



PEOPLE'S REPUBLIC OF CHINA
PERMANENT MISSION AT GENEVA

Opening Statement by Ambassador Li Baodong
Head of the Chinese Delegation
at the Eleventh Session of HRC
Consideration of UPR Report on China
(June 11th, 2009, Geneva)

Mr. President,
Ladies and Gentlemen,

It's a great honor for me to make opening remarks on behalf of the Chinese Government.

During the Working Group Review last February, Chinese delegation made a comprehensive presentation on the progress China achieves in the field of human rights, the challenges it faces and the goals it strives for. We also conducted open and candid dialogues with many other delegations. A quite number of countries spoke highly of China's human rights endeavors and achievements while putting forward a lot of valuable recommendations. I'd like, on behalf of the Chinese Government, to take this opportunity to thank all parties for their active engagement and the three Rapporteurs Nigeria, India and Canada, and the Secretariat for their

hard work.

China regards the UPR process as a good chance to listen to the views of other countries and to better promote and protect the human rights of its people. It takes all recommendations seriously and in a highly responsible manner. After careful consideration, it accepted all those feasible and compatible with its realities. Immediately following the Review, a trans-agency task force composed of over 20 legislative, judicial and administrative departments was set up, sorting out the accepted recommendations and formulating concrete action plans to implement the recommendations according to their different portfolios, with inputs from a wide range of NGOs and academic institutions. I'd like to make a brief introduction about what has been and will be done by the Chinese Government to implement the recommendations.

On the recommendation of proceeding as soon as possible with the publication and implementation of its *National Human Rights Action Plan*, the Chinese Government published its first *National Human Rights Action Plan* for 2009-2010 on 13 April. It covers both civil and political rights and economic, social and cultural rights. All feasible and conducive recommendations are reflected in it. A joint-meeting mechanism consisting of departments involved in plan drafting is put in place to supervise and review the implementation.

On the recommendation of creating conditions for an early ratification of *International Covenant on Civil and Political Rights*, China makes a pledge in the *National Human Rights Action Plan* that it will continue pushing forward legislative, judicial and administrative reform to bring domestic laws in line with the *Covenant* and create an enabling environment for its ratification. The

Chinese legislature has put on its agenda the drafting of the *Administrative Compulsory Enforcement Law* and amendment of laws on civil and political rights including the *Law on State Compensation* and the *Law on Guarding State Secrets*.

On the recommendation of deepening judicial reform, a series of measures are adopted by the Supreme People's Court, the Supreme People's Procuratorate and the Ministry of Justice within the framework of the latest judicial reform. For instance, the Supreme People's Court released a judicial reform outline in March including 30 measures such as posting judicial indictment on Internet, standardizing discretion, and holding accountable those who illegally interfere with independent court proceedings.

On the recommendation of continuing enhancing input in the context of financial crisis and safeguarding people's livelihood especially in rural areas, the Chinese Government unveiled a stimulus package of RMB 4 trillion at the end of 2008. 44% of projected investment has been accomplished by the central government. Projects related to people's livelihood particularly in the countryside are making rapid progress. For example, by the end of April, the efforts to address unsafe drinking water benefited 14.6 million rural residents, nearly double the number two month ago.

On the recommendation of enhancing poverty alleviation and sharing experience with developing countries, the Chinese Government has initiated a full implementation of the new poverty line, which expands the coverage of its poverty alleviation program to as much as 40.07 million. China is considering adopting the second Ten-Year Poverty Alleviation and Development Program, which will shift focus from addressing shortage of food and clothing

to offering all-round support and assistance. China entered into poverty alleviation cooperation agreements with a large number of developing countries, helped them train professionals in poverty alleviation and shared experience with them, with the aim of early realization of the Millennium Development Goals throughout the world.

On the recommendation of taking measures to make sure that everyone enjoys basic medical and health care services, in April this year, the Chinese Government released the *Opinion on Deepening the Reform of Pharmaceutical and Health Care System*, which sets forth the goal that by the year 2020, everyone will be included in medical insurance system. In order to put the *Opinion* into practice, the Chinese Government formulated the *Implementation Plan of the Reform of Pharmaceutical and Health Care System in Recent years (2009-2011)*. Governments at all levels will invest RMB 850 billion in addition in three years. By the year 2011, the basic medical insurance system will cover all the residents in both urban and rural areas, and the maximum payment of medical insurance will be increased to 6 times per capita income.

On the recommendation that the Hong Kong Special Administrative Region (HKSAR) and Macao Special Administrative Region (MCSAR) continue to function according to their realities and preserve different rights of their citizens in accordance with their laws. The HKSAR will continue to protect human rights and freedoms in Hong Kong in accordance with the *Basic Law* and relevant domestic legislations. It will continue safeguarding and promoting human rights through existing mechanisms and institutions. These include the rule of law and an independent judiciary. It is implementing the *Race Discrimination Ordinance* and

the *Independent Police Complaints Council Ordinance* enacted in 2008, further strengthening the existing legal framework on the protection of human rights. In addition, it will continue to fulfill its obligations under international human rights treaties as applied to Hong Kong, and submit reports to treaty bodies through the existing mechanisms. The MCSAR remains committed to promote human rights and to uphold the rule of law, in constant dialogue with the civil society, in order to assure a multi-cultural and multi-ethnic society based on harmony, anti-bias and tolerance education, as well as to improve its residents' social rights, particular consideration being given to the rights of vulnerable groups, such as the disabled, the elderly, the children, the women and persons under custody. Legal reforms have been undertaken with a view to increasing the accountability of high ranking civil servants as well as to strengthen a culture of integrity and to improve "law in action".

Mr. President,

In the process of review by the working group, China promised to examine the four recommendations made by Portugal, Argentina, Canada, Australia, Brazil and Austria. Now, I'd like to respond to these recommendations.

First, on inscribing a legal definition of discrimination in domestic law of China, the *Constitution* and such laws as the *Regional Ethnic Autonomy Law*, the *Law on the Protection of Women's Rights and Interests*, the *Law on the Protection of Rights and Interests of the Aged*, the *Law on the Protection of Minors*, the *Law on the Protection of Disabled Persons*, the *Employment Promotion Law* all forbid discrimination based on ethnic, religion, sex, age, disability and so on. China has ratified a large number of international

conventions concerning anti-discrimination, and has formulated various laws to forbid any possible discrimination. The Chinese legislature considers it too complicated to draw up a unified definition of "discrimination". It is, however, better-targeted and more feasible to formulate specific laws that forbid all possible discriminations, which can better protect the rights and interests of special groups and really put "anti-discrimination" into practice.

Second, on reducing the number of crimes carrying the death penalty, China still implements the policy of strictly controlling and applying the death penalty. This policy is based on its realities and supported by public opinion. When the *Criminal Law* was revised in 1997, China has already abolished a number of death penalty crimes. In practice, a considerable number of death penalty crimes haven't been in use for many years. In January 2007, the authority to review and approve death penalty cases was retrieved by the Supreme People's Court, leading to a dramatic downfall of the number of death penalty executions. The Chinese legislature is now considering deeper reform of death penalty, including reducing the number of death penalty crimes.

Third, on adopting specific legislation on domestic violence, China's *Constitution*, the *Criminal Law*, the *Marriage Law*, the *Law on the Protection of Rights and Interests of Women*, the *Law on the Protection of Minors* and the *Law on the Protection of Disabled Persons* all prohibit domestic violence against women, minors and disabled persons. They also lay out provisions on the prevention and prohibition of domestic violence and remedies for victims. Local legislatures also formulate regulations and policy documents concerning the prevention and prohibition of domestic violence. In recent years, there have been discussions in society on the necessity

of adopting specific legislation on domestic violence. The National People's Congress is considering putting such legislation on its agenda.

Fourth, on the follow-up to UPR. As prescribed in the HRC institution building resolution, it is every country's obligation to earnestly implement the follow-up to the review. The Chinese Government has started the implementation process with a well-planned and step-by-step approach. We are sure that we will be able to make a comprehensive presentation to the Council on China's follow-up in the next review.

Mr. President,

There's no country that has a perfect human rights record. As a developing country with 1.3 billion populations and in the process of reform, China faces many difficulties and challenges in promoting and protecting human rights which might be unimaginable to other countries. However, we have full confidence in making progress. When presenting its candidature for the HRC membership of 2009-2012, China pledged a series of commitments to the world. We will honor our commitments. Taking into consideration China's actual situation and the people's will, we will continue finding ways and measures to promote and protect human rights while learning from other countries. China will continue engaging in the process in a responsible way and take active part in international human rights activities with a view to make greater contribution to international human rights development.

Thank you, Mr. President.

