

UN's Human Rights Council delivers human rights report card for China



China urged to abolish the death penalty, to disclose a statistic of the numbers of those executed, to adopt the Optional Protocol Convention against Torture (OP-CAT), to ratify International Covenant on Civil and Political Rights (ICCPR), to reduce the numbers of those living in poverty, to combat child labor, to adopt the Rome Statute of the ICC, and to establish a National Human Rights Institution, in accordance with the Paris Principle, ratify International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), Optional Protocol Convention on the Elimination of All Forms of Discrimination against Women (OP- CEDAW), that China make an open declaration of its intention to follow article 14 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which permits victims of discrimination to complain to the Council, The Committee on Rights of the Child suggested that China ratify the Palermo Protocol to Prevent Suppress and Punish Trafficking in Person, ant to ratify International Convention for the Protection of All Persons from Enforced Disappearance (CED).

By Edward Campbell

Missoula, Feb. 9 (Al-Masakin)—The UN's Office of the High Commissioner for Human Rights (OHCHR) released the findings of its Human Rights Council (UNHCR) at it Universal Periodic Review (UPR) today in Geneva.

The Human Rights Council, established June 18, 2007 in order to fulfill UN resolution 60/251 March 15, 2006, replaced the UN Human Rights Commission. The principle function of the UNHRC is to assess human rights situations in its 192 member states, to persuade them to adhere to the UN's Universal Declaration of Human Rights, to convince member states to adopt the Council's resolutions, protocols and statutes, and to improve the overall human rights situation on the ground. The current session of the UPR will end Feb. 13.

The Human Rights Council has both an advisory committee and a complaint procedure. The UPR began with the review for Morocco in 2008 and will end with the review for Moldova in 2011. The human rights record for the United States is scheduled to take place at the UPR's 9th Session in 2010. The initial 47 members of the Council, which includes China, Cuba, the Russian Federation, and Saudi Arabia, are to be reviewed first. The U.S. State Department's acting Press Secretary Robert Wood said Feb.5 that the United States is not participating in the UPR because the new administration has not determined whether or not to support the Council.

“We want to make sure that we have a very coherent, cohesive policy with regard to engaging the UN and other actors in the international human rights system, and I would just look at it through that prism. That's what we're trying to do. We're not trying to send any signals at this moment one way or the other. We want to take a very,

very close and hard look at how we can best engage these international actors,” Mr. Wood said Feb. 5.

The United States did not participate in the UPR for China.

China’s national report was presented by Li Baodong, Permanent Representative of China to the United Nations Office at Geneva, who noted, inter alia, the first human rights system in China was established in 1949 when the People’s Republic of China (PRC) was founded and claimed that the modernization drive initiated in 1978 had enhanced human rights in the country, which the representative referred to as ‘two historic leaps’ from poverty to subsistence to prosperity, and said that the numbers of persons living rural poverty had decreased from 250 million in 1949 to a little over 14 million in 2009.

It was also noted that China was the first country in the world to meet the poverty reduction target set in the Millennium Development Goals (MDGs), and that by the end of 2000 primary education was universal throughout the country and illiteracy has virtually been eliminated. Moreover, China has met ahead of schedule the targets of universal primary education and eliminating gender disparity in primary and secondary education set in the MDGs.

The representative further noted that since 1978 more than 250 laws protecting human rights had been enacted and that there were more than 400,000 registered NGOs in the PRC working to advance the cause of human rights in China.

Positive Achievements

During the three hour discussion the delegations of the Working Group and its

Observers noted a number of positive achievements with respect to in human rights goals for China.

These included the rapid economic growth experienced in the country; the efforts to empower women; the enactment of a National Human Rights Action Plan to accelerate social development; increased investments in social security; humanitarian and development assistance efforts; the overall progress achieved in the area of economic, social and cultural rights; reforms made in the area of the administration of the death penalty since January 2007; the provision of free and compulsory education; the enactment of the National Action Plan on Human Rights for 2009-2010; the implementation of the Scientific Outlook on Development; and the realization of the poverty reduction target per the Millennium Development Goals.

Criticism

The 47 member Working Group and its Observers raised a number of issues and concerns with respect to human rights in the PRC including: the challenges faced by the people on account of the economic crisis, China’s strategy to expand its social service polices; steps taken or planned to engage countries at the regional and international level in dialogue on human rights; efforts to enhance labor rights and the rights of migrant workers; progress made in improving the situation of re-education through labor; progress made in upholding the rights of mentally disabled persons; measures envisaged to prevent child labor; and plans to accede to the Convention of the Rights of Migrant Workers and All Members of Their Families.

Other issues pertained to the arbitrary detention of ethnic minorities; the status of

the application of the policies to address the needs of refugees from the Democratic People's Republic of Korea; plans to strengthen protection of Chinese media; plans to implement recommendations by the Committee against Torture as to safeguards the treatment of human rights defenders and protections for defense lawyers; efforts to effectively combat torture of persons in detention facilities; steps to guarantee the independence of the judiciary; and plans to ratify the International Covenant on Civil and Political Rights.

Recommendations

To strengthen the protection of ethnic minorities' religious, socio-economic and political rights; to allow ethnic minorities to fully exercise their human rights, to preserve their cultural identity and ensure their participation in decision-making; to respect the basic rights of minorities in Xinjiang and Tibet; to ensure that greater access is granted to Tibet areas for OHCHR and other United Nations bodies, as well as diplomats and the international media; to extend new media regulations as regards access to information to Chinese journalists; to investigate harassment and detention of human rights defenders; to accept different opinions if expressed by human rights defenders through peaceful demonstration; to respond positively to outstanding visit requests by Special Procedures and issue a standing invitation; and to renew the memorandum of understanding with OHCHR to intensify technical assistance and advisory services in the field of human rights.

Other recommendations included: To intensify engagement with the international community to exchange best practices in law enforcement supervision; to accelerate legislative and judicial reform; to abolish

administrative detention; to provide those held on State security charges with all fundamental legal safeguards, including access to counsel, public trial and sentencing, and eligibility for sentence reduction and parole; To take effective measures to ensure that lawyers can defend their clients without fear of harassment; to become party to the Rome Statute on the International Criminal Court; to intensify human rights awareness campaigns and to continue to provide and improve training programs on human rights for the judiciary, law enforcement personnel and lawyers; and to establish a National Human Rights Institution, in accordance with the Paris Principle; and to proceed as soon as possible to publish the National Plan on Human Rights 2009-2010.

Several delegations called on China to abolish the death penalty, to publish statistics on the total number of executions and to introduce a moratorium on the death penalty as a first step to the abolishment of the death penalty. Others recommended that China reduce the number of crimes for which the death penalty can be imposed; continue to implement the policy of strictly controlling and applying the death penalty; implement the recommendations made by the Committee against Torture; accede to Optional Protocol Convention against Torture; and establish an independent and effective complaints procedure for victims of torture. A number of delegations also recommended that China ratify the International Covenant on Civil and Political Rights. Others called for the release a clear timetable for work towards the ratification of the International Covenant on Civil and Political Rights; to guarantee all citizens the exercise of religious freedom and the freedom of belief.

Additionally, States recommended that China pursue its efforts in achieving the

Millennium Development Goals; continue to provide financial resources in view of the economic crisis, in particular for Tibet; pick up efforts to bridge the gap between the rights realized between rural and urban areas; to ensure primary education attains the constitutionally guaranteed universal compulsory status; to lift current its current reservation to article 8.1a of the International Covenant on Economic, Social and Cultural Rights; speed up the implementation of the National Human Rights Action Plan on social development; and to continue its endeavor to build a sound security system.

Moreover, China was encouraged to share with the international community, and in particular developing countries, its experience with promoting the right to development and poverty reduction; to strengthen efforts in poverty alleviation to reduce the number of person living in poverty; to take effective measures to improve education training and supervision of prison staff; to address the educational balance between rural and urban areas; to adopt special measures to ensure the realization of rights in view of the economic crisis; to adopt a comprehensive policy to combat child labor; to lift reservations to the Convention on the Rights of the Child; to enact specific legislation on domestic violence; to ensure that national include legislation include the effects of discrimination against women; and to attach more importance to the protection of the Rights of the Child through national plans for economic and social development.

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