

**Chinese Human Rights Defenders (CHRD)
Submission to the
UN Committee on Economic, Social and Cultural Rights (CESCR)
for Consideration in Adopting its List of Issues
on the Third Periodic Report of the People's Republic of China**

Date: December 14, 2020

CHRD suggests including the following questions in the CESCR List of Issues for the Chinese government to address as part of the CESCR's upcoming review of China's implementation of the International Covenant on Economic, Social and Cultural Rights.

Articles 1-5

Issues relating to the general provisions of the Covenant (arts. 1-5)

- What specific measures have been taken to increase awareness of the content of the Covenant, especially among judges, lawyers and law enforcement officials, as well as members of the National People's Congress and other State actors responsible for the implementation of the covenant, since the last CESCR review of China in 2014?
- Please explain how the provisions of the Covenant are directly applicable in national courts and tribunals.
- The State Report claimed in para. 6 that "the people...fully enjoy the right of self-determination." Please explain the specific processes, policies and legal guarantees providing for the people in the Hong Kong Special Administrative, the Xinjiang Uyghur Autonomous and Tibet Autonomous Regions to determine their own affairs, exercise their right to govern themselves, and their rights to practice their own religion and culture.
- Indicate which specific provisions from international human rights treaties that China has ratified and the UN Guiding Principles on Business and Human Rights, and any other international standards, that guide the conduct of Chinese companies operating beyond China's borders. Please provide the number of investigations conducted by the Chinese government into state enterprises that have violated these provisions, and the outcomes of those investigations, under the "double random and single open" supervisory mechanism, as mentioned in para. 24 of the State Report, since 2014.
- Please provide a timetable for China to enact a comprehensive national anti-discrimination law. Please also provide specifics about any legally-enforceable penalties or redress mechanisms that are being considered for inclusion in that law. Please provide specific information or data on any investigations into violations of existing laws that prohibit discrimination and the outcome of such investigations since 2014.

- Is the judicial system subject to influence or interference from the Chinese Communist Party (Party)? Please explain in detail what is meant by the “leadership” role of the Party in the judiciary. Are individual trial decisions influenced by the Party? What measures has the State Party taken to separate the Central Political and Legal Affairs Commission of the Party, and the related municipal, provincial, county and autonomous regional Party bodies, from the judiciary and judicial and legal decisions?
- The National Supervisory Commission (para. 20) exists outside the judicial system and is not bound by the Criminal Procedure Law. Please provide information on the number of corruption cases and cases involving non-adherence to Party rules investigated by the Supervisory Commissions (at all administrative levels and disaggregated by type of case) and the outcomes of the investigations, as well as the number of such cases that were not transferred to the criminal justice system, since the Commissions were established.
- Please provide details on the case of the journalist [Chen Jieren](#), who was [handed](#) a 15-year prison sentence in April 2020 for his reporting on corruption.
- What specific steps has the government taken to implement the recommendations concerning protection of social, economic, and cultural rights of ethnic minorities, especially Uyghurs and Tibetans, made by the Committee on the Elimination of Racial Discrimination (CERD) in its [Concluding Observations](#) (paragraphs 19, 20, 22, 24-25, 27, 29, 33, 35, 42, 44, 46, 48,) from the 2018 review of China? Please address concerns made by UN CERD in its November 24, 2020 follow up letter that the State’s reply regarding treatment of minorities in the Xinjiang Uyghur Autonomous Region (XUAR) is unsatisfactory and that the Committee expressed concern about “reports that Governmental controls over day-to-day life in Xinjiang primarily affect members of Uyghur, Kazakh and other Muslim minorities, which would amount to violations of international legal prohibitions against discrimination in particular the Convention.” ([CERD/101stsession/FU/MK/ks](#))
- Please provide a clear timetable for the complete abolition of the household registration (hukou) system. Explain the specific measures taken to make it possible for all Chinese citizens, rural or urban residents, to have legally protected equal access to public services and social security programs regardless of their place of birth in order to eliminate rural-urban disparities and discrimination against rural residents.
- As China has been criticized in the UN Secretary-General’s “reprisals report” every year since the last review in 2014 for intimidation and reprisals against Chinese human rights defenders for their cooperation with the United Nations; what specific measures has the government taken to end such intimidation and reprisals against defenders of economic, social, and cultural human rights?
- Please provide details regarding any remaining gender disparities that persist in practice in Chinese society, including in relation to employment, wages, education, and land rights.
- Please provide specific measures the government is taking to promote women’s equal participation in decision making at all levels of government, especially, at the highest levels of leadership in the country, such as in the 25-member Politburo of the Communist Party—which currently has 1 woman, and the Standing Committee of the Politburo, the highest political body—which currently has no women.
- Please provide a timetable for the enactment of national-level implementation guidelines for the Anti-Domestic Violence Law.

Articles 6-9

Right to work, working conditions and employment welfare

- Please provide the Committee with detailed information on the impact of COVID-19 pandemic on working conditions and employment for China's migrant laborers. How has the government addressed wage arrears of [migrant workers](#) at factories and service providers that shut down due to COVID-19 without pay? Please address reports that migrant workers lost their jobs due to quarantine or lockdown restrictions, or due to being infected with the virus, including details of any investigations of employers and the outcomes. What measures has the government taken to assist migrant workers and small businesses through public social welfare programmes?
- Please describe in detail the measures taken to “promote the return of migrant workers to their hometowns for entrepreneurship and employment, poverty alleviation and on-site schooling for their accompanying children;” (para 29) how many migrant workers have been affected by these measures? Is the program voluntary?
- Please address reports that former prisoners upon their release are unable to find or hold jobs because officials or police threaten employers or potential employers and warn them not to hire or to fire specific individuals. What is the legal basis for government or Party officials preventing former prisoners from gaining and holding jobs?
- What measures has the state taken, since its last review in 2014, to strengthen the unemployment data collection system and make public disaggregated data on unemployment within ethnic minority groups?
- Please provide disaggregated data to show the numbers of ethnic minorities employed by the government, in state-run enterprises, and in private businesses, and as percentages of the total employment numbers in these sectors, in the Xinjiang, Tibet, and Inner Mongolian Autonomous Regions.
- What measures has the state taken to lower the unemployment rates of Uyghur and Tibet ethnic minorities since 2014?
- Of the 1.28 million students that enrolled in technical colleges in 2018 (para 56), how many were ethnic minorities? Please provide a geographical breakdown of the enrolment and the percentages of different ethnic minorities of the total enrolment in technical colleges.
- What is the nature of the “vocational training” provided to ethnic minorities, in particular Uyghurs, Kazakhs and other predominantly Muslim ethnic groups in the XUAR? Are they free to choose to attend such “trainings” or are they free to go home? Are they free to choose what “vocational skills” to learn? Please address reports that these “trainees” have been detained and forced to undergo “de-radicalization” re-education and to demonstrate loyalty to the Chinese Communist Party and its leader Xi Jinping.
- Please provide more information on the “grid-style” management and “network-style” construction of labour-security supervision described in para 59 of the State report.
- Please provide information about the specific punishments handed down as the result of the investigations conducted by the labour-security supervision institutions into the 1,463,000 illegal acts mentioned in para. 59.
- Please provide detailed information about minimum wage standards set by governments in all municipalities and provinces. What measures has the state taken to ensure an adequate standard of living for workers, migrant workers, and their families?

- Please address reports of forced labor involved in the “residential labor programs” for rural Uyghurs both inside the XUAR and in other Han Chinese provinces, where the workers were reportedly forced to undergo political “re-education.” What impact has this program had on the overall unemployment rate in the XUAR (para. 63)?
- Has the State Council’s 2016 Opinion on the Comprehensive Regulation of Migrant Workers’ Wage Arrears been codified into enforceable law? (para. 67).
- What measures has the state taken since 2014 to ensure safe and favourable working conditions, including access to affordable medical and accident insurance and compensation for workplace injuries and occupational diseases, for workers in state-run factories and for contractual migrant laborers in enterprises?
- Please address reports of workers being detained and punished for their actions to protect their own or other workers’ labor rights. Please provide detailed information of the cases of five labour rights defenders detained for organizing a strike at the Jasic Technology factory in Shenzhen and trying to form a trade union. UN Special Procedures raised the cases with the state ([AL CHN 3/2019](#)). Please also provide information on the three other labour rights defenders detained for raising awareness through online platforms of workers sickened and dying with an occupational lung disease. Special Procedures raised the cases (see [UA CHN 14/2019](#)).
- Please provide a clear timetable for adopting legislation to guarantee workers’ right to strike (para 77).
- Please provide disaggregated information about social security and public services available to different ethnic groups (including Han Chinese), rural and urban residents, migrant laborers and workers employed in state-run enterprises.
- The government [says](#) it has “eliminated poverty.” What is the official poverty line that the state used in its “poverty assistance” programs or in declaring success in “eliminating poverty?” If the official “poverty line” differs from province to province, or region to region, please provide a list of these official “poverty lines” used in every municipalities/provinces/autonomous regions/counties. What criteria were used by the government to allow the 27 million people access to “the social-insurance poverty alleviation premiums?” (para. 84)

Article 10

Protection and assistance accorded to the family

- What steps has the state taken since 2014 to legalize same-sex marriage (para. 90)?
- What measures has the state taken to completely abolish birth control policies to restore couples’ reproductive right to decide the number of children they want? Please address concerns that, while relaxing the “one-child” policy was a step forward, the “two-child” policy continues to infringe upon women’s reproductive rights. (para. 91) Please also provide the most recent official estimation of the total number of children who have been denied residential registration because they were born out of birth quotas, or outside of marriage.
- Please provide disaggregated national data on the cases investigated and the punishments imposed in cases involving child labour, and the abduction and sale of children from 2015 to 2020. Please provide detailed information about the minimum age of those enrolled in the “job placement” program, the nature of the work they do, payments they are given, and any educational instruction they receive. (para. 92)

- Please address reports that the state has engaged in forcing women to undergo forced abortions and forced sterilizations in the XUAR. Please provide the number of abortions and sterilization procedures performed on women of ethnic Uyghur and other Turkic minorities and the number of these procedures performed on women of Han Chinese majority in state hospitals in the XUAR from 2014-2020.
- In para. 99 of the state report, the state party claims that the courts accepted domestic violence cases and issued 2,154 personal-protection orders in 2018. Please provide detailed information about the total number of cases of domestic violence handled by all levels of courts and the total number of personal-protection orders issued since the Anti-Domestic Violence Law took effect. Please also explain what actual measures are taken to enforce personal-protection orders. Please provide the annual total numbers of deaths reported in domestic violence cases each year since the Anti-Domestic Violence Law took effect.
- Please provide information to explain what measures the state adopted to protect victims and reduce domestic violence when cities were in lockdown and under quarantine during the COVID-19 pandemic in 2020.

Article 11

Right to adequate living standard

- In para. 102 of the state report, the state claims that China would achieve the goal of poverty eradication under the UN 2030 Agenda for Sustainable Development by 2020. The government has now declared that this goal has been met. Please explain what is the official poverty line that the state used in this declaration of poverty eradication? If this poverty line is lower than the World Bank poverty line, please explain why this discrepancy and provide disaggregated data of people living below the World Bank poverty line in each municipalities/provinces/autonomous regions/counties, in each of the residential registration status - urban or rural, and in each of the officially recognized ethnic minority groups in 2020.
- Of the two methods of resettlement of farmers and nomads described in paras. 112-114 of the State Report, please provide breakdown data by ethnic groups, showing the number of people in each group who have been resettled by each of the two methods. What measures are in place to ensure that nomads, who are predominately ethnic minorities, are granted similar treatment as Han Chinese farmers, such that a “full and respectful account is taken, via hearings and other means,” and that “public notices and other means” have made them aware of related compensation, resettlement options, and channels for legal relief (as detailed in para. 113).
- Please address reports that former prisoners, especially political prisoners, struggle to support themselves and their families because officials cut off their “minimum income guarantee” social assistance (*dibao*) payments or minimum pension payments for the elderly, or prevent them from holding jobs by threatening employers.

Article 12

Right to physical and mental health

- Please provide detailed information and data, disaggregated by the following groupings—rural and urban residential registration status, and major ethnic groups (including Han Chinese)—on the coverage (in percentage numbers) of state-subsidised health insurance and state-subsidised health-care services, and on the

availability of testing and medical care for people in each group with coronavirus infections in 2020.

- What measures has the state taken to ensure the public's open access to accurate and adequate information about the spread of the virus and personal protective equipment and preventative measures during the COVID-19 pandemic? Please provide information about [citizen journalists](#) Chen Qiushi, Fang Bin, and Zhang Zhan, and Chen Mei and Cai Wei, volunteers of "Terminus2049" Github website, activists Xu Zhiyong and Guo Quan, and other citizens, who are reportedly [detained](#) for reporting, documenting and circulating information about the COVID-19 pandemic, an issue raised by Special Procedures in [AL CHN 8/2020](#).
- What specific measures has the state taken to eradicate discrimination against persons with developmental, psychological and psychosocial disabilities. Please address reports that many human rights activists, dissidents, and those seeking redress for their grievances have been forced into psychiatric institutions by officials or police, or that authorities have pressured family members into forcibly committing such individuals.
- Please address reports of deaths in police custody at detention centers, prisons, and re-education camps in Xinjiang or deaths of detainees/prisoners soon after they are released due to torture and mistreatment including deprivation of adequate medical care. Please provide details on any investigation and punishment of policemen or guards at these facilities involved in such death in custody cases.

Articles 13-14

Right to education

- Please address concerns about disparities in access to basic education between children of ethnic minorities and Han Chinese population groups, between urban and rural residents (including rural-to-urban migrant workers). Please provide annual data, disaggregated by ethnicity and by rural or urban residential registration status, on public school enrolment, dropout, and graduation rates in primary, middle, and high schools, from 2014-2020.
- Please address reports of state restrictions on language education and other cultural and religious practices of ethnic minorities, in particular, Uyghurs and Turkic Muslim minorities, Tibetans and Inner Mongolians. Please explain why these ethnic minorities' languages are reportedly not given equal footing in law, policy, education and other practices with the Chinese language. Please explain why the Xinjiang Uyghur Autonomous Region De-extremism Regulations have not been repealed, despite a recommendation from Special Procedures (OL CHN 21/2018), which described the regulations as "target[ing] Turkic Muslim ethnic, linguistic and religious minorities as well as Kazakh nationals."
- Please explain the state's justification for the "bilingual education" [policy](#) to [stop](#) teaching Tibetan and Mongolian languages in schools and replace ethnic languages with Mandarin Chinese as the medium of instruction in primary schools in the Tibet Autonomous Region and the Inner Mongolia Autonomous Regions. On November 24, 2020, the UN Committee on the Elimination of Racial Discrimination expressed concern over "reports according to which Government restrictions on the use and teaching or preservation of ethnic minority languages have continued or become more stringent in some cases." (CERD/101stsession/FU/MK/ks)

- Please address reports that some children of human rights defenders have been denied access to public education or been prevented from traveling abroad to go to school, often under the pretext that allowing them to study abroad would “endanger national security,” in reprisal against their parents for advocating for protection of human rights.

Article 15

The right to cultural life and the benefits of scientific and technological progress

- Please address concerns that the state’s “counter-terror” and “deradicalization” provisions, policies, and practices; that banning religious activities and practices; that demolishing religious buildings and sites; and that detaining people in “re-education” camps or punishing them in other ways, on the basis of their ethnicity and religion, in Xinjiang and Tibet, [constitutes](#) a “cultural genocide.”
- In para. 160 in the State report about ethnic-minority languages used in media, radio, books, and television, please provide information about and explain the imprisonment of Tibetan language advocate Tashi Wangchuk. Why has the state ignored the Working Group on Arbitrary Detention’s ruling in its Opinion No. 69/2017 for his immediate and unconditional release?
- Related to the claims made in para. 158-160 in the State report, please provide detailed information about exactly how ethnic minorities participate in formulating the policies to protect their freedoms of expression, religion, and culture?
- What specific steps has the state taken to protect the personal and private data of citizens using health apps, such as the Alipay Health Code, or other health-related technology during the COVID-19 pandemic; and what collected data is sent to law enforcement? Is there a transparent and legally accessible appeals process for individuals who have been denied the right to travel or access services due to app-assigned health codes? What measures are in place for people who don’t have phones to be able to travel and access services without accessing such technology-based systems?
- Please address concerns that law enforcement and security forces used artificial intelligence technology to track, profile, and target members of ethnic minority communities such as the Uyghurs and Tibetans.

Other questions to raise for the Committee’s consideration

- Please provide a timeline indicating when the State Party will sign and ratify the Optional Protocol to the ICESCR.
- Please provide a timeline indicating when the State Party will sign and ratify the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of all Persons from Enforced Disappearance in a timely fashion or as soon as possible.