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China (including Hong Kong, China and Macao, China)

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD: China (1981), Macao, China (MSAR) (1999), Hong Kong, China (HKSAR) (1997) ICESCR: China (2001), MSAR (1999), HKSAR (1997) ICCPR: China (signature only, 1998), MSAR (1999), HKSAR (1997) CEDAW: China (1980), MSAR (1999), HKSAR (1997) CAT: China (1988), MSAR (1999), HKSAR (1997) CRC: China (1992), MSAR (1999), HKSAR (1997) OP-CRC-AC: China (incl. MSAR and HKSAR) (2008) OP-CRC-SC: China (incl. MSAR and HKSAR) (2002) CRPD: China (incl. MSAR and HKSAR) (2008)		ICCPR (China only) ICCPR-OP 2 OP-CAT ICRMW CPED
Reservations, declarations and/or understandings	ICERD, reservations, art. 22 (China/MSAR/HKSAR); art. 6 (HKSAR) ICESCR, reservations, art. 8, para. 1 (a) (China/MSAR/HKSAR); arts. 6 and 8, para. 1 (b) (HKSAR); declaration, art. 1 (MSAR) ICCPR, reservations, art. 1 and 25 (b) (MSAR); arts. 25 (b) and 13 (HKSAR) CEDAW, reservations, art. 29, para. 1 (China/MSAR/HKSAR); declaration: arts. 1; 4, para. 1; 11; para. 2; 15, para. 3; and 15, para. 4 (HKSAR) CAT, reservations, arts. 20 and 30,		

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
	para. 1 (China/MSAR/HKSAR) CRC, reservation, art. 6 (China/MSAR/HKSAR); declarations and reservations: arts. 32, para. 2 (b), and 37 (c) (HKSAR)		
Complaint procedures, inquiry and urgent action[3]	ICCPR, art. 41 (MSAR, 1999; HKSAR, 1997)		OP-ICESCR ICERD, art. 14 ICCPR, art. 41 (China only) ICCPR-OP 1 OP-CEDAW CAT, arts. 20, 21 and 22 OP-CRC-IC ICRMW OP-CRPD CPED

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Conventions on refugees (China, incl. MSAR), 1954 Convention on stateless persons (HKSAR)[4] Geneva Conventions of 12 August 1949 and Additional Protocols I and II[5] ILO fundamental conventions: all (MSAR);[6] Nos. 100, 111, 138 and 182 (China);[7] Nos. 29, 87, 98, 105, 138 and 182 (HKSAR)[8] UNESCO Convention against Discrimination in Education (MSAR)	Palermo Protocol (China incl. MSAR)[9]	Rome Statute of the International Criminal Court Palermo Protocol (HKSAR)[10] Conventions on refugees (HKSAR), 1954 Convention on Stateless persons (China incl. MSAR) and 1961 Convention (China, HKSAR and MSAR)[11] Additional Protocol III to the 1949 Geneva Conventions[12] ILO fundamental conventions except Nos. 87, 98, 29 and 105 (China),[13] except Nos. 100 and 111 (HKSAR)[14] ILO Conventions Nos. 169 and 189[15] UNESCO Convention against Discrimination in Education (China incl. HKSAR)

1. In several opinions the Working Group on Arbitrary Detention (WGAD) called on the Government to consider ratifying ICCPR.[16] The Special Rapporteur on the question of torture called upon the Government to consider ratifying OP-CAT, establish an independent and effective complaints procedure for victims of torture, and make a declaration under article 22 of CAT providing the Committee against Torture with the competence to receive and consider individual complaints.[17]

2. China was encouraged to: consider ratifying ICRMW; consider making the optional declaration provided for in article 14 of ICERD;[18] and reconsider its decision to abstain from signing OP-CRPD.[19]

3. The Committee on the Elimination of Racial Discrimination (CERD) encouraged Hong Kong, China to consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.[20] The Human Rights Committee (HR Committee) recommended that Hong Kong, China and Macao, China consider withdrawing the reservation to article 25 (b) of ICCPR;[21] and that Hong Kong, China consider taking steps to extend the Palermo Protocol thereto.[22] UNESCO encouraged China to ratify the Convention against Discrimination in Education.[23]

B. Constitutional and legislative framework

4. The Working Group on Enforced and Involuntary Disappearances (WGEID) transmitted information regarding the proposed revisions to the Criminal Procedure Law, including the allegation that the revision would legalize enforced disappearances in the country.[24] The Government replied, inter alia, that consultations on the draft amendments were in progress.[25] The Special Rapporteur on the question of torture urged the Government to refrain from introducing the proposed amendment.[26]

5. The Special Rapporteur called upon the Government to ensure that torture was defined as a serious crime as a matter of priority in accordance with CAT and sanctioned with penalties commensurate with the gravity of torture, and to ensure that any statement which was established to have been made as a result of torture was explicitly excluded as evidence in any proceedings, except against a person accused of torture.[27] HR Committee recommended that Hong Kong, China recognize the non-derogable character of the prohibition of torture and eliminate any possible defences for the crime of torture.[28]

6. The Committee on the Rights of Persons with Disabilities (CRPD) recommended that China review and revise the secrecy laws so that information on issues and problems regarding the implementation of the Convention could be publicly discussed.[29]

7. The Special Rapporteur on the right to food recommended that China define the right to social security as a human right, which beneficiaries could claim before courts or administrative tribunals.[30]

8. UNESCO encouraged China to further elaborate provisions in its legislation and/or report on the justiciability of the right to education.[31]

C. Institutional and human rights infrastructure and policy measures

9. CRPD recommended that China establish an independent national monitoring mechanism.[32] HR Committee reiterated its previous recommendations that Hong Kong, China consider establishing a human rights institution, in accordance with the Paris Principles to consider and act on individual complaints of human rights violations by public authorities and to enforce the Hong Kong Bill of Rights Ordinance.[33] Related recommendations were made to Macao, China.[34]

10. CRPD made specific recommendations to Hong Kong, China on strengthening the work of the Equal Opportunities Commission,[35] Commissioner for Rehabilitation[36] and Women's Commission.[37]

11. CERD encouraged China to: extend the National Human Rights Action Plan (NHRAP) beyond 2010; consider including specific provisions on the elimination of racial discrimination; and promote its full implementation.[38] China replied that it intended a full-scale evaluation of the Plan's implementation.[39]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[40]

1. Reporting status[41]

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	August 2001	–	August 2009	Fourteenth, fifteenth and sixteenth reports overdue since January 2013
CESCR	May 2005	2010	–	Second report pending consideration
HR Committee (HKSAR)	March 2006	2011	March 2013	Fourth report due in 2018
(MSAR)	–	2011	March 2013	Second report due in 2018
CEDAW	August 2006	2012	–	Seventh and eighth reports pending consideration
CAT	November 2008	–	–	Fifth report overdue since 2012
CRC	September 2005	2010	–	Fourth and fifth reports pending consideration/Initial report to OP-CRC-AC pending consideration
CRPD	–	2010	September 2012	Second report due in 2014

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CERD	2010	National Human Rights Action Plan (NHRAP); administrative detention and "re-education through labour"; harassment of defence lawyers; domestic migrant workers in HKSAR[42]	2010.[43] Ongoing dialogue.[44]

Treaty body	*Due in*	*Subject matter*	*Submitted in*
HR Committee (HKSAR)	2014	Right to vote; discrimination against domestic workers; Chinese-language education for ethnic minorities.[45]	–
HR Committee (MSAR)	2014	Participation in public affairs; transfer of offenders to mainland China; rights of migrant workers.[46]	–
CAT	2009/2010	China: Widespread torture and ill-treatment and insufficient safeguards during detention; main obstacles to the effective implementation of CAT: State Secrets law, reported harassment of lawyers and human	2009/2010.[50] Ongoing dialogue.[51]

		rights defenders, abuses by unaccountable "thugs" enjoying de facto immunity; data collection; events in the Tibet Autonomous Region, prefectures and counties – widespread reported excessive use of force and other abuses;[47] HKSAR: refugees and non-return to torture; strip and body cavity searches; independent investigation of police misconduct;[48] MSAR: training; solitary confinement; trafficking in persons.[49]	
CRPD	2013	Right to life; national implementation and monitoring.[52]	2013[53]

B. Cooperation with special procedures[54]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	Education (10–19 September 2003)	Food (15–23 December 2010)[55]
	Arbitrary detention (18–30 September 2004), follow-up	
	Torture (20 November–10 December 2005)	
Visits agreed to in principle	Freedom of religion, invitation extended in 2004, last letter requesting dates sent in September 2006	–
	Extreme poverty	
Visits requested	Food, requested in 2008	Freedom of association and assembly (2011)
	Human rights defenders, requested in 2008	Human rights defenders (reminder in 2010)
	Adequate housing requested in 2008	Minorities (requested (R) in 2009)
	Health requested in 2006	Water and sanitation (R in 2010)
	Extrajudicial, Summary and Arbitrary executions requested in 2005	Foreign debt (R in 2011 and 2012)
	Toxic waste (2005)	Independence of judges and lawyers

	Status during previous cycle	*Current status*
		(R in 2011, reminder 2013) Disappearances (R in 2013) Discrimination against women (R in 2013)
Responses to letters of allegations and urgent appeals	During the period under review about 100 communications were sent. The Government replied to some 80 communications.	
Follow-up reports and missions	Torture[56]	

12. The United Nations High Commissioner for Human Rights noted that there were 12 outstanding requests for official visits to China by Special Rapporteurs on various human rights issues, including one by the Special Rapporteur on freedom of religion and belief. Noting that during its universal periodic review (UPR), China had pledged to step up cooperation with special procedures, she called on the Government to facilitate their access.[57]

13. In 2013, WGEID noted that since its establishment, it had transmitted 119 cases to the Government; of those, 77 cases had been clarified on the basis of information provided by the Government, and 30 remained outstanding.[58]

C. Cooperation with the Office of the High Commissioner for Human Rights

14. China has contributed financially to OHCHR annually since 2008.[59] In December 2011, a seminar on the reform of the death penalty was organized in China by the Ministry of Foreign Affairs with the support of OHCHR.[60]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

15. CRPD urged China to take measures to fight the widespread stigma in relation to children with disabilities and revise its strict family planning policy, so as to combat the root causes for the abandonment of boys and girls with disabilities. It asked China to provide sufficient community-based services and assistance in rural areas.[61]

16. CERD recommended that China adopt: a comprehensive definition of racial discrimination and a comprehensive law, at the national level, on the elimination of discrimination on the grounds of race, colour, descent or national or ethnic origin, covering all rights and freedoms protected under ICERD.[62] Related recommendations were made to Hong Kong, China.[63] CERD recommended that China verify if the scarcity of complaints of racial discrimination was not the result of lack of effective remedies enabling victims to seek redress, victims' lack of awareness of their rights, fear of reprisals, lack of confidence in the police and judicial authorities, or lack of attention or sensitivity to cases of racial discrimination on the part of the authorities.[64]

17. CERD was concerned at the de facto discrimination against internal migrants and recommended that China implement its decision to reform the national household registration system (*hukou)* and ensure that internal migrants, in particular members of ethnic minorities, would be able to enjoy the same work, social security, health and education benefits as long-term urban residents.[65]

18. HR Committee recommended that Hong Kong, China consider enacting legislation specifically prohibiting discrimination on the grounds of sexual orientation and gender identity.[66]

B. Right to life, liberty and security of the person

19. In 2012, the Secretary-General reported that, in February 2011, China had passed a law removing the death penalty for 13 non-violent economic crimes. In March 2012, China had amended its criminal procedure law, including introducing new procedures enhancing access to legal aid, requiring the recording of interrogations and introducing mandatory appellate hearings and more rigorous review processes in capital cases. [67] Article 223(1) of the recently amended criminal procedure law required courts of second instance to hold trial hearings for all appeals involving the death penalty.[68] Data on the use of the death penalty was still classified as a State secret. [69]

20. In 2012, WGEID expressed grave concern about reports of the high number of alleged disappearances which took place during 2011 as reflected in several communications transmitted to the Government[70] and which concerned, inter alia: human rights defenders, lawyers and monks.[71] In its replies, the Government provided detailed information on the situations of persons referred to and related procedures.[72]

21. CERD, while acknowledging the information provided by China on the revision of its legislation regarding administrative detention and "re-education through labour", the Committee was concerned at reports that in practice effective judicial control of those measures was limited and that their application might disproportionately affect members of ethnic minorities. In that regard, the Committee drew the attention of China to the universal periodic review procedure and in particular recommendation 31 of the Working Group, which enjoyed its support. In the light of the section in the NHRAP regarding the prohibition of illegal detention, it encouraged China to consider the complete abolition of such laws, as recommended by CAT.[73] In its detailed reply, China reported, inter alia, that there were no instances of administrative detention or re-education through labour being applied "disproportionately" to members of ethnic minorities; better remedies were now available to persons placed in administrative detention and a judicial control mechanism with Chinese characteristics had been established; the "re-education through labour" system of China had long played a major role in preventing and reducing crime and maintaining public order; and relevant departments were in the process of giving careful consideration to the Committee's views.[74]

22. CRPD was concerned that, for those involuntarily committed with actual or perceived intellectual and psychosocial impairments, the "correctional therapy" offered at psychiatric institutions represented inhuman and degrading treatment; and that not all medical experimentation without free and informed consent was prohibited by Chinese law.[75] CRPD was also concerned that involuntary civil commitment was perceived as a tool to maintain the public order, and recommended its abolition.[76] China replied, inter alia, that the Mental Health Act of 2012 clearly stipulated the conditions under which involuntary hospitalization and medical treatment might be appropriate.[77]

23. HR Committee recommended that Hong Kong, China put an end to corporal punishment in all settings.[78]

24. While appreciating measures taken in Hong Kong, China, HR Committee remained concerned at the high incidence of domestic violence, including against girls and women with disabilities and recommended increased efforts to combat domestic violence.[79] It also recommended that Macao, China adopt the law on prevention of domestic violence and enact specific legislation that prohibited sexual harassment in all settings.[80]

25. HR Committee was concerned at reports that Hong Kong, China was a source, destination, and transit point for men, women, and teenager girls from there, mainland China and elsewhere in South-East Asia, subjected to human trafficking and forced labour. It recommended that Hong Kong, China: review its sentencing policy for perpetrators; support private shelters offering protection to victims; strengthen victim assistance; and include certain practices regarding foreign domestic workers in the definition of the crime of human trafficking.[81]

26. CRPD was deeply troubled by the reported incidents of abduction and forced labour of thousands of persons with intellectual disabilities, especially children, such as the occurrence of slave labour in Shanxi and Henan. It strongly urged China to continue investigating these incidents and prosecute the perpetrators. [82]

C. Administration of justice, including impunity, and the rule of law

27. HR Committee recommended that Macao, China: increase the number of judicial personnel; continue its efforts to reduce the backlog of court cases; award adequate compensation in cases related to lengthy proceedings; and ensure true bilingualism in the administration of justice.[83]

28. The Special Rapporteur on the question of torture remained concerned about the reports of excessive use and length of pretrial detention, the lack of guarantees to challenge the lawfulness of detention and the continuing allegations about the use of forced labour as a corrective measure, ill-treatment of suspects in police custody, and harassment of lawyers and human rights defenders. He reiterated that the period of holding detainees in police custody should not exceed 48 hours, and that no detainee should be subjected to unsupervised contact with investigators.[84]

29. CERD recommended that China: ensure that lawyers could exercise their profession freely, in law and in practice; promptly investigate all allegations of harassment, intimidation, or other acts impeding the work of lawyers; and revise all laws and regulations that were inconsistent with the Lawyers' Law and international standards.[85] China replied that the Government was taking pains to expand the role of lawyers in the protection of human rights.[86]

30. The Special Rapporteur on the question of torture indicated that it was imperative to ensure the inadmissibility of any extrajudicial statement that was not freely and promptly ratified before a court of law, and a specific prohibition of the use of extrajudicial statements even as "inferences" or "presumptions".[87]

31. HR Committee recommended that Hong Kong, China establish a fully independent mechanism mandated to conduct independent, proper and effective investigation into complaints about the inappropriate use of force or other abuse of power by the police and empowered to formulate binding decisions.[88]

32. CRPD suggested that China allocate the necessary resources to legal aid service centres and asked that it ensure those centres safeguard access to justice of persons with disabilities.[89]

D. Right to family life

33. Concerned that reportedly nearly a hundred thousand families remained separated between mainland China and Hong Kong, China as a result of the right of abode policies, HR Committee reiterated its recommendation that Hong Kong, China review its policies and practices in accordance with its obligations regarding the right of families and children to protection under ICCPR.[90]

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

34. HR Committee regretted restrictions on Falun Gong practitioners in Hong Kong, China, particularly in relation to the right of movement.[91] In 2011, three special procedures had sent a communication regarding allegations of alleged torture and death of Falun Gong detainees following the creation of a "Strict Management Team" at Jiamusi prison in 2011 to increase the "transformation rate" among detained Falun Gong practitioners. The Government replied to this communication providing information on the cases raised and stating, inter alia, that Falun Gong was not a religion but a cult that had violated human rights and endangered society.[92]

35. In 2012, eight special procedures sent a joint communication regarding the alleged systematic undermining of the autonomous functions and the rights to freedom of religion, culture and expression of the Tibetan Buddhist community. According to the information received, new management policies of the monasteries and patriotic re-education or legal education campaigns in the Tibet Autonomous Region had led to the closure of monasteries. The Government in its detailed response replied that Tibetans' freedom of religion was protected and that legal education campaigns were an integral part of nationals' education.[93]

36. In an opinion, WGAD noted the observation of China that the person detained had violated Chinese Criminal Law[94] and stated that the fact that his peaceful expressions of opinion were criminalized under domestic law as the "incited subversion of State power and overthrow of the socialist system" did not deprive a person of their right under article 19 of the Universal Declaration of Human Rights.[95]

37. UNESCO's Director-General condemned the killing of a journalist in 2011. UNESCO also noted reported cases of journalists and social media producers being harassed, intimidated or even arrested for reporting on allegedly sensitive issues.[96] UNESCO encouraged China to investigate all attacks on journalists and media workers.[97]

38. HR Committee was concerned about reports that Hong Kong, China had seen a deterioration in media and academic freedom, including arrests, assaults and harassment of journalists and academics and recommended that it: repeal any unreasonable direct or indirect restrictions on freedom of expression, particularly for the media and academia; take effective steps including investigations of attacks on journalists; and implement the right of access to information by public bodies.[98] It also recommended that Macao, China should ensure that journalists, social activists and individuals were able to freely exercise their right to freedom of expression.[99]

39. UNESCO stated that websites critical of the Government or considered sensitive were often blocked, including social media sites[100] and that, while a freedom of information law existed, access to public information remained a challenge due to numerous requirements.[101] It encouraged China to enforce the Open Government Information ordinance to make it easier for the public to access information.[102]

40. In 2012, the Special Rapporteur on the situation of human rights defenders sent several joint communications regarding allegations of, inter alia, imprisonment and/or arbitrary detention/disappearance, threats and harassment and torture of human rights defenders and excessive force against peaceful demonstrators. The Government replied to all communications alleging, inter alia, that allegations were false and providing information on the situations referred to.[103] The Rapporteur expressed her deep concern about the arrest, detention and intimidation of human rights defenders in China, for peacefully exercising their right to freedom of expression, including their family members.[104]

41. Concerned about reports of excessive use of force by members of the police force, notably with regard to demonstrations, HR Committee recommended that Hong Kong, China increase its efforts to provide training to the police with regard to the principle of proportionality when using force;[105] ensure that the implementation of the Public Order Ordinance was in conformity with ICCPR; and establish clear guidelines for police and for records of the use of video-recording devices and make such guidelines accessible to the public.[106] It also recommended that Macao, China ensure that individuals fully enjoyed the right to freedom of peaceful assembly and that the right was safeguarded in practice.[107]

42. CERD recommended that China intensify its efforts aimed at fair and adequate participation of all minority groups in public service and encourage minority women to become more active in public life.[108]

F. Right to work and to just and favourable conditions of work

43. Regarding rural-to-urban migrant workers, the Special Rapporteur on the right to food recommended that China put more effort into registering workers to ensure that they were protected from abuse and unfair dismissal.[109]

44. In 2012, the ILO Committee of Experts on the Application of Conventions and Recommendations asked the Government of China to give full legislative expression to the principle of equal remuneration for men and women for work of equal value.[110] HR Committee recommended that Macao, China reduce the persisting wage gap between women and men and address all causes which widened it.[111]

45. CRPD recommended that Macao, China and Hong Kong, China introduce more affirmative actions to enable persons with disabilities to find employment.[112]

46. CERD recommended that China increase employment opportunities for members of ethnic minorities, in particular by focusing on professional training and providing language training, and encouraged China to intensify its efforts to combat prevailing stereotypes concerning ethnic minorities.[113]

G. Right to social security and to an adequate standard of living

47. CRPD asked China to inform persons with disabilities in rural areas of their right to benefits and develop a system to prevent corruption in the allocation and distribution of welfare benefits by local officials.[114] It recommended that Hong Kong, China introduce uniform standards for approving the disability allowance.[115]

48. The Special Rapporteur on the right to food noted that China had moved since 2005 from being a beneficiary of food aid to being a food aid donor,[116] but serious challenges remained, including improving the situation of people living in rural areas and the situation of rural migrant workers, improving security of land tenure and access to land, making a transition towards more sustainable agriculture, and addressing nutrition.[117] He made

detailed recommendations for consideration to: ensure greater security of land use rights; improve transparency and limit the risks of corruption of local officials in land deals, thus ensuring effective compliance with the 2007 Property Law; better circumscribe the possibility for the State to evict land users in the public interest; and ensure the issuance of land certificates, which should be written in the name of both husband and wife.[118] He also recommended that the Government increase the monthly minimum subsistence allowance (*di bao*) to take into account increases in the cost of living.[119]

49. The Special Rapporteur noted that food safety represented another important challenge.[120]

H. Right to health

50. CERD recommended that China continue to address the persistent health disparities affecting persons belonging to ethnic minorities and drew attention to the UPR and recommendation 20 which enjoyed the support of China.[121]

51. CPRD was troubled that the demand for public medical services was higher than the supply and suggested that Hong Kong, China allocate more human and financial resources to the public medical services and arrange the cooperation of the insurance companies.[122]

52. CRPD was further concerned about the existence of leper colonies.[123]

53. CRPD called upon China to revise its laws and policies in order to prohibit compulsory sterilization and forced abortion on women with disabilities.[124] China replied that forced sterilization and abortion were explicitly prohibited under Chinese law.[125]

I. Right to education

54. While noting the policy of bilingual education and noting with appreciation the increase in school enrolment rates in minority regions, CERD reiterated its concern about remaining disparities for ethnic minority children in accessing education, which was often linked to the availability of teaching in Mandarin only.[126]

55. In the light of the CERD recommendation, HR Committee recommended that Hong Kong, China intensify its efforts to: improve the quality of Chinese-language education for ethnic minorities and non-Chinese-speaking students with an immigrant background, in collaboration with the Equal Opportunities Commission and other groups concerned; and encourage the integration of students of ethnic minorities in public school education.[127]

56. CRPD recommended that China reallocate resources from the special education system so as to ensure that more children with disabilities could attend mainstream education.[128]

J. Cultural rights

57. UNESCO observed that it would be important to ensure that tourism development did not distort the attention on heritage and cultural development.[129]

K. Persons with disabilities

58. CRPD encouraged China to provide a legal definition of discrimination against persons with disabilities, which included the prohibition of indirect discrimination, and

ensure that the law explicitly recognized that the refusal of reasonable accommodation constituted disability-based discrimination.[130]

59. CRPD was concerned about the high number of persons with disabilities living in institutions and about the fact that China maintained institutions with up to 2,000 residents.[131]

60. Considering that 75 per cent of persons with disabilities lived in rural areas, CRPD urged China to ensure that accessibility was guaranteed in urban and rural areas.[132] CRPD encouraged Hong Kong, China to continue reviewing the "Design Manual – Barrier-Free Access" and strengthen the monitoring process of accessibility to buildings.[133]

61. CRPD advised China to ensure that all health care and services provided to persons with disabilities was based on the free and informed consent of the individual concerned, and develop a wide range of community-based services and support that responded to needs expressed by persons with disabilities and respected the person's autonomy, choices, dignity and privacy.[134] China replied that regulations being drafted clearly stated that "rehabilitation services should respect the wishes of persons with disabilities and those of families and friends".[135]

62. CRPD urged China to introduce a comprehensive and inclusive national plan of action, which included full participation of all representatives of persons with disabilities, to introduce the human rights model of disability into Chinese disability policy.[136] China replied that in future implementation efforts and reporting, the Government would continue to cooperate closely with organizations of persons with disabilities.[137]

L. Minorities and indigenous peoples

63. The High Commissioner in November 2012 urged the Chinese authorities to promptly address the long-standing grievances that had led to an alarming escalation in desperate forms of protest, including self-immolations, in Tibetan areas. The High Commissioner appealed to Tibetans to refrain from resorting to extreme forms of protest, such as self-immolation, and urged community and religious leaders to use their influence to help stop this tragic loss of life. The High Commissioner urged the Government, as a confidence-building measure, to allow independent and impartial monitors to visit and assess the actual conditions on the ground, and to lift restrictions on media access to the region. OHCHR stood ready to assist constructively on those issues in the region and promote best practices from around the world with regard to protection of minorities.[138] CERD also recommended that China carefully consider the root causes of such events, including inter-ethnic violence, and the reasons why the situation had escalated; and review any policies or incentives offered that might result in a substantial alteration of the demographic composition of autonomous minority areas.[139]

64. The Special Rapporteur on the right to food noted that, since 1985, the authorities had implemented a range of policies in Tibet Autonomous Region, Sichuan, Qinghai, Inner Mongolia and Xinjiang, which had in fact resulted in the settlement of herdsmen and their abandonment of nomadic life.[140] He was concerned that resettlement in the "new socialist" villages meant giving up herding and farming revenues.[141] He recommended that the Government suspend the non-voluntary resettlement of nomadic herders from their traditional lands and the non-voluntary relocation or rehousing programmes of other rural residents, in order to allow for meaningful consultations to take place with the affected communities, permitting parties to examine all available options.[142]

M. Migrants, refugees and asylum seekers

65. Regarding the situation of foreign migrant workers, HR Committee recommended that Macao, China and Hong Kong, China establish affordable and effective mechanisms to ensure that abusive employers were held accountable. Additionally, the Committee recommended that Hong Kong, China consider repealing the "two-weeks rule" (affecting domestic workers) and live-in requirements.[143]

66. UNHCR recommended that China adopt national asylum legislation with technical support from UNHCR; establish a responsible government institution in charge of refugee matters; and accept UNHCR technical support in capacity-building for Government officials and in the development of a national refugee status determination procedure.[144] UNHCR further recommended that China facilitate the naturalization of Indo-Chinese refugees.[145] CERD also reiterated its concern that asylum seekers from a neighbouring country continued to be systematically refused asylum and forcibly returned.[146] UNHCR recommended that China take all measures to ensure viable and effective humanitarian space for those asylum seekers who might be determined to be in need of international protection, including issuing them identification and documentation to legally reside in China.[147]

N. Right to development and environmental issues

67. CRPD commended the poverty reduction efforts undertaken by China[148] and the Special Rapporteur on the right to food noted the considerable progress made over the past three decades from lifting hundreds of millions of people out of poverty.[149]

68. CERD recommended that China intensify its efforts aimed at creating conditions for sustainable development in the western areas and eliminate economic and social disparities between the regions, and reiterated its recommendation that China fully ensure the promotion of and respect for local and regional cultures and traditions.[150]

O. Situation in, or in relation to, specific regions or territories

69. HR Committee recommended that Hong Kong, China: ensure that all interpretations of the Basic Law were in full compliance with ICCPR;[151] take all necessary measures to implement universal and equal suffrage in conformity with ICCPR; outline clear and detailed plans on how universal and equal suffrage might be instituted; and ensure enjoyment by all its citizens, under the new electoral system, of the right to vote and to stand for election in compliance with article 25 of ICCPR.[152] The Committee made similar recommendations to Macao, China.[153] CRPD urged Hong Kong, China to enhance the active participation of persons with disabilities in politics through affirmative action and ensure the accessibility of all voting stations.[154]

Notes

[1] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on China from the previous cycle (A/HRC/WG.6/4/CHN/2).

[2] The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination

ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] 1951 Convention relating to the Status of Refugees and its 1967 Protocol and 1954 Convention relating to the Status of Stateless Persons.

[5] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[6] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[7] International Labour Organization Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[8] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour;

Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[9] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[10] Ibid.

[11] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[12] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[13] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; and Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively.

[14] International Labour Organization Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; and Convention No. 111 concerning Discrimination in Respect of Employment and Occupation.

[15] International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.

[16] A/HRC/WGAD/2012/7, para. 29; A/HRC/WGAD/2012/29, para. 37; A/HRC/WGAD/2011/23, para. 33; A/HRC/WGAD/2011/16, para. 24; A/HRC/WGAD/2011/15, para. 30; A/HRC/WGAD/2010/29, para. 29; and A/HRC/WGAD/2010/26, para. 20.

[17] A/HRC/19/61/Add.3, para. 10.

[18] Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/CHN/CO/10-13), paras. 34 and 37.

[19] Concluding observations of the Committee on the Rights of Persons with Disabilities (CRPD/C/CHN/CO/1 and Corr.1), para. 4.

[20] CERD/C/CHN/CO/10-13, para. 29.

[21] Concluding observations of the Human Rights Committee (CCPR/C/CHN-HKG/CO/3), para. 6, and (CCPR/C/CHN-MAC/CO/1), para. 7.

[22] CCPR/C/CHN-HKG/CO/3, para. 20.

[23] UNESCO submission to UPR on China, para. 47.

[24] A/HRC/19/58/Rev.1, paras. 99–104.

[25] A/HRC/WGEID/99/1, para. 33.

[26] A/HRC/19/61/Add.3, para. 8.

[27] Ibid., para. 9.

[28] CCPR/C/CHN-HKG/CO/3, para. 8.

[29] CRPD/C/CHN/CO/1 and Corr.1, para. 48.

[30] A/HRC/19/59/Add.1, para. 43 (d).

[31] UNESCO submission, para. 49.

[32] CRPD/C/CHN/CO/1 and Corr.1, para. 50.

[33] CCPR/C/CHN-HKG/CO/3, para. 7.

[34] CCPR/C/CHN-MAC/CO/1, para. 8.

[35] CRPD/C/CHN/CO/1 and Corr.1, para. 56. See also CERD/C/CHN/CO/10-13, para. 28, and CCPR/C/CHN-HKG/CO/3, para. 7.

[36] Ibid., para. 84.

[37] Ibid., para. 58.

[38] CERD/C/CHN/CO/10-13, para. 12.

[39] CERD/C/CHN/CO/10-13/Add.1, p. 3.

[40] The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights

HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities

[41] As at 15 July 2013.
[42] CERD/C/CHN/CO/10-13, para. 40.
[43] CERD/C/CHN/CO/10-13/Add.1.
[44] Letter dated 2 September 2011 from CERD to the Permanent Mission of China. Available from http://www2.ohchr.org/english/bodies/cerd/docs/ChinaLetterFollowupProcedure2sep11.pdf.
[45] CCPR/C/CHN-HKG/CO/3, para. 26.
[46] CCPR/C/CHN-MAC/CO/1, para. 19.
[47] Concluding observations of the Committee against Torture (CAT/C/CHN/CO/4), para. 44.
[48] Concluding observations of the Committee against Torture (CAT/C/HKG/CO/4), para. 17.
[49] Concluding observations of the Committee against Torture (CAT/C/MAC/CO/4), para. 12.
[50] Regarding China: CAT/C/CHN/CO/4/Add.1, received on 10 December 2008, CAT/C/CHN/CO/4/Add.2, received 26 November 2009; regarding Hong Kong, China: CAT/C/HKG/CO/4/Add.1, received 7 January 2010; and regarding Macao, China: CAT/C/MAC/CO/4/Add.1, received 8 March 2010.
[51] Regarding China, letter dated 29 October 2010 from CAT to the Permanent Mission of China, available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CHN/INT_CAT_FUF_CHN_11989_E.pdf. Regarding Hong Kong, China, letter dated 29 October 2010 from CAT to the Permanent Mission of China, available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/HKG/INT_CAT_FUF_HKG_12263_E.pdf; and regarding MSAR, letter 29 October 2010 from CAT to the Permanent Mission of China, available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MAC/INT_CAT_FUF_MAC_12265_E.pdf.
[52] CRPD/C/CHN/CO/1 and Corr.1, para. 101.
[53] CRPD/C/CHN/CO/1/Add.1.
[54] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[55] See A/HRC/19/59/Add.1.
[56] A/HRC/19/61/Add.3, paras. 6–10.
[57] United Nations High Commissioner for Human Rights, statement of 2 November 2012. Available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12729&LangID=E.
[58] A/HRC/22/45 and Corr.1, annex I, para. 74.
[59] OHCHR, *Annual Report 2009*, p. 190; *Annual Report 2010*, p. 79; *Annual Report 2011*, p. 125; *Annual Report 2012*, p. 117.
[60] A/67/226, para. 50.
[61] CRPD/C/CHN/CO/1 and Corr.1, para. 14.
[62] CERD/C/CHN/CO/10-13, paras. 10 and 11.
[63] Ibid., para. 27. See also para. 28.
[64] Ibid., para. 26.
[65] Ibid., para. 14.
[66] CCPR/C/CHN-HKG/CO/3, para. 23.
[67] A/67/226, para. 10.
[68] Ibid., para. 37.
[69] Ibid., para. 44.
[70] A/HRC/19/58/Rev.1, para. 122.
[71] Ibid., paras. 90–92 and 94–98.
[72] Ibid., paras. 93, and A/HRC/22/45 and Corr.1, annex I, paras. 70 ff.
[73] CERD/C/CHN/CO/10-13, para. 15.
[74] CERD/C/CHN/CO/10-13/Add.1, pp. 4–6.
[75] CRPD/C/CHN/CO/1 and Corr.1, para. 27.

[76] Ibid., paras. 25 and 26.
[77] CRPD/C/CHN/CO/1/Add.1, para. 7.
[78] CCPR/C/CHN-HKG/CO/3, para. 16.
[79] Ibid., para. 18.
[80] CCPR/C/CHN-MAC/CO/1, para. 10.
[81] CCPR/C/CHN-HKG/CO/3, para. 20.
[82] CRPD/C/CHN/CO/1 and Corr.1, paras. 29–30. See also paras. 19–20.
[83] CCPR/C/CHN-MAC/CO/1, para. 14.
[84] A/HRC/19/61/Add.3, para. 7.
[85] CERD/C/CHN/CO/10-13, para. 19.
[86] CERD/C/CHN/CO/10-13/Add.1, p. 6.
[87] A/HRC/19/61/Add.3, para. 9.
[88] CCPR/C/CHN-HKG/CO/3, para. 12.
[89] CRPD/C/CHN/CO/1 and Corr.1, para. 24.
[90] CCPR/C/CHN-HKG/CO/3, para. 15.
[91] Ibid., para. 17.
[92] A/HRC/18/51 and Corr.1, p. 96.
[93] A/HRC/22/67, Corr.1 and 2, p. 68.
[94] A/HRC/WGAD/2012/7, paras. 11–16.
[95] Ibid., para. 21.
[96] UNESCO submission, para. 36.
[97] Ibid., para. 54.
[98] CCPR/C/CHN-HKG/CO/3, para. 13.
[99] CCPR/C/CHN-MAC/CO/1, para. 15.
[100] UNESCO submission, para. 34.
[101] Ibid., para. 32.
[102] Ibid., para. 52.
[103] A/HRC/22/47/Add.4, paras. 90–95.
[104] Ibid., para. 96.
[105] CCPR/C/CHN-HKG/CO/3, para. 11.
[106] Ibid., para. 10.
[107] CCPR/C/CHN-MAC/CO/1, para. 16.
[108] CERD/C/CHN/CO/10-13, para. 18.
[109] A/HRC/19/59/Add.1, para. 43 (e).
[110] ILO Committee of Experts on the Application of Conventions and Recommendations, ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations, General Report and observations concerning particular countries, International Labour Conference, 102nd Session, 2013, ILC.102/III(1A), p. 471, available from www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_205472.pdf.
[111] CCPR/C/CHN-MAC/CO/1, para. 9.
[112] CRPD/C/CHN/CO/1 and Corr.1, paras. 97 and 78.
[113] CERD/C/CHN/CO/10-13, para. 25.
[114] CRPD/C/CHN/CO/1 and Corr.1, para. 44.
[115] Ibid., para. 80.
[116] A/HRC/19/59/Add.1, para. 4.
[117] Ibid., para. 40.
[118] Ibid., para. 41 (a,)–(d).
[119] Ibid., para. 43 (a).
[120] Ibid., para. 22.
[121] CERD/C/CHN/CO/10-13, para. 24.
[122] CRPD/C/CHN/CO/1 and Corr.1, paras. 75–76. See also comments from the Government of China (CRPD/C/CHN/CO/1/Add.1), paras. 67–71.
[123] Ibid., para. 31.
[124] Ibid., para. 34.
[125] CRPD/C/CHN/CO/1/Add.1, para. 5.
[126] CERD/C/CHN/CO/10-13, para. 22.

[127] CCPR/C/CHN-HKG/CO/3, para. 22; see also CERD/C/CHN/CO/10-13, para. 31.
[128] CRPD/C/CHN/CO/1 and Corr.1, para. 36.
[129] UNESCO submission, para. 50.
[130] CRPD/C/CHN/CO/1 and Corr.1, para. 12.
[131] Ibid., para. 31.
[132] Ibid., para. 18.
[133] Ibid., para. 62.
[134] Ibid., para. 38.
[135] CRPD/C/CHN/CO/1/Add.1, para. 7.
[136] CRPD/C/CHN/CO/1 and Corr.1, para. 10.
[137] CRPD/C/CHN/CO/1/Add.1, para. 8.
[138] United Nations High Commissioner for Human Rights, statement of 2 November 2012.
[139] CERD/C/CHN/CO/10-13, paras. 13 and 17. See also United Nations High Commissioner for Human Rights, statement of 2 November 2012.
[140] A/HRC/19/59/Add.1, para. 34.
[141] Ibid., para. 36.
[142] Ibid., para. 46 (a).
[143] CCPR/C/CHN-MAC/CO/1, para. 17, and CCPR/C/CHN-HKG/CO/3, para. 21.
[144] UNHCR submission to the UPR of China, p. 2.
[145] Ibid., p. 3.
[146] CERD/C/CHN/CO/10-13, para. 16.
[147] UNHCR submission, p. 3.
[148] CRPD/C/CHN/CO/1 and Corr.1, para. 8.
[149] A/HRC/19/59/Add.1, para. 10.
[150] CERD/C/CHN/CO/10-13, para. 21.
[151] CCPR/C/CHN-HKG/CO/3, para. 5.
[152] Ibid., para. 6.
[153] CCPR/C/CHN-MAC/CO/1, para. 7.
[154] CRPD/C/CHN/CO/1 and Corr.1, para. 82.