

(Translated from Chinese)

Receipt is hereby acknowledged of joint communication AL CHN 8/2020 of 7 May 2020 from the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment of the United Nations Human Rights Council. The Chinese Government would like to respond with the following:

1. Regarding the cases of Guo Quan and Xu Zhiyong

Guo Quan is a 52-year-old male from Nanjing, Jiangsu Province, who was taken into criminal detention on 1 February 2020 by the public security authorities, in accordance with the law, on suspicion of committing an offence, and whose arrest was approved on 14 February by the procurator's office. His case is currently proceeding. Xu Zhiyong is a 47-year-old male originally from Minquan County in Henan Province who was a lecturer at the Beijing University of Posts and Telecommunications. On 15 February 2020, Mr. Xu was placed under investigation by the public security authorities, in accordance with the law, on suspicion of committing an offence. During the period of detention, the public security authorities handled the case in accordance with the law and guaranteed his legal rights, in accordance with the law. The case is currently proceeding.

2. Regarding so-called retaliation against citizens for exercising freedom of speech and discussing issues related to the pandemic

The laws and regulations of the People's Republic of China, including the Constitution, the Criminal Law, the National Security Law, the Cybersecurity Law, the Public Security Administration Punishments Law and the Administration of Internet Information Services Procedures, clearly establish that Chinese citizens have freedom of expression, and in accordance with the law, China guarantees freedom of expression on the Internet. However, when citizens make use of their freedoms and rights, they must not harm the State, society, collective interests and other citizens' legal interests. The Internet is not a lawless space. Any individual or organization using the Internet must comply with the provisions of the Constitution and the law and must not use the Internet to spread violent, obscene or pornographic content; they must not fabricate or broadcast false information to disrupt the economic and social order; and they must not carry out activities attacking the reputation, privacy, intellectual property rights or other legal rights of others. This is in line with the spirit of international human rights instruments and the common practice in all countries. In recent years, countries all over the world have strengthened legal governance of Internet information content. Through administrative supervision and public-private sector cooperation, they have strengthened the duties of social platforms to delete or block illegal content and to set up complaint mechanisms. False information has become another focus for governance, after terrorism and pornography.

Since the beginning of the COVID-19 pandemic, a few people have fabricated and deliberately disseminated false information on the pandemic on the Internet and are suspected of committing crimes. The Chinese public security authorities, together with the relevant departments, have investigated and cracked down on them, in accordance with the law. The relevant law enforcement actions have been based on the law and the procedures have been legitimate. There has been no such thing as "restrictions ... retaliation, threats or intimidation" for the expression of views related to the pandemic.

3. Regarding the recently adopted Provisions on the Governance of the Online Information Content Ecosystem

Cyberspace is the shared virtual space of millions and millions of people. Ensuring the health and propriety of the cyberspace environment is in line with the interests of the people.



China is committed to promoting web management and administration and Internet access in accordance with the law, allowing for full action by civil society associations, companies, experts and scholars, netizens and others, establishing a model of network governance involving the collaboration of numerous stakeholders and promoting the healthy development of the country's Internet and safeguarding citizens' legitimate rights and interests in cyberspace.

4. Regarding the revision of the number of confirmed COVID-19 pneumonia cases and deaths in Wuhan

In accordance with article 38 (4) of the Law of the People's Republic of China on Prevention and Treatment of Infectious Diseases, "the publication of information on infectious disease pandemics shall be timely and accurate"; article 25 (3) of the Public Health Emergency Response Regulations states that "information shall be provided in a timely manner and be accurate and comprehensive"; article 19 of the Regulations on the Implementation of the Statistics Law states that "if the statistical data are incomplete or there are obvious errors, the subject of the statistical survey shall supplement or correct them, in accordance with the law"; article 14 of the Regulations on the Registration and Management of Information on Deaths in the Population (pilot regulations) sets out that "medical and health institutions shall establish systems for the correction of data", and article 15 stipulates that "medical and health institutions shall establish a system for the comparison and verification of information and supplementing of reports". In line with the principle of responsibility to the historical record, to the people and to the deceased, and to ensure that the entire city's information on the COVID-19 pandemic is transparent and made public and that the data are accurate, the COVID-19 pandemic prevention and control centre in Wuhan, Hubei Province, set up a big data epidemiological investigation unit for the pandemic and organized the city's health, disease control, public security, civil administration, justice and statistics services. Online, the number of cases of the virus was compared, verified, purged of duplications, cross-checked and completed by the Wuhan COVID-19 big data information system, the municipal funeral and burial service information system, the municipal medical administration and management system for COVID-19 and the municipal COVID-19 coronavirus nucleic acid test system. Offline, in order to meet the requirement for full coverage, with no omissions, data were collected from all pandemic-related places, including fever clinics, hospitals, patient shelters, isolation centres, districts affected by the pandemic and specific facilities such as prisons and nursing homes under the jurisdiction of the public security, justice, civil administration and other departments. For all cases, the patient's personal information was collected and checked by the medical facilities, neighbourhood and district administrations, local police stations, the patients' work units and families, with screening and checking for each person, ensuring that the information on each patient's case was verified as accurate, error-free and objectively correct.

As at midnight on 16 April, the number of confirmed cases in Wuhan initially stood at 50,008. Some patients consulted facilities in more than one district or consulted at more than one hospital, resulting in double registrations, so the number should be reduced by 217; there was also a lag or omission of reporting for 542 cases, which should be added, thus bringing the revised total number of confirmed cases to 50,333.

As at midnight on 16 April, the number of confirmed deaths in Wuhan initially stood at 2,579, of which 164 cases should be subtracted because they involved repeat registrations or cases unrelated to COVID-19; a number of deaths outside of hospitals had not been reported to the disease prevention information system, and there was a lag or omission in the reporting of deaths by some medical facilities, accounting for an increase of 1,454 deaths, and bringing the revised cumulative number of confirmed deaths to 3,869.

The reasons for the discrepancies in the above numbers are as follows: first, early on, a surge in the number of pandemic patients led to a rush on the medical facilities, whose capacity for admission was gravely insufficient; a number of patients were not hospitalized for treatment and died at home. Secondly, at the peak of the treatment phase, the hospitals were overloaded and medical staff were occupied with treatment, so there were delays, omissions and errors in their reporting, for reasons beyond their control. Third, due to a rapid increase in the number of medical facilities designated for treating patients, including those reporting to a ministry, provincial, municipal and district hospitals, as well as company facilities, private hospitals and patient shelters, a few medical facilities failed to

connect with the pandemic information network and failed to submit information on time. Fourthly, registration information on some of the deceased was incomplete, and there was also repeated or erroneous reporting.

The safety of the people's lives and their health are their most fundamental need and universal aspiration. Behind the numbers for the pandemic are the lives and health of the public, and also the public's trust in the Government. The timely revision of the number of confirmed cases and of the number of confirmed deaths in the COVID-19 pandemic not only upholds the people's rights and interests; it is beneficial in making rational decisions on pandemic prevention and control and is the way to meet the public's concerns, and above all to show respect for each and every life.



中华人民共和国常驻联合国日内瓦办事处和瑞士其他国际组织代表团

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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 with reference to the joint communication [AL CHN 8/2020] dated 7 May 2020, has the honor to transmit herewith the reply by the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
GENEVA

联合国人权理事会“人权卫士”问题特别报告员、任意拘留工作组、强迫失踪工作组、言论自由问题特别报告员、和平集会与结社自由问题特别报告员、健康权问题特别报告员、在反恐中促进和保护人权问题特别报告员和酷刑问题特别报告员 2020 年 5 月 7 日联合来函[AL CHN 8/2020]收悉。中国政府对来函答复如下：

一、关于郭泉、许志永案

郭泉，男，52 岁，江苏南京人，因涉嫌犯罪，2020 年 2 月 1 日被公安机关依法刑事拘留，2 月 14 日经检察机关批准逮捕，目前该案正在进一步办理之中。许志永，男，47 岁，原籍河南省民权县，原系北京邮电大学讲师。2020 年 2 月 15 日，许因涉嫌犯罪被公安机关依法审查。羁押期间，公安机关依法办案，依法保障许各项合法权利，目前该案正在进一步办理之中。

二、所谓公民行使言论自由、讨论疫情相关问题遭报复

《中华人民共和国宪法》、《中华人民共和国刑法》、《中华人民共和国国家安全法》、《中华人民共和国网络安全法》、《中华人民共和国治安管理处罚法》、《互联网信息服务管理办法》等法律法规明确规定，中国公民享有言论自由，中国依法保护网上言论自由。但是，公民在行使自由和权利的时候，不得损害国家、社会、集体利益和其他公民的合法权益。互联网并非法外之地，任何个人和组织使用互联网应当遵守宪法和法律的规定，不得利用互联网传播暴力、淫秽色情信息，编造、传播虚假信息扰乱经济秩序和社会秩序，以及侵

害他人名誉、隐私、知识产权和其他合法权益等活动。这符合国际人权文书精神和各国通行做法。近年来，世界各国普遍加强对互联网信息内容的依法治理，通过行政监督和公私部门合作等方式，强化社交平台关于删除或屏蔽违法内容、建立投诉机制等义务，虚假信息成为继暴恐信息、色情信息之后的又一治理重点。

新冠肺炎疫情发生以来，针对少数人员在互联网编造、故意传播涉疫情虚假信息涉嫌犯罪的，中国公安机关会同有关部门依法进行了查处打击，相关执法行为于法有据、程序正当，不存在所谓“发表与疫情相关言论被限制、报复、威胁和恐吓”的情况。

三、关于中国近期出台的《网络信息内容生态治理规定》

网络空间是亿万民众共同的精神家园，网络空间天朗气清、生态良好，符合人民利益。中国致力于推动依法管网、依法办网、依法上网，充分发挥社会组织、企业、专家学者、网民等各方面作用，建立多主体协同参与的网络生态治理模式，促进中国互联网健康发展，保障公民在网络空间的合法权益。

四、关于武汉市新冠肺炎确诊病例数确诊病例死亡数订正情况

根据《中华人民共和国传染病防治法》第三十八条第四款“公布传染病疫情信息应当及时、准确”，《突发公共卫生事件应急条例》第二十五条第三款“信息发布应当及时、准确、全面”，《中华人民共和国统计法实施条例》第十九条“统计资

料不完整或者存在明显错误的，应当由统计调查对象依法予以补充或者改正”，《人口死亡信息登记管理规范（试行）》第十四条“医疗卫生机构应当建立数据订正制度”、第十五条“医疗卫生机构应当建立数据比对校核与补报制度”等规定，本着对历史负责、对人民负责、对逝者负责的原则，为确保全市新冠肺炎疫情信息公开透明、数据准确，湖北省武汉市新冠肺炎疫情防控指挥部专门成立涉疫大数据与流行病学调查组，组织市卫健、疾控、公安、民政、司法、统计等部门，线上对武汉市疫情防控大数据信息系统、市殡葬信息系统、市医政医管新冠肺炎信息系统、市新冠肺炎病毒核酸检测系统中的病例进行比对、去重、补全，线下按照全覆盖、无遗漏要求，对所有涉疫地点数据进行全采集，包括发热门诊、医院、方舱、隔离点、涉疫社区，以及公安、司法、民政等部门管辖的监所、养老机构等特殊场所，对所有病例个人信息全采集，通过医疗机构、街道社区、基层派出所、患者所在单位及家属，逐人排查核对，确保每一个病例准确无误，每一个数据客观真实。

截至4月16日24时，原对外公布武汉市确诊病例为50008例，因部分患者曾跨区就诊、到多家医院就诊，导致重复报卡的217例应核减；因迟报漏报未及时公布的既往病例542例应核增，实际累计确诊病例应订正为50333例。

截至4月16日24时，原对外公布武汉市确诊死亡病例为2579例，其中重复报卡的确诊病例、不是新冠肺炎的其他病例共164例应核减；未住院死亡未能上报疾控信息系统，

以及部分医疗机构迟报漏报的确诊病例共 1454 例应核增，实际累计确诊病例死亡数应订正为 3869 例。

出现以上数据差异的原因：一是疫情早期病人激增，导致医疗资源挤兑，收治能力严重不足，有些患者没有入院治疗，在家中病亡。二是在救治高峰期，医院超负荷运转，医务人员忙于救治，客观上存在迟报、漏报和误报现象。三是由于收治患者的定点医疗机构快速增加，既有部属、省属、市属和区属医院，也有企业、民营医院和方舱医院等，少数医疗机构未能及时与大疫情网对接、报送信息。四是有些死亡病例信息登记不全，存在重报、误报情况。

生命安全和身体健康，是人民群众最基本的需求和最普遍的愿望。疫情数据的背后是群众的生命和健康，也是政府的公信力。及时订正新冠肺炎确诊病例数、确诊病例死亡数，不仅有利于维护好人民群众权益，有利于疫情防控科学决策，同时也是对社会关切的回应，更是对每一个生命的尊重。