



Human Rights Council
Working Group on the Universal Periodic Review
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China

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Independent Expert on the enjoyment of all human rights by older persons encouraged China to ratify all human rights treaties to which it was not yet a party, notably the International Covenant on Civil and Political Rights.² The Committee on the Elimination of Racial Discrimination recommended that China consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Labour Organization (ILO) Labour Inspection Convention, 1947 (No. 81), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Indigenous and Tribal Peoples Convention, 1989 (No. 169), and Domestic Workers Convention, 2011 (No. 189).³

3. The Committee on Economic, Social and Cultural Rights recommended that China ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.⁴ The Committee on the Elimination of Racial Discrimination encouraged China to make the optional declaration provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the Committee's competence to receive and consider individual communications.⁵ The Committee on the Elimination of Discrimination against Women recommended that China ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁶ The Committee on the Rights of Persons with Disabilities encouraged China to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities without delay.⁷ OHCHR made similar recommendations.⁸

4. The Committee on Economic, Social and Cultural Rights recommended that China remove all reservations to the International Covenant on Economic, Social and Cultural



Rights to guarantee the direct applicability of all rights under the Covenant in its domestic legal order.⁹ The Committee on the Elimination of Discrimination against Women remained concerned that the Convention on the Elimination of All Forms of Discrimination against Women was not directly applicable in the national courts of China.¹⁰

5. The Committee on the Elimination of Discrimination against Women recommended that China consider ratifying the 1961 Convention on the Reduction of Statelessness.¹¹ The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that China ratify the Convention against Discrimination in Education.¹²

6. Some special procedure mandate holders urged China to cooperate fully with the United Nations human rights system and grant unhindered access to independent experts who had received and addressed allegations of significant human rights violations and repression of fundamental freedoms.¹³

7. China made financial contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹⁴

III. National human rights framework

1. Constitutional and legislative framework

8. The Committee on Economic, Social and Cultural Rights recommended that China systematize a human rights impact assessment in the process of formulating legislation and policies in the areas of economic, social and cultural rights.¹⁵ The Committee on the Elimination of Discrimination against Women also recommended that China adopt a national asylum law in conformity with international standards.¹⁶

2. Institutional infrastructure and policy measures

9. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Independent Expert on older persons recommended that China establish an independent national human rights institution with a broad mandate to promote and protect human rights, including those of older persons, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to afford it with adequate financial and human resources.¹⁷

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

10. The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination expressed concern that China had not passed comprehensive, all-encompassing anti-discrimination legislation explicitly prohibiting all forms of discrimination, which was impeding full protection against discrimination in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights. The Committee on Economic, Social and Cultural Rights was also concerned about the lack of effective measures to combat de facto discrimination in the effective enjoyment of economic, social and cultural rights experienced by disadvantaged and marginalized individuals and groups.¹⁸

11. The Committee on Economic, Social and Cultural Rights and the Independent Expert on older persons stressed that the *hukou* system remained a source of inequality and prevented many older persons in practice from claiming their social benefits. The Independent Expert called on China to end that de facto discrimination and ensure that older internal urban

migrants enjoyed the same social security, health and other benefits as long-time urban residents.¹⁹

2. Right to life, liberty and security of person, and freedom from torture

12. The Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the situation of human rights defenders noted that mistreatment of human rights defenders in Chinese custody remained endemic and might amount to torture and other cruel, inhuman or degrading treatment.²⁰

13. The Committee on the Elimination of Racial Discrimination expressed concern about reports according to which certain Tibetans, Uighurs and other ethnic minorities, peaceful political protestors and human rights defenders had been tortured or otherwise subjected to ill-treatment, and that certain Uighur detainees had been held incommunicado for prolonged periods, which put them at risk of torture and other ill-treatment.²¹

3. Human rights and counter-terrorism

14. OHCHR and the Committee on the Elimination of Racial Discrimination expressed concern that the broad definition of terrorism, the vague references to extremism and the unclear definition of separatism in Chinese laws could potentially lead to the criminalization of peaceful civic and religious expression and facilitate the criminal profiling of ethnic and ethno-religious minorities, including Muslim Uighurs, Buddhist Tibetans and Mongolians.²² The Committee on the Elimination of Racial Discrimination recommended that China review its existing relevant laws, regulations and practices in order to ensure that they were narrowly tailored, that there were effective monitoring mechanisms and sufficient safeguards against abuse, and that they were implemented in a manner that did not constitute profiling or discrimination on the grounds of race, colour, descent, nationality, ethnicity or ethno-religious identity.²³

4. Administration of justice, including impunity, and the rule of law

15. The Committee on Economic, Social and Cultural Rights expressed concern about the lack of independence of the judiciary in China, as well as the tendency in recent years towards increased political interference in the judiciary. It recommended that China take all necessary legislative and administrative measures to guarantee the full independence and impartiality of the judiciary.²⁴

16. The Committee on the Elimination of Racial Discrimination also recommended that China ensure that victims of racist hate crimes and hate speech received support to facilitate reporting and were provided with appropriate remedies.²⁵

5. Fundamental freedoms and the right to participate in public and political life

17. The Committee on Economic, Social and Cultural Rights expressed concerns about widespread censorship. Most international social media and messaging platforms were blocked in China and blocks on global search engines also severely limited the content available on the country's Internet. The Committee also expressed concern about widespread and growing content restriction, and the fact that service providers were barred from setting up virtual private networks without government approval.²⁶

18. UNESCO recommended that China decriminalize defamation and place it within a civil code in accordance with international human rights standards.²⁷

19. The Committee on the Rights of Persons with Disabilities urged China to take all measures necessary to ensure that persons with disabilities were able to enjoy the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas, including in their cooperation with the United Nations.²⁸

20. The United Nations High Commissioner for Human Rights expressed concern that two prominent human rights defenders in China had been sentenced to lengthy prison terms, at variance with international human rights law standards. He emphasized the importance of taking steps to ensure that other human rights defenders were not targeted for exercising their human rights to freedom of expression, association and peaceful assembly.²⁹

21. The Committee on the Elimination of Discrimination against Women expressed concern that women human rights defenders faced intimidation and harassment, including cases of sexual and other forms of gender-based violence, by the police and other State officials for their work on women's human rights, and that they might face harassment for their participation in the Committee's review of the report of China.³⁰

22. The Committee on Economic, Social and Cultural Rights expressed concern about excessive restrictions with regard to the operation of independent non-governmental organizations, both in law and in practice, particularly with respect to non-governmental organizations working for the rights of ethnic and religious minorities.³¹ The Committee on the Rights of Persons with Disabilities recommended that China recognize the role of civil society organizations as human rights defenders, prohibit any reprisals against individuals and organizations promoting the rights of persons with disabilities and take measures to protect the civic space.³²

6. Right to privacy

23. The Committee on the Rights of Persons with Disabilities recommended that China ensure that the privacy of the personal data of persons with disabilities was comprehensively protected by data protection laws across the country, including through right of action and access to a remedy.³³

7. Right to marriage and family life

24. The Committee on the Elimination of Discrimination against Women recommended that China ensure that women had the same rights as men with regard to custody of children; strictly enforce the Law on the Protection of Minors, which prohibited the practice of competing for custody rights by snatching or hiding underage children, and criminalized acts of "snatching and hiding" as child abduction; ensure that family courts took incidents of domestic or other forms of gender-based violence into consideration when deciding on child custody and visitation rights upon the dissolution of a marriage or de facto union; and ensure that the 30-day cooling off period should not be mandated.³⁴

8. Prohibition of all forms of slavery, including trafficking in persons

25. The Committee on the Elimination of Racial Discrimination recommended that China intensify efforts to prevent, detect and combat trafficking in persons; consistently apply standard operating procedures for proactively identifying, assisting and rehabilitating victims of trafficking; and provide disaggregated data on the number of acts of trafficking and enslavement identified, investigated, prosecuted and sanctioned, and on remedies and assistance provided to victims.³⁵

26. The Committee on the Elimination of Discrimination against Women expressed concerns that China was a country of destination for trafficking in women and girls from the Democratic People's Republic of Korea for purposes of sexual exploitation, forced marriage or concubinage; that women and girl defectors from the Democratic People's Republic of Korea were categorically classified as "illegal migrants", and some were forcibly returned; and that children born in China to women from the Democratic People's Republic of Korea were deprived of their rights to birth registration, nationality, education and health care because their birth could not be registered without exposing the mother to the risk of deportation to the Democratic People's Republic of Korea.³⁶

27. Some special procedure mandate holders expressed concern that detainees from ethnic, linguistic or religious minorities might be forcibly subjected to blood tests and organ examinations such as ultrasound and X-rays, without their informed consent; while other prisoners were not required to undergo such examinations. The results of the examinations were reportedly registered in a database of living organ sources that facilitated organ allocation.³⁷

9. Right to work and to just and favourable conditions of work

28. The Committee on Economic, Social and Cultural Rights expressed concern about the considerable proportion of workers in the informal economy and the fact that such workers

were de facto not adequately covered by labour and social protection laws. It recommended that China adopt a holistic approach in addressing the informal economy and take all measures necessary to reduce the extent of the informal economy and to increase employment opportunities in the formal labour market.³⁸

29. The same Committee expressed concerns about reports of unsafe working conditions, including instances of injury and death, such as workers dying in fires in factories where they had been confined as part of coronavirus disease (COVID-19) quarantines; about reports of widespread harassment in the workplace, particularly sexual harassment of women; and about the non-signature of labour contracts and insufficient medical and accident insurance, particularly in the private and informal sectors, as well as insufficient labour inspection mechanisms, including in the Tibet Autonomous Region and the Xinjiang Uighur Autonomous Region.³⁹

30. The same Committee also expressed concern that the All China Federation of Trade Unions was the only allowed structure for trade unions, preventing workers from freely exercising their right to form and join trade unions, and that the right of workers to strike was not provided for in the Trade Union Law.⁴⁰

10. Right to social security

31. The Committee on Economic, Social and Cultural Rights recommended that China strengthen its efforts to extend the coverage of the social security system, especially to individuals belonging to ethnic minorities, to residents in rural areas and to rural-to-urban migrants, as well as to informal sector workers; and adopt the necessary measures to ensure that the amount of social assistance benefits was sufficient to cover the costs of living, including by setting up an effective and transparent indexation system.⁴¹

32. The Independent Expert on older persons encouraged China to further develop and unify the old-age support system, notably the urban and rural schemes; to delay the formal retirement age; and to effect change, making it easier for the urban population to join the employment-based scheme and provide incentives for their participation in basic pension schemes.⁴²

11. Right to an adequate standard of living

33. Noting the continued significant progress made in alleviating poverty, the Committee on Economic, Social and Cultural Rights remained concerned that large disparities in living standards between regions and between urban and rural areas persisted, and that the living conditions of rural-to-urban migrants were poor, including with regard to the quality of housing, sanitation and access to safe drinking water.⁴³

12. Right to health

34. The Independent Expert on older persons noted that remaining challenges included access to affordable health-care services, quality care and adequate coverage for health-related expenditure, especially in primary care service at the local level, in particular in rural areas.⁴⁴ The Committee on Economic, Social and Cultural Rights recommended that China undertake all necessary measures to improve its health-care services and guarantee the enjoyment of the right to good-quality and affordable health care to all persons throughout the country, particularly to disadvantaged and marginalized individuals, ethnic minorities and rural-to-urban migrants; and increase the budgetary allocations to the health sector and ensure their equitable distribution among the provincial, municipal and local authorities.⁴⁵

13. Right to education

35. The Committee on Economic, Social and Cultural Rights recommended that China increase its overall expenditure on education as a percentage of the gross national product to reverse the relative downward trend of recent years; and take appropriate measures to ensure the equal distribution of funds, with a view to ensuring equal access to, and the availability of, education in urban and rural areas.⁴⁶

36. The Committee on the Elimination of Discrimination against Women expressed concerns about the limited integration of human rights education in curricula at all levels of education; cases of sexual harassment and cyberbullying of girls at school; and the lack of data on access to education for disadvantaged groups of girls and women.⁴⁷

14. Cultural rights

37. The Committee on Economic, Social and Cultural Rights recommended that China take all necessary measures to ensure the full and unrestricted enjoyment by peoples and minorities of their right to enjoy fully their own cultural identity and take part in cultural life, to ensure the use and practice of their language and culture, and to abolish immediately the coerced residential (boarding) school system imposed on Tibetan children and allow private Tibetan schools to be established.⁴⁸ The Committee also recommended that China take adequate measures to protect cultural diversity and the cultural practices and heritage of religious minorities, including the religious practices of Tibetans, Uighurs, Kazakhs, Hui and Mongols, including by protecting and restoring religious sites.⁴⁹

15. Development, the environment, and business and human rights

38. The Committee on the Elimination of Racial Discrimination recommended that China take further steps to eliminate ethnic economic disparities by, *inter alia*, enhancing meaningful consultation with ethnic minority groups prior to and during poverty alleviation projects; expanding special measures to reduce high levels of poverty and related inequality among affected ethnic minorities; and further strengthening basic infrastructure and public services in predominantly ethnic minority areas, including rural areas.⁵⁰

39. The Committee on Economic, Social and Cultural Rights expressed concern that current emission-reducing policies might not be sufficient for China to observe its obligations under the Paris Agreement, and that unsustainable practices had had an adverse impact on climate change beyond its borders, including the increase in recent years in the construction of coal-fired power plants abroad, as well as within the country, and the increase in licences and permits to construct coal-fired power plants.⁵¹

40. The same Committee recommended that China establish a clear regulatory framework for companies operating in the country to ensure that their activities promoted and did not negatively affect the enjoyment of economic, social and cultural rights; adopt a national action plan for business and human rights; ensure that business entities operating in the country or those domiciled under its jurisdiction and those acting abroad, including their sub-suppliers, as well as institutions that provided financing, were held accountable for their violations of economic, social and cultural rights, paying particular attention to Indigenous Peoples' and peasants' land rights, environmental impacts and expropriation in the context of real estate and infrastructure projects, and that follow-up and monitoring mechanisms were put in place to investigate and sanction them for their harmful activities; and ensure that victims of such violations had access to effective complaint mechanisms and affordable and effective remedies, including judicial remedies and adequate reparation.⁵²

B. Rights of specific persons or groups

1. Women

41. The Committee on Economic, Social and Cultural Rights expressed concern that gender disparities persisted, especially in relation to employment, the gender wage gap, housing and access to higher education. Rural women continued to be disadvantaged, in particular with regard to land tenure and access to education, health care and employment. Gender role stereotypes persisted and women's representation in the judiciary and in senior public administration and political leadership positions remained unsatisfactory.⁵³

42. The Committee on the Elimination of Discrimination against Women expressed concern that the stated objective of the Anti-Domestic Violence Law was harmonious relations between family members rather than the security of women and family members,

and that a small percentage of all domestic violence reported to the police resulted in restraining orders, endangering the security of women and the family.⁵⁴

43. The same Committee expressed concern about the high number of women in detention, including in extralegal detention facilities and so-called “re-education” camps, where they were at risk of gender-based violence, torture and abuse, as well as about the continued existence of unregulated detention facilities, known as “black jails”, where women were allegedly detained.⁵⁵

44. The same Committee also expressed concern that disadvantaged groups of women, such as women with disabilities, lesbian, bisexual, transgender and intersex, Tibetan and Uighur women and women from the Democratic People’s Republic of Korea, faced economic and linguistic barriers, as well as intersecting forms of discrimination, in accessing justice.⁵⁶

45. The same Committee further expressed concern that women represented only 26.54 per cent of deputies to the fourteenth National People’s Congress, and that, since October 2022, there had been no women at the highest executive level.⁵⁷

2. Children

46. The Committee on the Rights of Persons with Disabilities recommended that China develop strategies to ensure the participation of children with disabilities in consultation processes for the implementation of the Convention on the Rights of Persons with Disabilities that were inclusive, child-friendly, transparent and respectful of their rights to freedom of expression and thought.⁵⁸

47. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that China consider including “nationality or other status” in the non-discrimination principle under the Law on the Protection of Minors to ensure access by refugee and asylum-seeking children to compulsory education and to facilitate their access to higher education, including vocational training.⁵⁹

3. Older persons

48. The Independent Expert on older persons encouraged China to consider establishing an independent national equality body to monitor and report on discrimination issues, including discrimination against older persons or ageism.⁶⁰

49. The Independent Expert stressed that in view of a general tendency towards the underreporting of cases of violence and abuse involving older persons, disseminating information to older persons about their rights was essential in encouraging them to disclose any abusive experiences.⁶¹

50. The Independent Expert called for further action to ensure that older persons, in particular older women and older persons with disabilities, enjoyed an adequate standard of living and had access to basic services, especially in rural areas.⁶²

51. The Independent Expert highlighted the importance of providing for an adequate framework and forum dedicated to addressing key questions on the challenges and good practices related to how digital technology could serve older persons in terms of systems, services, content, applications and other products, while safeguarding their dignity and the enjoyment of all their human rights.⁶³

4. Persons with disabilities

52. The Committee on the Rights of Persons with Disabilities recommended that China adopt a unified concept of disability in all professional and legal areas that was aligned with the purpose and principles of the Convention on the Rights of Persons with Disabilities and covered all persons with disabilities, including women and children with disabilities.⁶⁴

53. The same Committee recommended that China include the provision of reasonable accommodation in all relevant laws and policies and adopt procedures and standards on implementation, including the duty to negotiate accommodations with applicant(s) requesting such accommodation, and access to action and remedy.⁶⁵

54. The same Committee expressed concern about the lack of action taken to prevent the neglect, abandonment and starvation threatening the lives of persons with disabilities, particularly children with disabilities, and reported cases of the termination or withdrawal of medical treatment without the consent of the person concerned.⁶⁶

55. The same Committee also expressed concern about the use of forced medical procedures and treatment, chemical, physical and mechanical restraints, and isolation and seclusion in prisons, residential care facilities and psychiatric institutions, as well as about the alleged use of coercive measures on persons with disabilities in institutions, in particular the shackling of persons with intellectual and/or psychosocial disabilities.⁶⁷

56. The same Committee recommended that China introduce legislation containing an enforceable right to inclusive education and develop a comprehensive action plan for implementing high-quality inclusive education for all children with disabilities, including those with intellectual and/or psychosocial disabilities, with specific targets, time frames and budgets, the transfer of resources from special schools, and inclusive education curricula.⁶⁸

5. Minorities

57. The Committee on the Elimination of Racial Discrimination recommended that China ensure the official recognition of all ethnic groups in its territory and the political representation of persons belonging to those groups.⁶⁹

58. The same Committee expressed concern that recent efforts to reform the *hukou* system had not made substantial positive changes for many rural migrants, including members of ethnic minorities, recommending that China ensure that reforms to the *hukou* system allowed internal migrants, in particular members of ethnic minorities, to enjoy the same work and social security, health and education benefits as long-time urban residents.⁷⁰

59. The same Committee also expressed concern that Tibetans were subjected to significant restrictions on movement within and beyond the Tibet Autonomous Region, that the issuance of passports for foreign travel was almost entirely banned, that Tibetan language teaching in schools had not been placed on an equal footing in law, policy and practice with Chinese and that it had been significantly restricted, that Tibetan language advocacy had been punished, and that Tibetans did not have access to Tibetan-language translations during court proceedings, which were held in Mandarin.⁷¹

60. Some special procedure mandate holders stated that the Government of China must provide information about nine Tibetan environmental human rights defenders serving prison sentences of up to 11 years. Between 2010 and 2019, nine Tibetan human rights defenders had been imprisoned in the course of their peaceful work to protect fragile environments. The special procedure mandate holders urged the Government to provide details on why and where they were being held and on their state of health, to provide them with adequate medical care and to permit their families access to visit them.⁷²

61. Some special procedure mandate holders and the Committee on the Elimination of Discrimination against Women expressed concern about allegations that so-called “labour transfer” and “vocational training” programmes in the Tibet Autonomous Region were being used as a pretext to undermine Tibetan religious, linguistic and cultural identity, and to monitor and politically indoctrinate Tibetans, and warned that such programmes could lead to situations of forced labour.⁷³

62. OHCHR stated that serious human rights violations had been committed in the Xinjiang Uighur Autonomous Region in the context of the Government’s application of counter-terrorism and counter-“extremism” strategies. The implementation of those strategies and associated policies had led to interlocking patterns of severe and undue restrictions on a wide range of human rights, which were characterized by a discriminatory component, as the underlying acts often directly or indirectly affected Uighur and other predominantly Muslim communities.⁷⁴ The Committee on the Elimination of Racial Discrimination expressed similar concerns.⁷⁵

63. OHCHR recommended that China take prompt steps to release all individuals arbitrarily deprived of their liberty in the Xinjiang Uighur Autonomous Region, whether in “vocational education and training centres”, prisons or other detention facilities; urgently

clarify the whereabouts of individuals whose families had been seeking information about their loved ones, including by providing details of their exact locations and establishing safe channels of communication and travel enabling families to reunite; undertake a full review of the legal framework governing national security, counter-terrorism and minority rights to ensure their compliance with binding international human rights law, and urgently repeal all discriminatory laws, policies and practices against Uighur and other predominantly Muslim minorities, in particular those that had led to serious human rights violations; promptly investigate allegations of human rights violations in “vocational education and training centres” and other detention facilities, including allegations of torture, sexual violence, ill-treatment, forced medical treatment, as well as forced labour and reports of deaths in custody; ensure that surveillance, both online and offline, complied with strict tests of legality, necessity and proportionality, including for matters of national security, and did not infringe on fundamental rights and freedoms of individuals; provide adequate remedy and reparation to victims of human rights violations; clarify the reports of destruction of mosques, shrines and cemeteries by providing data and information and suspend all such activities in the meantime; and continue engagement with OHCHR to enable further assessment of the situation, and facilitate further visits by OHCHR and technical exchanges on human rights issues in the Xinjiang Uighur Autonomous Region, in follow-up to the High Commissioner’s visit.⁷⁶ The Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women made similar recommendations.⁷⁷

64. The Committee on Economic, Social and Cultural Rights expressed concern about the discriminatory character of severe, systematic, vast and undue restrictions on a wide range of economic, social and cultural human rights, as well as the targeting of predominantly Uighur, Kazakh, Kyrgyz, Hui and Turkic-speaking peoples, as well as other ethnic Muslim communities, in the Xinjiang Uighur Autonomous Region.⁷⁸

65. The Committee on the Elimination of Racial Discrimination expressed concern that, despite the increase in health-care funding and service provision in ethnic minority areas, certain ethnic minority groups had poorer access to health care, including prenatal care.⁷⁹ It also expressed concern that ethnic minority children living in rural areas had unequal access to quality education owing to various factors, including long distances from homes to schools.⁸⁰

6. Lesbian, gay, bisexual, transgender and intersex persons

66. The Committee on the Elimination of Discrimination against Women expressed concern that lesbian, bisexual, transgender and intersex women faced high levels of gender-based violence, stigmatization and intersecting forms of discrimination, including in accessing education, employment and health services. It also expressed concern about the lack of legislation specifically prohibiting discrimination against lesbian, bisexual, transgender and intersex women.⁸¹

7. Refugees and asylum-seekers

67. The Committee on the Elimination of Racial Discrimination reiterated its concern that asylum-seekers from the Democratic People’s Republic of Korea continued to be forcibly returned despite credible claims for non-refoulement protection; and that many of their Chinese-born children were stateless and did not enjoy public education or other services because their parents feared facing refoulement upon registration of the births.⁸² UNHCR recommended that China ensure that persons of all nationalities, including those from the Democratic People’s Republic of Korea seeking asylum in China, could have access to asylum procedures; and take all measures to ensure viable and effective humanitarian space for those asylum-seekers from the Democratic People’s Republic of Korea who might be determined to be in need of international protection, including issuing them with identification and documentation to legally reside in China.⁸³

8. Stateless persons

68. The Committee on the Elimination of Discrimination against Women recommended that China ensure that all women, including refugee, asylum-seeking and migrant women, had access to civil registration procedures and basic services, that passports were not

confiscated on the basis of ethnic minority status and that national security legislation was not arbitrarily used to do so.⁸⁴

C. Specific regions or territories

69. The Human Rights Committee expressed deep concern that the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law) prevailed over other local laws in case of conflicts and consequently overrode fundamental rights and freedoms protected by the International Covenant on Civil and Political Rights.⁸⁵ The Human Rights Committee and the Committee on the Rights of Persons with Disabilities urged Hong Kong, China to urgently repeal and independently review the National Security Law, and to take prompt action to release human rights defenders with disabilities who had been arbitrarily deprived of their liberty under charges of terrorism and subversion of national security.⁸⁶

70. The Human Rights Committee recommended that Hong Kong, China take concrete measures to eradicate torture and ill-treatment, in particular by ensuring that all persons deprived of their liberty had access to an independent and effective complaints mechanism without fear of reprisal, and by ensuring that all allegations of torture and ill-treatment were promptly, thoroughly and effectively investigated, that perpetrators were prosecuted and, if convicted, punished appropriately, and that victims received full reparation.⁸⁷

71. The same Committee also recommended that Hong Kong, China take all measures necessary to strengthen the independence of the judiciary and protect the judiciary from any form of interference; respect and protect the right to a fair trial without discrimination based on political opinion or other grounds; and take the measures necessary to protect lawyers, particularly those who represented opposition figures or protesters and requested judicial reviews, from harassment, intimidation and attacks and ensure that all such allegations were promptly, independently and thoroughly investigated, that perpetrators were prosecuted and, if found guilty, punished with appropriate sanctions, and that victims had access to effective remedies.⁸⁸

72. The Committee expressed concern that academics, journalists and civil society representatives had been arrested and charged with seditious offences for having legitimately exercised their right to freedom of speech, for example by chanting slogans in public, clapping in courts and expressing criticism of government activities.⁸⁹

73. The Committee recommended that Hong Kong, China refrain from taking any action that was likely to curb the exercise of freedom of association, and ensure a safe environment for the activities of civil society organizations, including trade unions and student unions; and ensure that members and representatives of civil society organizations were not charged under the National Security Law or victimized in any other way as a result of their engagement with international human rights mechanisms.⁹⁰

74. The Committee expressed deep concern about the excessive and indiscriminate use of less-lethal weapons and chemical substances, including rubber pellets, sponge bullets, tear gas and water cannons containing chemical irritants, against unarmed protesters, including pregnant women, bystanders, commuters and journalists, during protests from July to November 2019.⁹¹

75. The Committee recommended that Hong Kong, China take concrete steps, with a clear timeline, to introduce universal suffrage and reform the electoral system, by: increasing the number of seats directly elected by public voters in the Election Committee and the Legislative Council; introducing public voting for the election of the Chief Executive; revising candidate eligibility criteria to ensure diversity among candidates; and reviewing the criteria for and process of disqualification, and repealing discriminatory criteria.⁹²

76. The Committee also recommended that Hong Kong, China strengthen the capacity, mandate and powers of the Office of the Privacy Commissioner for Personal Data to carry out independent and effective oversight of surveillance activities and interference with privacy, and ensure access to effective remedies in cases of abuse; and ensure that the data collected through the digital applications used in the context of the COVID-19 response were

used strictly for specific and legitimate objectives and were deleted when such objectives had been met.⁹³

77. The Committee on Economic, Social and Cultural Rights recommended that Hong Kong, China expand the scope of rental housing subsidies to low-income households, consider increasing the financing of public housing construction projects, and lower the threshold for financial eligibility for public housing.⁹⁴ It also recommended that Hong Kong, China earmark funding to improve mental health-care services at both the preventive and the curative levels.⁹⁵

78. The Committee on the Elimination of Discrimination against Women recommended that Hong Kong, China strengthen legal safeguards to protect women migrant domestic workers from discrimination and abuse by employers and recruitment and placement agencies, including by increasing labour inspections to private households, and effectively investigate and punish exploitative and abusive practices of employers.⁹⁶

79. The Human Rights Committee recommended that Macao, China take the steps necessary to establish an effective and independent complaints mechanism to receive, handle and investigate allegations of torture and ill-treatment, lodged without fear of reprisals, in all places of deprivation of liberty, including psychiatric institutions.⁹⁷

80. The same Committee recommended that Macao, China ensure that its regulations governing data retention and access, surveillance, including mass surveillance through the public closed-circuit television system, and interception activities, including the draft legislation on wiretapping, were in conformity with the International Covenant on Civil and Political Rights.⁹⁸

81. The Committee on Economic, Social and Cultural Rights recommended that Macao, China pass legislation to regulate the right to form and join trade unions and the right to strike; and take all necessary measures to ensure that workers enjoyed their trade union rights without undue restrictions or interference.⁹⁹

Notes

- 1 [A/HRC/40/6](#), [A/HRC/40/6/Add.1](#) and [A/HRC/40/2](#).
- 2 [A/HRC/45/14/Add.1](#), para. 70.
- 3 [CERD/C/CHN/CO/14-17](#), para. 55. See also OHCHR, “OHCHR assessment of human rights concerns in the Xinjiang Uighur Autonomous Region, People’s Republic of China”, 31 August 2022, para. 151 (xi).
- 4 [E/C.12/CHN/CO/3](#), para. 154.
- 5 [CERD/C/CHN/CO/14-17](#), para. 59.
- 6 [CEDAW/C/CHN/CO/9](#), para. 12 (c).
- 7 [CRPD/C/CHN/CO/2-3](#), para. 5.
- 8 OHCHR, “OHCHR assessment of human rights concerns in the Xinjiang Uighur Autonomous Region, People’s Republic of China”, para. 151.
- 9 [E/C.12/CHN/CO/3](#), para. 6 (a).
- 10 [CEDAW/C/CHN/CO/9](#), paras. 11 and 12 (a) and (b).
- 11 *Ibid.*, para. 38 (a).
- 12 UNESCO submission for the universal periodic review of China, para. 18 (i).
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- 23 CERD/C/CHN/CO/14-17, para. 37. See also https://www.ilo.org/dyn/normlex/en/f?p=1000:13203:0::NO:13203:P13203_COUNTRY_ID:103404.
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- 25 CERD/C/CHN/CO/14-17, para. 16 (d).
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- 27 UNESCO submission, para. 19.
- 28 CRPD/C/CHN/CO/2-3, para. 45.
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- 58 CRPD/C/CHN/CO/2-3, para. 19.
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- 61 Ibid., para. 79.
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- ⁷⁴ OHCHR, “OHCHR assessment of human rights concerns in the Xinjiang Uighur Autonomous Region, People’s Republic of China”, para. 143.
- ⁷⁵ [CEDAW/C/CHN/CO/14-17](#), paras. 40–42..
- ⁷⁶ OHCHR, “OHCHR assessment of human rights concerns in the Xinjiang Uighur Autonomous Region, People’s Republic of China”, para. 151.
- ⁷⁷ [CEDAW/C/CHN/CO/14-17](#), para. 42; and [CEDAW/C/CHN/CO/9](#), paras. 43 (d) and 44 (d). See also [E/C.12/CHN/CO/3](#), paras. 70 and 71; and [A/HRC/51/26](#), paras. 23 and 24.
- ⁷⁸ [E/C.12/CHN/CO/3](#), paras. 35 and 36. See also [CEDAW/C/CHN/CO/9](#), para. 41 (g).
- ⁷⁹ [CEDAW/C/CHN/CO/14-17](#), para. 28.
- ⁸⁰ *Ibid.*, para. 23.
- ⁸¹ [CEDAW/C/CHN/CO/9](#), paras. 55 and 56. See also [E/C.12/CHN/CO/3](#), para. 34.
- ⁸² [CEDAW/C/CHN/CO/14-17](#), paras. 51 and 52.
- ⁸³ UNHCR submission, pp. 5 and 6.
- ⁸⁴ [CEDAW/C/CHN/CO/9](#), para. 38 (b).
- ⁸⁵ [CCPR/C/CHN-HKG/CO/4](#), paras. 4, 13 and 14.
- ⁸⁶ *Ibid.*, para. 5; and [CRPD/C/CHN/CO/2-3](#), para. 74. See also <https://www.ohchr.org/en/press-releases/2023/10/chinahong-kong-sar-un-experts-concerned-about-ongoing-trials-and-arrest>.
- ⁸⁷ [CCPR/C/CHN-HKG/CO/4](#), paras. 23 and 24.
- ⁸⁸ *Ibid.*, paras. 33–38. See also [E/C.12/CHN/CO/3](#), paras. 100 and 101.
- ⁸⁹ [CCPR/C/CHN-HKG/CO/4](#), paras. 15 and 16.
- ⁹⁰ *Ibid.*, paras. 49 and 50. See also [E/C.12/CHN/CO/3](#), paras. 114 and 115.
- ⁹¹ [CCPR/C/CHN-HKG/CO/4](#), paras. 19, 20 and 45–48. See also [CRPD/C/CHN/CO/2-3](#), para. 70.
- ⁹² [CCPR/C/CHN-HKG/CO/4](#), paras. 51 and 52.
- ⁹³ *Ibid.*, paras. 39 and 40.
- ⁹⁴ [E/C.12/CHN/CO/3](#), paras. 120 and 121.
- ⁹⁵ *Ibid.*, paras. 122–125.
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- ⁹⁷ [CCPR/C/CHN-MAC/CO/2](#), paras. 18–21.
- ⁹⁸ *Ibid.*, paras. 32 and 33.
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