

Summary Chart of UPR Recommendations Rejected by the People’s Republic of China

“The Chinese government is conscientiously implementing the Scientific Outlook on Development, an approach that places **people first** and seeks to ensure comprehensive, coordinated and sustainable development, in an effort to build a **harmonious society** characterized by **democracy**, the **rule of law**, **equity and justice**.”

– From Remarks by Ambassador Li Baodong, head of the Chinese Delegation at Fourth Session of the Human Rights Council Working Group on Universal Periodic Review (UPR), Palais Des Nations, Geneva, February 9, 2009

Theme	Rejected Recommendations [Source: <i>Draft Report of the Working Group on the Universal Periodic Review: China</i> , para. 117.]	Member State
Rule of Law	<p>“China seeks to guarantee judicial independence and fair administration of justice through continued reform and improvement of its judicial system.” – Ambassador Li Baodong, Palais Des Nations, Geneva, February 9, 2009</p>	
Death Penalty	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 . [para. 27(b)]	Australia
	Reduce applicability of the death penalty, in particular for non-violent crimes, and provide statistics on the number of death sentences and the Supreme People’s Court review procedure. [para. 86(b)]	Austria
	Consider establishing a moratorium on the death penalty. [para. 95(d)]	Brazil
	Regularly publish detailed statistics on death penalty use. [para. 28(c)]	Canada
	Reduce the great number of crimes that are subject to capital punishment, specifically, economic crimes, as well as abolish the death penalty and increase transparency on this issue by publishing national official statistics . [para. 56(c)]	France
	Continue efforts to change legal practice in a way that is conducive to markedly reducing the number of death sentences imposed and persons executed. [para. 43(e)]	Germany

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	Lift secrecy on figures and statistics concerning the death penalty, restrict its application to the most serious crimes according to international minimum standards, and consider a moratorium with view to abolition . [para. 96(a)]	Italy
	Consider positively declaring a moratorium on the application of the death penalty with a view to abolishing it. [para. 38]	Mexico
	Continue reform towards abolition of the death penalty, including more transparency around its use. [para. 83(c)]	New Zealand
	Review application of 1984 death penalty safeguards adopted by ECOSOC 1984/50. [para. 83(d)]	New Zealand
	Publish statistics of the total number of executions since the introduction of the 2007 death penalty revision to allow measurement of the decline in numbers. [para. 31(b)]	Switzerland
	Install a moratorium on the death penalty as a first step towards its total abolition. [para. 31(c)]	Switzerland
	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. [para. 42(b)]	United Kingdom
Torture	Adhere to the Optional Protocol to the Convention Against Torture (OPCAT). [para. 95(c)]	Brazil
	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 DPRK. [para. 28(g)]	Canada
	Accede to the OPCAT, improve implementation of the Convention Against Torture, establish independent/effective complaint procedures for torture victims, and review compliance with the principle of non-refoulement . [para. 82(a)]	Czech Republic
	Give positive consideration to ratifying the OPCAT. [para. 38(b)]	Mexico

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Administrative and Legal Reform	Accelerate legislative and judicial reforms , particularly on the death penalty and administrative detention, to be in compliance with the ICCPR. [para. 28(a)]	Canada
	Abolish all forms of administrative detention, including Reeducation-Through-Labor (RTL). [para. 28(d)]	Canada
	Eliminate abuse of psychiatric committal. [para. 28(e)]	Canada
	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. [para. 28(f)]	Canada
	Reform the State Secrets law and definitions of crimes as incitement to subversion of state power (which is abused <i>vis</i> human rights defenders). [para. 82(c)]	Czech Republic
	Ensure independence of the judiciary and lawyers. [para. 82(d)]	Czech Republic
	Abolish RTL and black jails. [para. 82(e)]	Czech Republic
	Ensure that lawyers can defend their clients without fear of harassment. [para. 79(a)]	Finland
	Ensure that lawyers can participate in the management of their own professional organizations. [para. 79(a)]	Finland
	Abolish administrative detention and forced labor without proper trial, and provide access to legal representation and independent supervision. [para. 43(a)]	Germany
	Ensure every detainee has the right to regularly see visitors and has permanent access to legal counsel and effective complaint mechanisms. [para. 43(b)]	Germany
	Consider an early release of detainees who are of old age or in fragile health. [para. 43(f)]	Germany
	Take urgent steps to abolish various systems of arbitrary detention. [para. 92(c)]	Sweden
	Ensure that any reformed prison or compulsory care system meets international human rights standards. [para. 92(d)]	Sweden

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	Continue and deepen judicial reform , including by adopting measures to address institutional weakness and lack of independence of judiciary. [para. 92(e)]	Sweden
	Amend criminal procedure code to ensure the right to a lawyer and put in place a law for the protection of witnesses. [para. 31(a)]	Switzerland
Enforced Disappearances	Analyze the possibility of ratifying International Convention for the Protection of All Persons Against Enforced Disappearances, and assess the possibility of accepting competency of Committee on Enforced Disappearances . [para. 84(a)]	Argentina
	Give positive consideration to ratifying the International Convention for the Protection of All Persons Against Enforced Disappearances. [para. 38(b)]	Mexico
People First, Harmonious Society	<p>“It has always been a basic State policy of China to promote equality between men and women. ... China has developed a complete system of legislation for the protection of children’s rights.” – China’s National UPR Report, November 2008</p> <p>“China pursues a policy of ethnic equality and ethnic autonomy.” – Ambassador Li Baodong, Palais Des Nations, Geneva, February 9, 2009</p>	
Rights of Women and Children	Analyze the possibility of ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons , especially women and children. [para. 84(a)]	Argentina
	Adopt specific legislation on domestic violence . [para. 95(d)]	Brazil
	<p>Withdraw the reservation to Article 6 of Convention on the Rights of the Child. [para. 79(c)]</p> <p><i>[CRC Article 6 states: “1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.” China’s reservation to the CRC states: “[T]he People’s Republic of China shall fulfill its obligations provided by article 6 of the Convention under the prerequisite that the Convention accords with the provisions of article 25 concerning family planning of the Constitution of the People’s Republic of China and in conformity with the provisions of article 2 of the Law of Minor Children of the People’s Republic of China.”]</i></p>	Finland

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	Ensure that primary education attains the constitutionally guaranteed universal compulsory status . [para. 85(b)]	Portugal
Rights of Ethnic Minorities	Review laws and practices on freedom of religion, movement, protection of culture and language (including that of Tibetans and Uyghurs). [para. 82(f)]	Czech Republic
	End the “strike hard campaign” in Tibet. [para. 82(g)]	Czech Republic
	Investigate all cases in Tibet of police brutality and torture (including the death of Mr. Pema Tsepak in Chambo in January). [para. 82(h)]	Czech Republic
	Ensure protection in Tibet of the right of peaceful assembly and release persons arrested for such assembly (including Ms. Tashi Tao and Ms. Dhungtso in Kardze County). [para. 82(i)]	Czech Republic
	Resume dialogue regarding Tibet . [para. 83(e)]	New Zealand
	Respect the fundamental rights of these [Uyghur and Tibetan] ethnic minorities, notably freedom of religion and movement. [para. 31(d)]	Switzerland
	Grant greater access to Tibetan areas for OHCHR and other UN bodies, as well as diplomats and international media. [para. 42(d)]	United Kingdom
Rights of Persons with Disabilities	Give positive consideration to ratifying the Convention on the Rights of Persons with Disabilities. [para. 38(b)]	Mexico
Non-Discrimination	Abolish or reform the current <i>hukou</i> residency system, ensuring all citizens have basic access to education, health care, and social welfare on an equitable and non-discriminatory basis. [para. 92(f)]	Sweden
Civil Society	“The Constitution explicitly provides that citizens enjoy freedom of speech and of the press, and have the right to criticize a State organ or its officials and to make suggestions.” – China’s National UPR Report, November 2008	
Freedom of Expression	Investigate reports of harassment and detention of human rights defenders, including alleged mistreatment while in police custody, with a view to ending impunity . [para. 27(g)]	Australia

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	Revise legislation and practice violating the right to freedom of expression, release all persons held on basis of expression (including Mr. Paljor Norbu and Charter 08 arrests). [para. 82(b)]	Czech Republic
	Accept different opinions expressed by human rights defenders if such expression is through peaceful demonstration. [para. 97(a)]	Hungary
	Remove restrictions on freedom of information and expression. [para. 92(b)]	Sweden
Media Regulations	Extend the new media regulations to domestic journalists. [para. 27(c)]	Australia
	Extend provisions of the new media regulations to Chinese journalists. [para. 56(a)]	France
Freedom of Religion	Review approach towards religious groups and practitioners, including those not organized in officially recognized churches. [para. 43(g)]	Germany
	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. [para. 43(h)]	Germany
	Simplify requirements for official approval of religious practices to allow for exercise of freedom of religion and belief and to better respect minority religious rights. [para. 96(b)]	Italy
Trade Unions	Lift reservation to article 8.1(a) of ICESCR, ensuring individuals' right to form trade unions and join the trade union of his or her choice, and provide more information on reforms <i>vis</i> trade unions. [para. 92(g)]	Sweden

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International Human Rights Implementation		
<p>“China respects the principle of the universality of human rights and considers that all countries have an obligation to adopt measures continuously to promote and protect human rights in accordance with the purposes and principles of the Charter of the United Nations and the relevant provisions of international human rights instruments, and in the light of their national realities.” – China’s National UPR Report, November 2008</p>		
UN Special Procedures	Extend open invitations to Special Procedures in order to strengthen cooperation. [para. 86(e)]	Austria
	Respond positively to outstanding visit requests by Special Procedures and issue a standing invitation. [para. 27(d)]	Australia
	Continue cooperation with the OHCHR. [para. 95(d)]	Brazil
	Respond positively to outstanding requests made by several UN Special Procedures, including the Special Rapporteur on freedom of religion and belief, to visit China. [para. 28(h)]	Canada
	Respond positively to requests for visits by Special Procedures and consider issuing standing invitations to them. [para. 96(c)]	Italy
	Extend standing invitations to Special Procedures of the Human Rights Council. [para. 81(b)]	Latvia
	Respond positively to requests from Special Procedures on the right to food, human rights defenders, adequate housing, health, extrajudicial executions, and toxic waste. [para. 38(a)]	Mexico
	Extend a standing invitation to all UN Special Rapporteurs. [para. 30(c)]	Netherlands
	Issue a standing invitation to the Special Procedures of the Human Rights Council. [para. 42(c)]	United Kingdom
International Covenant on Civil and Political Rights (ICCPR)	Analyze possibility of ratifying the ICCPR. [para. 84(a)]	Argentina
	Ratify the ICCPR as quickly as possible and with minimal reservations. [para. 27(e)]	Australia

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	State a precise calendar for ratification and adoption of the necessary measures for the ratification of the ICCPR . [para. 56(b)]	France
	Ratify the ICCPR as soon as possible and bring legislation into line with its provisions. [para. 30(b)]	Netherlands
	Reflect concrete steps towards ratification of the ICCPR in national action plan on human rights . [para. 83(g)]	New Zealand
	Release a clear timetable for work towards ICCPR ratification . [para. 42(a)]	United Kingdom
Human Rights Institution	Establish a national human rights institution in accordance with the Paris Principles. [para. 27(f)]	Australia
	Establish a national human rights institution , in accord with the Paris Principles. [para. 83(a)]	New Zealand
	Establish an independent national human rights institution , in accord with the Paris Principles. [para. 92(h)]	Sweden
International Criminal Court (ICC)	Adhere to the Rome Statute of the ICC. [para. 95(b)]	Brazil
	Become a party to the Rome Statute of the ICC. [para. 56(d)]	France