



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: CAT/Follow-up

20 August 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the fifth periodic report of China, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 56th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/CHN/CO/5, para. 61) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 13, 19, 23 and 31 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 24 January 2017 providing your Government's response on the above-mentioned paragraphs (CAT/C/CHN/CO/5), and to make the following comments:

Restrictions to the rights to access a lawyer and to give notification of custody (para. 13)

While the Committee appreciates the thorough and extensive information provided by the State party on provisions in existing laws, it considers that it does not fully address its recommendations, including those related to: the right of detained persons to meet with a lawyer from the very outset of detention; and, the right to contact a family member or a person of their choice in order to inform them about his or her detention and whereabouts. The Committee would also appreciate receiving additional information about the results of monitoring of compliance in practice with fundamental safeguards (2/B2).

.../...

H. E. Mr. Jianhua Yu
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Reported crackdown on defense lawyers and activists (para. 19)

The Committee appreciates the information provided by the State party, including on the reforms introduced in 2016 by the Party Central Committee and the State Council's Opinion on the strengthening of the reform of the Bar. However, it remains concerned at reports indicating the continuation of abuses and harassment of lawyers for carrying out their professional responsibilities. In this respect, the Committee regrets the absence of information regarding steps taken to ensure the prompt, thorough and impartial investigation of all alleged human rights violations perpetrated against lawyers. (2/C).

Independence of the investigations of torture allegations (para. 23)

The Committee appreciates the clarifications provided by the State party on the functions of the people's procuratorates, but remains concerned at the lack of an independent oversight mechanism to ensure prompt, impartial and effective investigation into all allegations of torture and ill-treatment (1/C).

State secrets provisions and lack of data (para. 31)

The Committee notes with appreciation the State party's commitment to improve its capacity and level of production of statistical data. Nevertheless, the Committee reiterates its call for the declassification of information related to torture, information on the whereabouts and the state of health of detained persons whose cases fall under the scope of the State Secrets Law. The Committee also requested information on: the numbers of deaths in custody; the total number of persons deprived of their liberty; allegations of torture and ill-treatment; subsequent investigations; the number of cases of administrative detention; and, on the implementation of the death penalty (1/C).

Implementation plan (para. 61)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of China is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the fifth periodic report of China.



The Committee looks forward to a continued constructive dialogue with the authorities of China on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture