

## CHINA

### CCPR

#### **RESERVATIONS AND DECLARATIONS**

*(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)*

*(Ed. Note: See also Notes under Territorial Application, below)*

#### Note

*[The Covenant was] [s]igned on behalf of the Republic of China on 5 October 1967. See note 1 under "China" in the "Historical Information" section in the front matter of [the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].*

*[Ed. note: note 1 under China is as follows:*

*China*

*Note 1*

*Signatures, ratifications, accessions, etc. on behalf of China.*

*China is an original Member of the United Nations, the Charter having been signed and ratified on its behalf, on 26 June and 28 September 1945, respectively, by the Government of the Republic of China, which continued to represent China in the United Nations until 25 October 1971.*

*On 25 October 1971, the General Assembly of the United Nations adopted its resolution 2758 (XXVI), reading as follows:*

*"The General Assembly.*

*Recalling the principles of the Charter of the United Nations,*

*Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,*

*Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,*

*Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it."*

*The United Nations had been notified on 18 November 1949 of the formation, on 1 October 1949, of the Central People's Government of the People's Republic of China. Proposals to effect a change in the representation of China in the United Nations subsequent to that time were not approved until the resolution quoted above was adopted.*

*On 29 September 1972, a communication was received by the Secretary-General from the Minister for Foreign Affairs of the People's Republic of China stating:*

*"1. With regard to the multilateral treaties signed, ratified or acceded to by the defunct Chinese government before the establishment of the Government of the People's Republic of China, my Government will examine their contents before making a decision in the light of the circumstances as to whether or not they should be recognized.*

*2. As from October 1, 1949, the day of the founding of the People's Republic of China, the Chiang Kai-shek clique has no right at all to represent China. Its signature and ratification of, or accession to, any multilateral treaties by usurping the name of 'China' are all illegal and null and void. My Government will study these multilateral treaties before making a decision in the light of the circumstances as to whether or not they should be acceded to."*

*All entries recorded throughout this publication in respect of China refer to actions taken by the authorities representing China in the United Nations at the time of those actions.]*

With reference to the above-mentioned signature, communications have been addressed to the Secretary-General by the Permanent Representatives of Permanent Missions to the United Nations of Bulgaria, Byelorussian SSR, Czechoslovakia, Mongolia, Romania, the Ukrainian SSR, the Union of Soviet Socialist Republics and Yugoslavia, stating that their Governments did not recognize the said signature as valid since the only Government authorized to represent China and to assume obligations on its behalf was the Government of the People's Republic of China.

In letters addressed to the Secretary-General in regard to the above-mentioned communications, the Permanent Representative of China to the United Nations stated that the Republic of China, a sovereign State and Member of the United Nations, had attended the twenty-first regular session of the General Assembly of the United Nations and contributed to the formulation of, and signed the Covenants and the Optional Protocol concerned, and that "any statements or reservations relating to the above-mentioned Covenants and Optional Protocol that are incompatible with or derogatory to the legitimate position of the Government of the Republic of China shall in no way affect the rights and obligations of the Republic of China under these Covenants and Optional Protocol".

*(Note 5, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)*

## **OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS**

*(Ed. note: For Objections, see Note under Reservations and Declarations, above)*

### **TERRITORIAL APPLICATION**

#### Note

On 3 December 1999, the Government of China notified the Secretary-General that:

1. The application of the Covenant, and its article 1 in particular, to the Macao Special Administrative Region shall not affect the status of Macao as defined in the Joint Declaration and in the Basic Law.
2. The provisions of the Covenant which are applicable to the Macao Special Administrative Region shall be implemented in Macao through legislation of the Macao Special Administrative Region.

The residents of Macao shall not be restricted in the rights and freedoms that they are entitled to, unless otherwise provided for by law. In case of restrictions, they shall not contravene the provisions of the Covenant that are applicable to the Macao Special Administrative Region.

Within the above ambit, the Government of the People's Republic of China will assume the responsibility for the international rights and obligations that place on a Party to the Covenant.

Subsequently, the Secretary-General received communications concerning the status of Macao from China and Portugal (see note 3 under "China" and note 1 under "Portugal" regarding Macao in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].* ).

*[Ed. note: Note 3 under China is as follows:*

*China*

*Note 3*

*By a notification dated 13 December 1999, the Government of the People's Republic of China informed the Secretary-General of the status of Macao in relation to treaties deposited with the Secretary-General. The notification, in pertinent part, reads as follows:*

*"In accordance with the Joint Declaration of the Government of the People's Republic of China*

*and the Government of the Republic of Portugal on the Question of Macao signed on 13 April 1987 (hereinafter referred to as the Joint Declaration), the Government of the People's Republic of China will resume the exercise of sovereignty over Macao with effect from 20 December 1999. Macao will from that date, become a Special Administrative Region of the People's Republic of China. [For the full text of the Joint Declaration of the Government of the Portuguese Republic and the Government of the People's Republic of China on the Question of Macao, 13 April 1987, see United Nation Treaty Series volume No. 1498, p. 229 (registration number I-25805)].*

*It is provided in Section 1 of Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Macao, which is Annex 1 to the Joint Declaration, and in Article 12, 13 and 14 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China (hereinafter referred to as the Basic Law), which was adopted by the National People's Congress of the People's Republic of China on 31 March 1993, that the Macao Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government of the People's Republic of China. Furthermore, it is provided both in Section VIII of Annex 1 of the Joint Declaration and Article 138 of the Basic Law that international agreements to which the People's Republic of China is not yet a party but which are implemented in Macao may continue to be implemented in the Macao Special Administrative Region.*

*In this connection, on behalf of the Government of the People's Republic of China, I have the honour to inform your Excellency that:*

*I. The treaties listed in Annex I to this Note [herein below], to which the People's Republic of China is a Party, will be applied to the Macao Special Administrative Region with effect from 20 December 1999 so long as they are one of the following categories:*

*(i) Treaties that apply to Macao before 20 December 1999;*

*(ii) Treaties that must apply to the entire territory of a state as they concern foreign affairs or defence or their nature or provision so require.*

*II. The Treaties listed in Annex II to this Note, to which the People's Republic of China is not yet a Party and which apply to Macao before 20 December 1999, will continue to apply to the Macao Special Administrative Region with the effect from 20 December 1999.*

*III. The Government of the People's Republic of China has notified the treaty depositaries concerned of the application of the treaties including their amendments and protocols listed in the aforesaid Annexes as well as reservations and declarations made thereto by the Chinese Government to the Macao Special Administrative Region with effect from 20 December 1999.*

*IV. With respect to other treaties that are not listed in the Annexes to this Note, to which the People's Republic of China is or will become a Party, the Government of the People's Republic of China will go through separately the necessary formalities for their application to the Macao*

*Special Administrative Region if it so decided."*

*The treaties listed in Annexes I and II, referred to in the notification, are reproduced below.*

*Information regarding reservations and/or declarations made by China with respect to the application of treaties to the Macao Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.*

*Moreover, with regard to treaty actions undertaken by China after 1 July 1997, the Chinese Government confirmed that the territorial scope of each treaty action would be specified. As such, declarations concerning the territorial scope of the relevant treaties with regard to the Macao Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.*

#### *Annex I*

*(The treaties appear in the order as they are provided in these volumes.)*

...

#### *Human Rights:*

*- International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966;*

*- Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979;*

*- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984;*

*- Convention on the Rights of the Child, 20 November 1989.*

...]

*[Ed. note: Note 1 under Portugal is as follows:*

#### *Portugal*

#### *Note 1*

*On 18 November 1999, the Secretary-General received from the Government of Portugal, the following communication:*

*"In accordance with the Joint Declaration of the Government of the Portuguese Republic and*

*the Government of the People's Republic of China on the Question of Macau signed on 13 April 1987, the Portuguese Republic will continue to have international responsibility for Macau until 19 December 1999 and from that date onwards the People's Republic of China will resume the exercise of sovereignty over Macau with effect from 20 December 1999.*

*From 20 December 1999 onwards the Portuguese Republic will cease to be responsible for the international rights and obligations arising from the application of [Conventions] to Macau."*

*See also note 3 under "China". [Ed. note: reproduced immediately above]]*

Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Convention with the statement made by China will also apply to the Macao Special Administrative Region.

*(Note 4, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)*

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#### Note

With regard to the application of the Covenant to Hong Kong, the Secretary-General received communications concerning the status of Hong Kong from the United Kingdom and China (see note 2 under "United Kingdom of Great Britain and Northern Ireland" and note 2 under "China" in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]*).

*[Ed. note: Note 2 under China is as follows:*

*China*

*Note 2*

*By a notification on 20 June 1997, the Government of China informed the Secretary-General of the status of Hong Kong in relation to treaties deposited with the Secretary-General. The notification, in pertinent part, reads as follows:*

*"In accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, signed on 19 December 1984 (hereinafter referred to as the Joint Declaration), the People's Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong will, with effect from that date, become a Special Administrative Region of the People's Republic of China. [For the full text of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's*

*Republic of China on the Question of Hong Kong, 19 December 1984, see United Nations Treaty Series volume No. 1399, p. 61, (registration number I-23391)].*

*It is provided in Section 1 of Annex I to the Joint Declaration, "Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Hong Kong" and in Articles 12, 13 and 14 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, which was adopted on 4 April 1990 by the National People's Congress of the People's Republic of China (hereinafter referred to as the Basic Law), that the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibility of the Central People's Government of the People's Republic of China. Furthermore, it is provided both in Section XI of Annex I to the Joint Declaration and Article 153 of the Basic Law that international agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Administrative Region.*

*In this connection, on behalf of the Government of the People's Republic of China, I would like to inform Your Excellency as follows:*

*I. The treaties listed in Annex I to this Note [herein under], to which the People's Republic of China is a party, will be applied to the Hong Kong Special Administrative Region with effect from 1 July 1997 as they:*

*(i) are applied to Hong Kong before 1 July 1997; or (ii) fall within the category of foreign affairs or defence or, owing to their nature and provisions, must apply to the entire territory of a State; or*

*(iii) are not applied to Hong Kong before 1 July 1997 but with respect to which it has been decided to apply them to Hong Kong with effect from that date (denoted by an asterisk in Annex I). II. The treaties listed in Annex II to this Note [herein under], to which the People's Republic of China is not yet a party and which apply to Hong Kong before 1 July 1997, will continue to apply to the Hong Kong Special Administrative Region with effect from 1 July 1997.*

*The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force beginning from 1 July 1997.*

*III. The Government of the People's Republic of China has already carried out separately the formalities required for the application of the treaties listed in the aforesaid Annexes, including all the related amendments, protocols, reservations and declarations, to the Hong Kong Special Administrative Region with effect from 1 July 1997.*

*IV. With respect to any other treaty not listed in the Annexes to this Note, to which the*

*People's Republic of China is or will become a party, in the event that it is decided to apply such treaty to the Hong Kong Special Administrative Region, the Government of the People's Republic of China will carry out separately the formalities for such application. For the avoidance of doubt, no separate formalities will need to be carried out by the Government of the People's Republic of China with respect to treaties which fall within in the category of foreign affairs or defence or which, owing to their nature and provisions, must apply to the entire territory of a State."*

*The treaties listed in Annexes I and II, referred to in the notification, are reproduced below.*

*Information regarding reservations and/or declarations made by China with respect to the application of treaties to the Hong Kong Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.*

*Moreover, with regard to treaty actions undertaken by China after 1 July 1997, the Chinese Government confirmed that the territorial scope of each treaty action would be specified. As such, declarations concerning the territorial scope of the relevant treaties with regard to the Hong Kong Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.*

#### *Annex I*

*(The treaties are listed in the order that they published in these volumes.)*

*...*

#### *Human Rights:*

*- Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948;*

*- International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966;*

*- Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979;*

*- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984;*

*- Convention on the Rights of the Child, 20 November 1989.*

*...]*



*[Ed. note: Note 2 under United Kingdom of Great Britain and Northern Ireland is as follows:*

*United Kingdom of Great Britain and Northern Ireland*

*Note 2*

*[On 10 June 1997, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General of the following:*

*"In accordance with the Joint Declaration of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of [Conventions] to Hong Kong."*

*See also note 2 under "China" [Ed. note: reproduced immediately above].*

Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Covenant will also apply to the Hong Kong Special Administrative Region.

*(Note 6, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)*