



**International Model Human Rights Council Universal Periodic Review  
2018**

Seoul, Republic of Korea, 1st August - 2nd August

**Outcome Report**

**China**

**(including Hong Kong S.A.R., China and Macau S.A.R., China)**

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Remarks:

This document is produced for the purpose of participation in the 2018 International Model Human Rights Council Universal Periodic Review, jointly organised by Human Asia, Korea University Human Rights Center, City University of Hong Kong, International Christian University, and Ritsumeikan University.

The contents of the present document do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations, nor any affiliate of the United Nations.

**I.**

**II.**

### **III. Prelude**

1. The Chinese delegation thanks the Chair and the delegations of respective States in engaging in fruitful interactive dialogue with China for the safeguarding and protection of human rights. China views the preservation of respect for human rights as vital for the future prosperity of the nation, and shall work with the international community towards the cause.
2. China recognises the current dilemmas present in the nation, including but not limited to difficulties in healthcare, education, care for the aged, food and drug safety, income distribution and the environment, all of which are of paramount importance to the interests of the people of China. Nonetheless, China respectfully reminds the international community of its limitations towards the implementation of human rights and stresses that Chinese characteristics of human rights shall be the ultimate guiding principle of the nation to which it shall exert effort towards.

### **IV. Freedom of Opinion and Expression**

#### **A. Freedom of Speech and Expression**

3. China is ready to investigate the expansion of the freedom of opinion and expression under Article 35 of the 1982 Constitution of the People's Republic of China. Furthermore, China is in the process of reviewing whether or not clearer laws on freedom of opinion and expression would be beneficial to the development of a more democratic China. The Government proposes to further facilitate the voicing of public opinion by increasing the means and channels of expression, to improve supervision system for the operation of power, and to protect free expression and democratic supervision, in accordance with the law of China.

#### **B. Filtering and Monitoring Content on the Internet**

4. The Chinese government aims at filtering harmful content on the internet for the purpose of developing healthy and positive internet video streaming platforms. Although China has yet to ratify the ICCPR, the Government values freedom of speech and expression and respects the right of its citizen to express their opinion in a responsible manner and in accordance with Chinese laws. Therefore, the work of monitoring internet content is to be done carefully and appropriately. The OCCAC shall make sure that the content is to be filtered when necessary in order to avoid limiting unreasonably freedom of speech in the country.

#### **C. Right to Political Participation**

5. The Chinese government recognises that progress is needed regarding people's rights to political participation in China and the Government is actively working on the progression of providing such rights. China will be actively reviewing on its laws and progress of such rights and continue to discuss and accept recommendations from experts. Nevertheless, the international society must recognise that China has its own norms and goals in democracy, and that China is working on a progression to promote freedom of opinion and expression that fits the Chinese context.

**D. Hong Kong Special Administrative Region (HKSAR) and Macau Special Administrative Region (MSAR)**

6. The Chinese government recognises that the systems of the two special administrative regions (SARs) are different from that of the mainland China. The government will continue to uphold and maintain the policy of “One Country, Two Systems” and will not interfere with political participation in the regions that abide with Chinese laws and SAR laws.

**V. Human Trafficking**

**A. Future measures in China**

7. A working mechanism against violence to children for the purpose of prevention, monitoring, reporting, investigation, evaluation, and handling cases of violence to children shall be put in place to provide necessary assistance. Stringent measures shall be rigorously enforced to punish the abduction, maltreatment and abandonment of children, as well as forcing children into begging and other illegal criminal activities, including all forms of sexual abuse of children. Severe punishments shall be meted out to criminal activities, such as employment of child labor and exploitation of children.
8. China shall complete the fifth report on implementing the Convention on the Rights of the Child, including the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and submit it to the United Nations Committee on the Rights of the Child for its consideration.
9. China shall work on improving the labor security supervision and law enforcement system and labor dispute settlement mechanism. The State shall strictly prohibit employment discrimination of any form, including that of migrant workers. Further protection shall be given to migrant workers and the prevention of human trafficking via coerced labour. Measures will be taken to address cases where there are arrears of wage payment for migrant workers, and to regulate layoffs by businesses, in order to better safeguard the rights and interests of workers informally employed. Strict regulation of applications by enterprises of the special working-hour system shall be implemented, and strengthened supervision over labor dispatch pursuant to the law shall apply.
10. Cross-border cooperation shall continue between China and states to which China has made prior agreements with. In 2017, China and Vietnam made a commitment to enhance information exchange, assist in investigations, and effectively prevent and combat human trafficking. Both sides reached consensus on the priority areas of cooperation in 2017 and discussed issues such as the coordination mechanism in the transfer of victims of trafficking. As such, anti-trafficking efforts regarding the Sino-Vietnamese Agreement shall continue.

11. The 2018 Supreme People's Procuratorate Working Report included future enforcement recommendations and suggestions to the National People's Congress, which was approved in the 13th First Meeting of the National People's Congress on March 20, 2018:
  - a. The Supreme People's Procuratorate makes a resolution to punish multiple crimes of infringing on wealth and promote the construction of safety risk prevention and control systems in key areas such as primary and secondary schools, kindergartens and hospitals.
  - b. The Supreme People's Procuratorate advocates for the punishment of crimes according to law and to fully safeguard national security and social stability.
  - c. Crimes involving guns, gambling, pyramid schemes, trafficking in women and children, telecommunication network fraud, and any related crime will be severely punished in order to safeguard the long-term stability of the State.

**B. Future measures in the Hong Kong Special Administrative Region (HKSAR)**

12. Pursuant to the Action Plan unveiled in March 2018, the Hong Kong government has the intention to establish a newly dedicated FDH Division within the Labour Department to ensure the effective implementation of measures to enhance protection of FDHs. Dedicated teams or officers in the relevant law enforcement agencies shall be employed to handle cases relating to TIP and the exploitation of FDHs. Law enforcement in Hong Kong shall have a more active participation in anti-human trafficking efforts in this regard. Designated investigation teams in each of the six regions of the police shall handle all suspected cases, whilst the Organised Crime and Triad Bureau will continue to handle the relatively complex cases. The Immigration Department and Customs and Excise Department shall designate teams to expedite the investigation process on cases suspected of TIP and exploitation of FDHs. Designated teams shall be responsible for trend analysis of the crimes and the prompt action as to the referral of victims to other departments for investigation or as to the provision of assistance in applicable cases. The maximum penalty for the offences of employment agencies for overcharging job-seekers or operating without a licence shall be increased, and the scope of the overcharging offence to associates of the licensee shall be extended to include the management as well as persons employed by employment agencies. The statutory time limit for prosecuting the overcharging and unlicensed operation offences shall be extended to 12 months from the date of the commission of the offence. Prompt and strenuous enforcement actions against employers who commit abuses shall be taken, including physical and sexual abuse, illegal deployment, underpayment or non-payment of wages, and other offenses. Further support shall be given to FDH by a dedicated hotline with interpretation services for providing one-stop support services and strengthening the facilitation of FDH victims to stay in Hong Kong to assist in the investigation and prosecution process, which include the handling of applications from FDH victims to change their employer without leaving Hong Kong.

**C. Future measures in the Macau Special Administrative Region (MSAR)**

13. The Committee on Deterrence of Trafficking in Persons in Macau will continue to strive to come up with more proper and comprehensive measures to safeguard human rights, safety and freedom,

and in a combined effort to take on prevention, victim protection and to combat human trafficking. The Macao Special Administrative Region Government will continue to work with the relevant associations and industries to take effective measures from various aspects to enhance the awareness of different classes and ethnic groups in Macao society and to protect the legitimate rights and interests of local residents and outsiders. The security authorities shall continue to actively cooperate with the judicial authorities to carry out relevant criminal investigations. Macao security personnel will continue to maintain close ties and intelligence exchanges with international organizations, neighboring countries and regions through the status or channels permitted by law, and jointly work to prevent and combat related illegal activities, subject to restraints as to the locality of the region.

## **VI. Rights of the Children**

14. The Chinese Government released its national plan for implementing the 2030 Agenda for Sustainable Development Goals (SDGs) set by the United Nations, translating them into “action plans” for China in 2016. Rights of the Children is one of the aspects that have been incorporated into this action plan.

### **A. Children’s Right to Education**

15. The Chinese government acknowledges the importance of children’s right to education and has taken measures to ensure children enjoy this right. The Chinese government has passed laws to ensure local governments provide compulsory education for 9 years without distinction of rural and urban children. The Chinese government has also strived to provide better quality education by offering more internationalized education including amending the Vocational Education Law, to improve and integrate industry and education. President Xi Jinping announced China’s delivery of the “Six 100s” international cooperation pledge during the UN Sustainable Development Summit September 2015. On the matter of Rights of Children, one of the “Six 100s” pledge to construct 100 schools and vocational training centres to enhance the quality of education in accordance to SDG 4. The extensive education targets also include ensuring 12 years of free education for children with disabilities. Reinforcing our citizens’ right to education as embodied in the Chinese Constitution.
16. China plans to advance reform of its household registration system to make basic public services equally accessible to all, and to encourage more rural people to merge into urban life in order to realize SDG 10 “Reducing Inequalities. This would help tackle the situation of children of migrant workers and minorities from inadequate access to mainstream education facilities
17. China plans to eliminate gender disparities and ensure equal access to education for children, especially in vulnerable situations.

### **B. Children’s Right to Health**

18. In accordance to SDG 3 good health and well-being for people, maternal and child mortality targets have been set, as well as health targets to include treatment for people living with HIV/AIDS, limiting the spread of tuberculosis and hepatitis B, and completely eradicating malaria, diseases which is commonly spread among children. Limits will also be adopted on the rate of stunting and underweight in children in relation to SDG 2 zero hunger.
19. The Chinese government acknowledges the importance of optimizing the allocation of health resources, increasing appropriation in maternal and child health care in rural and remote areas, and promoting equity and accessibility of basic medical and health services for children. The Chinese government will strengthen the system of maternal and child health services by establishing a standardized maternal and child health care institution sponsored respectively by governments at provincial, city and country levels.
20. Effort has been placed on strengthening a maternal and child health service network at country, township and village levels, and improving the grassroots maternal and child health service system. Advance the building of a medical care and service network for children, set up pediatrics department in general hospitals above level two and in maternal and child health care institutions above the county level, increase children's hospitals, and standardize wards for newborn babies.

**C. Hong Kong Special Administrative Region (HKSAR)**

21. The HKSAR government has acknowledged the pre-birth rights of unborn children. The HKSAR government has amended the Employment Ordinance to criminalize the dismissal of a pregnant employee. This ensures the mother has stable income to protect the unborn child.

**VII. Climate Change and Environment**

22. In June 2018, the Central Committee of the Communist Party of China (CPC) and the State Council published the 2018 guideline to “comprehensively enhance ecological and environmental protection and ‘win the battle’ against pollution of air, water and soil”. This 2018 Guideline, which specified measures against pollution and the targets China expects to achieve by 2020, is a significant indication of China’s determination to address environmental issues.

**A. Air Pollution**

23. The success in alleviating air pollution does not stop China from seeking further improvement. According to the 2018 Guideline, China will implement a three-year plan to fight air pollution, with particular focus on regions like the Beijing-Tianjin-Hebei region and the Yangtze River Delta. Efforts will be put to improve the regions’ industry, energy, transport and land use structures. By 2020, cities with low air quality standards should have their PM 2.5 level decrease by at least 18 percent compared to the 2015 level, while cities at prefecture level and above should see the number of good-air days reach over 80 percent annually. According to the three-year plan, emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) should fall at least 15

percent from the 2015 level, while chemical oxygen demand (COD) and emission of ammonia nitrogen (NH<sub>3</sub>-N) should decrease by over 10 percent.

## **B. Water Scarcity and Quality**

24. After attaining a promising improvement, China will continue to endeavour in improving the public's access to water. Clean water and Sanitation, being one of the UN Sustainable Development Goals (SDG6), has always been given significance in China's Five-Year plans. Special targets and policies implementation were approved in the latest 13th Five-Year plan by the National People's Congress in March 2016. In order to deal with water scarcity, China promised to attain a centralised water supply rate exceeding 85% and tap water coverage rate for over 80% in rural areas by 2020. It aims to further achieve a universal and equitable access to water for all citizens by 2030. On top of that, with regards to the 2018 guideline, China showed her great determination in improving water quality by reducing pollution, minimising illegal disposal of hazardous chemicals and wastes and enhancing the water treatment system. By implementing the Water Pollution Prevention and Control Action Plan, China aims to ensure 70% of the surface water to be drinkable and cap the polluted surface water within 5%.

## **C. Soil Pollution**

25. According to the 2018 Guideline, China is determined to address soil pollution by implementing three specific measures. First, China will enhance the control of soil pollution and restore polluted soil. This includes actions like conducting detailed inspection and compiling lists for subsequent follow-up. Second, China will expedite on the works related to the classification of waste. For example, by 2020, major cities should have basic household garbage sorting system in place. Third, China will enhance the prevention and control of solid waste pollution. Notably, China is banning all the imported waste. It aims to meet the target of 'imported waste' by 2020. It is hoped that by 2020, about 90 percent of the polluted farmland can be utilized safely and over 90 percent of the contaminated land will be able to be used safely.

## **D. Climate Change**

26. China recognises Climate Change as one of the toughest challenges encountered by the global community in the 21st century. Although China is still under its economic developing stage, it has taken the lead in the international context to mitigate the problem. Being renowned as the World's Factory, China took advantage of its human resources to establish its dominance as an innovator, manufacturer and exporter at the same time. In 2015, China invested \$102.5 billion yuan in renewable energy and installed half of the world's wind power plants. Upon ratification of the Paris Agreement on 3 September 2016, China has implemented various domestic policies for fulfilling its 2030 Nationally Determined Contribution (NDC) goals. The targeting goals were set based on the statistics collected in 2005, including to reduce the carbon intensity of GDP by 60-65 percent, increase the proportion of non-fossil energy to 20 percent in the energy fuel mix and enhance the forest stock volume by 4.5 billion cubic metres. In the future, China will develop a green economy and low-carbon energy system within its boundaries for achieving the NDC as

scheduled. Meanwhile, China will continue to provide financial and technological support to the global governance process and advocate international cooperation in addressing climate change.

#### **E. Hong Kong Special Administrative Region (HKSAR)**

27. The HKSAR government and its Environmental Protection Department (EPD) will continue to strengthen its ability to meet environmental sustainability goals. It aims to establish an effective legislative and enforcement framework to safeguard the public health from any adverse environmental problem. It will also provide first-class physical infrastructure for the treatment and disposal of waste and sewage in line with international top practice.
28. Reducing and recycling waste the central object of waste management policy. Despite the fact that the three landfills nearly reaches its saturation point, projects on extension of landfills have been delayed for years due to the objection from residents in the neighbourhood. Southeast New Territories, Northeast New Territories and West New Territories Landfill Extension projects are progressing underway, which are expected to entertain Hong Kong's waste disposal needs up to the late 2020s. The government has on the other hand established District Liaison Groups to facilitate communication with different stakeholders. Ongoing discussions and consultations will be carried out to address residents' concerns and resolve the problem as soon as possible.
29. In order to promote its environmental sustainability, the HKSAR aims to reduce its energy intensity by 40 percent by 2025 compared with 2005. The progress of reaching the target was disclosed in Hong Kong Energy Saving Plan 2015 and 2016. It will continue increasing local gas generation to achieve the 2020 energy fuel mix targets. With these efforts, it is estimated that the carbon intensity of the HKSAR will be reduced by 50-60 percent in 2020 compared with 2005, in line with the role of combating climate change. The HKSAR government will continue to allocate funds in research and development for discovering innovative approaches and mechanisms to ascertain energy conservation and efficiency enhancement. It will strive for its best in reaching the environmental sustainability goals in the future.

#### **F. Macau Special Administrative Region (MSAR)**

30. The "*Environmental Protection Planning of Macao (2010-2020)*" ("*Planning*") contains short-term (2010-2012), medium-term (2013-2015) and long-term (2016-2020) environmental protection works and targets. As the plan has entered into its last phase, the MSAR Government continues to adhere to the *Planning* in formulating related policies and expects long-term targets to be met.
31. To strengthen the control and management of air pollution, the Government will control the number of motor vehicles and continue to eliminate the high-pollutant emitting vehicles. To reduce the air pollutant emissions from transportation, the Government is determined to optimize the transportation network and structure.

32. In regard to water environment, the Government strives to continually strengthen the protection of potable water sources. These include actions like undertaking prevention and control projects for pollutions in the protected zones, ecological recovery and establishment projects, and environmental emergency, alerting and management capacity building projects.

## **VIII. Gender Inequality and Violence**

### **A. Rights to Education**

33. Equal rights to education has been achieved through the effort of the Chinese government through different legislation and measures. The Chinese government will focus on the betterment of education condition in the future, such as improving the conditions for running schools in poverty-stricken regions, safeguarding the right to education of the relocated migrant children, ethnic minorities and further develop pre-school education.

### **B. Rights to Employment**

34. As for discrimination in workplace, the Government will encourage the Standing Committee of China's National People's Congress (NPC) to put the draft of the Anti-Employment Discrimination Law on its legislative agenda as soon as possible. Moreover, to strengthen the efficacy of the 1992 Law on the Protection of Rights and Interest of Women, 1982 Labor Law and the Employment Promotion Law of the People's Republic of China, specific provisions for the definition of gender discrimination in employment, relevant penalties and the channels of legal remedy should be provided.
35. The departments of human resources and social security are also advised to make an improvement in their existing complaint and tip-off mechanisms by strengthening supervisory work and making regulation of prejudices against women in employment. Consultation, tip-off, complaint desks and complaint mailboxes or hotlines are also recommended to be set up in both the online and offline job markets. The Chinese government would also intensify its law enforcement efforts and intensify crackdown against gender discrimination in various kinds of recruitments, as well as increase the penalty paid by any employers in their violation of gender equality in employment. Meanwhile, the Supreme People's Court would improve and strengthen the litigation mechanisms and list gender discrimination in employment as an independent cause of action.

### **C. Violence against Women**

36. The Chinese government shall continue to enforce and uphold the Anti-Domestic Violence Law. The multi-departmental cooperative mechanism for the prevention and prohibition of domestic violence shall be improved, as well as an integrated working mechanism that combines prevention, prohibition and assistance. The Chinese government will put in greater effort in

encouraging and helping social organizations to take part in the work against domestic violence. Steps shall also be taken to prevent and stop sexual harassment of women.

#### **D. Political Participation of Women**

37. The Chinese government will continue in making efforts to promote equal participation of women in the management of state and social affairs, by gradually increase the proportion of women delegates to the people's congresses and CPPCC committees at all levels, as well as the proportion of women in the leadership of the people's congresses, governments and CPPCC committees at all levels. By 2020, women members shall make up over 30 percent of total members of villagers' committees, over 10 percent of the villagers' committee chairpersons, and about 50 percent of the members of urban residents' committees.

#### **E. Hong Kong Special Administrative Region (HKSAR)**

38. The HKSAR government will continue to promoting women's advancement and gender equality. Since 1996, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has been extended to Hong Kong. The HKSAR government has faithfully discharged its obligations thereunder to eliminate discrimination against women.

39. The HKSAR government will continue to implement a pilot scheme to encourage the non-governmental organisations in the social welfare sector to refer to the Gender Mainstreaming Checklist as announced in the 2016 Policy Address. This checklist will be applied when formulating policies and programmes.

#### **F. Macau Special Administrative Region (MSAR)**

40. The MSAR government will continue to support gender equality and women's empowerment through legislation. Basic law provisions, the Convention on the Elimination of All Forms of Discrimination against Women, and rules and policies that clearly state women's rights in economics, the community, culture and politics, will be fully implemented to protect women's legitimate rights.

41. The MSAR government's special consultation committee on women's affairs, whose members include women from all social sectors, and whose president is the MSAR Chief Executive, will continue to take an active part in policy-making to improve women's living conditions and promote women's development.

42. The MSAR government will continue to safeguard the education rights of women by improving their education levels and abilities through its 15-year compulsory education system and related policy measures.

**State Under Review: China**  
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