Information group on crimes against the person
(IGCP)
35 Gagarinskiy s-str, off 8,
Moscow, Russia 119002
Email: igcpua@gmail.com
Web: https://fordemocracy.ru/

Fulfilment by the People's Republic of China of its commitments to protecting human rights

Report of the International Information Group on Crimes Against the Person (IGCP)

Within the framework of the 4-th cycle of the Universal Periodic Review China

Moscow 2023

Preamble

The Information Group on Crimes Against the Person (IGCP) is *an independent human rights organization dedicated to protecting fundamental human rights worldwide. Since its creation in 2014, the IGCP has been an active participant in international human rights forums, where it advocates for the inalienable rights of people in Eastern Europe and other regions of the world.*

Report

The final documents of the 3rd cycle of the Universal Periodic Review contain recommendations from the People's Republic of China to develop a system for protecting the fundamental, inalienable rights of citizens

In particular, the Report of the Working Group on the Universal Periodic Review of 26 December 2018 contains the following recommendations:

28.33 *Continue to promote discussions in the Human Rights Council on the role of development in promoting and protecting human rights (Pakistan);* 28.46 *Continue its efforts in providing technical assistance in the field of human rights to interested States (Russian Federation);* 28.56 *Keep improving its legal system for the protection of human rights and effectively improve judicial guarantees for human rights (Nigeria);* 28.65 *Continue to improve its system of legislative protection of human rights in accordance with its international obligations (Russian Federation)*;

We are pleased to note that the People's Republic of China has achieved great success in the field of protecting fundamental inalienable human rights.

We can highlight the following achievements:

1. Stating the leading role of human rights in the main documents of the country

The principle of respect for and protection of human rights is enshrined in the Constitution of the People's Republic of China. The issues of the need to improve the system for protection of human rights are reflected in the wording of the Development Roadmaps. Over

the past 10 years, the Chinese government has formulated dozens of policy documents regarding people's rights to existence and development in many areas. These include the Outline for Development-driven Poverty Alleviation in Rural Areas (2011-2020), Healthy China 2030 Plan, National Plan for Medium- and Long-Term Education Reform and Development Program (2010-2020), the 13th five-year Plan for Development of Human Resources and Social Welfare Activities, China's Environmental Protection Plan, Ethnic Minority Development Plan during the 13th five-year period, China National Programme for Women's Development (2011-2020), China's National Programme for Child Development (2011-2020), Chinese Plan for the Development of Elderly Care System, Development Plan for People with Disabilities in the 13th five-year period, and Rural Revitalization Strategic Plan (2018-2022). China has also developed a number of institutions and measures to protect the civil and political rights of citizens, in particular the personal rights of citizens, their rights to a fair trial, freedom of religion, the rights to be informed, participate and be heard, and the right to supervision.

2. Improving the legislative framework for the protection of rights

As of April 2021, there were 277 laws in force in China, including the Constitution and related laws, civil and commercial law, administrative law, economic law, social law, criminal law, and procedural law relating to litigation and non-judicial action. The Civil Code plays an important role in the equal protection of human rights and in advancing the cause of protecting human rights in areas such as life and health, property, human welfare and human dignity. The Law on the Promotion of Basic Medical and Health Care, the Food Safety Law, the Law on Prevention and Treatment of Infectious Diseases, and the Law on Physical Culture and Sports include provisions to protect citizens' rights to life and health. The Criminal Law and the Criminal Procedure Law provide for the principles of legality, the presumption of innocence and the exclusion of evidence obtained illegally, expressly prohibiting forced confessions. The Legislation Law, the Administrative Coercion Law and the Law on Administrative Penalty follow the principle of strict limitation of any coercive measures and punishments affecting personal freedom to the exact scope of the relevant laws. The Electoral Law, the Labour Law and the Education Law included the rights of citizens to vote, be elected, work and have access to education in the system of protection.

3. Improving the judicial system, increasing its transparency and openness

We should note the improvement in the efficiency of the Chinese judicial system and increase in the level of its humanity and openness.

China has improved the distribution of judicial powers and responsibilities to ensure the independent and impartial exercise of the judiciary authority and the prosecutors' powers.

China has strictly implemented a case record system across the board to fully protect the right of citizens to go to court. The judiciary authority continues to combine punishment and leniency in criminal cases and apply appropriate penalties in accordance with the law. It improved criminal justice and standardized a system of leniency for suspects and defendants who confessed to their crimes. China has improved the expedited sentencing procedure for criminal cases and further separated simple and complex cases to quickly punish the perpetrators in compliance with the law and protect human rights. In 2020, 87 % of criminal cases received leniency after the defendants pleaded guilty. China has amended the Civil Procedure Law and improved the civil evidence system to ensure more effective dispute resolution. The separation of simple and complex civil cases was tested in 305 courts in 20 cities of 15 provinces. The State has strengthened judicial protection of the public interest and has improved the system by which prosecutors can bring public interest lawsuits to court. It amended the Administrative Procedure Law, strengthened the protection of the legitimate rights and interests of any person subjected to an administrative claim, and issued rules stipulating that the person in charge of an administrative agency must appear in court if a lawsuit is filed against the agency.

The judicial activity is becoming more open to increase the transparency of the legal system. China has upgraded platforms for disseminating information about judicial procedures, trials, written judgments, and enforcement of judgments. It continues to improve the service of the China Prosecution Network and the China Prosecution Hearing Network. As of April 2021, over 119 million judgments have been posted on China Judgments Online, attracting 60.7 billion visits. Approximately 12.7 million trials were broadcast live. China has strengthened the supervision over judicial activities, criminal and civil administrative proceedings, and exercised supervision over judicial proceedings in the public interest. It introduced the People's Jury Law, improved the people's jury system, and deepened the reform of the people's guard system.

We should also note that China is very cautious about the use of the death penalty, and the number of crimes punishable by death has significantly decreased.

Recommendations

The successes achieved by the PRC in protecting the fundamental inalienable human rights show the correctness of the chosen course for the development of China as a legal social state.

At the same time, we can identify a number of problems that require further efforts to solve them.

1. Expanding the system of legal protection and legal education for citizens, including in remote regions.

2. Improving the work of mechanisms for protecting the workers' rights, including in enterprises with a high share of foreign capital.

3. Strengthening control over cases of rendering the death sentence and work to reduce the use of the death penalty.

In this regard, we welcome China's Human Rights Action Plan (2021-2025) adopted by the State Council of the People's Republic of China and look forward to its successful

implementation.