



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of China and welcome the constructive engagement of your Government during the 31<sup>st</sup> session of the UPR Working Group in November 2018.

As the final outcome report on the review of China has been recently adopted by the Human Rights Council at its 40<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of China – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 150 delegations, the presentation and responses made by the delegation of China and the actions taken by your Government to implement the 204 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I welcome your Government's efforts, such as rolling out of several reform measures, promulgation of new laws, including the General Rules on the Civil Law, designed to serve as an institutional framework for the promotion and protection of human rights. At the same time, I encourage China to continue to strengthen its engagement with the United Nations human rights mechanisms, including the Treaty Bodies and Special Procedures mandate holders of the Human Rights Council. I also strongly encourage your Government to create an enabling environment for human rights defenders and lawyers defending the rights of others, including those who have interacted with the United Nations human rights mechanisms. I further urge your Government to increase efforts to protect the rights of ethnic and religious minorities, and to intensify efforts to ensure transparency and the respect and protection of human rights in relation to all policies aimed at countering terrorism or violent extremism.

I welcome the adoption of the third national human rights action plan (2016-2020). I note that your Government reported during its third cycle of the UPR that this action plan, along with other reforms mentioned above, had provided a strong institutional basis for the promotion and protection of human rights. I encourage China to effectively implement recommendations resulting from United Nations human rights mechanisms, including in the areas highlighted in the Annex to this letter and to facilitate the preparations for China's fourth cycle of the UPR. My advice to Member States is to develop and implement national action plans in close consultation and cooperation with all relevant stakeholders, in particular civil society organizations, and, where necessary, with the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

H.E. Mr. Wang Yi  
Minister of Foreign Affairs  
China



I encourage China to pursue efforts towards establishing a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and treaty obligations, and linking this to the Sustainable Development Goals. I strongly recommend the use of the practical guide that my Office released on this topic, which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage China to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist China in relation to the areas identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet  
High Commissioner for Human Rights

cc: H.E. Mr. Le Yucheng  
Vice Minister of Foreign Affairs  
China

## **Annex**

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratification of all human rights instruments to which China is not yet party, including the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and the Optional Protocol to the Convention on the Rights of the Child on a communication procedure.
- Ratification of the Rome Statute of the International Criminal Court.
- Ratification of the International Labour Organization Forced Labour Convention (No. 29) and its Protocol, and of the UNESCO Convention against Discrimination in Education.
- Strengthening cooperation with the Human Rights Council Special Procedures and the High Commissioner for Human Rights by allowing unhindered access for international monitors to investigate alleged human rights violations, in particular to Xinjiang and Tibet.
- Implementation of the recommendations of international human rights mechanisms, including those of the Committee on the Elimination of Racial Discrimination issued in August 2018.
- Continued enhancement of international cooperation in the field of human rights and Sustainable Development Goals (SDGs).

### **National human rights framework**

- Revision of the national legal framework to bring it into conformity with international human rights law and standards.
- Establishment of an independent national human rights institution in accordance with the Paris Principles.
- Continued and effective implementation of the Third National Human Rights Action Plan (2016-2020).
- Continued awareness-raising on human rights among Government officials.

## **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Cross-cutting issues**

#### *Equality and non-discrimination*

- Adoption of comprehensive anti-discrimination legislation that promotes the protection of persons from marginalized and disadvantaged groups.
- Prohibition of all forms of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons.

#### *Development, the environment, and business and human rights*

- Intensification of efforts to bridge the gap in economic and social development between rural and urban areas.
- Continued implementation of the 2030 Agenda for Sustainable Development.
- Establishment of a legal framework to guarantee that activities of Chinese business enterprises subjected to its jurisdiction do not negatively impact on human rights abroad.
- Adoption of further measures on business and human rights in line with China's international obligations, and ensuring that companies operating in conflict areas conduct human rights due diligence, in line with the United Nations Guiding Principles on Business and Human Rights.
- Strengthening efforts to reduce the adverse environmental effects of industrialization, including air pollution, in accordance with the International Covenant on Economic, Social and Cultural Rights and the United Nations Guiding Principles on Business and Human Rights.

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

- Ensuring that any legal provision to protect national security is clearly and strictly defined in conformity with international human rights law and standards. This includes amending the definition of subversion with a view to removing from its scope the legitimate exercise of all human rights and fundamental freedoms.

### **B. Civil and political rights**

#### *Right to life, liberty and security of person*

- Complete abolition of the death penalty and establishment of a moratorium on it.
- Strengthening of measures to prevent torture and ill-treatment.
- Respect of the rights of all detainees in compliance with relevant human rights instruments.

- Repeal the provisions of the Criminal Procedure Law that allow *de facto* incommunicado detention at a designated location while under residential surveillance.
- Abolition of all forms of arbitrary detention, including extra-legal detention facilities in the Xinjiang Uygur Autonomous Region.
- Ceasing the harassment, house arrest of, and travel restrictions on, human rights defenders and their family members.

*Administration of justice, including impunity, and the rule of law*

- Guaranteeing an independent judiciary, fair trials, and access to legal counsel, releasing all human rights defenders, including lawyers, and refraining from persecuting those who exercise their rights or defend others' rights.

*Fundamental freedoms*

- Full protection of the right to freedom of religion or belief, including in Tibet and in Xinjiang.
- Expediting the reforms necessary to fully protect freedom of expression in law and in practice.
- Removal of all restrictions on freedom of expression and press freedom, including on the Internet, which are not in conformity with international law.
- Enhancement of efforts to create an environment, in which journalists and human rights defenders and NGOs can freely operate in accordance with international human standards.

*Prohibition of all forms of slavery*

- Elaboration of comprehensive anti-trafficking legislation that provides for the criminalization of all forms of trafficking.

*Right to privacy*

- Taking the necessary legislative, administrative and other measures to guarantee respect for the autonomy and physical and personal integrity of lesbian, gay, bisexual, transgender and intersex persons and prohibiting the practice of so-called "conversion therapy", and other forced, involuntary or otherwise coercive or abusive treatments against them.

**C. Economic, social and cultural rights**

*Right to work and to just and favourable conditions of work*

- Further improvement of laws and regulations to improve protection of the rights of workers and labour unions.

*Right to social security*

- Adoption of additional measures to improve the social security system for all.
- Adoption of measures to increase the efficiency and accountability of public services.
- Continuing improvement of the level, quality and coverage of public services, in particular in rural areas.

*Right to an adequate standard of living*

- Pursuing the policy of building affordable social housing and renovating dilapidated housing to improve the living conditions of the population.
- Continuing to implement measures to ensure food security for all people in China.

*Right to health*

- Taking further steps to consolidate programmes and actions aimed at improving public healthcare services, including to further reduce maternal and infant mortality.
- Strengthening health services in rural areas, including community elder-care services.

*Right to education*

- Making further efforts to respect, protect and fulfil the right to education for all without discrimination.
- Further improving access to education for children, especially those living in rural areas and children of migrant workers.

**D. Rights of specific persons or groups**

*Women*

- Continuing to make efforts to enhance women's rights.
- Increasing efforts to tackle all forms of gender discrimination, including integration of women's development into the overall national economic and social planning.
- Strengthening measures to combat violence against women and domestic violence.
- Adoption of concrete measures to promote women's full and equal participation in political and public life.
- Enhancing the promotion of gender equality, in particular by improving labour law and regulatory systems for women in employment.

*Children*

- Continuing to make efforts to enhance children's rights.
- Strengthening measures to support children left behind by their parents in rural areas and children in vulnerable situations.

- Enhancement of public policies to protect children from all forms of exploitation, and developing a national plan to eradicate child labour, in particular in the mining, manufacturing and brick-making sectors.
- Continuing to implement the revised Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency.
- Taking measures to ensure all children, especially those of asylum seekers and refugees, have access to education.

#### *Persons with disabilities*

- Continuing to develop measures to eliminate discrimination against persons with disabilities in accordance with the International Convention on the Rights of Persons with Disabilities.
- Ensuring that persons with disabilities enjoy equal rights to participate in national social affairs management.

#### *Minorities*

- Taking urgent steps to respect the rights of persons belonging to ethnic minorities, including the rights to peaceful assembly and to practice religion and culture, in particular in Xinjiang and Tibet.
- Strengthening the prevention of and combat against all forms of discrimination and violence, especially against ethnic and religious minorities.

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

- Strengthening the protection of the rights of migrant workers through legislation, including provision of health-care services and promotion of the right to education of the children of migrant workers.
- Ceasing the forcible repatriation of nationals of the Democratic People's Republic of Korea and allowing those nationals unimpeded access to UNHCR for a determination of their international protection needs.

#### *Stateless persons*

- Abandonment of the *houkou* system to ensure birth registration for all children, including children of migrant workers.

### **E. Specific regions or territories**

- Upholding the rights, freedoms and rule of law embodied in the one country, two systems framework for Hong Kong.
- Ensuring the right of Hong Kong people to participate in government without distinction of any kind.