

ANNEX B – Selected State Secrets Regulations¹ and Relevant Data

The chart below sets out the information that may be of concern for 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.

Committee’s Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
<ul style="list-style-type: none"> ➤ Strengthen its efforts to collect reliable and comprehensive statistical data on all areas (Concluding observations, para.23) ➤ Concerns on selective abortions and infanticide as well as the abandonment of children, in particular girls and children with disabilities (para. 28) ➤ Strengthen its implementation of existing laws against selective abortions and infanticide, and take all necessary measures to eliminate any negative consequences arising from family planning policies, including abandonment and non-registration of children and imbalanced sex ratios at birth (para.29) 	<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]²</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 prefectural level 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 prefectural level on the number of induced abortions. • 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>“Neibu”</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.

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 November 30, 2012, updated versions of these regulations are not accessible online.

² *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 Population and Family Planning Commission) and National Administration for the Protection of State Secrets [国家计划生育委员会（国家人口和计划生育委员会）、国家保密局], firstly 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>➤ Concerned at the significant number of children abandoned within the mainland and the large number of children living in institutions. It regrets the lack of precise statistical data on the number of children entering and leaving such institutions.(para. 49)</p> <p>➤ Strengthen the monitoring of agencies facilitating international adoptions, in particular with regard to possible trafficking of children.</p> <p>➤ Strengthen its system of data collection to ensure the availability of precise data on children with disabilities, disaggregated by sex, age, rural or urban areas, living arrangements and type of disability; (para.60)</p>		<ul style="list-style-type: none"> • 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.
	<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]³.</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.⁴ <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.⁵
	<p><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].⁶</p>	<p>“Secret”</p> <ul style="list-style-type: none"> • Article 3.2.3. Compiled data regarding major cases that involve the killing or injuring of women and children. • Article 3.2.4. Compiled data at the provincial level and higher regarding the trafficking of women and children.

³ *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], firstly promulgated March 15, 1990, the 1996 version was promulgated and effective January 23, 1996.

⁴ *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.

⁵ *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.

⁶ *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 [中华妇女联合会、国家保密局], April 24, 1991.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
<p>➤ Take all necessary measures to eliminate de facto discrimination against children with disabilities, in particular abandonment of such children. (para. 60)</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].⁷</i></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><i>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].⁸</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.
<p>➤ Absence of specific data on child labour in the mainland (para. 83)</p> <p>➤ Gathering specific disaggregated data on child labor and using it to develop, in cooperation with working children, effective measures to prevent and eliminate all forms of child labor (para.84)</p>	<p><i>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].⁹</i></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. <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.
	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Trade Union Work [工会</i></p>	<p>“Secret”</p> <ul style="list-style-type: none"> 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

⁷ *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.

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>.

⁹ *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
➤ Developing detailed regulations on the forms of hazardous and dangerous work in which all persons under 18 should not be engaged, in consultation with the children affected(para.84)	<i>工作中国家秘密及其密级具体范围的规定</i> ¹⁰ .	illness. “ Internal (Neibu) ” • Article 5.5. Details of current investigations concerning worker casualties .
➤ Ensuring that that re-education through labor does not result in children working in violation of the principles and provisions of ILO Conventions nos. 138 and 182. (Para. 84)	<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]</i> . ¹¹	“ Secret ” • 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.
	<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]</i> . ¹²	“ Top Secret ” • Article 2.1.1 Overall programs and plans for nationwide prison and reeducation-through-labor work . “ Highly Secret ” • Article 2.2.1. Statistics nationwide and for any province, autonomous region or directly-administered municipality on the number of new prisoner executions and unusual deaths in prisons, juvenile detention facilities and reeducation-through-labor facilities . “ Secret ” • 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 .

¹⁰ *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.

¹¹ *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.

¹² *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>➤ Strengthen efforts to eliminate discrimination against certain groups such as girls, children infected with or affected by HIV/AIDs, children with disabilities, ethnic and religious minorities and internal migrant children and other vulnerable groups by ensuring equal access and enhance monitoring of programmes</p> <p>➤ Concerned about reports that children, in particular Tibetan Buddhist, Uighur and Hui children have had restrictions placed on their ability to study and practice their religion and some cases have been detained for participating in religious activities.</p>	<p><i>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].¹³</i></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> <p>Article 3.3.1 Important issues reflected during the implementation of religious policies.</p> <p>“Neibu”</p> <p>Article 4.6 Information and statistical data that should not be disclosed to the public regarding religious organizations, religious institutes and religious activities.</p> <p>Article 4.8 Drafts of laws and regulations on religion.</p> <p>Article 4.9 The contents of meetings held by government organs that should not be disclosed to the public.</p>
	<p><i>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].¹⁴</i></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 separatist activities. <p>“Highly Secret”</p>

¹³*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.

¹⁴*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
		<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. <p>“Neibu”</p> <ul style="list-style-type: none"> • Article 4.1 The contents of meetings held by government organs that should not be disclosed to the public. • Documents, data, publications and bulletins used as internal reference materials.
