

MISSION PERMANENTE DE LA RÉPUBLIQUE POPULAIRE DE CHINE  
A GENÈVE

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The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights, and has the honor to present to the Office *the Proposals and Comments of China to the "Manual of United Nations Human Rights Special Procedures"* attached in the Annex. It is our hope that the proposals will be duly reflected in the Manual.

The Permanent Mission of the People's Republic of China avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Permanent Mission of  
the People's Republic of China to UNOG



Office of the High Commissioner for Human Rights  
Geneva

OHCHR REGISTRY

1 - JUN 2007

Recipients: HRC  
SPB  
H.C. correspondence

**Annex:**

**Proposals and Comments of China to the  
“Manual of United Nations Human Rights Special Procedures”**

**1, Amend the title of the Manual to:**

Manual of Operations of the Special Procedures of the Human Rights Council

**Comment:** “United Nations Human Rights Special Procedures” is not the standard title of mandate-holders.

**2, Amend Paragraph 37 to:**

Option 1: All communications sent and responses received thereon are confidential until such time as they are published in the relevant report of the mandate-holder or the Human Rights Council determines that specific circumstances require action to be taken before that time.

Option 2: All communications sent and responses received thereon are confidential until such time as they are published in the relevant report of the mandate-holder or the mandate-holder determines, after consultations with the country concerned, that specific circumstances require action to be taken before that time.

**Comment:** It's established practice of the late Commission on Human Rights that all communications sent and responses received are confidential until they are published in the relevant report of the mandate-holder to the Commission. In case there is urgent need to disclose the contents of communications before they are presented in the report to the Council, it is inappropriate to rest the decision solely at the mandate-holder's discretion. Due consultation with country concerned is necessary for balanced and objective information.

**3, After Paragraph 39, add the following paragraphs:**

Meanwhile, the following criteria of admissibility for

communications, including urgent appeals, shall be observed as the minimum requirements for mandate-holders to take action:

(1) Standards and criteria

(a) The object of the communication must not be inconsistent with the relevant principles of the Charter, of the Universal Declaration of Human Rights and of the other applicable instruments in the field of human rights.

(b) Communications shall be admissible only if there are reasonable grounds to believe that they may reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

(2) Source of communications

(a) Admissible communications may originate from a person or group of persons, who, it can be reasonably presumed, are victims of the violations referred to in subparagraph (1) (b) above, any person or group of persons who have direct and reliable knowledge of those violations, or non-governmental organizations acting in good faith in accordance with recognized principles of human rights, not resorting to politically motivated stands contrary to the provisions of the Charter of the United Nations and having direct and reliable knowledge of such violations.

(b) Anonymous communications shall be inadmissible; the author of a communication, whether an individual, a group of individuals or an organization, must be clearly identified.

(c) Communications shall not be inadmissible solely because the knowledge of the individual authors is second-hand, provided that they are accompanied by clear evidence.

(3) Contents of communications and nature of allegations

(a) The communication must contain a description of the facts and must indicate the purpose of the petition and the rights that have been violated. All available details of the alleged violations such as the names/title of the victims and the alleged perpetrators, the exact place of the incident should be provided to the concerned government.

(b) Communications shall be inadmissible if their language is essentially abusive and in particular if they contain insulting reference to the State against which the complaint is directed.

(c) A communication shall be inadmissible if it has manifestly political motivations and its subject is contrary to the provisions of the Charter of the United Nations.

(d) A communication shall be inadmissible if it appears that it is based exclusively on report disseminated by mass media.

(4) Existence of other remedies

(a) Communications shall be inadmissible if their admission would prejudice the functions of the specialized agencies of the United Nations system.

(b) Communications relating to cases which have been settled by the State concerned in accordance with the principles set forth in the Universal Declaration of Human Rights and other applicable documents in the field of human right will not be considered.

(5) Timeliness

A communication shall be inadmissible if it is not submitted to the United Nations within a reasonable time after the exhaustion of the domestic remedies.

Letters transmitting allegations including urgent appeals should be personally signed by the mandate holder.

Mandate-holder should avoid sending allegations of the same case repeatedly to the government within a short period of time, unless there is new evidence of gross and reliably attested violations of human rights.

All communications to the government of a state concerned shall be addressed exclusively to the Permanent Mission of the relevant state, if there is, duly accredited to the UNOG.

**Comment:** The above criteria of admissibility and requirements are based upon those of 1503 procedure most rules of which are found also applicable to the communications of special procedures. Given the urgent nature of some cases, the exhaustion of domestic remedies is not included into the above proposed criteria.

**4, Amend paragraph 46 to:**

Time limit for governments to respond to the communications, including urgent appeals, should be within three months.

**Comment:** It is necessary to give the government reasonably sufficient time to investigate in a serious and responsible manner and respond to the communications.

**5, Delete Paragraph 48.**

**Comment:** The transmission of all communications, including urgent appeals should go through diplomatic channels. Therefore, this paragraph has been duly amended and included in proposal No.3.

**6, Delete the last two sentences of paragraph 49,** namely delete: "Governments are generally requested to provide a substantive response within thirty days. In appropriate cases mandate-holders may decide to make such urgent appeals public by issuing press release or public statements."

**Comment:** One month limit for the government to reply to the urgent appeals is technically insufficient and even impossible in most of the cases. Meanwhile, "appropriate cases" is not clearly defined. The last two sentences have been duly amended and included in proposal No.2 and No.4.

**7, Amend paragraph 52 to:**

As a measure to ensure the balanced and objective nature of the statement, a copy of the press statement should be transmitted to the Permanent Mission of the State concerned three days before its public release and the views of the country concerned should be given due consideration.

**Comment:** This proposal aims at guaranteeing the statement made by mandate-holder objective, comprehensive and balanced.

**8, Delete Paragraph 59.**

**Comment:** This paragraph does not precisely quote and illustrate the CHR resolution of 2004/76. Meanwhile, some of the contents are beyond what the Manual should deal with.

**9, Amend paragraph 63 to:**

The actual agenda for a country visit shall be decided by the mandate-holder and the country concerned.

**Comment:** The country visit is a two-way communication between the mandate-holder and the government. Two parties should work together to develop an agenda that suits both sides.

**10, After paragraph 69, add:**

Meanwhile, the mandate-holder must comply with local laws and honor their private legal obligations, including, but not limited to, the obligation to honor orders of competent courts.

**Comment:** This paragraph is mainly based upon paragraph (j), article 2 of the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission.