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# **Chinese People's Association for Peace and Disarmament**

## **Submission to the U.N. Human Rights Council**

### **Universal Periodic Review of China**

**February 2018**

1. The Chinese People's Association for Peace and Disarmament (CPAPD) has been paying close attention to the Chinese government's effort, after China's participation in the cycle of the Universal Periodic Review at the Human Rights Council in 2013, in improving social equity and justice, promoting all-round development of human beings and society, accelerating legal protection of human rights in China and making strides in international human rights protection cooperation. However, there are still some problems in this field, needing specific measures from the government to further promote human rights protection.
2. We are pleased to find that a sounder legal system has been established in China since 2013, thus laying a solid legal foundation for ensuring human rights. Particularly, the General Provisions of Civil Law has been deliberated and passed during the fifth session of the 12th National People's Congress, reflecting the legislators' intention of giving full protection to the person by strengthening the protection of property rights for all and civil rights of specific subjects, which is conducive to better guaranteeing people's legitimate rights and interests. However, as a higher-level law protecting citizens' civil rights, it is in need of pertinent administrative, departmental or local laws and regulations functioning as legal support. It is necessary for the law departments to enact concrete departmental rules and regulations to further practice the General Provisions. Hence we call on the Chinese government to work according to the General Provisions, review and improve the existing related laws and regulations and practice necessary legislation and amendments, in order to further perform the duties of protecting citizens' civil rights.
3. It is noticed that the Chinese government has been working to improve the legislation on civil and political rights. China has revised the Criminal Law, abolishing nine death penalty charges and raising the bar on executing convicts that have received a death sentence with a two-year reprieve; revised the Civil Procedure Law and the Administrative Procedure Law to strengthen supervision over administrative adjudication and court rulings and protect the legitimate rights and interests of parties in administrative proceedings; passed the Decision on

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Annulment of the Regulations on Education Through Labor, putting an end to this sanction. We call on the Chinese government to continue promoting relative legislation on civil and political rights.

4. It is good to see that the Chinese government has been strengthening legislation on ensuring the rights of special groups. China has enacted the Anti-Domestic Violence Law, making clear the legal liabilities of the perpetrators and the procedure of investigation; revised the Criminal Law and it is clearly stipulated that anyone who maltreats a minor, an elderly person, a sick person, or a disabled person, for whose support they are responsible, will be held criminally liable if the case is serious. However, incidents such as children abuse by preschool teacher or elder abuse by home nurse still happened sometimes. We call on the Chinese government to continue accelerating the legislation on ensuring the rights of special groups, enacting the implementing rules of relative laws and regulations, and strengthening the law enforcement and punishment of violations of laws and regulations, in order to solve people's concerns such as infant care, early childhood education and elderly home nursing.
5. We welcome that the Chinese government has been working to put into effect the "Implementation Outline for Building a Law-based Government (2015-2020)", to check in accordance with the law the exercise of administrative power, to ensure the citizens' right to participation and supervision in administrative decision making. Nevertheless, issues that infringe the citizens' rights of life, health and property still happened, and some administrative law enforcers are not normalized or even violent. We suggest the Chinese government adopt measures to increase the capabilities in promoting law-based administration, in order to safeguard the citizens' rights of life, health and property.
6. We are glad to find that the Chinese government is dedicated to raising public awareness of the rule of law and comprehensively governing the country by the rule of law in order to create a conducive social environment for legal protection of human rights; is working to give full play to people's organizations and social organizations in protecting the legitimate rights and interests of citizens. However, there are still very few officials who are weak in the understanding of law, abuse power, challenge the law personally or even deliberately break the law. Some vulnerable groups including migrant workers and disabled persons are lacking in the awareness of safeguarding their legitimate rights. We therefore suggest the Chinese government continue strengthening the rule of law, improving the scrutiny and checks on the exercise of power and public legal service, and promoting and supporting social organizations and industry associations to play a

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bigger role in protecting citizens' legitimate rights and interests.

7. It is pleasing to see that China has promulgated the National Security Law, Counter-Terrorism Law, Cyber Security Law, Nuclear Security Law, etc., to safeguard national security, public security and citizens' rights of life, property and safety. China has taken an active part in international law-enforcement and security cooperation, worked with the international community to combat terrorism, separatism and extremism and drug-related crimes, whereas violent and terrorist activities, religious extremist activities and various criminal offences still exist in certain regions. We call on the Chinese government to intensify the fight against the "three evil forces" of terrorism, separatism and extremism as well as criminal offences, to stop the spread of terrorism, separatism and extremism, to prevent Internet media from becoming the platforms of spreading terrorism, separatism and extremism, to conduct cooperation under the UN framework, and to prevent the faction and confrontation in terms of international counter-terrorism cooperation.
8. It is good that the Chinese government has promulgated the Cyber Security Law and relative administrative rules and regulations, and issued the "Interpretation on Several Issues Regarding the Applicable Law in the Cases of Using Information to Commit Defamation and Other Such Crimes" and other judicial interpretations. Nevertheless, cases such as illegal personal information online dealing, online fake information fraud, and online spread of pornographic, gambling and drug-related information still occurred sometimes, which has exerted very negative influence on Chinese citizens', especially juveniles', physical and mental health. We call on the Chinese government to strengthen cyber security supervision and the enforcement of law, to strictly combat all types of Internet crimes such as spreading false information, illegal information dealing, and to take measures to solve serious issues including online fake information fraud, private information selling and pornographic-gambling-drug-related information dissemination. We expect the Chinese government to promote sound and orderly development of the Internet, in order to effectively safeguard cyber security and protect citizens' privacy and legitimate rights and interest.