

## **ADVANCE QUESTIONS TO CHINA**

### **AUSTRALIA**

China's National Report (para 7) states that China is steadily pursuing administrative and legislative reforms in preparation for ratifying the International Covenant on Civil and Political Rights (ICCPR).

- Can China provide more details on its plan to ratify the ICCPR? For example, which areas does China consider to still require further reform? Has China set itself a target date for ratification?

China's National Report states that the Chinese Government actively supports theoretical research on a national human rights organ (para. 12) and notes the 27 March 2013 meeting between the Chinese Ministry of Foreign Affairs and the Australian Human Rights Commission at which the feasibility of establishing such an institution was discussed in depth (para. 13).

- Can China provide an update on its position regarding the establishment of a national human rights institution? What concrete steps, if any, have been taken to achieve such an outcome?

China's National Report (para. 48) states that authorities are in the process of studying specific proposals for actively and steadily promoting reform of the system of re-education through labour. UN and NGO reports have raised serious human rights concerns with regard to China's administrative detention system, including re-education through labour, with the UN Committee against Torture recommending China abolish all forms of administrative detention (CAT/C/CHN/CO/4, para. 13).

- Can China provide more information on the proposals that are under consideration and provide information on how comprehensive any reform is likely to be? Does China have any plans to reform Article 73 of its amended Criminal Procedure Law, which (in its current form) allows for arbitrary detention of individuals suspected of "state security, terrorism and major bribery" crimes? Is China actively considering reforming other forms of administrative detention, such as those related to mental health and drug addiction?

### **BANGLADESH**

- What are the measures taken by the Government of Macao Special Administrative Region (MSAR) in protecting the rights of disadvantaged groups, like women, children and the elderly?

### **CUBA**

- China has made great achievements in the promotion and realization of the right to development. Would China share its experience in this regard?

## GERMANY

- How did China involve civil society in the preparation of its National Report in the Universal Review Process? What measures did China take to support and promote participation of civil society in the Process, including in the Working Group session in Geneva?
- What progress has China made in implementing its pledge made during the 1<sup>st</sup> cycle of the Universal Periodic Review to ratify the International Covenant on Civil and Political Rights?

## NETHERLANDS

- What specific steps for ratification of the ICCPR does China still need to take and what is the planned timetable so the entry into force is not unduly delayed?
- Is China intending to respond positively to the thirteen outstanding visit requests of Special rapporteurs in the near future or considering issuing a standing invitation?
- What are the main obstacles in effectively protecting farmers' and owners' rights, and what steps is China planning to take to prevent future illegal evictions?
- How does the government ensure that Chinese citizens are not limited in their right of supervision by recent strengthened internet management, like the new guideline of Supreme People's Court, which stipulates that “people will face defamation charges if online rumors they post are viewed by more than 5,000 Internet users or retweeted more than 500 times”? Could the government provide a clear and precise interpretation of the new guideline and its consequences in the framework of freedom of expression?
- What laws, regulations and guarantees are in place or will be placed in order to refrain from detaining persons based solely on their family ties with an alleged offender?
- Is China intending to establish a national human rights institution in accordance with the Paris Principles? If so, what concrete steps is it taking and is there a clear timetable?
- What are the main obstacles in abolishing ‘re-education through labour’ and what concrete measures will the government take towards its abolition?

## **NORWAY**

- LGBT individuals continue to face a number of challenges. Which steps will China take to ensure that sexual orientation and gender identity is not a cause for discrimination in educational and employment settings, as well as in terms of access to health services? Will China take steps to remove transgender from the list of mental disorders in the Chinese Classification and Diagnostic Criteria of Mental Disorders?
- What are the annual numbers of death sentences, suspended death sentences and implemented executions in China in recent years?
- The self determination of peoples is at the core of the international human rights regime, and warrants the recognition of the social and political franchise of minorities by all states. The social and political position of China's 55 minority peoples must be protected under the same rule. China's regional autonomy system intends to address this issue, but its implementation is based on geographic concentrations of minority peoples. How will China work to ensure that all ethnic minorities are fully capable and able to protect their interests as minorities within the Chinese society?
- Religious practice is a core element to the full enjoyment of the freedom of religion. In China religious practices are only officially recognized within the formal structures of registered religious communities. What steps will China take to extend legal protection of religious practice for all, regardless of denomination or status?

## **SRI LANKA**

- Could China share its good practices in helping developing countries promote the right to development and achieve food security?

## **SWEDEN**

- The right to freedom of speech, freedom of the press and freedom of assembly are all guaranteed in the Chinese Constitution. Meanwhile, severe restrictions in these areas continue to give cause for concern. Human rights defenders are harassed and persecuted, including Liu Xiabobo, Liu Xia and Gao Zhisheng. While recognizing that the number of Chinese citizens with internet access is growing significantly, the Internet remains subjected to censorship. What steps are the Government of the PRC taking to remove restrictions on freedom of information and expression? What steps are the Government of the PRC taking to ensure that human rights defenders and other civil society activists are not harassed or detained for merely exercising their freedom of expression and opinion on the Internet and elsewhere?
- Announcements by the Government of the PRC to reform Re-Education Through Labor (RTL) by the end of 2013, and the revision of the Criminal Procedure Law (CPL) are welcome aspects of criminal justice reform and torture prevention. However, the Government of the PRC has yet to present what the reform of the RTL

will encompass. Serious concern remains, notably regarding continued arbitrary detention, as well as article 73 of the CPL legalizing enforced disappearances. What steps are the Government of the PRC taking to abolish systems of arbitrary detention, and to ensure that any reformed prison and/or compulsory care system is not replaced by other forms of detention? What steps are the Government of the PRC taking to investigate allegations of torture and other ill-treatment in administrative detention facilities?

- While the protection of all ethnic groups is safeguarded by the Chinese Constitution, the rights of certain ethnic groups are subject to systematic violations, including restrictions on their freedom of religion and culture. Uighurs and Tibetans are particularly targeted groups, as are ethnic minority human rights defenders such as Dohondrup Wangcheng, Jigme Gyatso and Hiarat Niyaz. What steps are the Government of the PRC taking to ensure freedom of religion, movement and culture for all ethnic groups?

## **SLOVENIA**

- We noted that in your national report the Chinese government has made human rights education an important element in the two National Human Rights Plans. We also welcome the activities you are undertaking such as the human rights training courses for officials in the Party, Government and judicial system. We would be interested to hear more how you incorporate human rights learning in the school system as well as in the curricula?

## **UNITED KINGDOM**

- What steps does the government intend to take to increase the frequency of publication of data on the use of the death penalty in China?
- What measures will the government take to investigate cases of alleged intimidation and reprisals against individuals from civil society seeking to engage with the UPR process and to establish sustainable mechanisms to involve independent civil society in China's next UPR cycle?
- When does the Government intend to respond to the 13 outstanding requests for country visits by Special Procedures, as well as the request to visit by the High Commissioner for Human Rights?
- Please could you describe what steps the government will take to ensure diplomats, foreign media, NGOs and other interested observers can freely access ethnic minority regions of China?
- What steps will government take to provide an update on those arrested as part of the New Citizen's Movement?

## UNITED STATES OF AMERICA

- In its national report, China states that it “continues to cooperate with the United Nations human rights special procedures.” However, there are outstanding requests from Special Rapporteurs on key issues such as human rights defenders, expression, and arbitrary detention. Will China commit to receiving all those Special Rapporteurs who wish to visit by its next UPR? Will China commit to inviting the United Nations High Commissioner for Human Rights Navi Pillay to visit China before the end of 2014?
- In its national report, China notes that the government is implementing reforms in preparation for ratifying the International Covenant on Civil and Political Rights (ICCPR). Will China commit to ratifying and implementing the ICCPR before its next UPR?
- China’s national report notes that the government is in the process of studying specific proposals for reforming the reeducation through labor (RTL) system. Will the Chinese government commit to abolishing the RTL system and providing due process to all Chinese citizens detained under that system?
- In November 2010, the UN Working Group on Arbitrary Detention found the Chinese government’s detention of Gao Zhisheng to contravene the Universal Declaration on Human Rights. In May 2011, the Working Group found the Chinese government’s deprivation of liberty of Liu Xiaobo and Liu Xia to contravene the Universal Declaration on Human Rights. Can the Chinese government commit to the immediate and unconditional release of Gao Zhisheng, Liu Xiaobo, and Liu Xia?
- The Human Rights Council recommends that governments prepare national UPR reports in broad consultation with civil society organizations. Will China commit to allowing broad participation by civil society organizations in the UPR process in the future?
- In accordance with China’s Constitution and China’s commitment to ratify the ICCPR, will China commit to upholding freedom of expression, freedom of assembly, and freedom of association, including on the Internet?
- In June 2011, the United Nations Working Group on Enforced or Involuntary Disappearances called on Chinese authorities “to provide full information on the fate and whereabouts of persons who have disappeared,” including “Tibetan monks whose fate or whereabouts still remain unknown.” The Working Group encouraged Chinese authorities “to undertake full investigations into the ongoing practice of enforced disappearances” and reiterated its call for China to “fully cooperate with the UN special procedures and in particular with the Working Group.” Will China commit to completing such investigations, cooperating with the UN special procedures, and responding in full to the Working Group’s call prior to its next UPR?

- China's national report notes that the Chinese government safeguards its citizens' freedom of religious belief. The Universal Declaration of Human Rights, Article 18, states that "Everyone has the right to freedom of thought, conscience and religion" and that "this right includes freedom ... either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." Will China commit to ending restrictions on the religious practices of Tibetans, including ensuring that Tibetan Buddhist clergy are allowed to select monastic teachers under Buddhist procedures and standards, and that Tibetan Buddhists are allowed to openly express their respect for or devotion to Tibetan Buddhist teachers, including the Dalai Lama? Will China commit to guarantee all Chinese citizens, including Tibetans, Uighurs, and other ethnic minorities, their universal rights to freedom of religion, expression, assembly, association, and movement?
- Will China commit now to resuming direct dialogue with the Dalai Lama, or his representatives, without preconditions?