

AS DELIVERED

Committee on the Rights of Persons with Disabilities

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Oral Intervention of Human Rights in China

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Mr. Chairman and distinguished members of the Committee, thank you for this opportunity to contribute to the Committee's review of the People's Republic of China's ("China") Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities. My name is Mi Ling Tsui, Communications and Outreach Director of Human Rights in China (HRIC).

HRIC's written submission to the Committee in July of this year raised four key concerns. But in my limited time here, I would like to highlight one of those concerns—one regarding the impact of China's state secrets system on an effective assessment of China's implementation progress, and to provide a brief update on relevant legislative developments following the promulgation of the 2010 State Secrets Law.

China's State Secrets Law and regulations are the cornerstone of a comprehensive and non-transparent information control system¹ that sweeps a vast universe of information into an ambiguous, vague, and discretionary net and can classify information retro-actively.

As HRIC's report documents, specific state secrets regulations across a wide spectrum of work classify information that is directly relevant to information on disability requested by the Committee.

¹ See Law of the People's Republic of China on Guarding State Secrets [中华人民共和国保守国家秘密法]. Promulgated September 5, 1988, effective May 1, 1989; revised April 29, 2010, effective October 1, 2011. See also Human Rights in China, State Secrets: China's Legal Labyrinth (New York: Human Rights in China, 2007), <http://www.hrichina.org/public/contents/41421>.

Two examples:

- The regulation on state secrets and trade union work²--jointly **issued by the All-China Federation of Trade Unions (ACFTU)** and the National Association of Protection of States Secrets (NAPSS)--classifies information and statistical data **held by the ACFTU on major dangerous accidents and occupational illness** as “**secret,**” and **investigations concerning worker casualties** as “**internal,**” or *neibu*, which cannot be publically disseminated without prior approval.
- The regulation on state secrets and women’s work³--jointly **issued by the All-China Women’s Federation (ACWF)** and the NAPSS--classifies data regarding **major cases that involve the killing or injuring of women and children** as “**secret.**”

The State Secrets regulations on **family planning work** also prohibit disclosing statistics from family planning departments at the prefectural level on the **number of induced abortions** and statistics on **infanticide and child abandonment** at the county level and higher during specific periods of investigation by relevant departments, information that the Committee has also requested.

While the State Party has provided some information in response to the Committee’s request—such as the number of persons with disabilities in Chinese prisons, and disaggregated information on the number and percentage of children with disabilities living in institutions or rehabilitation centers, in their own families, or with foster families—the State Party has not yet provided any information on the remaining requested list of information items. As HRIC’s report documents, this information is classified as state secrets or as internal.

The entire state secrets system therefore presents significant challenges to obtaining the accurate, comprehensive, and reliable information that is necessary for a constructive assessment of new

² 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], 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] on May 27, 1996.

³ 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], 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] on April 24, 1991.

measures and progress reported by the State Party, as well as for promoting effective implementation of the State Party's obligations.

Following the promulgation of an amended State Secrets Law in 2010, and a process of internal review and solicitation of views, the State Council and NAPSS prepared a set of Draft Implementation Regulations that were released to the public for comment from May 15 to June 15 this year. The final draft, once approved, would replace the current *1990 Measures for Implementing the State Secrets Law*.

Our review of the Draft Implementation Regulations suggests that they do not depart substantially from the 1990 Measures. They essentially follow the 2010 State Secrets Law structure in that:

- they focus on building a more comprehensive system aimed at efficient internal management and protection of state secrets;
- they include provisions on the strict control of the classification, declassification, custody, and handling of state secrets; and
- they outline penalties for violations.

Because of the regulations' significant impact on transparency, development of effective monitoring, and advancing effective implementation of the Convention, HRIC urges the Committee to request clarification from the State Party on the following:

1. the status of the pending Draft Implementation Regulations;
2. the status of **current** implementation regulations on specific areas, including family planning, public health, women, and trade union, and civil and judicial administration work; and
3. the current state secrets classification status of the specific items of information requested by the Committee, with a focus on those items not provided in the State Party's Response to the List of Issues by the Committee.

Thank you very much for your time.