

[China | UN experts ask hard questions about ESC rights, women's rights](#)

06.05.2021

Members of the UN Committee on the Elimination of all forms of Discrimination Against Women and the UN Committee on Economic, Social and Cultural Rights met in March 2021 to prepare two ‘Lists of Issues’ to guide their respective reviews of the People’s Republic of China.



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The lists were based on information received by the government and by civil society organisations, in written and oral form. The PRC government is expected to reply to the Lists of Issues with additional information before the formal dialogues with the Committees, which will most likely take place in 2022.

You can read the List of Issues for CEDAW [here](#), and for CESC [here](#). ISHR also prepared an explainer document available in [English](#), [Mandarin](#), and [Spanish](#), on the work done by the CESC, which rights it protects, and how can civil society engage with the Committee. All versions can be [downloaded here](#), including a generic version, and a supplemented version that includes more information about the Committee's past work to review the situation in China.

So... what were the main focus issues?

(Women) human rights defenders, lawyers and civil society

Questions from CEDAW asked for details on investigations into violence against women independent candidates; risks of **reprisals** against WHRDs and challenges to freedom of association through NGO registration requirements; and measures to prevent gender-based violence and harassment during the exercise of **freedom of peaceful assembly** in Hong Kong.

CESC also sought assurances about the creation of an enabling environment for civil society, and asked for comments on regulations that have led to an increase in **disbarment or suspension of human rights lawyers**. They also asked how the State would ensure that ‘the enforcement of the **National Security Law** does not shrink civic space for human rights defenders advocating for economic, social and cultural rights’.

Academic freedom was also a significant area of inquiry, including in the context of the National Security Law and reported dismissals of professors. Finally, experts asked whether the State had developed ‘any guidelines to interpret the terms “individual organizations or individuals to engage, under the banner of “safeguarding rights,” in activities that incite division of the country, challenge the basic Chinese political system, or undermine social stability”; and clarify how the terms have been applied in practice’.

The situation for Uyghurs

It’s been all over the news – but it’s also a major focus for many civil society groups and governments. That translated into interest by both Committees. They raised questions about:

- Actions to better identify barriers to public participation by minorities; and defend against direct and indirect **discrimination on the basis of ethnic/religious identity**, including in employment
- Sexual and reproductive health and rights, including ‘alleged **coercive family planning practices** in XUAR’
- The impacts on children of **family separation**, including in the context of State-run boarding schools
- **Bilingual education**, especially for girls, and how the government justifies replacement of ethnic

minority languages with Mandarin in schools through their policies

- ‘The efforts undertaken to promote and protect the culture, religion and language of ethnic minority groups, particularly Uyghurs and Tibetans and measures taken to ensure that the cultural, religious and linguistic identity of ethnic minority groups is not undermined by the assimilation policy of the State party’
- **Forced labour** including of Uyghur women, in cotton-picking and textile/apparel manufacturing, and the existence of ‘alternative or parallel systems of forced labour’ like vocational training programmes... and centres’
- Efforts to reduce the number of **women in detention**, including data disaggregated by ethnicity, type of detention facility, and reason for detention.

Upholding business and human rights and climate justice, including in the context of the Belt and Road Initiative

It’s not just Chinese groups that have an interest in seeing China do better at upholding its obligations.

Impacts on rights of individuals and communities overseas was a key focus of reports by civil society coalitions, joined by ISHR, from [Latin America](#) and [Africa/Asia](#), as well as Central Asia and the [Balkans](#). The Committee requested more information on:

- The status of **human rights due diligence** by Chinese investors and businesses, as well as steps for incorporating human rights due diligence into the environmental, social and governance reporting framework of the Hong Kong stock exchange
- Mechanisms for monitoring and compliance with existing (voluntary, sectoral) **guidelines for enterprises**, including state-owned enterprises, as well as transparency in reporting
- Measures taken to ensure **access to remedy** for non-national victims of abuse linked to companies domiciled in China or Hong Kong, including examples of specific cases
- Specifically on the **Belt and Road Initiative**, measures to address debt sustainability and negative impacts on the environment and other ESC rights
- Efforts to ensure that loans through the **Asian Infrastructure Investment Bank (AIIB)** and other financial institutions do not result in ‘unjustified retrogression in the enjoyment of Covenant rights’
- Procedures for **human rights impact assessments** of development assistance and trade agreements
- Measures to ensure that operations and investments by Chinese entities do not hinder the efforts of recipient countries to address adverse impacts of **climate change**

Of course, Chinese companies should be operating responsibly within China as well.

The experts asked about free, prior and informed consent for Tibetan herders, as well as measures to protect against environmental degradation due to infrastructure and extractive activities in Tibet. They also asked how Chinese authorities make sure employers will address sexual harassment and gender discrimination in the workplace.

Rule of law and accountability

The role of security and judicial authorities was highlighted, including questions about complaints filed against the Hong Kong Police Force for SGBV, investigations undertaken, and sanctions applied; more broadly, the Committee asked about overall **effective monitoring and oversight**, including by the IPCC. Both Committees asked about the status in the PRC and Hong Kong of establishment **national human rights institutions**, with emphasis in the latter on ‘legislative and administrative measures taken to guarantee the full **independence and impartiality of the judiciary**’.

Impact of COVID-19 on realisation of rights

The Committees pressed for more information on COVID’s impact on domestic violence and impacts of lockdown orders, economic stimulus and decision-making processes on women and on other marginalised groups, including minority and rural populations and migrants. They sought information about prevention

efforts in the early months, including to provide information to WHO and the public, and asked the State to clarify **'steps taken to address the repeated reports of reprisals against medical professionals and scientists as well as journalists'**. Inquiries about COVID's economic impacts for marginalised (migrant, gig economy) workers, including wage arrears and safety at work, were also addressed.

What now?

It's important to see that so many of these questions are important, and urgent, and respond to the concerns that civil society has brought to the UN. Because the Chinese government signed up to these treaties, it means they recognize that having outside expert advice, and warnings, and acknowledgement, is part of being a responsible global actor.

We will closely watch for the government's answers to these questions, and encourage them to be mature and engage in mutual dialogue with the experts to best protect these important rights.

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