup> UNA-C, para 3, part D, page 1, of the information on China's judicial reform and human rights protection.
- <sup>44</sup> CHRDR, page 1..
- <sup>45</sup> AI, page 4.
- <sup>46</sup> CSHRS, para. 6, page 3.
- <sup>47</sup> UNA-C, para. 3 part E, page 2, of the information on China's judicial reform and human rights protection. See also ITUC, page 10.
- <sup>48</sup> AI, pp. 3-4.
- <sup>49</sup> AI, page 4.
- <sup>50</sup> CHRDR, page 1.
- <sup>51</sup> CHRDR, page 3.
- <sup>52</sup> ITUC, para.20, pages 6-7.
- <sup>53</sup> ACWF, para. 9, page 2.
- <sup>54</sup> ACWF, para. 11, page 3.
- <sup>55</sup> ITUC, page 9.
- <sup>56</sup> BCLARC, para 6, page 4.
- <sup>57</sup> ITUC, para. 17, page 6.
- <sup>58</sup> CSHRNU, pages 1-3. See also UNA-C, pages 1-2; CSHRS, pages 1-3.
- <sup>59</sup> UNA-C, para. 3, part A, page 1.
- <sup>60</sup> UNA-C, para. 3, part B, page 1.
- <sup>61</sup> UNA-C, para. 3, part C, page 1.
- <sup>62</sup> UNA-C, para. 3, part F, page 2.
- <sup>63</sup> LRWC, page 3.
- <sup>64</sup> CHRLCG, page 1. See also submission from LRWC, HRW and DHF.
- <sup>65</sup> HRW, page 2.
- <sup>66</sup> LRWC, pages 1-2.
- <sup>67</sup> DHF, para. 26.
- <sup>68</sup> DHF, para. 28.
- <sup>69</sup> UNA-C, page 1, Section I, para 1, part D, of information on human rights institutions in China.
- <sup>70</sup> UNA-C, page 2, Section II, para 1, part B, of information on human rights institutions in China.
- <sup>71</sup> BCLARC, para 7, page 4.
- <sup>72</sup> SRI, para. 27, page 5.
- <sup>73</sup> CCCS, para. 9, page 4.
- <sup>74</sup> HRWFI, page 1. See also submission from TBF; ECLJ.
- <sup>75</sup> TBF, page 3.

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- <sup>76</sup> HRWFI, pages 1-3. See submission for cases cited. See also submission from IHRC pages 1-3 and ECLJ, pages 1-2.
- <sup>77</sup> TBF, page 3. See submission for cases cited.
- <sup>78</sup> HRWFI, page 4. See also submission from TBF; WUC and UHRP.
- <sup>79</sup> HRW, pages 2-3. See also UNPO and WUC and UHRP.
- <sup>80</sup> HRW, pages 2-3.
- <sup>81</sup> FGHRWG, page 1. See also ECJL, page 3.
- <sup>82</sup> FGHRWG, pages 1- 5.
- <sup>83</sup> ECJL, pages 3-4.
- <sup>84</sup> IP, page 2.
- <sup>85</sup> I-PEN, page 2.
- <sup>86</sup> RSF, page 2.
- <sup>87</sup> RSF, pages 1-2.
- <sup>88</sup> I-PEN, page 2.
- <sup>89</sup> HKHRM, para. 13.
- <sup>90</sup> HKHRM, para. 15.
- <sup>91</sup> HKHRM, paras. 16 and 18.
- <sup>92</sup> AI, page 6. See also submission from CHRD, page 4; HRIC, page 5.
- <sup>93</sup> HRF, pages 1-2. See submission for cases cited.
- <sup>94</sup> CHRD, pages 6-7.
- <sup>95</sup> ACFTU, page 7.
- <sup>96</sup> ACFTU, pp. 4-5.
- <sup>97</sup> CLB, pages 1-5.
- <sup>98</sup> CLB, page 4. See also ITUC page 5.
- <sup>99</sup> ITUC, page 1.
- <sup>100</sup> ITUC, page 2. See submission for cases cited.
- <sup>101</sup> ITUC, page 4. See submission for cases cited.
- <sup>102</sup> ITUC, page 5. See submission for cases cited.
- <sup>103</sup> BLAOMW, pages 1-2.
- <sup>104</sup> BLAOMW, para. 7, pp. 2-3.
- <sup>105</sup> HRW, pages 3-4.
- <sup>106</sup> ITUC, page 9.
- <sup>107</sup> CESC, page 1.
- <sup>108</sup> CABC, pages 1-3.
- <sup>109</sup> ITUC, page 7.
- <sup>110</sup> ANEC, pages 1-3.
- <sup>111</sup> HRW, pages 3-4.
- <sup>112</sup> CESC, page 4.
- <sup>113</sup> TWA, page 6.

- <sup>114</sup> SRI, pages 1-2.
- <sup>115</sup> SRI, pages 1-6.
- <sup>116</sup> CFPA, page 2.
- <sup>117</sup> CFPA, pages 4-5.
- <sup>118</sup> CSPGP, para. 9.4, page 2.
- <sup>119</sup> COHRE, page 1..
- <sup>120</sup> COHRE page 6. See submission for cases cited.
- <sup>121</sup> CEAIE, page 1.
- <sup>122</sup> HRIC, page 1. See also CEAIE.
- <sup>123</sup> HRW, page 4. See also ITUC, para. 18, page 6.
- <sup>124</sup> TWA, page 4.
- <sup>125</sup> CTRC, page 1.
- <sup>126</sup> TWA, page 4.
- <sup>127</sup> CAPDTC, page 4.
- <sup>128</sup> TUPRF, page 6.
- <sup>129</sup> UNPO, page 5. See also submission from TUPRF; CAPDTC.
- <sup>130</sup> UNPO, page 2.
- <sup>131</sup> UNPO, pages 3-4.
- <sup>132</sup> UNPO, pages 3-4.
- <sup>133</sup> HKHRM, page 5. See also ITUC, page 9.
- <sup>134</sup> HRW, page 2.
- <sup>135</sup> UNPO, page 1.
- <sup>136</sup> CEAO pages 1-5; AICC/ACFIC, pages 1-4 ; CSPGP, pages 1-3; CESC, pages 1-5. See also ANEC, pages 1-3.
- <sup>137</sup> UNA-C, information on human rights institutions in China, page 2.
- <sup>138</sup> BCLARC, para. 9, page 5.

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