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HUMAN RIGHTS COUNCIL  
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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \***

**China (including Hong Kong and Macao  
Special Administrative Regions (HKSAR and MSAR))**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

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\* Late submission.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	China: 29 December 1981 MSAR: 20 December 1999 HKSAR: 1 July 1997	Yes, China (including MSAR and HKSAR): article 22 HKSAR: article 6	Individual complaints (article. 14): No
ICESCR	China: 27 March 2001 MSAR: 20 December 1999 HKSAR: 1 July 1997	Yes, China (including MSAR and HKSAR): article 8.1(a) MSAR: article 1 HKSAR: articles 8.1(b) , 6	-
ICCPR	MSAR: 20 December 1999 HKSAR: 1 July 1997	Yes MSAR: art.1 HKSAR: articles. 25(b), 13	Inter-State complaints (article 41): Yes
CEDAW	China: 4 November 1980 MSAR: 20 December 1999 HKSAR: 1 July 1997	Yes, China (including MSAR and HKSAR): article 29.1 HKSAR: articles. 1, 4.1, 11.2, 15.3, 15.4.	-
CAT	China: 4 October 1988 MSAR: 20 December 1999 HKSAR: 1 July 1997	Yes, China (including MSAR and HKSAR): article. 30.1	Inter-State complaints (article. 21): No Individual complaints (article. 22): No Inquiry procedure (article. 20): No
CRC	China: 2 March 1992 MSAR: 20 December 1999 HKSAR: 1 July 1997	China (including MSAR and HKSAR): article 6 MSAR and HKSAR: articles. 32.2(b), 37(c)	-
OP-CRC-AC	China (including MSAR and HKSAR) 20 February 2008	Binding declaration under article 3: 17 years	-
OP-CRC-SC	China (including MSAR): 3 December 2002	None	-
CPD	China (including MSAR and HKSAR): 1 August 2008	None	-
<i>Core treaties to which China is not a party:</i> ICCPR (signature only, 1998), ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, OP-CAT, OP-CRC-SC (HKSAR), ICRMW, CPD-OP, CED.			
<i>Other main relevant international instruments<sup>3</sup></i>	<i>Ratification, accession or succession</i>		
Convention on the Prevention and Punishment of the Crime of Genocide	Yes		
Rome Statute of the International Criminal Court	No		
Palermo Protocol <sup>4</sup>	No		
Refugees and stateless persons <sup>5</sup>	Yes, China (incl MSAR), except 1961 Convention No, HKSAR		
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes, except AP III		
ILO fundamental conventions <sup>7</sup>	Yes, except Nos. 87, 98, 29 and 105		
UNESCO Convention against Discrimination in Education	Yes, MSAR, No, (China incl. HKSAR)		

1. Treaty bodies or special procedures invited China to consider: ratifying ICCPR<sup>8</sup> and its two optional protocols,<sup>9</sup> OP-CEDAW and ICRMW,<sup>10</sup> OP-CAT,<sup>11</sup> CED,<sup>12</sup> ILO Convention

No. 29,<sup>13</sup> and the Rome Statute of the International Criminal Court;<sup>14</sup> making the optional declaration provided for in article 14 of ICERD;<sup>15</sup> declaring in favour of articles 21 and 22 of CAT and withdrawing its reservation under article 20.<sup>16</sup> Additionally, the Committee against Torture (CAT), the Committee on the Elimination of Discrimination against Women (CEDAW) and UNHCR recommended the extension of the 1951 Refugee Convention to HKSAR;<sup>17</sup> and the Committee on the Rights of the Child (CRC) recommended that HKSAR ratify the Palermo Protocol.<sup>18</sup>

2. CRC recommended that the State review and withdraw all reservations to the Convention for all areas under its jurisdiction.<sup>19</sup> The Committee on Economic, Social and Cultural Rights (CESCR) strongly urged China to consider withdrawing its declaration on article 8, paragraph 1, of ICESCR.<sup>20</sup>

### **B. Constitutional and legislative framework**

3. The Working Group on Arbitrary Detention welcomed a newly adopted constitutional provision declaring the paramount importance China attaches to human rights protection,<sup>21</sup> and was informed that, as a consequence, the Criminal Law, the Criminal Procedure Law and the framework governing administrative detention were under consideration to bring them into line with the new provisions of the Constitution.<sup>22</sup>

4. CESCR expressed concern that non-citizens, including asylum-seekers, refugees and stateless persons, are excluded from the constitutional guarantees to the enjoyment of rights and freedoms enshrined in the Covenant.<sup>23</sup>

### **C. Institutional and human rights infrastructure**

5. In 2005, CRC noted with concern the lack of an independent national human rights institution and recommended that China establish, on the mainland and in the HKSAR and MSAR, such institutions.<sup>24</sup> Similar recommendations were made by CESCR with respect to mainland China<sup>25</sup> and by the HR Committee in 2006 with respect to HKSAR.<sup>26</sup>

### **D. Policy measures**

6. In 2005, CESCR recommended that China adopt a national human rights plan of action.<sup>27</sup> In the same year, CRC recommended that a plan of action for the implementation of the Convention for HKSAR and MSAR be developed and implemented.<sup>28</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

#### **1. Cooperation with treaty bodies**

<i>Treaty body<sup>29</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2000	August 2001	-	Tenth to thirteenth reports overdue since 2001, 2003, 2005 and 2007 respectively, submitted in June 2008
CESCR	2003	May 2005	-	Second report due in 2010

<i>Treaty body<sup>29</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
HR Committee (only Hong Kong SAR)	2005	March 2006	August 2007	Third report due in 2010
CEDAW	2004	August 2006	-	Combined seventh and eight reports due in 2010
CAT	2006	November 2008	November 2008	Fifth report due in Nov. 2012
CRC	2003	September 2005	-	Combined third and fourth reports due in 2009
OP-CRC- SC	2005	September 2005	-	-

7. With respect to HKSAR, CRC, the HR Committee and CESCR regretted that a number of recommendations made in their previous concluding observations had not been implemented and urged the State to address them.<sup>30</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteurs on the right to education (10 to 19 September 2003), and on torture (20 November to 10 December 2005).
<i>Visits agreed upon in principle</i>	Special Rapporteur on freedom of religion, invitation extended in 2004, last letter requesting dates sent in September 2006; independent expert on human rights and extreme poverty.
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the right to food, requested in 2008; Secretary-General's Special Representative on human rights defenders, requested in 2008; and Special Rapporteurs on adequate housing (2008) on health (2006), on extrajudicial, summary and arbitrary executions (2005), on toxic waste (2005).
<i>Facilitation/cooperation during missions</i>	-
<i>Follow-up to visits</i>	Visit of the Working Group on Arbitrary Detention (18 to 30 September 2004), a follow-up visit to a 1997 mission.
<i>Responses to letters of allegations and urgent appeals</i>	About 171 communications were sent within the four-year periodicity. In addition to communications sent for particular groups, 346 individuals, including 72 women, were covered by these communications. The Government replied to 130 communications, representing replies to 70 per cent of communications sent.
<i>Responses to questionnaires on thematic issues<sup>31</sup></i>	Out of the 12 questionnaires sent by special procedures mandate-holders <sup>32</sup> in the period under review, China has responded to none of them within the deadlines. It did provide a response to the note verbale of the Special Rapporteur on extrajudicial, summary or arbitrary executions on transparency and the imposition of the death penalty which was sent to 12 States in 2005. <sup>33</sup>

8. The Special Rapporteur on the question of torture expressed his sincere gratitude to the Government of China for having invited him and facilitated his mission. However, he felt compelled to point out that security and intelligence officials attempted to obstruct or restrict his attempts at fact-finding.<sup>34</sup> CAT in 2008 encouraged the State to implement the recommendations of the Special Rapporteur and invite him back to China.<sup>35</sup>

9. While welcoming the Government of China's previous invitations, special procedure mandate-holders, in a joint statement on 10 April 2008, urged the Government to respond

positively to outstanding visit requests, including that of the Special Rapporteur on extrajudicial, summary or arbitrary executions.<sup>36</sup>

### **3. Cooperation with the Office of the High Commissioner for Human Rights**

10. In 2008, OHCHR continued to implement the technical cooperation programme set out in the Memorandum of Understanding (MOU) with the Government of China signed by the High Commissioner in 2005. Six projects were developed under the programme to support preparation for the ratification of the ICCPR and for implementation of the ICESCR. Since the expiration of the MOU on 30 August 2008, OHCHR has been undertaking an evaluation of the programme to determine how to continue supporting China in its efforts to promote human rights.<sup>37</sup>

11. During the past four years, China has hosted<sup>38</sup> or participated in meetings, including an OHCHR workshop for countries in Asia that do not yet have a national human rights institution in compliance with the Paris Principles.<sup>39</sup> China contributed financially to OHCHR in 2008.<sup>40</sup>

### **B. Implementation of international human rights obligations**

#### **1. Equality and non-discrimination**

12. While commending China on the range of recent legal reforms and policies and programmes aimed at eliminating discrimination against women and promoting gender equality, CEDAW in 2006 expressed concern at the persistence of deep-rooted stereotypes, reflected in concerns such as son-preference, which lead to a high adverse sex-ratio and illegal sex-selective abortion and that these prevailing attitudes continue to devalue women and violate their human rights.<sup>41</sup> CRC, in 2005, remained concerned about the abandonment of children.<sup>42</sup> CEDAW recommended that China expand insurance systems and old-age pensions to the population at large, in particular in rural areas. CEDAW encouraged the State to continue to strengthen efforts to ensure that all girls are registered at birth, in particular in rural areas, with CRC also recommending efforts to register children with disabilities and older children.<sup>43</sup>

13. CESCR in 2005 noted with concern the reports regarding discrimination against ethnic minorities in China, in particular in the fields of employment, adequate standard of living, health, education and culture.<sup>44</sup> CEDAW expressed concern about the situation of rural minority women, including Tibetan women, who face multiple forms of discrimination.<sup>45</sup>

14. CESCR noted with deep concern the de facto discrimination against internal migrants, and UNICEF also indicated that the current *hukou* residency system often denies migrant children access to, inter alia, health care but that reforms are under way.<sup>46</sup>

15. In 2005, CRC recommended that China strengthen efforts to eliminate discrimination against girls; children infected with or affected by HIV/AIDS; children with disabilities; Tibetan, Uighur and Hui children and children belonging to other ethnic and religious minorities; internal migrant children and other vulnerable groups by, inter alia, ensuring that these children have equal access to basic services.<sup>47</sup>

#### **2. Right to life, liberty and security of the person**

16. In 2005, the Government of China explained to the Special Rapporteur on extrajudicial, summary or arbitrary executions that the death penalty is applicable only to “extremely serious crimes” and that one of the factors leading to its use in that context is public opinion.<sup>48</sup> The

Special Rapporteur on torture recommended that death row prisoners should not be subjected to additional punishment; the restoration of Supreme Court review for all death sentences should be utilized as an opportunity to publish national statistics on the application of the death penalty; and the scope of the death penalty should be reduced.<sup>49</sup>

17. In 2008, seven special procedures mandate-holders<sup>50</sup> and the High Commissioner for Human Rights voiced concern over the rising tensions between protesters and security forces in the Tibet Autonomous Region (TAR) and surrounding areas of China, and noted reports of deaths and property destruction. The High Commissioner called on the Government to refrain from any excessive use of force while maintaining order, and to ensure those arrested are not ill-treated and are accorded due process in line with international standards.<sup>51</sup> CAT in 2008 raised concerns over allegations of torture and ill-treatment and recommended, inter alia, that the State conduct a thorough and independent inquiry into the reported excessive use of force.<sup>52</sup>

18. Notwithstanding the State's efforts to address the practice of torture and related problems in the criminal justice system, CAT in 2008 remained concerned about the continued allegations of routine and widespread use of torture and ill-treatment of suspects in police custody, especially to extract confessions or information to be used in criminal proceedings and was deeply concerned that those allegations were seldom investigated and prosecuted.<sup>53</sup> CAT remained concerned about reports of abuses in custody, including high numbers of deaths and about the lack of investigation into these abuses.<sup>54</sup> It was further concerned by allegations that secret detention facilities, including so-called "black jails" exist and are used to detain prisoners and that detention in such facilities constitutes per se disappearance.<sup>55</sup> CAT was greatly concerned by the allegations of torture, ill-treatment and disappearances directed against national, ethnic, religious minorities and other vulnerable groups in China, among them Tibetans, Uighurs and Falun Gong practitioners.<sup>56</sup>

19. CAT remained concerned with the extended use of all forms of administrative detention and with the failure to investigate allegations of torture and other ill-treatment in "re-education through labour".<sup>57</sup> The Working Group on Arbitrary Detention indicated that administrative detention included re-education through labour, custody and education of prostitutes and clients, forced detoxification and work study schools.<sup>58</sup> Additionally, CAT noted that article 18 of the Criminal Law has been misused to detain some people in psychiatric hospitals.<sup>59</sup>

20. CESCR in 2005 recommended that the State abolish the use of forced labour as a corrective measure, under the "Re-education through Labour" programme.<sup>60</sup> CESCR expressed the view that the "Diligent Work and Economical Study" (*qingong jianxue*) programme for schoolchildren constitutes exploitative child labour and encouraged China to consider withdrawing the programme from its school curriculum.<sup>61</sup> CRC<sup>62</sup> and an ILO Committee of Experts<sup>63</sup> expressed similar concerns.

21. One or more treaty bodies raised concerns about the alleged use of coercive and violent measures to implement the population policy;<sup>64</sup> about reported incidents of violence against women in detention centres, including against Tibetan nuns;<sup>65</sup> about the impact of the adverse sex ratio, which may contribute to the increase in trafficking in women and girls;<sup>66</sup> about the problem of the sale of women and girl children and of the abandonment of elderly women.<sup>67</sup> CEDAW urged China to adopt a comprehensive law on violence against women and to provide immediate means of redress and protection to women and girls victims of violence<sup>68</sup> and that China speedily complete, adopt and implement the draft national programme of action against human trafficking.<sup>69</sup>

22. With reference to the situation in MSAR, CESCR in 2005<sup>70</sup> and CAT in 2008<sup>71</sup> expressed concern at the incidence of trafficking for sexual exploitation purposes. CESCR and CEDAW noted with concern the increase in the number of domestic violence cases.<sup>72</sup>

23. A 2004 Common Country Assessment (CCA) report noted, inter alia, that most abducted male children are from migrant families and that the neglect of children left behind in villages is a growing issue. It was also noted that the phenomenon of street children is growing.<sup>73</sup>

### **3. Administration of justice and the rule of law**

24. The Special Rapporteur on torture stated that one of the largest obstacles to eliminating torture in China is the institutional weakness and lack of independence of the judiciary.<sup>74</sup> In 2008 CAT identified three overarching problems that stand in the way of ensuring the legal safeguards for the prevention of torture: the 1988 Law on the Preservation of State Secrets; the reported harassment of lawyers and human rights defenders; and the abuses carried out by unaccountable “thugs” who use physical violence against specific defenders but enjoy de facto immunity.<sup>75</sup> The Special Rapporteur on the independence of judges and lawyers transmitted allegations to the Government in relation to the lack of guarantees for lawyers to perform their professional duties without risking prosecution, including of a criminal nature.<sup>76</sup> The Government responded, inter alia, that there was no substance in fact to the allegations and the lawful rights and interests of parties to proceedings are effectively upheld and the proper application of the law is ensured.<sup>77</sup> The Special Rapporteur on torture recommended that Section 306 of the Criminal Law, according to which any lawyer who counsels a client to repudiate a forced confession, for example, could risk prosecution should be abolished.<sup>78</sup>

25. Concerning juvenile justice, CRC recommended, inter alia, the abolition of life sentences for persons who have committed offences when under the age of 18, and that China amend legislation to ensure that all children deprived of their liberty, including in work study schools, have the rights to prompt access to legal and other assistance and to challenge the legality of their deprivation of liberty.<sup>79</sup>

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

26. The Special Rapporteur on freedom of religion or belief has transmitted to the Government a number of allegations concerning human rights violations against persons of the Christian faith,<sup>80</sup> and against Falun Gong practitioners, including arrests, detention, torture, and re-education through labour.<sup>81</sup> CRC in 2005 was concerned at reports that children of families practising their religion, notably the Falun Gong, are subject to harassment, threats and other negative actions, including re-education through labour.<sup>82</sup> China stated that it fully respects and protect citizen’s freedom of religion in accordance with the law, but that “Falun Gong is neither a religion nor a spiritual movement; rather it is an evil cult against humanity, science and society.”<sup>83</sup>

27. CESCR in 2005 noted with deep concern the restrictions placed on access to information with regard to academic research, foreign and domestic publications and the Internet, and urged China to remove restrictions on freedom of information and expression.<sup>84</sup> The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has transmitted allegations to the Government concerning violations of the freedom of expression, such as harassment, arrests, detention and imprisonment of individuals writing

articles critical of the Government, including Internet blogging,<sup>85</sup> arrests and detentions of petitioners,<sup>86</sup> and imprisonment for pro-Tibetan writings.<sup>87</sup>

28. The Special Representative of the Secretary-General on human rights defenders, together with other relevant special procedures mandates, has transmitted to the Government allegations of human rights violations, including against human rights activists and petitioners,<sup>88</sup> housing and land rights activists protesting against forced evictions and seizures,<sup>89</sup> defenders of the Uighur community<sup>90</sup> and the Tibetan community,<sup>91</sup> environmental activists,<sup>92</sup> HIV/AIDS activists,<sup>93</sup> and labour rights activists.<sup>94</sup> The Special Representative referred to the very detailed responses provided by the Government, including that in every case the Chinese judicial authorities and the Public Security Bureau have acted in strict compliance with the law. She indicated that she would welcome further information from the Government that demonstrates that human rights defenders are able to freely conduct their work, disseminate information, present a petition, criticize the Government publicly or conduct other peaceful activities without the likelihood of attracting criminal charges.<sup>95</sup>

29. The Special Rapporteur on torture recommended that all persons who have been sentenced for the peaceful exercise of freedom of speech, assembly, association and religion, on the basis of vaguely defined political crimes, both before and after the 1997 reform of the Criminal Law, should be released and that political crimes leaving large discretion to law enforcement and prosecution authorities such as “endangering national security”, should be abolished.<sup>96</sup> CAT expressed its concern at information on a pattern of harassment and violence against human rights defenders,<sup>97</sup> and about the lack of investigations into 1989 Beijing suppression of the Democracy Movement.<sup>98</sup>

30. The HR Committee recommended to HKSAR that all necessary measures be taken whereby the Legislative Council is elected by universal and equal suffrage.<sup>99</sup> In its follow-up response, China pointed out that a reservation was made not to apply article 25(b) in so far as it might require the establishment of an elected Executive or Legislative Council in Hong Kong and it noted that this reservation continues to apply. Notwithstanding this reservation, China noted that the Basic Law promulgated in 1990 clearly states that universal suffrage is the ultimate aim of Hong Kong’s constitutional development.<sup>100</sup>

## **5. Right to work and to just and favourable conditions of work**

31. CESCR regretted the State’s prohibition of the right to organize and join independent trade unions in China.<sup>101</sup> In 2008, an ILO Committee of Experts referred to the Government’s indication that the legislation to regulate the exercise of the right to strike is under examination.<sup>102</sup>

32. In 2005, CESCR expressed its deep concern about poor and hazardous conditions of work, and that the problem is especially acute for internal migrant workers, as well as about children working in hazardous occupations, often in precarious conditions that fall short of international labour standards. CRC expressed similar concerns. CESCR was also alarmed by the high incidence of serious occupational accidents in the State.<sup>103</sup> A 2006 United Nations Development Group (UNDG) report noted, with regard to safety at work, that over one million individuals are killed or injured each year.<sup>104</sup>

33. CESCR encouraged the State party to establish a wage enforcement mechanism adjusted to the cost of living, facilitate the redress of wage claims, and take sanctions against employers who owe wages and overtime pay and impose fines and penalties on their workers.<sup>105</sup>



## **6. Right to social security and to an adequate standard of living**

34. CESCR in 2005 was deeply concerned that, despite the rapid economic development in recent years, poverty persists.<sup>106</sup> While commending the significant resources allocated to the development of poorer regions and for people living in poverty, CRC also noted that poverty, in particular with regard to certain regions and specific populations, as well as growing disparities remain serious concerns.<sup>107</sup> CEDAW expressed concern about the State's focus on the development of infrastructure over social spending, and the impact of those policies on women and girls, in particular in rural areas.<sup>108</sup> While acknowledging legal protection of the equal rights of rural women to own and use land, CEDAW noted with concern that 70 per cent of the rural landless were women.<sup>109</sup> A 2004 CCA report noted only 30 per cent of the population were covered by the social insurance system and the minimum living standard programme (MLSP).<sup>110</sup> CESCR urged the State to extend non-contributory social assistance to the rural areas that are presently not covered.<sup>111</sup> Additionally, CESCR called for a mechanism to measure the poverty level and monitor and evaluate progress in alleviating poverty.<sup>112</sup> CEDAW recommended that a gender impact analysis of all social and economic policies and poverty reduction measures be conducted regularly.<sup>113</sup>

35. While noting the marked improvement in health-care indicators, CRC in 2005 reiterated its previous concern with regard to existing disparities between rural and urban areas, eastern and western provinces, and Han and ethnic minorities relating to child health indicators.<sup>114</sup> CESCR noted that funds allocated to public health have diminished despite the overall increase of health-care expenditures over the past decade. Furthermore, the Committee noted with concern that the health-care system that had in the past delivered basic health care to the majority of rural residents has been considerably reduced.<sup>115</sup> CEDAW expressed concern at high maternal mortality rates and the rising costs for health care, such as user fees, which limit rural women's access to health services.<sup>116</sup>

36. The 2006-2010 United Nations Development Assistance Fund (UNDAF) report noted that some of China's cities are among the most polluted in the world, that much of its water resource is unsuitable for human use.<sup>117</sup> Additionally, CESCR noted with concern the shortage of access to safe drinking water in highly industrialized areas<sup>118</sup> and a 2006 United Nations Development Programme (UNDP) report noted that the 538 million people in northern China already live in an intensely water-stressed region.<sup>119</sup>

37. CESCR expressed concern about the reports of forced evictions and insufficient measures to provide compensation or alternative housing to those who have been removed from their homes in the context of urban development projects as well as of rural development projects such as the Three Gorges Project. CESCR further expressed concern about the lack of effective consultations and legal redress for persons affected by forced evictions and demolitions, including those of historic structures, buildings and homes in Lhasa, TAR.<sup>120</sup> A 2007 UN-Habitat report noted that during the 2001 to 2008 period, it is estimated that 1.7 million people were directly affected by demolitions and relocations related to the Beijing Olympic Games.<sup>121</sup>

## **7. Right to education and to participate in the cultural life of the community**

38. CESCR in 2005 welcomed the adoption of the Framework for Education Development into 2020. However, it expressed concern about the continued disparities in the State's provision of universal access to free compulsory primary education, in particular with regard to rural communities, minority regions, disadvantaged families and the internal migrant population.<sup>122</sup> Specific concerns about the situation of girls were also raised by CRC<sup>123</sup> and CEDAW, which

referred to illiteracy and school drop out rates disproportionately affecting rural girls.<sup>124</sup> CEDAW, CESCR and CRC called upon China to eliminate all miscellaneous and other “hidden” fees for primary education.<sup>125</sup> CESCR and CRC called for an increase in the allocation of resources to education in step with increases in GDP and target those resources towards ensuring that all children complete nine years of compulsory education and have equal access to early childhood education and development programmes.<sup>126</sup> Additionally the Special Rapporteur on the right to education called for the raising of teachers’ status, to include guarantees of their freedom of association.<sup>127</sup>

### **8. Minorities and indigenous peoples**

39. A 2004 CCA report noted that 55 ethnic groups account for 8.4 per cent of China's total population but make up more than 40 per cent of its absolute poor.<sup>128</sup> In 2005, CESCR noted with concern the reports relating to the right to the free exercise of religion as a right to take part in cultural life, and the use and teaching of minority languages, history and culture and the Xinjiang Uighur Autonomous Region (XUAR) and TAR.<sup>129</sup> Similar concerns were expressed by the Committee on the Elimination of Racial Discrimination (CERD) in 2001.<sup>130</sup> CRC recommended that China take all necessary measures to ensure the full implementation of the Regional Ethnic Autonomy Act.<sup>131</sup> A 2004 CCA report listed among priority areas for international cooperation were ensuring that children in all minority areas have the right to develop knowledge about their own language and culture and to access equal opportunities, particularly with regard to higher education.<sup>132</sup>

### **9. Migrants, refugees and asylum-seekers**

40. With respect to HKSAR, treaty bodies raised concerns: about the lack of protection from discrimination and abuse, of foreign domestic helpers;<sup>133</sup> that the protection afforded in the proposed racial discrimination law for HKSAR will not cover migrants from the Mainland;<sup>134</sup> and about the hardships arising from the right of abode policies in HKSAR.<sup>135</sup> In its follow-up response, to the recommendations of the HR Committee on this matter, the State noted, inter alia, that it fully understood the wishes for family reunion, but that such wishes were not an absolute right.<sup>136</sup>

41. CESCR noted in 2005 that some asylum-seekers are excluded by the refugee determination procedure of China, in particular those coming from a neighbouring country, who are regarded as economic migrants, and are thus compelled to return to their countries.<sup>137</sup> CAT in 2008 also raised concerns that persons extradited to and from neighbouring countries do not benefit from legal safeguards against return despite the risk of torture.<sup>138</sup> CEDAW called upon the State, inter alia, to integrate fully a gender-sensitive approach throughout the process of granting asylum/refugee status in close cooperation with UNHCR.<sup>139</sup> Regarding HKSAR, CESCR in 2005 recommended that the State strengthen its cooperation with UNHCR, in particular in the formulation of a clear and coherent asylum policy based on the principle of non-discrimination.<sup>140</sup>

## **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

42. CRC noted with appreciation the achievements made in reducing poverty, which enabled China to attain some of the key Millennium Development Goals ahead of schedule.<sup>141</sup> The 2006-2010 UNDAF report noted huge progress made across a range of socio-development indicators such as life expectancy, child mortality and illiteracy.<sup>142</sup>

43. A 2004 Common Country Assessment (CCA) report noted that challenges facing China include the promotion and protection of the rights of migrants, women, children, the elderly and persons with disabilities, promotion of the rights of ethnic minorities, and the promotion of the rule of law and good governance.<sup>143</sup>

#### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

##### **A. Pledges by the State**

44. In 2006, China stated, inter alia, that, having signed the International Covenant on Civil and Political Rights, it is now in the process of amending its Criminal, Civil and Administrative Procedure Laws and deepening judicial reform to create conditions for ratification at an early date.<sup>144</sup> It also provided information on the pursuit of comprehensive, balanced and sustainable development that is people-centred, steadily advancing judicial reform, and constantly improving democracy and the legal system.<sup>145</sup>

##### **B. Specific recommendations for follow-up**

45. The Special Rapporteur on torture made recommendations to the Government including that the crime of torture should be defined as a matter of priority in accordance with article 1 of CAT, with penalties commensurate with the gravity of torture; and that reform of the Criminal Procedure Law should conform to fair trial provisions, including the right to remain silent, effective exclusion of evidence extracted through torture, presumption of innocence, and ensuring the independence and impartiality of the judiciary.<sup>146</sup>

46. The Working Group on Arbitrary Detention made recommendations for improving the system of protection against arbitrary detention, including that definitions in legislation having such vague, imprecise or sweeping elements such as “endangering national security”, shall not be used to punish the peaceful expression of the rights and freedoms that the Universal Declaration of Human Rights grants to everyone.<sup>147</sup>

47. The HR Committee called upon HKSAR to submit information by April 2007 on the measures taken to implement its recommendations on (a) the investigation of complaints against the police; (b) the harassment of media personnel; (c) the right of abode; and (d) the electoral system in Hong Kong.<sup>148</sup> HKSAR submitted follow-up information in August 2007.<sup>149</sup> The Committee was not completely satisfied with the responses provided and requested further clarifications from the State with a view to examining the situation at its eighty-fifth session, in spring 2009.<sup>150</sup>

48. In November 2008 CAT requested that information be provided, within one year on the response of China to its recommendations contained in paragraphs 11, 15, 17 and 23 concerning steps taken to prevent acts of torture and ill-treatment; the State Secrets law, data collection, harassment of defence lawyers and harassment and violence against human rights defenders and petitioners; the suppression of the Democracy Movement in June 1989; and the reported excessive use of force and other abuses, inter alia, in the Tibet Autonomous Region;<sup>151</sup> HKSAR to the Committee’s recommendations contained in paragraphs 7, 10 and 12 concerning refugees and non-return to torture; strip search and body-cavity search;<sup>152</sup> and MSAR to the recommendations contained in paragraphs 7, 8 and 9 of its concluding observations concerning the establishment of an independent mechanism to receive and investigate complaints, as well as information on MSAR concerning training of health care professionals; solitary confinement; and trafficking in persons.<sup>153</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

49. The 2006-2010 UNDAF report listed five national priority areas for the period 2006-2010, including: promoting growth with equity; and a stronger focus on social development through enhanced capacity and mechanisms for participatory co-ordination, monitoring and evaluation.<sup>154</sup> A 2005 UNDP report noted that support is necessary to increase access to justice and the rule of law, enhance public participation, and promote adherence to internationally respected human rights.<sup>155</sup> A 2004 CCA report noted that security personnel should be given rights-related training.<sup>156</sup>

50. As part of the technical cooperation programme between OHCHR and the Government of China, in 2007 and 2008, concrete activities were undertaken in areas aimed at increasing civil society participation in the treaty body reporting process; justiciability of economic, social and cultural rights; improving custodial detention conditions; preventing torture during police interrogation; and criminal procedure law reform.<sup>157</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> 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
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
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by China before the Human Rights Council, as contained in the note verbale dated 13 April 2006 sent by the Permanent Mission of China to the United Nations addressed to the President of the General Assembly.

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 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.

<sup>6</sup> 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); Convention relative to the Treatment of Prisoners of War (Third Convention); 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); 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](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>7</sup> 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 Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize 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.

<sup>8</sup> CAT/C/CHN/CO/4, para. 32; E/CN.4/2005/6/Add.4, para. 77; and CEDAW/C/CHN/CO/6, para.54;

<sup>9</sup> CAT/C/CHN/CO/4, para. 41.

<sup>10</sup> CEDAW/C/CHN/CO/6, paras. 51 and 54; and CAT/C/CHN/CO/4, para. 41.

<sup>11</sup> E/CN.4/2006/6/Add.6, para. 59; and CAT/C/CHN/CO/4, para. 41.

<sup>12</sup> CAT/C/CHN/CO/4, para. 32.

<sup>13</sup> E/C.12/1/Add.107, para. 51.

<sup>14</sup> CAT/C/CHN/CO/4, para. 41.

<sup>15</sup> A/56/18, paras. 231-255, para. 252.

<sup>16</sup> A/55/44, paras. 106-145, para. 124; and CAT/C/CHN/CO/4, paras. 39 and 40.

<sup>17</sup> CAT/C/HKG/CO/4, cpara.7 (f); CEDAW/C/CHN/CO/6, para. 44 and UNHCR submission to the UPR on China, p. 1.

<sup>18</sup> CRC/C/CHN/CO/2, para. 88 (e).

<sup>19</sup> CRC/C/CHN/CO/2, paras. 8 and 9.

<sup>20</sup> E/C.12/1/Add.107, para. 55.

<sup>21</sup> E/CN.4/2005/6/Add.4, para.77. See also E/CN.4/2006/6/Add.6, para. 14. and UNCT China, Common Country Assessment China, 2004, Beijing, p. 14; see [www.undg.org/archive\\_docs/6624-China\\_CCA.pdf](http://www.undg.org/archive_docs/6624-China_CCA.pdf).

<sup>22</sup> E/CN.4/2005/6/Add.4, para. 20.

<sup>23</sup> E/C.12/1/Add.107, para. 14.

<sup>24</sup> CRC/C/CHN/CO/2, paras. 16 and 17.

<sup>25</sup> E/C.12/1/Add.107, para. 41.

<sup>26</sup> CCPR/C/HKG/CO/2, para. 8. See also E/C.12/1/Add.107, para. 78 (b);

<sup>27</sup> E/C.12/1/Add.107, para. 41.

<sup>28</sup> CRC/C/CHN/CO/2, paras. 13 and 15.

<sup>29</sup> 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

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<sup>30</sup> CRC/C/CHN/CO/2, paras. 6 and 7, E/C.12/1/Add.107, paras. 78 and 90; CCPR/C/HKG/CO/2, para. 8.

<sup>31</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

<sup>32</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and E/CN.4/2006/95/Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>33</sup> E/CN.4/2006/53/Add.3, para. 3.

<sup>34</sup> E/CN.4/2006/6/Add.6, paras. 9-10.

<sup>35</sup> CAT/C/CHN/CO/4, para. 38.

<sup>36</sup> United Nations, Press release, "UN human rights experts call for restraint and transparency as mass arrests are reported in the Tibet Autonomous Region and surrounding areas in China", 10 April 2008.

<sup>37</sup> 2008 OHCHR Report on Activities and Results (forthcoming).

<sup>38</sup> OHCHR Annual Report 2005, page 154.

<sup>39</sup> Ibid., p. 154 and A/HRC/7/69, para. 39.

<sup>40</sup> 2008 OHCHR Report on Activities and Results (forthcoming).

<sup>41</sup> CEDAW/C/CHN/CO/6, paras. 5 and 17.

<sup>42</sup> CRC/C/CHN/CO/2, para. 28.

<sup>43</sup> CEDAW/C/CHN/CO/6, para. 32; and CRC/C/CHN/CO/2, paras 42-43.

<sup>44</sup> E/C.12/1/Add.107, para. 38.

<sup>45</sup> CEDAW/C/CHN/CO/6, para. 27.

<sup>46</sup> E/C.12/1/Add.107, paras. 15 and 46; and UNICEF China, available at [http://www.unicef.org/infobycountry/china\\_china.html](http://www.unicef.org/infobycountry/china_china.html).

<sup>47</sup> CRC/C/CHN/CO/2, para.32.

<sup>48</sup> E/CN.4/2006/53/Add.3, para 14 and note 11.

<sup>49</sup> E/CN.4/2006/6/Add.6, para. 82 (p), (q) and (r).

<sup>50</sup> Statement issued by the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur for the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief; the Special Representative of the

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Secretary-General on human rights defenders; the Independent Expert on minority issues; and the Special Rapporteur on the question of torture.

<sup>51</sup> Press release, High Commissioner, 14 March 2008; see also United Nations News, "China: United Nations rights chief voices concern over tensions in Tibet Autonomous Region", 2008, New York, available at <http://www.un.org/apps/news/story.asp?NewsID=25980&Cr=arbour&Cr1#>.

<sup>52</sup> CAT/C/CHN/CO/4, para. 23.

<sup>53</sup> Ibid., paras. 11 and 31.

<sup>54</sup> Ibid., para. 12.

<sup>55</sup> Ibid., para. 14.

<sup>56</sup> Ibid., para. 22.

<sup>57</sup> Ibid., para. 13. See also A/55/44, paras. 120 and 127.

<sup>58</sup> E/CN.4/2005/6/Add.4, paras. 40-41.

<sup>59</sup> CAT/C/CHN/CO/4, para. 35.

<sup>60</sup> E/C.12/1/Add.107, paras. 22 and 51.

<sup>61</sup> Ibid., paras. 23 and 52.

<sup>62</sup> CRC/C/CHN/CO/2, paras. 83-84.

<sup>63</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, doc. no. (ILOLEX) 062007CHN182.

<sup>64</sup> CAT/C/CHN/CO/4, para. 29. See also E/C.12/1/Add.107, para. 36, CEDAW/C/CHN/CO/6, para. 32.

<sup>65</sup> CEDAW/C/CHN/CO/6, para. 21; and CAT/C/CHN/CO/4, para. 20.

<sup>66</sup> CEDAW/C/CHN/CO/6, para. 31. See also UNCT China, Common Country Assessment China, 2004, Beijing, pp. 30-31; see [www.undg.org/archive\\_docs/6624-China\\_CCA.pdf](http://www.undg.org/archive_docs/6624-China_CCA.pdf).

<sup>67</sup> E/C.12/1/Add.107, para. 19.

<sup>68</sup> CEDAW/C/CHN/CO/6, para. 22.

<sup>69</sup> Ibid., para. 20.

<sup>70</sup> E/C.12/1/Add.107, para. 113.

<sup>71</sup> CAT/C/MAC/CO/4, para. 9.

<sup>72</sup> CEDAW/C/CHN/CO/6, para. 45; and E/C.12/1/Add.107, para. 112.

<sup>73</sup> UNCT China, Common Country Assessment China, 2004, Beijing, p. 30, available at [http://www.undg.org/archive\\_docs/6624-China\\_CCA.pdf](http://www.undg.org/archive_docs/6624-China_CCA.pdf).

<sup>74</sup> E/CN.4/2006/6/Add.6, paras. 75-76.

<sup>75</sup> CAT/C/CHN/CO/4, para. 15.

<sup>76</sup> A/HRC/4/25/Add.1, para. 86, and A/HRC/8/4/Add.1, paras. 101 and 102.

<sup>77</sup> A/HRC/8/4/Add.1, para. 93.

<sup>78</sup> E/CN.4/2006/6/Add.6, para. 82 (l).

<sup>79</sup> CRC/C/CHN/CO/2, paras. 89, 92, 93 (a), (b).

<sup>80</sup> For example, E/CN.4/2006/5/Add.1, paras. 78, 83, 85 and 105.

<sup>81</sup> For example, E/CN.4/2006/5/Add.1, paras. 89, 99; A/HRC/4/21/Add.1, paras. 105 and 120; A/HRC/7/10/Add.1, paras. 33, 38 and 77. See also A/HRC/4/40/Add.1, Opinion No. 11/2006, para. 16.

<sup>82</sup> CRC/C/CHN/CO/2, para. 44.

<sup>83</sup> A/61/41 (2006), annex IV, p. 59.

<sup>84</sup> E/C.12/1/Add.107, paras. 39 and 68.

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<sup>85</sup> E/CN.4/2005/64/Add.1, paras. 197 and 198; E/CN.4/2006/55/Add.1, paras. 162 and 173; A/HRC/4/27/Add.1, paras. 119, 121, 122, 126, 128 and 132.

<sup>86</sup> E/CN.4/2006/55/Add.1, paras. 157 and 170; and A/HRC/4/27/Add.1, para. 123.

<sup>87</sup> E/CN.4/2006/55/Add.1, para. 164; and A/HRC/4/27/Add.1, para. 130.

<sup>88</sup> E/CN.4/2006/95/Add.1, para. 91; and A/HRC/4/37/Add.1, paras. 142, 143, 144 and 153.

<sup>89</sup> E/CN.4/2006/95/Add.1, para. 84; A/HRC/4/37/Add.1, paras. 140, 148, 150 and 151; and A/HRC/7/28/Add.1, para. 307.

<sup>90</sup> E/CN.4/2006/95/Add.1, paras. 83 and 85; and A/HRC/4/37/Add.1, para. 152.

<sup>91</sup> A/HRC/4/37/Add.1, para. 159; and A/HRC/7/28/Add.1, paras. 293 and 351.

<sup>92</sup> A/HRC/7/28/Add.1, paras. 278 and 354.

<sup>93</sup> Ibid., paras. 284, 330 and 359.

<sup>94</sup> Ibid., paras. 408, 421.

<sup>95</sup> Ibid., paras. 434-436. See also A/HRC/4/37/Add.1, paras. 172-173.

<sup>96</sup> E/CN.4/2006/6/Add.6, paras. 60-61 and 82 (s), and (t).

<sup>97</sup> CAT/C/CHN/CO/4, para. 19.

<sup>98</sup> Ibid., para.21.

<sup>99</sup> CCPR/C/HKG/CO/2, para. 18.

<sup>100</sup> CCPR/C/HKG/2005/2/Add.1, paras. 14-16.

<sup>101</sup> E/C.12/1/Add.107, para. 26.

<sup>102</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, first paragraph, doc. no. (ILOLEX) 092008MAC105.

<sup>103</sup> CRC/C/CHN/CO/2, paras. 83-84, and E/C.12/1/Add.107, paras. 23-24.

<sup>104</sup> UNDG, Resident Coordinator Annual Report on China, 2006, see [www.undg.org/rcar.cfm?fuseaction=RCAR&ctyIDC=CPR&P=490](http://www.undg.org/rcar.cfm?fuseaction=RCAR&ctyIDC=CPR&P=490).

<sup>105</sup> E/C.12/1/Add.107, para. 54.

<sup>106</sup> Ibid., para. 30.

<sup>107</sup> CRC/C/CHN/CO/2, paras. 18 and 71.

<sup>108</sup> CEDAW/C/CHN/CO/6, para.15.

<sup>109</sup> Ibid., para. 27.

<sup>110</sup> UNCT China, Common Country Assessment China, 2004, Beijing, p. 27, available at [http://www.undg.org/archive\\_docs/6624-China\\_CCA.pdf](http://www.undg.org/archive_docs/6624-China_CCA.pdf).

<sup>111</sup> E/C.12/1/Add.107, para. 56.

<sup>112</sup> Ibid., para. 59.

<sup>113</sup> CEDAW/C/CHN/CO/6, para.16.

<sup>114</sup> CRC/C/CHN/CO/2, para. 62.

<sup>115</sup> E/C.12/1/Add.107, para. 32.

<sup>116</sup> CEDAW/C/CHN/CO/6, para. 27.

<sup>117</sup> United Nations Development Assistance Framework in China 2006-2010, Beijing, 2005, pp. 7-8; see [www.undg.org/archive\\_docs/5988-China\\_UNDAF\\_-\\_UNDAF\\_China\\_Narrative.pdf](http://www.undg.org/archive_docs/5988-China_UNDAF_-_UNDAF_China_Narrative.pdf).

<sup>118</sup> E/C.12/1/Add.107, para. 34.

<sup>119</sup> UNDP, Human Development Report 2006, New York, 2006, p. 14, see <http://hdr.undp.org/en/media/HDR06-complete.pdf>.



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- <sup>120</sup> E/C.12/1/Add.107, para. 31.
- <sup>121</sup> UN-Habitat, *Global Report on Human Settlements 2007, Enhancing Urban Safety and Security, 2007*, Nairobi, p. XXIX, available at <http://www.unhabitat.org/downloads/docs/GRHS.2007.0.pdf>.
- <sup>122</sup> E/C.12/1/Add.107, paras. 10 and 37.
- <sup>123</sup> CRC/C/CHN/CO/2, para. 75.
- <sup>124</sup> CEDAW/C/CHN/CO/6, para. 27.
- <sup>125</sup> CRC/C/CHN/CO/2, para. 77 (a); E/C.12/1/Add.107, para. 66; and CEDAW/C/CHN/CO/6, para. 28.
- <sup>126</sup> CRC/C/CHN/CO/2, para. 77 (b); and E/C.12/1/Add.107, para. 66.
- <sup>127</sup> E/CN.4/2004/45/Add.1, para. 37.
- <sup>128</sup> UNCT China, *Common Country Assessment China, 2004*, Beijing, p. 5, available at [http://www.undg.org/archive\\_docs/6624-China\\_CCA.pdf](http://www.undg.org/archive_docs/6624-China_CCA.pdf).
- <sup>129</sup> E/C.12/1/Add.107, para. 38.
- <sup>130</sup> A/56/18, paras. 244-5.
- <sup>131</sup> CRC/C/CHN/CO/2, para. 45.
- <sup>132</sup> UNCT China, *Common Country Assessment China, 2004*, Beijing, p. 38, available at [http://www.undg.org/archive\\_docs/6624-China\\_CCA.pdf](http://www.undg.org/archive_docs/6624-China_CCA.pdf).
- <sup>133</sup> A/56/18, para. 248; CEDAW/C/CHN/CO/6, paras. 41-42; and E/C.12/1/Add.107, paras. 78 (c), 83 and 95.
- <sup>134</sup> E/C.12/1/Add.107, para. 79.
- <sup>135</sup> CRC/C/CHN/CO/2, para. 50; E/C.12/1/Add.107, para. 78(f), CCPR/C/HKG/CO/2, para. 15.
- <sup>136</sup> CCPR/C/HKG/2005/2/Add.1, paras. 10-13.
- <sup>137</sup> E/C.12/1/Add.107, para. 14.
- <sup>138</sup> CAT/C/CHN/CO/4, para.26.
- <sup>139</sup> CEDAW/C/CHN/CO/6, para. 34.
- <sup>140</sup> E/C.12/1/Add.107, para. 92.
- <sup>141</sup> CRC/C/CHN/CO/2, para. 3.
- <sup>142</sup> *United Nations Development Assistance Framework in China 2006-2010*, Beijing, 2005, p. 1; see [www.undg.org/archive\\_docs/5988-China\\_UNDAF\\_-\\_UNDAF\\_China\\_Narrative.pdf](http://www.undg.org/archive_docs/5988-China_UNDAF_-_UNDAF_China_Narrative.pdf).
- <sup>143</sup> UNCT China, *Common Country Assessment China, 2004*, Beijing, executive summary, p. ii; see [www.undg.org/archive\\_docs/6624-China\\_CCA.pdf](http://www.undg.org/archive_docs/6624-China_CCA.pdf).
- <sup>144</sup> Pledges and commitments undertaken by China before the Human Rights Council, as contained in the letter dated 13 April 2006 sent by the Permanent Mission of the People's Republic of China to the United Nations, p. 2; see [www.un.org/ga/60/elect/hrc/china.pdf](http://www.un.org/ga/60/elect/hrc/china.pdf).
- <sup>145</sup> *Ibid.*, p. 1.
- <sup>146</sup> E/CN.4/2006/6/Add.6, para. 82.
- <sup>147</sup> E/CN.4/2005/6/Add.4, para. 78 ( e).
- <sup>148</sup> In the original document, the HR Committee referred to paragraphs 9, 13, 15 and 18.
- <sup>149</sup> CCPR/C/HKG/2005/2/Add.1.
- <sup>150</sup> A/63/40, vol. I, 2007-2008
- <sup>151</sup> CAT/C/CHN/CO/4, para. 44.
- <sup>152</sup> CAT/C/HKG/CO/4, para. 17.
- <sup>153</sup> CAT/C/MAC/CO/4, para. 12.

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<sup>154</sup> United Nations Development Assistance Framework in China 2006-2010, Beijing, 2005, pp. 2-3; see [www.undg.org/archive\\_docs/5988-China\\_UNDAF\\_-\\_UNDAF\\_China\\_Narrative.pdf](http://www.undg.org/archive_docs/5988-China_UNDAF_-_UNDAF_China_Narrative.pdf).

<sup>155</sup> UNDP China, Country Programme Document for China (2006-2010), Beijing, para. 10; see [www.undp.org.cn/modules.php?op=modload&name=News&file=article&catid=18&topic=&sid=151&mode=thread&order=0&thold=0](http://www.undp.org.cn/modules.php?op=modload&name=News&file=article&catid=18&topic=&sid=151&mode=thread&order=0&thold=0).

<sup>156</sup> UNCT China, Common Country Assessment China, 2004, Beijing, p. 14; see [www.undg.org/archive\\_docs/6624-China\\_CCA.pdf](http://www.undg.org/archive_docs/6624-China_CCA.pdf).

<sup>157</sup> 2008 OHCHR Report on Activities and Results (forthcoming).

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