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**УНИВЕРСАЛЬНЫЙ ПЕРИОДИЧЕСКИЙ ОБЗОР**

**Доклад Рабочей группы по универсальному периодическому обзору\***

**Китай**

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of China was held at the 11th meeting on 9 February 2009. The delegation of China was headed by H.E. Mr. LI Baodong, Ambassador and Permanent Representative of China to the United Nations Office at Geneva. At its meeting held on 11 February 2009, the Working Group adopted the present report on China.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of China: Canada, India, and Nigeria.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of China:
  - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/CHN/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/CHN/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/CHN/3).
4. A list of questions prepared in advance by Czech Republic, Latvia, Liechtenstein and Sweden, Canada, Denmark, Germany, Lithuania, Netherlands, Norway, and United Kingdom was transmitted to China through the troika. These questions are available on the extranet of the UPR.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 10th meeting, on 9 February 2009, H.E. Mr. LI Baodong, Ambassador and Permanent Representative of China to the United Nations Office at Geneva made an introductory statement. China viewed the UPR exercise with importance. To prepare for China's national report a special task force composed of members from nearly 30 national legislative, judiciary and administrative departments was established. In order that the report was as comprehensive, objective and authoritative as possible, consultations were held with nearly 20 non-governmental

organizations (NGOs) and academic institutions, and broad public input was sought via the Internet.

6. In 1949, the People's Republic of China was founded and the Chinese people won national independence. A fundamental social and political system for the promotion and protection of human rights has been established in China. Since 1978 when reforms and opening-up were launched the living standards of the Chinese people moved from poverty to subsistence and from subsistence to relative prosperity. The number of persons in rural areas living in poverty has fallen from 250 million to over 14 million, and per capita disposable income of urban residents has increased 39 times. China was the first country in the world to meet the poverty reduction target set in the United Nations Millennium Development Goals (MDGs).

7. By the end of 2000 nine-year compulsory education had been made virtually universal throughout the country. Illiteracy had been essentially eliminated among the young and middle aged. China has met ahead of schedule the targets of "universal primary education" and "eliminating gender disparity in primary and secondary education" as set in the MDGs.

8. The average life expectancy of Chinese citizens now stands at 73 years. The maternal mortality rate is 60 per cent. The average per capita residential floor space for rural and urban residents increased four-fold in 30 years. Twelve Chinese cities have won the UN-HABITAT Award. In the wake of the devastating earthquakes that struck Wenchuan, Sichuan Province, in last May, the Chinese Government provided temporary accommodation within three months to over 10 million people affected by the earthquakes, and some 130,000 permanent residential units have been built within six months of the disaster.

9. China has worked consistently to improve its legal system. Since the reform in 1978, nearly 250 laws relating to the protection of human rights have been enacted. The notion of the rule of law and of State respect for safeguarding of human rights was codified in the Chinese Constitution in 1999 and 2004, respectively. China has continued its efforts to promote law-based governance and to increase government transparency. A number of laws, such as the Criminal Procedure, Administrative Review and State Compensation laws, and the Regulations on Public Access to Government Information, have been promulgated to ensure citizen's rights to be informed, to participate and to oversee governmental affairs. From the central to local governmental levels, a mechanism of public notification and public hearing has been introduced for all major decisions bearing on public interests and people's welfare.

10. China has endeavoured to promote democracy, enhance democratic institutions, improve the system of people's congresses, and reinforce political consultations among the political parties. A system of grassroots' self-government has been established, involving rural villagers'

committees and urban neighbourhood committees. A Chinese-style democracy is characterized by democratic election, democratic consultation and democratic self-government.

11. China sought to guarantee judicial independence and the fair administration of justice through continued reform and improvements. All death sentence appeal cases were heard in open court sessions. The authority to review and approve death penalty cases has been restored to the Supreme People's Court. Increasingly procuratorial organs required audio-video recording of interrogation of persons suspected of public office abuse-related crimes. The system of people's assessors and people's supervisors has been improved. Supervision over the administration of justice and over the law enforcement has been improved.

12. China encouraged NGOs to play a full role in promoting and protecting human rights with over 400,000 NGOs currently registered. They were active in such fields as poverty alleviation, health, education, environmental protection, and the safeguarding of citizens' rights, and have growing influence on China's political and social life.

13. China pursued a policy of ethnic equality and regional ethnic autonomy. Ethnic minorities in China benefitted from special preferential policies in the political, economic, cultural and educational spheres. The Government encouraged dual- and multi-language teaching in schools of ethnic minorities, and has helped 13 ethnic minorities to create or develop their written languages. Huge investment has been made to protect the religious practices, cultural identities and other heritages of ethnic minorities.

14. China was a party to 25 international human rights instruments, and has conducted human rights dialogue with nearly 20 countries. It maintained good relations of cooperation with the OHCHR and United Nations special procedures. The delegation welcomed Ms. Pillay to visit China at a time convenient to both sides. It was also considering inviting another United Nations Special Rapporteur to visit China in 2009.

15. Since the submission of its national report, China has adopted additional measures to protect human rights. In October 2008, a decision was made to deepen the rural reforms and development, such as eliminating extreme poverty in the countryside and doubling 2008 per capita income of rural residents by 2020, gradually realizing equal treatment between rural migrant workers and urban residents, and ensuring the exercise of farmers' democratic rights.

16. At the end of 2008, China had taken 60 more judicial reform measures, such as strengthening the system of investigation and supervision of crimes of abuse of power by public officials, and reducing punishment for minor crimes and juvenile delinquencies.

17. To tackle the current global financial crisis, the Government unveiled an economic stimulus package containing 10 major measures. Under the package, 65 per cent of the projects aim directly to benefit the life of people, including improving the wellbeing of rural residents, strengthening medical and health-care services, education and culture and other social services and programmes, accelerating the post-earthquake recovery and reconstruction, and increasing people's income.

18. China was the world's largest developing country and was fully aware of the difficulties and challenges it faced in the field of human rights. China had a population of 1.3 billion, and 800 million were farmers. China needed to create 24 million jobs each year. China still ranked well below 100 in terms of per capita GDP in the world. The poverty-stricken and low-income population remained vast, and the imbalances in development between urban and rural areas and among regions still persisted. Medical and health-care services and the social security system still fell short of people's needs.

19. The Government was conscientiously implementing the Scientific Outlook on Development, an approach that placed people first, and sought to ensure comprehensive, coordinated and sustainable development, in an effort to build a harmonious society with democracy, the rule of law, equity and justice. The Government would continue to give top priority to people's livelihood, human values, people's rights and interests, and social equity and freedoms.

20. Currently, some 50 government departments were working on a National Human Rights Action Plan for 2009-2010, which would soon be made public.

21. The Chinese Government resumed the exercise of sovereignty over Hong Kong and Macao in 1997 and 1999 respectively and established the Hong Kong Special Administrative Region (HKSAR) and the Macao Special Administrative Region (MSAR) under the principle of "One Country, Two Systems".

22. In the HKSAR, human rights and freedoms were guaranteed by the Basic Law, as well as by, inter alia, the Bill of Rights Ordinance, the Race Discrimination Ordinance, and the Independent Police Complaints Council Ordinance. The rights of special groups were also protected through such mechanisms as the Women's Commission, the Children's Council project, the Children's Rights Forum, and the Ethnic Minorities Forum.

23. In the MSAR, human rights and freedoms were guaranteed by the MSAR Basic Law. To promote and protect human rights and maintain the rule of law was a cornerstone of the Macau Government's policy. The MSAR Government continued to improve social rights, particular

consideration was given to the rights of vulnerable groups, such as the disabled, the elderly, the children, the women and the persons under custody. The MSAR Government remained committed to a government more accountable to the citizens, advocated the concept of social harmony and promoted human rights development.

24. In China's National Report, the HKSAR and MSAR Governments provided separate accounts of the situations in the territories of Hong Kong and Macao. The two regions were represented by their senior officials.

25. The delegation noted that, due to time constraints, the presentation could not cover all China's efforts to promote and protect human rights and elaborate on its difficulties and challenges. The delegation would try its best to address questions, including those unanswered written questions in a candid and open manner and respond to the recommendations responsibly.

### **B. Interactive dialogue and responses by the State under review**

26. During the interactive dialogue, statements were made by 60 delegations. Fifty-five delegations were not able to make their statements. \*\* A large number of delegations congratulated China for its informative and comprehensive national report and its open presentation. Numerous delegations welcomed China's commitment to the UPR process and its constructive and cooperative participation. Statements were made welcoming the broad-based consultation with stakeholders in the preparation of the national report.

27. Australia welcomed the considerable improvements made by China over the past 30 years, but expressed concern that Chinese officials continue to repress religious activities considered to be outside the State-controlled religious system. Noting grave concerns about reports of harassment, arbitrary arrest, punishment and detention of religious and ethnic minorities, including Tibetans, it recommended that China: (a) strengthen the protection of ethnic minorities' religious, civil, socio-economic and political rights. While encouraged by positive developments in the handling of death-penalty cases, it remained concerned about the reportedly high number of executions and lack of transparency in such cases and recommended that China; (b) abolish the death penalty and, as interim steps, reduce the number of crimes for which the death penalty can be imposed and publish figures on executions. Welcoming the softening of

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\*\* Norway, Denmark, Chile, Republic of Korea, Tunisia, Lao People's Democratic Republic, Mauritius, Luxembourg, Serbia, Slovakia, Belgium, Burkina Faso, Botswana, Bosnia-Herzegovina, Bangladesh, Democratic Republic of Congo, Syrian Arab Republic, Nigeria, Ukraine, Maldives, Nepal, Djibouti, Kuwait, Chad, Belarus, Ireland, Burundi, Azerbaijan, Romania, Albania, Afghanistan, Democratic People's Republic of Korea, Lebanon, Cyprus, Ethiopia, Greece, Montenegro, Liechtenstein, Kazakhstan, Cambodia, Rwanda, Uganda, Timor-Leste, Lithuania, Kyrgyzstan, Niger, United Republic of Tanzania, Slovenia, Tajikistan, Equatorial Guinea, Mauritania, Mongolia, Cote d'Ivoire and Cameroon.

media regulations for foreign journalists and encouraging China to ensure restrictions are not imposed on journalists' access to the Tibetan Autonomous Region and to rural areas, it recommended (c) that the new regulations be extended to Chinese journalists. Australia further recommended that China (d) respond positively to outstanding visit requests by special procedures and issue a standing invitation; (e) ratify the International Covenant on Civil and Political Rights (ICCPR) as quickly as possible and with minimal reservations; (f) establish a national human rights institution, in accordance with the Paris Principles; and (g) investigate reports of harassment and detention of human rights defenders, including alleged mistreatment while in police custody, with a view to ending impunity.

28. Canada welcomed the measures taken to reduce immediate death sentences, reserving them for "exceptionally grave" crimes and reinstating Supreme People's Court authority to review death sentences. Canada expressed deep concern about reports of arbitrary detention of ethnic minorities members, including Tibetans, Uighurs and Mongols as well as religious believers, including Falun Gong practitioners, without information about their charges, their location and wellbeing. Canada recommended that China: (a) accelerate legislative and judicial reforms, particularly on death penalty and administrative detention, to be in compliance with the ICCPR; (b) reduce the number of crimes carrying the death penalty and (c) regularly publish detailed statistics on death penalty use; (d) abolish all forms of administrative detention, including "Re-Education Through Labour"; (e) eliminate abuse of psychiatric committal; (f) provide those held on State-security charges with all fundamental legal safeguards, including access to counsel, public trial and sentencing, and eligibility for sentence reduction and parole; (g) take immediate measures to implement the recommendations of November 2008 of the Committee against Torture, particularly on the inadmissibility in court of statements made under torture and the non-refoulement of refugees from the Democratic People's Republic of Korea; and (h) respond positively to outstanding requests made by several United Nations Special Procedures, including the Special Rapporteur on freedom of religion or belief, to visit China, and (i) facilitate an early visit by the High Commissioner for Human Rights.

29. Singapore noted China's priority on realizing the people's right to development has brought about since 1978 rapid growth averaging 9.8 per cent per annum. It noted that this result could not have been possible without the empowerment of women. It welcomed the elaboration of a National Human Rights Action Plan for 2009-2010 that seeks to balance urban and rural development and to accelerate social development, with an emphasis on people's welfare and on promoting social equity and justice. Singapore recommended that China finalize and publish the national human rights action plan for 2009-2010 at an early date and then swiftly implement it. It commended China for its efforts at strengthening its human rights legislation. It noted that over the past three decades the National People's Congress and its Standing Committee have enacted some 250 laws relating to human rights protection, with the Constitution as its core. Singapore



appreciated China's active role in supporting the work of the United Nations in the area of human rights, including hosting in Beijing the 4<sup>th</sup> World Conference on Women in 1995.

30. The Netherlands noted the Chinese position on the protection of ethnic minority rights, and looked forward to further explanations on the death penalty and on UNHCR's role with regard to refugees from the Democratic People's Republic of Korea. It welcomed progress made in human rights. It recommended that China: (a) continue to advance the rule of law and to deepen the reform of the judicial system; (b) ratify the ICCPR as soon as possible and bring its legislation into line with its provisions; and (c) extend a standing invitation to all United Nations special rapporteurs. It said it looked forward to the publication of the Human Rights Action Plan 2009-2010.

31. Switzerland recognized the rapid economic development in the past years and the efforts made by China to improve the living condition of its population. It welcomed the inclusion of an article on the protection of human rights in the Constitution and the promulgation of a number of laws that protect human rights and recommended that China (a) amend the criminal procedure code in order to ensure the right to a lawyer and put in place a law for the protection of witnesses. It requested more information on the process and timeframe for ratification of the ICCPR, which China signed in 1998. It further welcomed the systematic revision of the death penalty by the People's Supreme Court effective from January 2007, which resulted in a decrease in executions, and recommended that China (b) publish the statistics of the total number of executions since the introduction of its revision to allow measurement of the decline in numbers; (c) install a moratorium on the death penalty as a first step towards its total abolition. While stressing that the rights and the particularities of minorities should be recognized and protected, and that their economic development should be supported, Switzerland expressed concern over the situation of ethnic minorities in Xinjiang and Tibet, Switzerland recommended that the Chinese authorities: (d) respect the fundamental rights of these ethnic minorities, notably freedom of religion and movement.

32. The Philippines said its people have enjoyed friendly relations with the Chinese people, to which it is bound by strong commercial and cultural ties. It noted China's tremendous gains in human rights protection and promotion, considering its challenges as a large developing country with over 20 per cent of the world's population. It noted: government measures to eradicate poverty, increase living standards, health, levels of employment and education, which have lifted millions out of poverty, enhancing human dignity and enjoyment of human rights; the increased investments in social security, particularly for rural inhabitants and special groups, and the responsiveness to victims of natural disasters, including the provision of assistance to over nine million people in Sichuan province. It recommended that China: (a) continue its endeavour to build a sound social security system and supporting services commensurate with national

conditions, as well as its level of social and economic development; (b) share best practices with other developing countries on poverty-reduction programmes and strategies, especially in rural areas. It asked if the financial crisis had led to rising unemployment in China and how China is addressing the situation.

33. Algeria regretted politicization of the human rights situation in China during the review. It noted that the record achievements of China in attaining Millennium Development Goals (MDGs) showed the concept of Scientific Development perspectives is valid. It recommended that China: (a) pursue the implementation of the concept of Scientific Development perspectives to ensure comprehensive, coordinated and lasting development and to continue building a harmonious society marked by democracy, primacy of the law, equity and justice; and (b) share with interested developing countries its good practices in the implementation of this concept. It saluted the importance given by China to cooperation and exchange with other countries on human rights, adding that it considers that human rights situations and efforts deployed must take into account the level of development, cultural, historical and sociological contexts of each country. It recommended that China (c) continue to explore development methods and the implementation of human rights in harmony with its characteristics, its realities and the needs of Chinese society; (d) in accordance with its imperatives dictated by its national realities, proceed to legislative, judicial and administrative reform as well as create conditions permitting the ratification, as soon as possible, of the ICCPR; and (e) proceed as soon as possible with the publication and implementation of its National Human Rights Action Plan for 2009-2010.

34. The Russian Federation commended China's role in the work of the Human Rights Council and its efforts to strengthen international interaction in the area of human rights. It noted that the emphasis placed in China's national report on ensuring the realization of a basket of socio-economic rights, including questions of increasing the level of social protection, education and health, was fair. This policy on the part of the Government of the most heavily populated country of the world is particularly important in light of the global financial crisis. China is investing enormous resources aiming to develop Tibet province and in this regard the Russian Federation recommended it continue to invest financial and material resources with a view to supporting economic and social developments in the country as a whole and in the Tibet Autonomous Region in particular. It welcomed the fact that China has managed to develop a mutually acceptable formula for interaction between the authorities and civil society and noted the progress made in the work of the judiciary, law enforcement and penitentiary systems, and on questions related to conditions of certain groups of society.

35. Bhutan noted that China is a developing country with a vast territory and 21 per cent of the world's population. It appreciated China's pursuit of an approach that places people first and seeks to ensure comprehensive, coordinated and sustainable development to build a harmonious

society characterized by democracy, rule of law, equity and justice, as encapsulated in its policy of a Scientific Outlook on Development. It asked China to share some of the main lessons learned and best practices emerging from its experience in carefully formulating national economic and social development plans, and its astounding economic success, which have propelled living standards from poverty to subsistence and from subsistence to relative prosperity, including as the first country in the world in meeting the MDG on poverty reduction. It noted, however, that the reach and effects of such successes have been uneven between urban and rural areas and among different regions of the country. Bhutan recommended that China strengthen its efforts in poverty alleviation in order to continue reducing the number of persons living in poverty. It also recommended particular focus on bridging the gap in economic and social development between rural and urban areas and among regions. Bhutan noted increasing investment in the development of minority areas, including through increased support for basic education, promotion of traditional medicine and cultures and enhancement of self-development capacity as measures identified by the Government as future objectives.

36. Noting that China has accomplished important leaps along the path of economic development, moving in 30 years from being a poor country into becoming the third biggest economy in the world, Egypt expressed continuing support to China in its endeavour to pursue development, national unity and territorial integrity. It praised the commitment to the protection and promotion of human rights demonstrated in the new constitutional provision. It further praised China's efforts to ameliorate and promote human rights protection, taking into consideration the accompanying challenges of being a country with 1.3 billion people. It understood China's need to keep the death penalty, which it recognized is strictly controlled and applied with extreme caution and is not applied to any person under 18 or to any pregnant women. It welcomed the restoration of the authority to review and approve death penalty cases to the Supreme People's Court. Egypt recommended that China: (a) continue its national efforts for the promotion and protection of human rights, including in the area of strengthening its national human rights architecture; and (b) in light of its national realities, continue to implement the policy of strictly controlling and applying the death penalty.

37. Libya noted that China had implemented many procedures and principles in order to promote human rights and gender equality, as well as the many challenges faced by China. It appreciated the strategies deployed and lessons learned by China in pursuing prosperity for all its inhabitants and implementation of the MDGs. It welcomed the efforts made by China to adhere to all international agreements. Libya recommended that China accede to the International Covenant on Economic, Social and Cultural Rights (ICESCR).

38. Mexico welcomed China's efforts in the area of human rights, in particular the progress made regarding education, labour, health, housing and the early achievement of MDGs. It noted

with satisfaction the measures taken to create the conditions for swift ratification of the ICCPR, which will help to further improvements in areas including due process of law, freedom of expressions and opinions and freedom of religion, beliefs and association throughout the country, and to do so without reservations. Mexico observed China's cooperation with OHCHR and Special Procedures, some of which it received as long ago as 1994. It noted China's openness in ratifying a huge number of human rights instruments. Mexico also noted that it would be desirable to continue fostering cooperation with international mechanisms and for this reason recommended that China a) respond positively to requests from Special Procedures on the right to food, human rights defenders, adequate housing, health, extrajudicial executions and toxic waste to visit China; and b) give positive consideration to ratifying the Optional Protocol to the Convention against Torture (OP-CAT), the Convention on the Rights of Persons with Disabilities (CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance (CED). Mexico commended China for having implemented additional safeguards concerning the application of the death penalty. This being a subject to which it attaches the utmost importance, Mexico recommended that China that consider positively declaring a moratorium on the application of the death penalty with a view to abolishing it.

39. Sri Lanka, noting that 60 years previously Mao Zedong announced to the world that the Chinese people had stood up, expressed pride that today the Chinese people are standing ever taller. It cited the political and social revolution of 1949 and the economic modernization revolution of 1978. It noted that China has ensured the political rights of its people, the rights of independence, self-determination, sovereignty, and the social and economic right to freedom from feudal exploitation and to the satisfaction of material needs. Sri Lanka rejected malignant criticisms by those who tore China into little pieces in the period of colonialism and semi-colonialism and who forced the habit of opium on Chinese people. It rejected criticism regarding Tibet, which Sri Lanka considers an inalienable province of China. It recommended (a) making more widely available to the world China's experience in combining a strong State with ethnic regional autonomy; (b) making available in international languages to the rest of the world its experience in economic revolution, modernization and in satisfying the material needs of an enormous rural population.

40. South Africa paid tribute to the unprecedented human solidarity and support extended by China to its struggle against the crime of apartheid. It also praised China for hosting the Fourth World Conference on Women in 1995, which led to the adoption of the Beijing Declaration and Platform of Action. It welcomed China's achievement of the MDGs in the areas of primary education, including meeting the target for eliminating gender disparities in primary and secondary education and reducing of the under-5 mortality rate by two-thirds. It also welcomed China's collaboration with OHCHR particularly the series of exchanges and cooperation projects in the field of human rights. It praised China's commitment to the total eradication of and its

continued support for the successful outcome of the Durban Review Conference by extending the much-needed financial support. While being mindful that China, like all developing countries, has some way to go in fulfilling its human rights obligations, South Africa recommended that the Government (a) intensify its efforts to eradicate poverty, improve its health infrastructure, including access to health services especially for vulnerable groups like women, children, the elderly, the disabled and ethnic minorities, and foster civil-society participation; and (b) intensify its engagement with the international community to exchange best practices and cooperation on law enforcement supervision and training with a view to contributing to its judicial reform processes on the basis of equality and mutual respect.

41. Saudi Arabia appreciated China's valuable information and clear statements and its efforts to promote and protect human rights. China had acceded to more than 25 human rights instruments, including six core human rights conventions. It has implemented its international human rights obligations and submitted its periodic reports to United Nations treaty bodies regarding implementation of the instruments concerned. That was a clear indication of China's acceptance of international responsibility and political will and a commitment to promote human rights. China's policy of dialogue and constructive cooperation with OHCHR and other United Nations agencies, its invitations to various United Nations officials to visit the country regarding civil and political rights and its interaction with mandate holders and the facilitation of their work were further proof of its political will to protect and promote human rights. In view of that and the invitations extended by China, Saudi Arabia recommended that China to invite other Special Rapporteurs dealing with economic and social rights to visit the country.

42. The United Kingdom of Great Britain and Northern Ireland welcomed progress on economic, social and cultural rights, progress on the permanent relaxation of regulations on reporting by foreign correspondents in China, and progress on reforming administration of the death penalty, but noted there remains a lack of transparency over use of the death penalty, which can still be applied for 68 crimes, including non-violent ones. It expressed concern about the human rights situation in the Tibet Autonomous Region and other Tibetan areas, particularly as regards cultural rights, including religious rights, and the use and teaching of minority languages, history and culture. It asked about plans to strengthen protections for Chinese media, who face non-official obstacles to reporting freely, in line with the ICCPR. It asked also how China intends to implement recommendations by the Committee against Torture on re-education through labour, the treatment of human rights defenders, and protection for defence lawyers. It recommended that China: (a) release a clear timetable for work towards ICCPR ratification; (b) reduce the scope of application of the death penalty, and publish statistics to show that the use of the death penalty is falling in China; (c) issue a standing invitation to the Special Procedures of the Human Rights Council; and (d) grant greater access to Tibetan areas for OHCHR and other United Nations bodies, as well as diplomats and the international media.

43. Germany asked about the efforts made by China to effectively combat torture and maltreatment of persons in detention facilities, and the efforts to ensure that evidence obtained by torture is not used against defendants in criminal proceedings and that persons committing or officials responsible for acts of torture or serious maltreatment of detainees are brought to justice regardless of their function. Germany recommended that China: (a) abolish administrative detention and forced labour without proper trial, access to legal representation and independent supervision; (b) ensure every detainee has the right to regularly see visitors and has permanent access to legal counsel and effective complaint mechanisms; (c) ensure that all detainees, regardless of their crimes are held in facilities with decent standard and treatment; (d) take effective measures to improve education, training and supervision of prison staff; (e) continue efforts to change its legal practice in a way which is conducive to markedly reducing the number of the death sentences being imposed and persons executed; (f) consider an early release of detainees who are of old age or in fragile health; (g) review its approach towards religious groups and practitioners, including those not organized in the officially recognized churches; (h) and guarantee all citizens of China, including its minority communities and religions, the exercise of religious freedom, freedom of belief and the freedom of worshipping in private.

44. Uzbekistan welcomed the efforts made in the area of protecting and promoting all human rights, including political, civil, social and cultural rights and also the right to development. Uzbekistan stated that the comprehensive work realized in China on a broad spectrum in the areas related to protection of human rights clearly attested to the commitment on the part of the Government to its international obligation in the area of defence of human rights. It stressed the positive results in the area of protecting the rights of women and children, education and human rights, the development of civil society, rights of disabled persons, health and social wellbeing. It noted that particular attention should be paid to the national human rights plan of actions for 2009-2010 that assists in further strengthening of the system of human rights protection in the country and ensures effectiveness of the work in this area.

45. Sudan commended China for its indivisibility of human rights, through its inclusion of social, cultural rights and the right to development as well as political and civil rights. It appreciated the efforts undertaken in recent years to continue to promote democracy and the rule of law, including a number of measures aimed to improve the judicial system, including the system of “re-education through labour”. It understood that the system of re-education through labour is a special legal system based on China’s realities. It has a clearly defined legal basis, strict approval procedures and full judicial remedy channels. According to Sudan’s understanding, “correctional service” was a more suitable interpretation of the system of “re-education through labour.” Sudan recommended that China actively and prudently push forward reform of re-education through labour according to its national realities.

46. Cuba stated that the millennium-long history and hard work of China would put those countries on shame to criticize China. It noted that changes had been sweeping in China from the devastating Opium War and the situation in Hong Kong, and Marco Polo's exploration, to the celebration of the Olympics. It further noted that in 1949, the Chinese people decided to take the path of emancipation and socialism, through which Cuba shared China's aspirations, hopes, achievements and challenges. It noted China's efforts aimed at ensuring that people can benefit from prosperity and wellbeing and that lifted millions of people out of poverty and fed more than one billion people. It further noted that the Chinese people had been obliged to enforce severe laws against activities aimed at destroying the regime. Cuba recommended that China: a) continue its efforts for the promotion and protection of human rights and also for the legitimate interests of organisations and individuals work faithfully to uphold the human rights of the Chinese people; and b) maintain, in strict compliance of law, to avoid the impunity for people who are qualifying themselves as human rights defenders with the objective of attacking the interests of the state and the people of China.

47. Ghana appreciated the important contribution and commitment of China to the work of the Human Rights Council and viewed positively the Government's efforts to further human rights within its vast country and multi-ethnic society. It praised several commendable achievements of China including the reduction of the number of persons in rural areas living in extreme poverty. It also noted the attainment, ahead of schedule, of the targets set in the Millennium Development Goals in the areas of poverty reduction, primary education, and a two-third reduction of the under-five mortality rate. It noted that the Government identified the measures it needed to take to address the challenges. Ghana requested further information regarding how the Government intends to achieve the goals of creating 24 million jobs in cities and towns each year in the light of the current global financial crisis.

48. Mozambique commended China's extraordinary achievements in development, education, health and adequate housing, among others, and China's efforts at promoting gender equality, highlighting the promulgation of a Program for the Development of Women, spanning 1995 to 2010, which outlines the priorities and indicators for women's development. It noted more than 20 per cent of China's parliament is made up of women and the labour market is 45 per cent female, higher than the world average. It noted that China has already met its MDG target of eliminating gender disparity in primary and secondary education. It recommended that China (a) continue the efforts aimed at further enhancing the status of women and gradually do away with some traditional concepts in the rural areas that are likely to entrench practices that may still hamper progress in gender equality.

49. Angola welcomed the policies undertaken by China to promote gender equality and expressed satisfaction that China successfully achieved the target of elimination of gender disparity in primary and secondary education set in the MDGs. It noted the great importance attached by China to the promotion of the right to subsistence and the right to development through the adoption and implementation of sound policies and programmes aimed at improving the living standards of its population and promote social progress. It further noted that China became the first country in the world to meet the poverty reduction target set in the MDGs. It noted the important role to be played by NGOs in China's political, economic, cultural and social life by intervening in different fields such as poverty alleviation, health, education, environmental protection and safeguarding citizens' rights. It also positively noted the existence of 387,000 of registered NGOs. It noted that China amended its compulsory education law to make it free of charge nationwide. Angola recommended that China: a) continue to strengthen policies to promote education and to address educational imbalances between urban and rural areas and among regions; b) share good practices that allowed China to achieve poverty reduction targets set in the Millennium Development Goals; and c) continue its policies in the field of international cooperation in order to assist the efforts made by other countries to fulfil the right to development.

50. Viet Nam noted that China is a large multi-ethnic and multi-religious developing country with the world's biggest population. It highly applauded the people-centered development policy and the determined efforts of the Government and people to have brought about significant achievements in the area of human rights, most notably manifested in the better ensuring of civil, political, social and economic rights, the special care for ethnic minorities, women, children, persons with disabilities and the early accomplishment of many MDGs. It welcomed China's human rights dialogues with countries over the years and its active cooperation with United Nations human rights mechanisms. Viet Nam also welcomed China's National Human Rights Action Plan for 2009-2010 where specific measures for the promotion and protection of human rights are identified. It recommended that China continue its efforts in legal and judicial reforms, economic development and other areas towards promoting a harmonious society, democracy, the rule of law and human rights. Viet Nam also recommended that China share with the international community an experience in promoting the right to development and poverty reduction.

51. Morocco commended China's consultations in human rights with civil society groups. It stated that the national report was transparent and demonstrated the constraints under which the Government operated in ensuring the exercise of all of these rights. It expressed particular interest in labour rights and the rights of migrant workers, who make an important contribution to China's economic development. It saluted the efforts undertaken for the protection of the rights and interests of this category of the population. Morocco also congratulated the Chinese



Government for its efforts in solving a number of problems facing immigrants, such as increasing insurance protection of migrant workers and the extension of certain necessary services to them. Morocco noted that the international financial crisis has reduced work opportunities in rural areas and recommended that the Government adopt special measures in this context of crisis in order to guarantee the protection of rights in this area.

52. Oman praised that China attached great importance to the implementation and protection of human rights noting its success in the implementation of economic, social and cultural rights. While noting that given the great diversity, national unity is very important for China, it welcomed the necessary importance that China attached to the promotion and protection of human rights. It asked about what objective challenges that China is faced with. Oman recommended that China continue its efforts for the promotion of human rights.

53. United Arab Emirates commended the progress achieved by China over the past 30 years, since it adopted a policy of openness and reform. It said that China had witnessed an increase in the enjoyment of economic, social and cultural rights. It appreciated efforts undertaken to improve China's judicial institutions and to develop its comprehensive reforms. It expressed admiration for the achievements made by China to expand the implementation of justice in society through guaranteeing the right to defence, system of people's courts and the trial by jury. Considering the efforts made by China to ensure the right to a fair trial, it recommended continuing to strengthen its judicial organs through the organization of training seminars for its judges and judiciary personnel.

54. Nicaragua noted that respect and protection of human rights in China's Constitution are constant and consistent objectives pursued by the Government, which has taken a participatory approach at the international level. As party to 25 international human rights conventions and sponsor of a number of international fora, China has cooperated well with the OHCHR and with the work of the Council in an open-minded and responsible spirit on the basis of dialogue. With a country this large and diverse, one needs to bear in mind the history and social and economic realities. It further noted that while poverty and the current world economic crisis are only some of the main obstacles China, which has 21 per cent of the world's population, faces in ensuring the full exercise of human rights, it has spared no effort, in line with the MDGs, in working to meet the basic needs of the people. It recognised the tangible results China has achieved and recommended that China continue enhancing the quality of life of its people through the enjoyment of economic, social and cultural rights and pursuant to international standards.

55. India welcomed China's commitment to engaging in exchanges and cooperation with other countries in the field of human rights and in promoting a non-selective approach at the international level. It praised the tremendous strides made by China in reducing poverty and

attaining some of the MDGs ahead of schedule. It also noted with interest a National Human Rights Action plan for 2009 -2010 being formulated, which will identify the measures to be taken by Government departments and development agencies.

56. France noted that NGOs' reports frequently referred to various methods of confinement, such as detention, house arrest, secret prisons and re-education through labour centres. It asked about any planned reforms on this matter and of what progress has been made in improving the situation of re-education through labour. France enquired about progress in adopting a law to ensure the legal protection of mentally ill persons. It asked about the new role played by the Supreme People's Court regarding the pronouncement of death penalty sentences. Noting that the law on the work of foreign journalists was the first step towards creating respect for freedom of movement and information, France recommended that (a) provisions of this law be extended to Chinese journalists. France enquired about progress in adopting legislative and regulatory texts for the ratification of ICCPR and recommended that China (b) state a precise calendar for ratification and adoption of the necessary measures for the ratification of the ICCPR. France recommended (c) the reduction of the great number of crimes which are subject to capital punishment, specifically, first of all, economic crimes, as well as abolishing the death penalty and increasing transparency on this issue by publishing national official statistics. It recommended that China (d) become a party to the Rome statute of the ICC.

57. Yemen commended China's great attention to recommendations of international bodies, particularly regarding people with disabilities and those suffering from mental illnesses, noting the creation of national bodies to pay greater attention to such people and to their economic and social rights. The national programme on debt relief has contributed to relieving the suffering of 10 million handicapped persons living in the rural areas and 15 million Chinese citizens have been able to enjoy greater freedom and greater rights. It commended the efforts undertaken to guarantee respect of their legitimate rights. It saluted China's hosting of the Paralympics and recommended it continue efforts in supporting persons with disabilities and ensuring their contribution in social life, as effective partners.

58. Jordan was encouraged by China's access to a high number of international human rights instruments, including the Convention on the Rights of Persons with Disabilities. It was pleased that China was taking steps with the view to ratifying the ICCPR. It noted that China has been keen to complement its commitments under international human rights instruments by enacting many laws pertaining to human rights. It commended China for adopting measures aiming at limiting the application of capital punishment and hoped that it would continue its efforts in this regard. It noted that the implementation of the Scientific Outlook on Development has proven to be effective since it puts people first and seeks to tackle their rights and needs in a comprehensive manner for a harmonious society and thus enabling China to achieve further

progress on the MDGs. Jordan praised China for human rights education through implementing successive programs, which emphasized education and training for public servants in the field of human rights and the rule of law. Jordan recommended continuing to place people at the centre of development in a harmonious society for all so that this approach can further progress the economic, social and cultural rights. It also recommended intensifying human rights awareness campaigns and continuing to provide and improve training programs on human rights for the judiciary, law enforcement personnel and lawyers.

59. The Islamic Republic of Iran commended China's strong commitment to human rights, welcoming its openness in addressing human rights issues, as well as its impressive economic development during the last three decades and significant advancement in Chinese people's enjoyment of all human rights. Noting China's commitment to cooperating with other countries in promoting a fair, objective and non-selective approach by the international community on human rights issues, it asked about steps to engage countries at a regional and international level in dialogue and cooperation in this regard. Noting that the development of internet in general is something positive but its negative impact can never be underestimated, Iran recommended that, while guaranteeing this freedom of speech, China should strengthen Internet governance to make sure the contents that incite war, racial hatred or defamation of religions are prohibited, and pornographic websites that are harmful to children and minors are banned or restricted.

60. The delegation thanked all countries who spoke positively of its efforts in human rights promotion and protection and for many important and interesting questions and recommendations. It noted with regret, and reject categorically, however, the politicised statement by certain countries.

61. The delegation stated that China endeavours to promote economic, social and cultural rights of its people, and to push forward democracy and the institutional development for the rule of law to guarantee civil and political rights and fundamental freedoms. China's successful poverty alleviation measures and strategy since 1986 has achieved extensive results. The main reason is that China adheres to reform and opening up policy based upon its national situation. The four methods are: the leading role by the Government; a participatory approach by the whole society; encouragement for self-reliance; and greater infrastructure and capacity building efforts in those areas. The delegation thanked all the countries concerned and United Nations agencies for their assistance in economic development, poverty alleviation and efforts to achieve the MDGs.

62. Noting that the global financial crisis has hit China too and has resulted in growth of unemployment figures, the Government has adopted measures to secure employment by, inter alia, providing support to small and medium-size enterprises, labour-intensive industries and

service industries, offering incentives to enterprises not to lay off workers; and assisting rural migrant workers to find and create jobs.

63. The delegation mentioned that its principle in acceding to international human rights instruments is “ratification is due when condition is right”. A reservation is made only when the domestic situation calls for it. China signed the ICCPR and is engaged in amending domestic laws, including re-education through labour, and amending criminal procedural laws to remove possible incompatibility with the Covenant. China is very serious towards its treaty obligations, attaches importance to treaty body recommendations and carefully studies and actively implements all their reasonable and viable recommendations.

64. The national human rights action plan, which will be promulgated soon, covers poverty alleviation, education, health, housing, women’s and children’s rights and improvement of judiciary. During its preparation, the Government extensively consulted civil societies including All China Women’s Federation, Federation of the Disabled Person, and the Chinese Human Rights Research Institution. These organisations will participate in its supervision and implementation.

65. The delegation said China cooperates well with special procedures and replied seriously to every communication transmitted by the mechanism. In recent years, it has received six visits by special rapporteurs on torture, religious freedom, education and the Working Group on arbitrary detention. It will continue to extend invitations to special rapporteurs and considers inviting one to visit in 2009. It attaches great importance to their reports and actively implements reasonable recommendations. The delegation noted that it has provided several times feedback to the Special Rapporteur on torture on the implementation of his recommendations.

66. Regarding administrative detention and re-education through labour, the delegation noted that administrative detention is an administrative sanction that temporarily limits the liberty of a person. It is applied to persons who have committed offences less than a criminal offence and can be appealed through administrative review or administrative litigation. The Chinese system of re-education through labour is similar to that of correctional service in other countries and is applied to persons who have committed crimes that do not warrant criminal sentence. There are 320 such centres in China with 190,000 inmates. Its main legal basis is in various specific laws, authorized or passed by the Standing Committee of the National Congress. This Standing Committee has decided to formulate a Law on Correctional Services, in which a reform of system of the re-education through labour is envisaged.

67. The delegation noted that current circumstances do not allow for abolition of the death penalty but that its use is strictly controlled. In practice, death penalty is only applied to very serious crimes and is not used in most of the applicable crimes. If a person sentenced to death with a stay of execution for two years, does not commit any new crimes during the period of

suspension, his sentence will be commuted to other sentence. A positive consideration is been given to the proposal to reduce the number of crimes subject to death penalty, especially for non-violent crimes.

68. On the issue of judiciary independence, the delegation noted that in China the Constitution and the law stipulates that the court should carry out their judicial authorities independently and free from any interference from administrative branches, societal bodies and individuals. The law on lawyers is amended and the law of state compensations and criminal procedural law are now on the agenda of the National People's Congress to realise justice and equality in judicial system China. Judicial reform and training programmes of the judiciary are carried out.

69. On torture and other inhumane treatment, the delegation noted that the number of cases of torture is declining and that it would never allow torture be used on ethnic groups, religious believers or other groups. The law clearly prohibits establishment of private detention facilities, there are no black jails in the country. Under the criminal law, collecting evidence by force, illegal detention or corporal punishment of detainees constitutes criminal offences. The law on detention facilities further prohibits any abuse, physical or oral of detainees. A comprehensive safeguard mechanism against torture exists in all prisons and detention facilities, comprising four layers: the first layer is internal discipline and supervision in every facility, the second is supervision by procuratorial bodies, the third is the National People's Congress or Political Consultative Conferences, and the fourth is a special unit to investigate and handle cases of alleged torture. Victims of torture are entitled to seek compensation under the law.

70. The delegation informed that the amended law on lawyers contains clear provisions to protect lawyer's rights, their personal liberty and immunity from sanctions for speeches defending legally their clients in criminal proceedings. However, when a case involves state secrets, it is normal that certain restrictions are placed on the meetings between suspects and their lawyers. Consideration is being given to amending the criminal procedure law so as to further enhance the role of lawyers in criminal proceedings.

71. On freedom of speech and expression, the delegation noted that China's laws provide complete guarantees. The Government encourages the media to play a watchdog role and there is no censorship in the country. Major stories, like the contaminated milk powder story, are brought to public attention by the media. No individual or press has been penalized for voicing their opinions or views. Chinese journalists' right to report their story is fully guaranteed by the law. When reporting on certain sensitive stories, some journalists may encounter obstacles or pressure, which reflects characteristics of the profession. But these obstacles are not from the Government, but from some interests-concerned parties. The Government and the judiciary body would deal with such cases of harassment of journalists in accordance with the law. Chinese law prohibits the use of the Internet or other mass media for creating rumours or instigating the

subversion of Government, splitting national territory or instigating hatred amongst ethnic groups and religious discrimination. These legal provisions are in conformity with the ICCPR.

72. Bahrain noted the measures taken by China to promote and protect human rights. It praised the efforts made particularly the work undertaken to guarantee health care nationwide, evidenced by an increase in the number of hospital infrastructure facilities. It welcomed the efforts made by China to bring about a decrease in mortality rates and increase in life expectancy. It stressed that China was the first developing country to have overcome small pox and eradicate it. It further welcomed the measures taken by China to overcome SARS noting that reform is being undertaken on health institutions. Bahrain recommended that China continue its efforts to guarantee the wellbeing, which allows all patients to enjoy basic health care services.

73. Zimbabwe praised China's recent economic achievements, which ensured better realization of socio-economic rights for its people, and which cannot be better measured than by China's recent attainment of the rank of the world's third largest economy. It praised China for socio-economic, political, technical and cultural progress and achievements in the field of human rights, including the development of freedoms of speech, opinion, expression, thinking and the enactment of laws related to the promotion and protection of human rights. Zimbabwe recommended that China continue its poverty reduction programmes and continue to support and encourage the further development of China's media use of English and other foreign languages. This will help the outside world to get to better understand China, including the objective coverage of China, a country too often deliberately and grossly misunderstood by some international media.

74. Indonesia noted the consistent efforts which China has undertaken to improve and strengthen the promotion and protection of human rights as exemplified by its ratification of six core human rights conventions. China was the most populous nation in the world with various multi-ethnic communities from diverse social and cultural backgrounds living peaceably together. Indonesia commended the Government's efforts to promote harmony and understanding among these communities as well as within the different religious groups. Indonesia asked whether China has any plans to ratify further international conventions and if it also intends to implement new legislative norms relative to judicial reforms in the near future. It recommended that China ensure the implementation of the legislation related to the 60 judicial reform measures as established at the end of 2008. It believed this would serve to further reinforce China's judicial system, and in turn, support the harmonization of China's laws in accordance with the relevant international instruments.

75. Japan noted China's achievements in ensuring the economic and social rights of its people since its adoption of the policy of opening up and reform in 1978. It applauded the achievements so far, but hoped that China would continue its efforts to further enhance the promotion and protection of the civil and political rights of its people, including the ratification of the ICCPR.

Japan also noted that, as a multi-ethnic nation, China has adopted various preferential measures for ethnic minorities, including Tibetans and Uyghurs, and has extended various economic and social assistance to minorities as it aims to realise a “harmonious society.” It recommended continuing its efforts to further ensure ethnic minorities the full range of human rights including cultural rights. Taking note of concrete steps for the freedom of the press and the disclosure of information under the policy of “placing people first”, such as the new regulations on reporting activities by foreign journalists, it hoped China would fully implement these regulations and will further advance its policies and measures in this regard. Japan also noted the publication of a white paper on China’s rule of law in February 2008.

76. Benin noted that China is the country of contrasts, *par excellence*. A country of thousands of years’ civilization, it has transformed itself from a semi-colony of the 19th century and liberated itself from foreign domination in 1949. The vast territory with a population of more than one billion inhabitants, China did not retake its sovereignty over Hong Kong and Macao until 1997 and 1999 respectively, and recently China has known visible inequalities, which constituted the major challenges for the promotion and protection of human rights. Benin stood in solidarity with China regarding solutions to be undertaken to address different problems linked to universal respect for human rights in its vast territory. Benin praised the progress made in respect of human rights and recognized the continuing challenges faced by China. Benin asked about the priorities of China for the promotion and protection of human rights for special administered regions of Hong Kong and Macao, and why China had considered it necessary to have a national human rights action plan for 2009-2010. Benin recommended that the two special administrative regions continue to function according to their realities and maintain respect for different rights of their citizens in terms of respect for their laws.

77. Mali noted with satisfaction the progress made in many sectors, including the area of human rights and commended positive results achieved in the area of promotion and protection of human rights. While noting the difficulties and constraints mentioned in the national report, Mali remained convinced that through its determination China will achieve the goals set for itself in the area of the promotion and protection of human rights within its boundaries.

78. Gabon noted that it has enjoyed warm diplomatic relations with China since the 1960s, a rich and dynamic partnership, with numerous concrete projects in different sectors of Gabon’s economy. It said human rights issues in China have always attracted international attention and this review provided an excellent opportunity for China to show to the world that human rights promotion and protection is a national priority. Since 1986, China has carried out programmes of dissemination of knowledge of the law and the fifth of these programs (2006-2010) focuses on education and training of officials in human rights and the primacy of law. The Chinese Government supports involvement of civil society in its awareness-raising activities and human rights protection, which allows the 387,000 NGOs to carry out actions in various areas such as

poverty reduction, health, education, environmental protection and protection of citizens' rights. It noted China's rapid evolution towards international human rights protection standards, more than 250 laws to protect human rights, its active participation in United Nations human rights bodies and its preponderant role in establishing the new Council. It encouraged China to continue in this way.

79. Finland acknowledged China's efforts to maintain a functioning justice system. It noted some improvement with regard to the "right for defence" but that implementation of these new provisions may be difficult due to persisting contradictory legislation, including the Criminal Procedure Law. Finland recommended that China (a) take effective measures to ensure that lawyers can defend their clients without fear of harassment and can participate in the management of their own professional organisations. Finland noted that, even though Chinese law prohibits the employment of children under the age of 16, substantial practice of child labour persists particularly in the private sector and that children work in abusive conditions under so-called "Work and Study programmes." It asked for further information on measures envisaged to prevent the use of child labour, and the implementation of the respective laws and recommended that China (b) develop and adopt a comprehensive policy to combat child labour. Finland also recommended that China (c) withdraw its reservation to the article 6 of the Convention on the Rights of the Child.

80. Palestine welcomed the efforts undertaken by China to allow all sectors of society to have access to education through grants and financial aid, including to minorities. It also praised the measures and procedures taken to support the health sector, especially to fight against contagious diseases and to guarantee basic primary health coverage. It further praised China for fighting against discrimination against women, notably holding the 1995 World Conference on Women. It asked about measures and procedures taken by China in order to guarantee work for all in the light of an increase in the numbers of persons with degrees as well as the programmes envisaged by China to meet the needs of its inhabitants.

81. Latvia, with reference to the concluding observations of the Committee on the Rights of the Child, welcomed China's impressive achievements in reducing poverty, enabling it to attain some key Millennium Development Goals ahead of schedule. It appreciated China's response to questions regarding cooperation with special procedures, noting ongoing cooperation with special rapporteurs and pending visit requests by several of them, recommending that China (a) step up cooperation with the special procedures and (b) consider extending a standing invitation to all special procedures of the Human Rights Council.

82. Czech Republic commended China's achievements in the fight against poverty, recommending that it: (a) accede to the OPCAT, improve its national implementation of the CAT, establish an independent and effective complaints procedure for victims of torture and review its compliance with the principle of "non-refoulement"; (b) revise its legislation and



practice that violate the right to freedom of expression and release all persons held in this connection, e.g., Mr. Paljor Norbu and persons arrested in connection with Charter 08. In relation to the right to a fair trial, Czech Republic recommended that China (c) reform its State secrets Law and definitions of crimes as incitement to subversion of state power so that they cannot be abused for persecution of human rights defenders in particular petitioners or journalists; (d) ensure the independence of judiciary and lawyers; (e) abolish the system of re-education through labour and black jails. With regard to protection of human rights of national minorities, including Tibetans and Uyghurs, Czech Republic recommended that China (f) review laws and practices in particular with regard to ensuring protection of their freedom of religion, movement, protection of their culture and language. In relation to Tibet, Czech Republic recommended that China (g) end the “strike hard campaign” associated with numerous serious violations of human rights; (h) investigate all cases of police brutality and torture, e.g., death of Mr. Pema Tsepa in Chambo in January this year; and (i) ensure protection of the right of peaceful assembly and release all persons arrested in this connection, e.g., Ms. Tashi Tao and Ms. Dhungtso in Kardze County.

83. New Zealand recognized China’s achievements over the last 30 years in drawing its citizens out of poverty. In seeking membership of the Human Rights Council, China noted that much work remained to be done in the field of human rights. Noting that the establishment of a fully funded and independent national human rights institution has proved helpful in a number of countries, it recommended (a) establishing a national human rights institution, in accordance with the Paris Principles. It noted with concern continuing allegations around the use of forced labour as a corrective measure, torture, detention without trial and ill-treatment of suspects in police custody, harassment of lawyers and human rights defenders, and ongoing restrictions on freedom of religion, information and expression. It recommended (b) engaging with the Human Rights Council’s special procedure mandate holders on addressing these human rights challenges. Welcoming the apparent drop in the number of executions in China since the return of the right of review to the Supreme People’s Court in 2007, New Zealand recommended (c) continued reform towards the eventual abolition of the death penalty, including greater transparency around its use. It further recommended (d) conducting a review of its application of the 1984 safeguards, as adopted by ECOSOC 1984/50. It noted an OHCHR report referring to human rights concerns in Tibet raised by special rapporteurs and by various treaty bodies. New Zealand has been a consistent supporter of dialogue to achieve meaningful outcomes that address the interests of all communities in Tibet and it understands that China intends to resume this dialogue and recommended that (e) it do so. New Zealand recommended (f) adopting further measures to ensure universal access to health and education and other welfare for rural communities, minority regions, disadvantaged families and the internal migrant population. It recommended that (g) the national action plan on human rights reflect concrete steps towards the ratification of the ICCPR.

84. Argentina asked about initiatives to expand the right to freedom of thought and freedom of expression with regard to Internet use, and whether there were plans to criminalize torture in the internal legal order, in conformity with international parameters. It recommended (a) analysing the possibility of ratifying human rights instruments which are considered relevant in strengthening its promotion and protection, highlighting: ICCPR, International Convention for the Protection of All Persons Against Enforced Disappearances, and assess the possibility of accepting the competency of the Committee on Enforced Disappearances in accordance with the Convention, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention against Transnational Organised Crime; (b) evaluating the possibility of promoting the establishment of a legal description of the scourge of discrimination, taking into account international legal standards in this area.

85. Portugal welcomed China's reform efforts to create the conditions to ratify the ICCPR expressing hope that these efforts would be successful in a short term period. It also noted that the ICCPR is one of the cornerstones of the international framework for the protection and promotion of human rights and this system would be stronger with the full participation of China. Noting that violence against women is a scourge that has to be addressed in all countries. Portugal stated that the vulnerability of women increased with the absence of a legal definition "discrimination." Portugal recommended to China that: (a) such a definition be inscribed in its national law; While noting the concern expressed by CESCR in 2005 about the continued irregularities in the provision of universal access to free compulsory primary education particularly with regard to rural communities, minority regions, disadvantaged families and internal migrant population, Portugal welcomed the recent rise to nine years of compulsory education, and the achievements in adult literacy, development of vocational and technical training and pre-school education. It recommended that China (b) ensure that primary education attains the constitutionally guaranteed universal compulsory status. In spite of all the progresses in the field of education, Portugal expressed concern over programmes like "Work and Study" as the regulations failed to provide a clear definition of the acceptable kind, intensity and overall time duration of this special category of work. It welcomed the ratification of the ICRPD and the accessibility improvements witnessed during the Beijing Olympics and Paralympics.

86. Austria noted that the Constitution does not only guarantee human rights to ethnic minorities, but also special preferential policies, particularly autonomy. It recommended to the Government, (a) in accordance with the Chinese constitution to allow ethnic minorities to fully exercise their human rights, to preserve their cultural identity and to ensure their participation in decision-making. It noted that these issues should be addressed in the National Human Rights Action Plan. Austria welcomed the new authority of the Supreme People's Court (SPC) to review death penalty cases and (b) recommended further reducing the applicability of the death penalty, in particular for non-violent crimes, and to provide statistics on the number of death sentences as well as on the SPC review procedure (how many cases are returned for retrial; in

how many cases are defendants heard by the SPC). It further recommended (c) ratifying the ICCPR. Austria welcomed the cooperation with the OHCHR and recommended (d) renewing the MoU without further delay to intensify technical assistance and advisory services in the field of human rights, noting that as a first step a human rights advisor could be placed with the United Nations Resident Coordinator. It also recommended further (e) strengthening cooperation through open invitations to Special Procedures and also (f) follow up to UPR.

87. Qatar expressed appreciation for China's developments and efforts, especially in protection and promotion of economic and social rights, particularly the rights to development, work and social security, housing, education and health. It welcomed information in the national report on difficulties and challenges and the future objectives and initiatives to overcome them. Appreciating accomplishments in the promotion and protection of the rights of the child and welcoming ratification of the OP-CRC-AC, it recommended (a) attaching more importance to protection of the rights of the child through national plans for economic and social development. It asked about plans and programmes proposed to promote the culture of human rights among local government officials.

88. Pakistan stated that China does not require external advice on securing the rights of its people as it has taken concrete steps to build the future of its people. It said that the tendency to politicize the UPR must be guarded against, noting comments about the Tibet Autonomous Region, which it said reflect political agendas and not an objective appreciation of the situation in Tibet, which it said is an inalienable part of China and is so recognised by the entire international community. Pakistan commented that the criminal violence in Tibet last year had disturbing links to external perpetrators with ulterior motives and the local government took measures to provide security to all Tibetans. It noted that the Chinese Government abided by its international human rights obligations and domestic laws. The legitimate rights and interests of the provocateurs were fully protected and the accused were given full legal assistance. It understood that the perpetrators causing minor disturbances had been released. It hoped the region would maintain stability, enjoy further development and that external interference would cease. It noted the tremendous developments in China, and that China's accomplishment for its people in a few decades is without parallel and it bears a lesson for all.

89. Venezuela commended the fact that the Government of China attached the same importance to economic, social and cultural rights with respect to other human rights, including the right to development. It noted the major efforts that the Government has taken to reduce poverty and said it was impressed that from 250 million persons in poverty 30 years ago, now only 14 million remain in this situation, meeting the goals set out by the United Nations in MDGs. Venezuela encouraged China to continue its work in the area of poverty reduction. It asked about China's successful economic and social development plans that have been formulated and applied by the Government and about projects and future plans to increase living

standards and social progress of the Chinese population. Venezuela noted that as a result of putting people at the centre of its policies, China improved its living standards and encouraged the Government to continue.

90. Senegal noted that China has achieved significant results in health, education and in combating poverty, allowing it to attain some of its Millennium Development Goals. It said the choice to integrate human rights education into school curricula demonstrates a real will to ensure effective human rights promotion and protection and is a good practice. It asked if China envisages acceding to the International Convention on the Rights of Migrant Workers and Their Family Members.

91. Colombia noted that the national report reflected clearly a wide range of aspects and topics of human rights, as well as the achievements made and the challenges that still existed. Colombia praised the progress made in the area of economic and social rights, which had beneficial effect on the rights of women and children. Colombia stressed the great importance attached by China in the promotion of the rights of women and children requesting more information on the functions and actions of the National Labour Committee on women and children, including the policies dealing with migrant women workers. Colombia further requested information on the progress and results made in the Development Programme for Childhood for the period of 2001-2010.

92. Sweden welcomed progress in the last decade, notably in economic, social and cultural rights. It recommended that (a) China create conditions for an early ratification of the ICCPR. It further recommended (b) removing restrictions on freedom of information and expression; (c) taking urgent steps to abolish the various systems of arbitrary detention; (d) ensuring that any reformed prison or compulsory care system meets international human rights standards; (e) continuing and deepening judicial reform, including by adopting measures to address the institutional weakness and lack of independence of the judiciary; (f) abolishing or reforming the current hukou residency system to ensure that all citizens are ensured basic access to education, health care and other relevant social welfare systems on an equitable basis and in line with the principles of non-discrimination; and (g) lifting the current reservation to article 8.1(a) of the ICESCR, which ensures the right of everyone to form trade unions and join the trade union of his or her choice and welcomed more information on possible reforms in this area. Sweden also recommended (h) establishing an independent national human rights institution in line with the Paris principles.

93. Thailand noted that China has undergone a remarkable and steady economic transformation, made meaningful progress in human rights promotion and protection over the past three decades and continues to do so. It is party to six core international human rights instruments and has translated international norms and standards into a wide range of domestic legislation covering all areas of human rights, especially the rights of vulnerable groups such as

women, children and persons with disabilities. Welcoming China's initiation of its process to become party to the ICCPR, it hoped the process would proceed expeditiously. It said the need to tackle poverty and promote development is an essential building block and China's success in this is not only significant in itself but should enlarge the space for enhancing human rights in other spheres. Noting that with the rapid economic growth China has enjoyed in recent times, it is likely to face a major task of environmental protection, it welcomed also the implementation of the National Programme of Action on Environment and Health, aimed at ensuring the safety, health and wellbeing of the people. It expressed confidence that, with the manifest commitment of the Government, the pace of positive change and progressive developments will lead to continued enhancement of human rights in all dimensions for the benefit of the people of China and the international community as a whole.

94. Myanmar welcomed the significant progress made in social spheres such as education, culture and public health sectors, testimonies of the China's political will to promote and protect the human rights of the Chinese people. It praised China for the remarkable results achieved in the improvement of the wellbeing of its population over 30 years, noting that this is the most impressive achievement given China's vast territories, largely diverse and dispersed population of over 1.3 billion. Myanmar stated it had consistently exercised the "One China Policy" as a fundamental principle of its relations with China. As an immediate neighbour with long-standing traditional close ties of friendship with China, Myanmar stated that it sympathized with and understood the challenges faced by China with regard to human rights issues. In this connection, Myanmar strongly opposed politicizing human rights issues and using them to interfere in others' internal affairs.

95. Brazil noted that China, with a population of 1.32 billion people comprising 56 ethnic groups and living in a vast territory, had striven to provide its people with equal access to food, health, employment, adequate housing, education and development and had succeeded in its endeavour. It was the first country to meet the poverty reduction target set in the MDGs. Illiteracy had been virtually eliminated among the young and middle-aged. Brazil also welcomed China's constitutional provisions stipulating that "the State respects and safeguards human rights". It recognized that China has made great achievements in the area of human rights, but noted concerns about elimination of discrimination against women and regarding labour rights. It welcomed additional comments on China's strategy to expand its social security system. Brazil recommended to China, bearing in mind resolution 9/12 entitled "Human Rights Goals", (a) to ratify the ICCPR and to adhere to both the (b) Rome Statute of the ICC and (c) the OP-CAT. It further recommended that China (d) consider establishing a moratorium on death penalty; adopt specific legislation on domestic violence; and continue its cooperation with OHCHR.

96. Italy welcomed growing attention to the economic and social disparities among urban and rural regions, adoption of new measures on the rights of workers, disabled persons, women and

children, and the preparation of a National Action Plan for Human Rights. It recommended that China (a) lift secrecy on figures and statistics concerning death penalty; restrict its application to the most serious crimes according to international minimum standards; and to consider the establishment of a moratorium on the use of death penalty with a view to its abolition; (b) simplify requirements for official approval of religious practices in order to allow more individuals to exercise their freedom of religion and belief and to better respect the religious rights of minorities; and (c) respond positively to requests of visits made by United Nations special procedures and to consider issuing a standing invitation to them.

97. Hungary welcomed China's achievement in human rights and took positive note of the fact that China is party to the main human rights conventions, encouraging China to ratify the ICCPR. It took pride in being China's partner in a common bilateral human rights dialogue, recognizing China's commitment to the issue of human rights, expressing hope that this dialogue would continue with the same regularity and intensity. Hungary expressed concern that forced labour could be a corrective measure in China, such as child labour in school, and that these could result in exploitation of children. It sought further information on China's position on this issue. Hungary welcomed the steps taken by China to guarantee the rights to freedom of speech and to freedom of religion. Hungary praised the new Chinese programme which targets to resolve the countryside' supply with telephone, radio, and television. It also fully acknowledged the importance of the fact that, according to the provisions of the Constitution, Chinese citizens have the right to freely express their opinion. Hungary recommended that China accept different opinion if it is expressed by human rights defenders through peaceful demonstration.

98. Malaysia commended the Government's efforts for its determination and commitment in pursuing economic development and it shared the view that economic development is important for the full enjoyment of human rights by the people. It noted advancements made in the level and extent of protection of human rights in particular, in the fields of employment, education, culture and public health. Noting the development-oriented poverty alleviation strategy adopted since 1986 has contributed immensely to the reduction of poverty and improvement in the standard of living of its people across the country, Malaysia recommended (a) the sharing of China's experiences and best practices in the reduction of poverty with other developing countries. Noting further that the Government has taken active role in supporting the participation of civil society NGOs and academic institutions in activities in the promotion and protection of human rights, it further recommended that China (b) consider strengthening its positive engagement with civil society, NGOs and academic institutions, with a view to enhancing the promotion and protection of human rights and fundamental freedoms of its people.

99. The Chinese delegation thanked all speakers for their comments, questions and recommendations. With regard to the measures taken to ensure the right of housing the delegation noted that the policy is being implemented to offer an adequate shelter in order to

help low- and middle-income families. In addition, the Government has been building low-cost housing every year. By the end of 2007, 17 million low- and middle-income families had been provided with houses under this programme. As for the low-income group with even greater difficulties, the Government have established a low-rent housing system, to provide either low-rent housing or offer a subsidy to find housing. This system has helped improving housing conditions of 950.000 low income families.

100. The HKSAR government is fully committed to promoting and protecting human rights in Hong Kong. Indeed, human rights and freedoms are guaranteed constitutionally by the Basic Law and through various local legislations, including equality before the law, freedom of speech and of the press, freedom of association, of assembly and of demonstration, freedom of religious belief and right to social welfare, and so on. The protection of human rights in Hong Kong is further reinforced by the rule of law and an independent judiciary system. In addition, there is an extensive institutional framework of organisations which help promote and safeguard human rights which is closely monitored by the Legislative Council of Hong Kong, civil society, the media and the general public.

101. The Macao SAR continues to strive to ensure the enjoyment and protection of fundamental rights and freedoms. Regarding the recommendation set forth by Benin, Macao SAR referred that it will enhance the monitoring mechanisms of the government policies in order to increase the law in action regarding human rights. It will continue reinforcing preventive measures and suppressing the trafficking of human beings and actively promote the enjoyment of human rights with due regard to young generations. It is keen to deepen political rights in a progressive to strengthen the government's accountability to its citizens. It also plans to improve social rights in cooperation with civil society and extend compulsory education until the end of secondary school. In its efforts to step up on social housing the delegation informed that 20,000 social housing will be made available for low-income families.

102. The delegation noted that the most fundamental feature of China's ethnic policy is equality. In China 155 areas of ethnic autonomous regions enjoy extensive autonomous rights in legislation, economics and culture. The second feature is that the ethnic autonomous regions may enjoy preferential treatment in finance and tax than other regions. The ratio of deputies of National People's Congress of ethnic population is higher than that for Han ethnic group. The third feature is that the State respects the habits and customs of religious beliefs of minorities, and prohibits speeches and actions that instigate ethnic hatred and religious discrimination, protects, develops culture of ethnic minorities. The Government has helped thirteen ethnic minorities to create and improve their written languages. China has 56 ethnic groups that live in harmony, help each other and seek common development and there is no ethnic conflict. The delegation noted that regrettably, a few people with the support of foreign forces try to split Tibet and Xinjiang from China and they by no means represent the governing majority of Tibetans and

Uighurs as Tibet and Xinjiang are inseparable parts of China's territory and the Government will not allow any attempt to split China to succeed.

103. China protects citizen's right to freedom of assembly, association, procession and demonstration in accordance with law and citizens can apply for processions and demonstration in accordance with laws on processions and demonstrations. Demonstrations and processions not approved are usually handled by government through dialogue and persuasion. 400,000 NGOs are registered in China and there are millions of NGOs which do not required registering by law.

104. The law on protection of state secrets has clear provisions on the definition of state secrets. In case of contention on this matter, organs for the protection of secrets above the provincial level can make a determination. There is no such a thing as law enforcement organs abusing state secrets to suppress human rights defenders.

105. On the matter of religious beliefs the delegation noted that China has over 100 million believers, including more than 21 million Muslims, 16 million Christians, 5.5 million Catholics, with 300,000 clergy men for various religions and 3,000 religious bodies, 100,000 places of worship. China prohibits speeches and acts which instigate religious hatred and discrimination. In accordance with regulations on registration of social organisations, all social organisations should register with bodies of civil affairs, including religious organisations. But the registration requirements are minimum. The "family gatherings" of Christians are not required to be registered.

106. In August 2005, China revised the law on protection of women's rights. To facilitate women's participation in the management and decision-making of state and national affairs, the Government has raised awareness on gender equality among the public and set the ratio of female officials on different levels of government. Currently, women account for over 20 per cent of deputies of the National People's Congress. The law on employment promotion provides for equal rights of men and women towards employment, and prohibits gender based discrimination. The Law on Rural Land Contracts lays special emphasis on equal land rights for married, divorced or widowed women. The Marriage Law prohibits domestic violence. The Law on the Protection of Rights and Interests of Women specifies the scope of responsibilities of relevant organs to combat domestic violence and rescue victims. In China, a total number of more than 400 protection and rescue centres for women have been established. 2008-2012 action plan against trafficking women and children was designed and a joint inter-ministerial conference against human trafficking was set up to comprehensively deal with this matter.

107. Concerning children rights, China formulated the law on the protection of minors, the law on compulsory education, the regulations on the prohibition of child labour and other relevant laws and regulations. China has completely implemented entirely free compulsory education.



The government has strengthened regulations on children's enrolment, drop out and withdrawal from school and established evaluation and monitoring systems for girls' education. The state has set up special schools for minor offenders and juveniles that provide adolescents education on laws and ethics and arrange some labour activities, commensurate with their age. Concerning female offenders, who are pregnant or breast feeding children of their own aged below 1 year, they are not detained in prisons or detention centres. China's laws strictly prohibit the employment of minors below 16 by any employers and clearly stipulate the administrative and criminal responsibilities for using child labour. The government severely punishes those who use child labour.

108. A basic social security system is put in place comprising social insurance, social relief and social welfare giving priority to the people in the countryside and to vulnerable groups. Currently, 850 million peasants have joined the new collective medical security system and have been incorporated into the system of subsistence allowance. It is planned to put in place by 2020 a social security system which will cover all the inhabitants in China. The household registration system is undergoing reform and currently 13 provinces including Hebei and Liaoning have started to reform their system by removing the division between agricultural households and non-agricultural households.

109. China has put in place a proactive employment policy and trying to create opportunities for employment. In 2008, 769 million people were employed and registered unemployment rate in cities is about 4.2 per cent. China is trying to remove discrimination to ensure the equal treatment and employment for women, taking measures to assist disabled people and migrant workers to find jobs. Chinese law does not prohibit strikes. If a strike occurs, the local government will try to mediate between the trade unions, enterprises and striking workers to find a solution to the problem. The Chinese constitution and the trade union law provide that the workers are entitled to organize and join trade unions and carry out activities entirely free.

110. China has put in place a minor compulsory educational system thus achieving ahead of the schedule targets in MDG on universal primary education. It started amending the law and in process of drafting a mid-term and long-term educational reform programme for 2020. Study subsidies, scholarships and other means of financial help are available to help students with economic difficulties, including special assistance funds for the education of ethnic minorities. From 2003 to 2007, the national fiscal expense on education has increased by 18.85 per cent annually, and increased by 30.43 per cent in 2007.

111. In the preparation of the national report nearly 20 NGOs were invited to provide material and information, meetings for NGOs and academia were organised to discuss the content of the report, and views from the public and the grassroots' organisations were solicited on the internet.

112. Concerning the illegal immigrants and protection of refugees and the policies practiced the delegation noted that China has acceded to the 1951 Convention on the Status of Refugees and its Additional Protocol. It followed the principle of non-refoulement in accordance with the convention. Since 1978, China has provided effective refuge for 300,000 refugees from Indochina. China is working on refugee legislation which will clarify further the screening procedures for refugees. Some people who illegally entered China because of economic reasons are not “refugees”, but illegal immigrants. With regard to illegal immigrants, China has always handled properly specific cases.

113. The delegation thanked for a highly constructive dialogue. It appreciated that many countries spoke positively of China’s efforts and achievements made in the field of human rights, and that they also showed their understanding of the difficulties and challenges confronting China. China also noted with regret that there were a few countries like Australia, which made some ill-founded comments on Tibet. China categorically rejects this attempt to politicise the issue. The Chinese Government is firmly committed to promotion and protection of human rights and looks forward to enhance cooperation and exchanges with all countries on the basis of equality and mutual respect to advance the cause of human rights.

## **II. ВЫВОДЫ И/ЛИ РЕКОМЕНДАЦИИ**

114. Рекомендации, сформулированные в ходе интерактивного диалога, были изучены Китаем, и ниже приводятся рекомендации, пользующиеся поддержкой Китая:

1. создать условия для скорейшей ратификации Международного пакта о гражданских и политических правах (МПГПП) (Швеция); в соответствии с императивами, диктуемыми своими национальными реалиями, приступить к осуществлению законодательной, судебной и административной реформы, а также создать условия, позволяющие как можно скорее ратифицировать МПГПП (Алжир); проанализировать возможность ратификации/подумать о ратификации/ратифицировать МПГПП (Аргентина, Бразилия, Австрия);
2. продолжать свои усилия: по поощрению прав человека (Оман); в рамках правовой и судебной реформы, экономического развития и в других областях по содействию развитию гармоничного общества, демократии, правопорядка и поощрения прав человека (Вьетнам);
3. продолжать улучшение качества жизни своего народа посредством обеспечения экономических, социальных и культурных прав и в соответствии с международными нормами (Никарагуа);

4. продолжать свои национальные усилия по поощрению и защите прав человека, в том числе в области укрепления своей национальной правозащитной архитектуры (Египет);
5. как можно скорее приступить к публикации и осуществлению (Алжир)/ завершению и опубликованию в ближайшее время, а затем - к оперативному осуществлению своего Национального плана действий в области прав человека на 2009-2010 годы (Сингапур);
6. подумать об укреплении позитивного взаимодействия с гражданским обществом, неправительственными организациями и академическими институтами с целью содействия поощрению и защите прав человека и основных свобод своего народа (Малайзия);
7. активизировать кампании по пропаганде прав человека (Иордания); продолжать проводить и совершенствовать учебные программы в области прав человека для судебной системы (Иордания); судей и судебных работников (Объединенные Арабские Эмираты), сотрудников правоохранительных органов и юристов (Иордания); улучшить качество образования, подготовки тюремного персонала и надзора над ним (Германия);
8. активизировать свое взаимодействие с международным сообществом с целью обмена наилучшими видами практики и сотрудничества в области надзора за порядком применения законов и проведения учебной деятельности с целью содействия своему процессу судебной реформы на основе равенства и взаимного уважения (Южная Африка);
9. направить приглашения для посещения страны другим специальным докладчикам, занимающимся экономическими и социальными правами (Саудовская Аравия);
10. активизировать сотрудничество со специальными процедурами (Латвия); взаимодействовать с мандатариями специальных процедур Совета по правам человека в деле решения правозащитных проблем (Новая Зеландия);
11. продолжать сотрудничать с УВКПЧ (Бразилия); содействовать проведению в ближайшее время визита Верховного комиссара по правам человека (Канада);

12. продлить меморандум о взаимопонимании с целью активизации технической помощи и предоставления консультативных услуг в области прав человека (Австрия);
13. уделять больше внимания защите прав ребенка путем осуществления национальных планов экономического и социального развития (Катар);
14. продолжать предпринимать усилия, направленные на дальнейшее улучшение положения женщин, и постепенно отказываться от некоторых традиционных представлений, сохраняющихся в сельской местности, способных укоренить виды практики, которые могут и впредь сдерживать прогресс в деле обеспечения гендерного равенства (Мозамбик);
15. продолжать усилия по поддержке инвалидов и обеспечению их участия в социальной жизни в качестве эффективных партнеров (Йемен);
16. принимать дальнейшие меры по обеспечению всеобщего доступа к здравоохранению и образованию и другим аспектам социального обеспечения в сельских общинах, районах проживания меньшинств, для неблагополучных семей и внутренне перемещенных лиц (Новая Зеландия);
17. принимать специальные меры в контексте международного финансового кризиса, с тем чтобы гарантировать возможности трудоустройства в сельских районах (Марокко);
18. продолжать свои усилия по созданию эффективной системы социального обеспечения и служб поддержки, соответствующих национальным условиям, а также своему уровню социального и экономического развития (Филиппины);
19. активизировать свои усилия по сокращению масштабов нищеты с целью дальнейшего сокращения численности лиц, живущих в условиях нищеты (Бутан); продолжать свои программы по сокращению масштабов нищеты (Зимбабве);
20. активизировать свои усилия по сокращению масштабов нищеты, улучшению инфраструктуры здравоохранения, включая доступ к службам охраны здоровья, особенно для таких уязвимых групп, как женщины, дети, пожилые лица, инвалиды и этнические меньшинства, и по содействию участию гражданского общества (Южная Африка);

21. продолжать свои усилия по обеспечению благосостояния, которое позволяет всем пациентам пользоваться базовым медико-санитарным обслуживанием (Бахрейн);
22. продолжать укреплять свои стратегии по поощрению образования и устранению дисбалансов в сфере образования между городами и сельской местностью и между различными районами (Ангола);
23. претворять в жизнь концепцию научного подхода к перспективам развития с целью обеспечения комплексного, скоординированного и устойчивого развития и продолжать создавать гармоничное общество, которому свойственны демократия, верховенство права, равенство и справедливость (Алжир);
24. по-прежнему ставить людей в центр развития в гармоничном обществе для всех, с тем чтобы этот подход мог способствовать дальнейшему прогрессу в обеспечении экономических, социальных и культурных прав (Иордания);
25. продолжать изучение методов развития и обеспечения прав человека в гармонии с его особенностями, реалиями и потребностями китайского общества (Алжир);
26. продолжать инвестировать финансовые и материальные ресурсы в условиях финансового кризиса на цели поддержки экономического и социального развития в стране в целом и Тибетском автономном районе в частности (Российская Федерация);
27. сократить разрыв в экономическом и социальном развитии между городами и сельской местностью и между районами (Бутан);
28. обмениваться наиболее оптимальными видами практики с другими развивающимися странами в отношении программ и стратегий сокращения нищеты, особенно в сельских районах (Филиппины); делиться с международным сообществом своим опытом в деле поощрения права на развитие и сокращения масштабов нищеты (Вьетнам); делиться своим опытом и наиболее оптимальными видами практики в области сокращения масштабов нищеты и повышения жизненного уровня с другими развивающимися странами (Малайзия);

29. продолжать свои стратегии в области международного сотрудничества с целью оказания помощи усилиям других стран по обеспечению права на развитие (Ангола);
30. с учетом своих национальных особенностей продолжать осуществлять политику строгого контроля в отношении применения смертной казни (Египет);
31. активно и расчетливо стремиться к проведению реформы в сфере трудового перевоспитания с учетом своих национальных особенностей, с тем чтобы все осуществлялось в соответствии с его системой (Судан);
32. обеспечить осуществление законодательства, связанного с 60 мерами по судебной реформе, выработанными в конце 2008 года (Индонезия); продолжать содействовать обеспечению правопорядка и углублять реформу судебной системы (Нидерланды);
33. продолжать оказывать поддержку и содействовать дальнейшему развитию использования китайскими средствами массовой информации английского и других иностранных языков, с тем чтобы помочь внешнему миру лучше понимать Китай, в том числе содействовать объективному освещению жизни Китая, страны, которая слишком часто намеренно неправильно и с серьезными искажениями представляется некоторыми международными средствами массовой информации (Зимбабве);
34. обеспечивать, в полном соответствии с законом, недопущение безнаказанности лиц, называющих себя правозащитниками для того, чтобы подвергать нападкам интересы государства и народа Китая (Куба);
35. продолжать свои усилия по поощрению и защите прав человека, а также законных интересов организаций и отдельных лиц, добросовестно работающих в интересах обеспечения прав человека китайского народа (Куба);
36. гарантируя эту свободу слова, усилить регулирование Интернета с целью обеспечения того, чтобы материалы, представляющие собой подстрекательство к войне, расовой ненависти или диффамацию религий, были запрещены, а порнографические вебсайты, вредные для детей и несовершеннолетних, были запрещены или имели ограниченный доступ (Исламская Республика Иран);

37. продолжать свои усилия по дальнейшему обеспечению этническим меньшинствам всего комплекса прав человека, включая культурные права (Япония);
38. обеспечить более широкое распространение в мире своего опыта по сочетанию сильного государства с этнической региональной автономией (Шри-Ланка);
39. особый административный район Гонконг и Особый административный район Макао должны и впредь функционировать в соответствии со своими условиями и сохранять за своими гражданами иные права в соответствии со своими законами (Бенин);
40. делиться с заинтересованными развивающимися странами своей оптимальной практикой в осуществлении этой концепции научного подхода к развитию (Алжир);
41. знакомить остальной мир на международных языках со своим опытом экономической революции, модернизации и удовлетворения материальных потребностей огромного сельского населения (Шри-Ланка);
42. делиться оптимальной практикой, позволившей Китаю достичь целей по сокращению масштабов нищеты; намеченных в целях развития, которые были провозглашены в Декларации тысячелетия Организации Объединенных Наций (Ангола).

115. Следующие рекомендации приняты во внимание, и Китай указал, что они касаются мер, которые осуществляются или которые уже были осуществлены:

1. гарантировать, чтобы все заключенные независимо от совершенных ими преступлений содержались в учреждениях, где существуют достойные условия и практикуется достойное обращение (Германия);
2. разработать и принять всестороннюю стратегию ликвидации детского труда (Финляндия);
3. усилить защиту религиозных, гражданских, социально-экономических и политических прав этнических меньшинств (Австралия); в соответствии с Конституцией разрешить этническим меньшинствам в полной мере

осуществлять свои права человека, сохранять свою культурную самобытность и обеспечить их участие в процессе принятия решений; (и включить эти вопросы в Национальный план действий) (Австрия).

116. Следующие рекомендации будут изучены Китаем, который в надлежащее время представит свои ответы на них. Ответы Китая на эти рекомендации будут включены в итоговый доклад, который будет принят Советом по правам человека на его одиннадцатой сессии:

1. включить в свое национальное законодательство правовое определение дискриминации (Португалия)/изучить возможность принятия правового определения дискриминации с учетом международных правовых норм в данной области (Аргентина);
2. сократить количество преступлений, предполагающих смертную казнь (Австралия, Канада);
3. принять конкретное законодательство по бытовому насилию (Бразилия);
4. проводить последующую деятельность в связи с настоящим УПО (Австрия).

117. Рекомендации, приведенные в докладе в пунктах 27 b), c), d), e), f), g), 28 a), c), d), e), f), g), h), 30 b), c), 31, 38, 42, 43 a), b), e), f), g), h), 56, 79 a), c), 81 b), 82, 83 a), c), d), e), g), 84 a), 85 b), 86 b), e), 92 b), c), d), e), f), g), h), 95 b), c), d), 96, 97, не получили поддержки Китая.

118. Все выводы и/или рекомендации, содержащиеся в настоящем докладе, отражают позицию представляющего государства (представляющих государств) и/или государства - объекта обзора. Их не следует рассматривать в качестве одобренных Рабочей группой в целом.



## **Annex**

### **COMPOSITION OF THE DELEGATION**

The delegation of China was headed by H.E. Mr. LI Baodong, Representative, Ambassador and Permanent Representative of China to the United Nations Office at Geneva and composed of 42 members:

#### **Alternate Representatives**

H.E. Mr. WANG Qun, Ambassador and Deputy Permanent Representative of China to the United Nations Office at Geneva;

Mr. SHEN Yongxiang, Special Representative for Human Rights Affairs, Ministry of Foreign Affairs;

Mr. TAM Chi-yuen, Raymond, Under Secretary, Constitutional and Mainland Affairs of the HKSAR Government;

Mr. Jorge Costa Oliveira, Director, International Law Office of the MSAR Government.

#### **Advisers**

Mr. HU Yunteng, Deputy Director, Office of Judicial Interpretation, Supreme People's Court;

Mr. SONG Hansong, Deputy Director General, Procuratorial Department for Malfeasance, Supreme People's Procuratorate;

Mr. GUAN Que, Deputy Director General, The United Front Work Department of CPC Central Committee;

Mr. ZHU Jianquan, Deputy Researcher, Political and Law Commission of CPC Central Committee;

Mr. HUANG Taiyun, Deputy Director, Criminal Law Department, Commission of Legislative Affairs of the Standing Committee of NPC;

Mr. HUANG Xingsheng, Director, Department of Policy and Regulation Ministry of Education;

Mr. ZHANG Ruopu, Deputy Director General, Department of Policy and Regulation, State Ethnic Affairs Commission;

Mr. LIU Guoxiang, Deputy Inspector, Department of Legal Affairs, Ministry of Public Security;

Ms. YANG Chunyan, Official, Department of Legal Affairs, Ministry of Public Security;

Mr. LIU Weimin, Deputy Director General, Bureau of Reeducation-Through-Labour, Ministry of Justice;

Ms. DANG Xiaojie, Inspector, Department of Law and Regulation, Ministry of Human Resources and Social Security;

Mr. JIANG Wanrong, Deputy Director General, Department of Real Estate Market Supervision, Ministry of Housing and Urban-Rural Development;

Mr. LEI Haichao, Director, Department of Health, Ministry of Health;

Mr. CHEN Zongrong, Director General, Department of Policy and Regulation State Administration for Religious Affairs;

Mr. LI Wufeng, Director General, State Council Information Office;

Mr. SANG Fujiang, Deputy Director General, Department of Visit Reception, State Bureau for Letters and Calls of Complaint;

Mr. ZHANG Guozhong, Director, State Council Commission on Affairs of Disabled People;

Ms. WANG Tieli, Counsellor, Department of Translation and Interpretation, Ministry of Foreign Affairs;

Ms. YAN Jiarong, Director, Department of International Organizations and Conferences, Ministry of Foreign Affairs;

Ms. XU Jing, Deputy Director, Department of International Organizations and Conferences, Ministry of Foreign Affairs;

Ms. LIN Wenhua, Deputy Director, Department of Treaty and Law, Ministry of Foreign Affairs;

Mr. GAO Jianzheng, Deputy Director, Department of External Security Issues, Ministry of Foreign Affairs;

Mr. ZHANG Yi, Third Secretary, Department of International Organizations and Conferences, Ministry of Foreign Affairs;

Ms. LIU Lingxiao, Official, Department of International Organizations and Conferences, Ministry of Foreign Affairs;

Mr. QIAN Bo, Counsellor, Permanent Mission of China to the United Nations Office at Geneva;

Mr. HE Zhaohua, Counsellor, Permanent Mission of China to the United Nations Office at Geneva;

Mr. KE Yousheng, Second Secretary, Permanent Mission of China to the United Nations Office at Geneva;

Mr. ZHOU Xianfeng, Third Secretary, Permanent Mission of China to the United Nations Office at Geneva;

Mr. LUO Cheng, Third Secretary, Permanent Mission of China to the United Nations Office at Geneva;

Ms. YANG Xiaoning, Legal Adviser, Permanent Mission of China to the United Nations Office at Geneva;

Ms. CHENG Pui-lan, Roxana, Senior Assistant Solicitor General, HKSAR Government;

Mr. CHOW Wing-hang, Principal Assistant Secretary, Security Department, HKSAR Government;

Mr. FONG Ngai, Assistant Commissioner, Labour Department, HKSAR Government;

Mr. NG Wai-tong, Stanley, Assistant Secretary of Constitutional and Mainland Affairs, HKSAR Government;

Ms. CHUI Sze Man, Stella, Information Officer of Constitutional and Mainland Affairs, HKSAR Government;

Mr. Ip Peng Kin, Director, Social Welfare Bureau of the MSAR Government;

Mr. Diamantino José dos Santos, Coordinator, Security Coordination Office of the MSAR Government;

Ms. Ilda Cristina Ferreira, Senior Legal Adviser, International Law Office of the MSAR Government.

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