

Annex C – Selected State Secrets Regulations¹ on Relevant Data

The chart below sets out the information related to the Committee’s review of the State Party and the corresponding State Secrets Regulations that designate such information as state secrets or as internal (*neibu*) information.

NOTE: The below provisions were advanced to implement the Law on the Protection of State Secrets of the People’s Republic of China (promulgated September 5, 1988, effective May 1, 1989). This Law was revised on April 29, 2010 (the revision went effective October 1, 2010), which primarily expanded the scope of state secrets to incorporate information stored, transferred and accessed online. Though new draft Implementation Regulations that will help to guide specific state secrets classifications by relevant central organs were opened for comment up until June 15, 2012, final Regulations have not yet been issued publicly. Based on the 2010 revision and the draft Implementation Regulations, the below provisions may modified as situations change, and most importantly, those specific state secrets classification regulations themselves are classified as state secrets. Therefore, the current status of the below provisions are unclear and should be clarified with the State party.

Committee’s Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
58. The Committee urges the State party to adopt legislation that specifically criminalizes the trafficking of human beings and to establish mechanisms to effectively monitor its	<i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Women’s Work</i> [妇女工作中国家秘密及其密级具体范围的规定]. ²	“Secret” <ul style="list-style-type: none"> Article 3.2.4. Compiled data at the provincial level and higher regarding the trafficking of women and children.

¹ A comprehensive version of the regulations as of 1999 in Chinese is available in “Li Zhidong, ed. *Compendium of Laws of the People’s Republic of China on the Protection of State Secrets.*” Changchun: Jilin People’s Press, 1999. The provisions referenced in this chart are available in both Chinese and English, in “*HRIC: State Secrets: China’s Legal Labyrinth*” at: http://www.hrichina.org/sites/default/files/oldsite/PDFs/State-Secrets-Report/HRIC_StateSecrets_02.pdf. As of March 28, 2013, updated versions of these regulations are not accessible online.

² *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Women’s Work*** [妇女工作中国家秘密及其密级具体范围的规定]. Jointly issued by All-China Women’s Federation and National Administration for the Protection of State Secrets [中华全国妇女联合会、国家保密局], April 24, 1991.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
<p>strict enforcement and provide protection and assistance to victims of sexual exploitation....[and] to provide detailed information, including comparable statistical data, on the extent of the problem of sexual exploitation of women and children in the State party, including prostitution, sale and trafficking in persons.</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Security Work</i> [公安工作中国家秘密秘密及其密级具体范围的规定].³</p>	<p>“Neibu”</p> <ul style="list-style-type: none"> Article 3.5. Figures on cases of kidnapping and trafficking in humans and figures on those kidnapped or sold; cases involving the kidnapping and trafficking of women belonging to ethnic minorities or women from outside the country; cases of kidnapping and trafficking in humans that seriously threaten the safety of the public; and specific details of cases of gathering crowds to obstruct the rescue of women or children that are in danger of being harmed.
<p>65. The Committee urges the State party to undertake effective measures to ensure that abortions are carried out voluntarily and under adequate medical and sanitary conditions and to ensure that the existing legislation governing the one-child policy does not violate the rights enshrined in article 10 of the Covenant. The Committee requests the State party to provide information in its next periodic report in this regard, including information on women belonging to ethnic minority groups.</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Family Planning Work</i> [计划生育工作中国家秘密及其密级具体范围的规定]⁴</p>	<p>“Highly Secret”</p> <ul style="list-style-type: none"> Article 3.1.2. Statistics from family planning departments at the national level and at the level of province, autonomous region, directly-administered municipality or planned city on the number of deaths resulting from problems with surgical birth control procedures or family planning. Article 3.1.3. Statics from family planning departments at the national level and at the level of province, autonomous region, directly-administered municipality or planned city regarding the number of induced abortions. <p>“Secret”</p> <ul style="list-style-type: none"> Article 3.2.1. Statistics from family planning departments at the national level and at the level of province, autonomous region, directly-administered municipality or planned city on the number of deaths resulting from problems with surgical birth control procedures or family planning. Article 3.2.2. Statistics from family planning departments at the

³ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Security Work* [公安工作中国家秘密秘密及其密级具体范围的规定]. Jointly issued by Ministry of Public Security and National Administration for the Protection of State Secrets [公安部、国家保密局], March 28, 1995. The full text of the 1995 version of regulations in Chinese, see http://florasapio.blogspot.com/2012/04/blog-post_16.html.

⁴ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Family Planning Work* [计划生育工作中国家秘密及其密级具体范围的规定]. Jointly issued by State Family Planning Commission (now National Health and Family Planning Commission) and National Administration for the Protection of State Secrets [国家计划生育委员会（国家卫生和计划生育委员会）、国家保密局], first promulgated and effective July 28, 1989, the 1995 version was promulgated on May 16, 1995 and effective July 1, 1995.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
		<p>prefectural level on the number of induced abortions.</p> <ul style="list-style-type: none"> • Article 3.2.3. Statistics on infanticide and child abandonment at the county level and higher during specific periods of investigation by relevant departments. <p><i>“Neibu”</i></p> <ul style="list-style-type: none"> • Article 5.1. Statistics from family planning departments at the county level on the number of deaths resulting from problems with surgical birth control procedures or family planning. • Article 5.2. Statistics from family planning departments at the county level on the number of induced abortions. • Article 5.3. Statistics on infanticide and child abandonment at the township level during specific periods of investigation by relevant units. • Article 5.4. Statistics from family planning departments at the county level and higher on the gender and sex ratio of second and third-born children. • Article 5.5. Cases of deaths or disabilities resulting from problems with surgical birth control procedures of family planning. Article 5.6. Collective disturbances or incidents that occurred as a result of using overly crude or brutal methods in family planning work. • Article 5.7. Incidents of cruel treatment of family planning officers that occurred while they were fulfilling their family planning duties according to law, or incidents of cruel treatment to their families or serious damage to their property or belongings.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Health Work</i> [卫生工作中国家秘密及其密级具体范围的规定]⁵.</p>	<p>“Highly Secret”</p> <ul style="list-style-type: none"> Article 3.2.10. The Statics from public health departments at the national level and at the level of province, autonomous region, directly-administered municipality or planned city regarding the number of induced abortions.⁶ <p>“ Secret”</p> <ul style="list-style-type: none"> Article 3.3.5. Statistics from public health departments at the prefectural level on the number of induced abortions.⁷
<p>45. ... the Committee urges the State party to ensure that its asylum procedures do not discriminate, in purpose or in effect, against asylum-seekers on the basis of race, colour or ethnic or national origin, as provided for under article 2, paragraph 2, of the Covenant. The Committee recommends that the State party consider adopting subsidiary forms of protection to guarantee the right to</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Civil Affairs Work</i> [民政工作中国家秘密及其密级具体范围的规定].⁸</p>	<p>“Secret”</p> <ul style="list-style-type: none"> Article 3.3.6. Polices on handling problems with refugees from abroad China.

⁵ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Public Health Work*** [卫生工作中国家秘密及其密级具体范围的规定]. Jointly issued by Ministry of Health and National Administration for the Protection of State Secrets [卫生部、国家保密局], first promulgated March 15, 1990, the 1996 version was promulgated and effective January 23, 1996.

⁶ *Notice on Adjusting Several Provisions on the Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Public Health Work*** [卫生部、国家保密局关于调整《卫生工作中国家秘密及其密级具体范围的规定》有关条款的通知]. Jointly issued by Ministry of Health and National Administration for the Protection of State Secrets on November 8, 1997.

⁷ *Notice on Adjusting Several Provisions on the Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Public Health Work*** [卫生部、国家保密局关于调整《卫生工作中国家秘密及其密级具体范围的规定》有关条款的通知]. Jointly issued by Ministry of Health and National Administration for the Protection of State Secrets on November 8, 1997.

⁸ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Civil Affairs Work*** [民政工作中国家秘密及其密级具体范围的规定]. Jointly issued by Ministry of Civil Affairs and National Administration for the Protection of State Secrets [民政部、国家保密局], February 29, 2000. The full text of the 2000 version in Chinese, see <http://smzj.hefei.gov.cn/n7216006/n7321984/n7327656/n7328177/7477575.html>.

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<p>remain for persons who are not formally recognized as refugees but are seeking asylum and nevertheless require protection during that period, and granting the United Nations High Commissioner for Refugees and humanitarian organizations access to them. The Committee requests the State party to provide, in its next periodic report, detailed information in this regard, including measurable progress achieved as well as difficulties encountered.</p>		
<p>47. ...The Committee request the State party to provide detailed information in its second periodic report on the measures undertaken with regard to persons with physical and mental disabilities.</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Civil Affairs Work</i> <i>[民政工作中国家秘密及其密级具体范围的规定].⁹</i></p>	<p>“Secret”</p> <ul style="list-style-type: none"> Article 3.3.7. Materials compiled by the departments of Civil Affairs on disabled children and orphans adopted by national welfare agencies, child death rates, and information known by welfare agencies regarding abandoned children.

⁹ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Civil Affairs Work* [民政工作中国家秘密及其密级具体范围的规定].⁹ Jointly issued by Ministry of Civil Affairs and National Administration for the Protection of State Secrets [民政部、国家保密局], February 29, 2000. The full text of the 2000 version in Chinese, see <http://smzj.hefei.gov.cn/n7216006/n7321984/n7327656/n7328177/7477575.html>.

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<p>52. The Committee urges the State party, as a matter of priority, to strengthen its efforts to effectively enforce its legislation prohibiting unlawful employment of children. The Committee also urges the State party to make every effort, including the adoption of preventive measures, to ensure that those children who engage in labor do not work under conditions that are harmful to them. The Committee further encourage the State party to consider withdrawing the programme of "Diligent Work and Economical Study" (qinggongjianxue) from its school curriculum.</p> <p>48. The Committee calls upon the State party to undertake effective measures to ensure the equal right of men and</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Labor and Social Security Work</i> [劳动和社会保障工作中国家秘密及其密级具体范围的规定].¹⁰</p>	<p>"Highly Secret"</p> <ul style="list-style-type: none"> • Article 3.1.1. Undisclosed information and data on the handling of child labor cases nationwide. • Article 3.1.4. Compiled information on major incidents involving workers in enterprises nationwide, such as collective petitioning or strikes. • Article 3.1.5. Policies and plans to revise wages in enterprises at the national level, in all State Council departments, and at the level of province, autonomous region, and directly-administered municipality. <p>"Secret"</p> <ul style="list-style-type: none"> • Investigative materials and statistical data which reflect the macroscopic situation of wage distribution in enterprises nationwide. <p>"Neibu"</p> <ul style="list-style-type: none"> • Article 4.2. Statistical materials on labor protection at the national level, in all State Council departments, and at the level of province, autonomous region, and directly-administered municipalities. • Article 4.3. The total number of laid-off workers in state-owned enterprises.

¹⁰*Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Labor and Social Security Work* [劳动和社会保障工作中国家秘密及其密级具体范围的规定]. Jointly issued by Ministry of Labor and Social Security and National Administration for the Protection of State Secrets [劳动和社会保障部、国家保密局], January 27, 2000. The full text of the 2000 version in Chinese, see <http://www.docin.com/p-12224262.html>.

Committee’s Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
<p>women to enjoy economic, social and cultural rights as provided for in article 3 of the Covenant, including by implementing the principle of equal pay for work of equal value, eliminating wage gaps between men and women, and providing equal opportunities for both men and women</p> <p>50. The Committee recommends that the State party reinforce its programmes designed to reduce unemployment and, in this regard, to target on a priority basis the most affected groups and regions...”</p> <p>53. The Committee urges the State party to take immediate steps to ensure effective and equal application of its current labour legislation for the protection of the rights of all workers, including migrant workers, to just and favourable conditions of work as enshrined in article 7 of the Covenant. The Committee further recommends that the State party ensure the right to decent work and to provide sufficient resources to the labour inspectorate to enable regular and independent inspections of safety and health conditions in all sectors and to ensure</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Trade Union Work [工会工作中国家秘密及其密级具体范围的规定]¹¹.</i></p>	<p>“Highly Secret”</p> <ul style="list-style-type: none"> • Article 3.1.1. Compiled information and statistics held by the ACFTU concerning collective petitioning, strikes, marches, demonstrations and other major incidents involving workers. • Article 3.1.2. Information and investigative materials held by trade unions at the national level and in each province, autonomous region and directly-administered municipality concerning the activities of illegal labor organizations. <p>“Secret”</p> <ul style="list-style-type: none"> • Article 3.2.1. Compiled information and statistics held by trade unions in each province, autonomous region and directly-administered municipality regarding collective petitioning, strikes, marches, demonstrations and other major incidents involving workers. • Article 3.2.2. Undisclosed compiled information and statistical data held by the ACFTU that have not yet been made public concerning major dangerous accidents and occupational illness • Article 3.2.3. Compiled information and statistics held by the ACFTU concerning worker unemployment and the financial hardships of workers. <p>“Internal (Neibu)”</p> <ul style="list-style-type: none"> • Article 5.3. Information and materials that are part of an ongoing investigation or research that could be detrimental to the stability of workers. • Article 5.5. Details of current investigations concerning worker casualties.

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<p>that employers who fail to observe safety regulations are duly sanctioned.</p>		
<p>51. The Committee recommends that the State party abolish the use of forced labour as a corrective measure, and amend or repeal the relevant provisions of its legislation to bring them into line with the provisions of article 6 of the Covenant ...</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Security Work [公安工作中国家秘密秘密及其密级具体范围的规定].¹²</i></p>	<p>“Secret”</p> <ul style="list-style-type: none"> Article 2.3.2. Compiled information and statistics that have not yet been made public on criminals that have been arrested, captured, sent for reeducation-through-labor or juvenile rehabilitation, or taken in for shelter and investigation in any directly-administered municipality, autonomous region or province throughout the country.
	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Judicial Administration Work [司法行政工作中国家秘密秘密及其密级具体范围的规定].¹³</i></p>	<p>“Top Secret”</p> <ul style="list-style-type: none"> Article 2.1.1. Overall programs and plans for nationwide prison and reeducation-through-labor work. <p>“Highly Secret”</p> <ul style="list-style-type: none"> Article 2.2.1. Statistics nationwide and for any province, autonomous region or directly-administered municipality on the

¹¹ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Trade Union Work** [工会工作中国家秘密及其密级具体范围的规定].* Jointly issued by All-China Federation of Trade Unions (ACFTU) and National Administration for the Protection of State Secrets [全国总工会、国家保密局], promulgated May 27, 1996 and effective June 1, 1996.

¹² *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Public Security Work** [公安工作中国家秘密秘密及其密级具体范围的规定].* Jointly issued by Ministry of Public Security and National Administration for the Protection of State Secrets [公安部、国家保密局], March 28, 1995. The full text of the 1995 version of regulations in Chinese, see http://florasapio.blogspot.com/2012/04/blog-post_16.html.

¹³ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Judicial Administration Work** [司法行政工作中国家秘密秘密及其密级具体范围的规定].* Jointly issued by Ministry of Justice and National Administration for the Protection of State Secrets [司法部、国家保密局] promulgated August 31, 1995 and effective October 15, 1995.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
		<p>number of new prisoner executions and unusual deaths in prisons, juvenile detention facilities and reeducation-through-labor facilities.</p> <ul style="list-style-type: none"> Article 2.2.5. Counter measures that our country plans to adopt to deal with international human rights issues including prisoner reform, reform of reeducation-through-labor inmates, and crime prevention. <p>“ Secret”</p> <ul style="list-style-type: none"> Article 2.3.3. Statistics at the level of province, autonomous region directly-administered municipality or lower regarding the number of new prisoner executions and unusual deaths in prisons, juvenile detention facilities and reeducation-through-labor facilities.
<p>62. The Committee recommends that the State party undertake effective measures to guarantee access to safe drinking water to all persons under its jurisdiction.</p> <p>63. The Committee requests the State party to include, in its next periodic report, detailed information on environmental policies formulated by the State party, in particular, policies to reduce atmospheric pollution, and to evaluate the impact of large infrastructure development projects on the environment.</p>	<p><i>Regulation on the Specific Scope of States Secrets in Environmental Protection Work [环境保护工作中国家秘密秘密及其密级具体范围的规定]¹⁴</i></p>	<p>“Highly Secret”</p> <ul style="list-style-type: none"> Article 2.1.1. Information on environmental pollution that would, if disclosed, seriously affect social stability. <p>“Secret”</p> <ul style="list-style-type: none"> Article 2.2.1. Information on environmental pollution that would, if disclosed, affect social stability. Article 2.2.2. Information that would, if disclosed, create an unfavorable impression in our country's foreign affairs work.

¹⁴*Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Environmental Protection Work* [环境保护工作中国家秘密秘密及其密级具体范围的规定]. Jointly issued by Environmental Protection Bureau and National Administration for the Protection of State Secrets [国家环境保护局、国家保密局], December 28, 2004.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
<p>67. The Committee calls upon the State party to provide, in its next periodic report, detailed information, including disaggregated comparative statistics, to evaluate progress made and obstacles encountered in the implementation of all the provisions of the Covenant in the ethnic minority regions, including in XUAR and TAR.</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Religious Work</i> [宗教工作中国家秘密秘密及其密级具体范围的规定].¹⁵</p>	<p>“Top Secret”</p> <ul style="list-style-type: none"> • Article 3.1.1. Strategies and measures for handling major public order emergencies involving religious matters. • Article 3.1.2. Strategies under consideration for handling criminal activities involving the use of religion to carry out political infiltration or to engage in serious violations of the law. <p>“Highly Secret”</p> <ul style="list-style-type: none"> • Article 3.2.1. Analyses of religious developments and situations, as well as important guiding principles and strategies under consideration for dealing with them. <p>“Secret”</p> <ul style="list-style-type: none"> • Article 3.3.1. Important issues reflected during the implementation of religious policies. <p>“Neibu”</p> <ul style="list-style-type: none"> • Article 4.4. The reactions, opinions and recommendations of representatives of religious groups regarding guiding principles, policies and important decisions contained in proposals on religious matters. • Article 4.8. Drafts of laws and regulations on religion. • Article 4.9. The contents of meetings held by government organs that should not be disclosed to the public.
	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Ethnic Work</i> [民族工作中国家秘密及其密级具体范围的规定].¹⁶</p>	<p>“Top Secret”</p> <ul style="list-style-type: none"> • Article 3.1.1. Analyses of important developments and information on anything that could seriously harm ethnic relations, or that for other ethnic reasons could endanger national unity or affect social stability. • Article 3.1.2. Strategies and measures for dealing with the occurrence of major ethnic-related public order emergencies. • Article 3.1.3. Strategies and measures used in handling ethnic

¹⁵*Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Religious Work* [宗教工作中国家秘密秘密及其密级具体范围的规定].

Jointly issued by Ministry of Religious Affairs and National Administration for the Protection of State Secrets [宗教事务局、国家保密局] October 12, 1995.

¹⁶*Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Ethnic Work* [民族工作中国家秘密及其密级具体范围的规定].

Jointly issued by State Ethnic Affairs Commission and National Administration for the Protection of State Secrets [国家民族事务委员会、国家保密局], March 17, 1995.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
		<p>separatist activities.</p> <p>“Highly Secret”</p> <ul style="list-style-type: none"> • Article 3.2.1. Important guiding principles, policies and measures currently being discussed or formulated regarding ethnic work. • Article 3.2.2. Plans and measures for handling ethnic disputes. <p>“Secret”</p> <ul style="list-style-type: none"> • Article 3.3.1. Important issues reflected during the implementation of ethnic policies. • Article 3.3.4. Analysis of important trends in languages or writings by ethnic minorities.