

Statement by the Network of Chinese Human rights Defenders for the UPR Pre-session 45: China

This statement is delivered on behalf of the Network of Chinese Human Rights Defenders, a coalition of Chinese and international human rights NGOs dedicated to the promotion of human rights in China.

This statement focuses on cross cutting issues involving economic, social and cultural rights, namely, discrimination, human rights defenders, and labor rights.

Issue 1: Discrimination

Mexico urged, and the Chinese government accepted, the recommendation to, “(a)dopt measures, including public policies or laws, which ensure the enjoyment of the right of every person not to be discriminated against in any way, including their sexual orientation, religion or ethnic origin (28.86)”

While we welcome efforts made by the Chinese government to address these issues, the government, however, makes it difficult to accurately measure progress on tackling discrimination. As noted by the Committee on Economic, Social, and Cultural Rights (CESCR), there is a lack of statistical data – disaggregated by sex, gender, ethnic origin, urban and rural populations – and this lack of data hampers accurate assessments of the extent of inequality and discrimination (E/C.12/CHN/CO/3, para 7).

Since the last review, certain groups may be facing increased discrimination.

LGBTIQ+

While the Chinese government encouragingly accepted recommendations regarding LGBTIQ+ rights in the last UPR, it now appears that the government’s position has changed.

The Beijing LGBT Center was forced to shut down in May 2023 and, LGBT Rights Advocacy China, an NGO with operations nationwide, was forced to shut down in November 2021. In July, 2021, nearly 20 WeChat accounts of university students’ LGBT and gender studies groups were suddenly [closed down](#).

Same-sex marriage was not legalized when China adopted its 2020 Civil Code.

Women

In its review this year, the CEDAW committee expressed concern about the persistence of deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, impacting many facets of women’s rights. At the recent National Women’s Congress, the country’s top leader did not mention gender equality but instead [emphasized](#) the need to “...foster a new type of marriage and childbearing culture.”

Ethnic minorities

As the OHCHR's assessment of Xinjiang notes, "...patterns of restrictions [on human rights] are characterized by a discriminatory component, as the underlying acts often directly or indirectly affect Uyghur and other predominantly Muslim communities (para 147.)"

Recommendations:

- Promulgate comprehensive anti-discrimination legislation to address discrimination affecting women, disabled persons, ethnic minorities, the LGBTIQ+ community, and rural-to-urban migrants, among others (E/C.12/CHN/CO/3, para 34).
- Improve its data collection, with a view to producing reliable data disaggregated by relevant criteria (E/C.12/CHN/CO/3, para 7)
- Ensure awareness-raising and capacity-building programs for the judiciary and law students on women's rights and gender equality, to eliminate judicial gender bias and discriminatory gender stereotypes (CEDAW/C/CHN/CO/9, para 16a.)

Issue 2: Human Rights Defenders

Belgium recommended, and the Chinese government accepted, the recommendation to, "take the necessary measures to guarantee that human rights defenders can exercise their freedom of expression and peaceful association."

However, the CESCR committee noted "human rights defenders and lawyers working on human rights issues are systematically subjected to prosecution, reprisals and intimidation for legitimate activities, including by being arbitrarily sentenced to long terms in prison or under house arrest, tortured, subjected to enforced disappearance ..." (E/C.12/CHN/CO/3, par. 15).

As of November 21, 2023, we have [documented](#) 3,041 cases involving HRDs currently in detention or prison. And many of these defenders work on ESC rights, including housing rights, land rights, health rights, and labor rights.

The Foreign NGO Law and other national security laws have dramatically [decreased the space](#) for Chinese civil society to interact with the outside world outside of the government's control and without facing reprisals.

Recommendation:

- Adhere to its legal obligations under international human rights law and to refrain from persecuting and prosecuting human rights defenders and lawyers working on human rights issues (E/C.12/CHN/CO/3, par. 16.)

Issue 3: Workers Rights

Angola recommended, and the Chinese government accepted, the recommendation to, "Further improve laws and regulations regarding the rights and interests of workers and labour unions."

At least 38 [workers' rights advocates](#) have been detained since the last UPR. This include people attempting to engage in collective bargaining and organize in new sectors of the economy, such as [food delivery](#) workers.

In the 2023 CESCR review, the Committee noted with concern that under the law workers in China are still unable to exercise the right to form independent trade unions or their right to strike in violation of Article 8 of the Covenant. (E/C.12/CHN/CO/3).

Recommendation:

- Ratify the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98).