

**Information submitted by three Chinese NGOs
Justice For All, Little Fish Labor Services and Promise of Love
to the Pre-Sessional Working Group of the Committee on Economic,
Social and Cultural Rights on the occasion of the consideration of
List of Issues related to the Second Periodic Report of the People's
Republic of China during the Committee' s 51st Session**

Submitted March 2014

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Introduction

1. This report is made by three civil institutions of China, Justice for All, Little Fish Labor Services in Yongkang city and Xiamen Promise of Love, the content of and the perspectives in which are based on the work and practice of those three NGOs. They will be responsible for accuracy of the events, data and other details mentioned in this report.
2. This report mainly deals with issues relating to the general provisions of the Covenant, and the articles of non-discrimination, equal rights of men and women, right to form and join trade unions and right to strike, the right to physical and mental health and the right to education, included in the International Covenant on Economic, Social and Cultural Rights (hereafter “the Covenant”).

I. Issues relating to the general provisions of the Covenant

3. In the course of drafting the second periodic report, civil institutions of China have not been given enough chances to participate in. In the second periodic report on the implementation of the Covenant submitted by China (E/C.12/CHN/2) provided by China, the fifth paragraph of the foreword says, “In the course of drafting the report, the working group consulted the opinions of nearly 20 national-level non-governmental organizations and academic research institutions (see Annex 1 for a list of names)”. However, after checking the organizations listed on the Annex 1, we found that all of those organizations have official background and no real NGOs were consulted.
4. No persuasive data can prove that to what extent, China has put on weight to the Covenant. In the second periodic report on the implementation of the Covenant submitted by China (E/C.12/CHN/2), the seventh paragraph of the foreword says, “The Chinese Government places great importance on publicizing and spreading awareness of the Covenant”. But according to our practice, the general public have rather little knowledge about the Covenant. Therefore, we hope that Chinese government can provide persuasive data when submitting the next periodic report.

II. Non-discrimination

5. The discrimination based on the national household registration system (*hukou*) still exists in each aspects of the social life. This issue is listed on the fifth paragraph of the list of issues in relation to the second periodic report of China (E/C.12/WG/CHN/Q/2). Although the central government has made positive signals in combating this kind of discrimination in recent three years, the effectiveness of those measures takes time to see. However, it should be noted that this type of discrimination still exists in recruiting civil servants, which has widely influence on the private employment. We hope that China’s government speeds up the reform of the *hukou* system, and fundamentally addresses de facto discrimination based on the *hukou* in every aspect.
6. Disabled people are especially suffering the discrimination due to the *hukou* system, regarding access to social security, public health services and education. The fifth paragraph of the list of

issues in relation to the second periodic report of China (E/C.12/WG/CHN/Q/2) talks about this issue. However, all social welfares that the disabled can enjoy are only available at the place of their *Huhou*. What's worse, the handicapped children cannot be able to study in the public schools especially for the disabled in other places except in the place of their *Hukou*.^① This problem is easily ignored by the public. Therefore, we hope that the reform of the *hukou* system can also benefit the disabled.

7. The persons living with HIV/AIDS are still discriminated due to some systems. The sixth paragraph of the list of issues in relation to the second periodic report of China (E/C.12/WG/CHN/Q/2) involves with this issue. According to the article 18 of the Physical Examination Standard in the Recruitment of Civil Servants (Trial) (hereafter “the Physical Examination Standard”) formulated by Ministry of Human Resources and Social Security of the People, persons living with HIV/AIDS cannot pass the physical examination. The Physical Examination Standard was criticized for discriminating persons living with HIV/AIDS for the first time, when a person with HIV/AIDS sued the local education department.^② To date, there are five similar cases, but all the plaintiffs have lost the cases. We hope that Chinese government removes this article as quickly as possible.

III. Equal rights of men and women

8. Public education measures to eliminate gender-based prejudices do not make much achievements, and the employment discrimination based on gender can be found widely in the workforce market. This issue is discussed in the second paragraph of section four in the part III of the second periodic report on the implementation of the Covenant submitted by China (E/C.12/CHN/2). Although the number of female workers is increasing, when compare with that of the male correspondence, employment opportunities for females are rather few. What's worse, those companies which only recruit male workers open recruitment exercise are rarely punished by the local governmental departments. For the females who want to draw the attention of the governments or the courts to this issue by way of taking legal measures, huge costs will be paid.^③ We hope that the administrative and judicial systems can abide by the relevant laws, so that the laws providing legal protection of gender equality will be fully implemented in China.

9. After the last periodic report being examined by the Covenant, Chinese government has not introduced new systems to ensure women's equal participation in political activities. This issue is dealt with in the eighth paragraph of the list of issues in relation to the second periodic report of China (E/C.12/WG/CHN/Q/2). Although the number of women who participate in political

^① See the relevant news: *It is too hard for the handicapped child to attend school. Who can help him?* Available at: <http://www.s1979.com/shenzhen/201302/2176950321.shtml>

^② See the relevant news: *The judgment of China's first HIV employment discrimination case was delivered and the HIV-infected person lost the case.* Available at: http://news.xinhuanet.com/legal/2010-11/12/c_12768842.htm.

^③ See the relevant news: *The first gender-based employment discrimination case has difficulties in being accepted by the court.* Available at: http://legal.china.com.cn/2013-08/26/content_29827646.htm

activities increases, most of them are at the deputy positions or the positions which has no chances to make decisions.^① We hope that Chinese government can formulate the system which provides equal chances to participate in the political activities, not just try to mechanically increase the number of female officials by way of the administrative methods.

IV. Right to form and join trade unions and right to strike

10. Chinese government has not taken new steps to ensure that workers can freely exercise their right to form and join trade unions, including outside the control of the All China Federation of Trade Unions. This issue is listed in the fifteenth paragraph of the list of issues in relation to the second periodic report of China (E/C.12/WG/CHN/Q/2). Although both the Trade Unions Law and Chinese Trade Unions Constitution, which are closely related with the forms of trade unions, have been revised, all of those revisions do not change the forms of current trade unions. The room for workers to freely exercise their right to form and join trade unions is narrower than ever before, because the governments or the trade unions usually cancel those private trade unions or make them absorbed into the All China Federation of Trade Unions. Therefore, we suggest that the bureaucratic nature of current trade unions shall be changed and the workers can really participate in the management and decision-making process of trade unions. Only in this way can trade unions represent the interests of the workers.

V. The right to physical and mental health

11. Whether the drinking water in China is safe or not is still not certain. This issue is dealt with in the third paragraph of section five in the part X of the second periodic report on the implementation of the Covenant submitted by China (E/C.12/CHN/2). Although Chinese government has revised the Health Standards for Drinking Water Quality, the information on the drinking water is rarely disclosed.^② After the drinking water crisis in Shanghai, the local government claimed that their drinking water was safe, but they only provided nine items of drinking water quality data, which were far away from the standard of 160 items.^③

^① See the relevant news: *Data show that the portion of female governmental officials at both high and low positions is rather low and most of them take the deputy positions.* Available at:

<http://city.sina.com.cn/focus/t/2012-03-08/095928281.html>

^② See the relevant news: *Only two cities in mainland China released 106 items of drinking water quality data, and five cities refused to release such data.* Available at:

http://news.ifeng.com/mainland/detail_2013_07/01/26983312_0.shtml

^③ See the relevant news: *The "dead pig incident" in Huangpu River was followed by the argument between a college student and the Shanghai Municipal Bureau of Water Resources.* Available at:

<http://news.hexun.com/2013-07-19/156292588.html>