

The Network of Chinese Human Rights Defenders & a Coalition of NGOs

Report Submitted to the Committee on Economic, Social and Cultural Rights
for its Review at the 52nd Session
of the Second Report by the People's Republic of China
on Its Implementation of the
International Covenant on Economic, Social and Cultural Rights

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1. This report is submitted to the Committee on Economic, Social and Cultural Rights for its consideration of the second report by the People's Republic of China (E/C.12/CHN/2) on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.59) during its 52nd session (28 April – 23 May 2014).

A. Introduction

2. This joint report is prepared by the Chinese Human Rights Defenders (CHRD) and a coalition of Chinese human rights NGOs, including the Rights Defense Network, Civil Rights & Livelihood Watch, Civil and Political Rights Monitor, Smiley Gongyi Group, Justice Policy Institute, Rights Defenders Co-op Support Group, and others who want to remain anonymous for fear of government retaliation. Its contents are based on the participating NGOs' and CHRD's documentation and research, in consultation with other human rights activists, academics, and lawyers.

B. Positive aspects

3. We would like to recognize recent progress made by the Chinese government regarding rights relevant to the Covenant in two specific areas—the Re-education through Labor (RTL) extrajudicial detention system and the “one-child” family planning policy. In November 2013, the 18th Chinese Communist Party (CCP) Central Committee at the Third Plenary Session announced decisions to abolish RTL¹ and also loosen the “one-child policy,” allowing couples to have two children if one of the parents is an only child.²

C. Principal subjects of concern

General issues

4. This section focuses on our principal areas of concern regarding the Chinese government's implementation of protections for specific rights set forth in the International Covenant on Economic, Social and Cultural Rights, which China ratified in 2001. Following discussion on general issues, the section titles correspond to those in the Covenant.

5. We want to alert the Committee that the State party's second periodic report was not disseminated prior to submission and did not go through a public consultation process. The Chinese public was not informed about any draft State party report made available for comment, in print or online. Most of the institutions and organizations that the State party claimed to have consulted during the drafting of the State report, as listed in Annex 2, “Non-governmental organizations and academic institutions consulted during the preparation of the present report,” page 48, of the “Core document forming part of the reports of States parties,” are known to be part of the government bureaucracy, funded by the government, and/or run by government officials or government-appointed bureaucrats or retired former officials. Their directors or chairpersons and even staff are generally on government payrolls. They have never functioned as part of the Chinese civil society and, instead, have always functioned as part or on behalf of the

government or the CCP. To the best of our knowledge, these are “government-organized non-governmental organizations” (GONGOs).

6. We are also concerned that the government has not taken measures, including legislative, regulatory policies and guidance, to ensure that businesses respect economic, social, and cultural rights throughout their operations, in particular in the extractives sector and commercial operations involving the appropriation of land. To our knowledge, the Covenant is not taught in business schools, law schools, or universities. Members of the general population, including those engaged in business, have little awareness of the contents and China’s treaty obligations under the Covenant. Chinese lawyers whom we consulted confirmed that the rights contained in the Covenant have not been incorporated into domestic law, and that the Covenant cannot be invoked before domestic courts by any persons under the jurisdiction of the State party. When some lawyers have tried to invoke international human rights treaties that China has ratified, the judges have in fact interrupted them or ignored their invocations. The lawyers confirmed that domestic courts never cite international treaties that China has ratified in their judicial review of cases involving the violations of relevant rights. Chinese courts have no independence from the CCP. The CCP, through politics and law committees at all levels of the court system, oversees all court decisions, especially in cases where rulings may negatively impact the CCP’s interests.

Article 2 – Right to non-discrimination

7. We are seriously concerned about the discriminatory “household registration (or *hukou*) system” that segregates urban and rural residents into two classes of citizens. Despite the loosening of restriction on movement of persons in recent years, the use of the system still results in discriminatory standards in citizens’ access to social security, services, and benefits, including in health care, education, and employment. The household registration system has also been used to create barriers for ethnic minorities to travel and look for work in Han majority regions (mostly in East China, the most economically developed part of the country). Hotels, transportation authorities, and business employees have been instructed by authorities to use household registration of certain ethnic minorities, especially Tibetans and Uyghurs, to refuse their travel bookings and reservations as well as job applications.

8. We are concerned about further discrimination against individuals barred from obtaining any sort of household registration, who already suffer profound discrimination, as they are effectively ineligible for any social services and benefits. According to a story published in the state media outlet *Rule of Law Times* on February 14, 2014, China has more than 2,800 administrative districts where, in each of these districts, there were at least 3,000 people without household registration at all.

Article 3 – Equal rights of men and women

9. We are concerned about prevailing discrimination against women in higher education, job recruitment, and the workplace, and decry the rampant problems of sexual harassment that Chinese women endure at work and underage girls are subjected to at schools. According to data

for 2013, at least 81 universities had admittance restrictions based on gender, including 31 institutions considered “first-rate internationally” by the government. Among the 81 schools, 34 of them had directly discriminated against female applicants in the admissions process. Ninety percent of female university students have experienced discrimination in job recruitment, according to a survey reported on by state media in August 2010.³

10. Companies or other institutions in China regularly cite gender requirements or raise standards of qualification for women as reasons for not hiring females, practices that violate China’s Constitution and national laws (including the Labor Law, Employment Promotion Law, and Protection of Rights and Interests of Women Law). Civil society organizations that monitor employment discrimination against women in China find that such regulations are not enforced in practice as well as no channels to redress violations. The National People’s Congress itself noted in 2013 that some difficulties women experience in securing jobs are due to the lack of detailed and specific legal provisions to punish gender discrimination in employment, which makes it impossible for labor departments and courts to impose consistent penalties.

Article 7 – Right to just and favorable conditions of work

11. While acknowledging the abolition of RTL, we have serious concerns about other forms of arbitrary detention that are replacing RTL, and where police retain the power to extra-legally detain individuals for up to two years without access to a lawyer or having cases heard in court. Reportedly, “women’s correction centers,” where women caught for allegedly engaging in the sex industry can be locked up and forced to engage in hard labor for up to two years. In addition, “community correction centers,” another extrajudicial form of detention, is being further developed to at least partially “replace” RTL. Meanwhile, “black jails,” illegal and makeshift detention facilities where individuals may be held for months without any judicial review and be subjected to torture and other inhumane treatment, continue to be in active use.⁴ Once mostly limited to Beijing, local officials all over the country now set up “black jails” to silence “petitioners,” individuals who file grievances against their local officials, and to prevent them from going to Beijing to present complaints to central authorities. Black jails are believed to be proliferating despite a crackdown announced in December 2011, when authorities pledged that they would eliminate the facilities in Beijing,⁵ and even though the government denies the facilities even exist.⁶ These realities raise grave concerns that these other extrajudicial detention facilities are taking the place of the abolished RTL.

12. China has not established an independent national human rights institution with a mandate to receive, investigate, and address complaints from the public. Instead, the government refers to its legislative and prosecution departments as those handling allegations of rights abuses. However, these bodies are not independent of the CCP, nor do they genuinely handle rights allegations. For instance, state “letters and visits” offices in Beijing and provincial capitals regularly collude with local officials to detain and persecute petitioners. Many of the grievances involve violations of rights provided for by the Covenant, such as in cases of forced evictions, labor violations, and forced abortions or sterilizations. In addition, those released from RTL have no clear channel to seek recourse over abuses suffered in the camps, including arbitrary detention

and torture, and authorities continue to rebuff and retaliate against past detainees who appeal for justice.⁷

13. We are concerned that the government's encouragement of the Han people—China's majority ethnic population—to migrate to the Tibet Autonomous Region (TAR) and boost the area's economy has not significantly improved Tibetans' economic conditions. Adopted since 2008, policies that have eased requirements for Han to invest in business ventures and obtain loans have created loopholes for these migrants, who have also been given residential status in the TAR to further take advantage of such policies. Ethnic Han majorities who have migrated to Tibetan areas have benefited from quotas or beneficial policies in getting certain government jobs (e.g., as public servants or policemen) or in receiving business permits and loans. In contrast, ethnic Tibetans continue to experience de-facto discrimination in these same areas.

14. Beyond barriers to women's equal opportunity for employment, we note that women are subjected to hostile and discriminatory workplaces once they do get jobs. China has seen inadequate implementation of the Special Rules on the Labor Protection of Female Employees, regulations promulgated in 2012 that mandate employers stop and prevent sexual harassment in the workplace. The official newspaper *The Southern Daily* reported in November 2013 that 70 percent of women factory workers had been sexually harassed at work, and that alleged perpetrators did not face any consequences in the majority of such cases. In addition, enterprises use various means to try to control when women employees can become pregnant and deprive their rights to work during pregnancy, with state media outlets reporting that female employees are often dismissed while pregnant.

Article 8 – Right to form and join trade unions and right to strike

15. The coalition is concerned about China's ongoing reservation in adopting Article 8, as Chinese workers cannot legally organize independent trade unions or join a union of choice. Despite formally providing for the establishment of unions under the Trade Union Law, China in practice does not permit unions to be created outside of the government-run union system. The CCP has full administrative power over all labor unions established under the All-China Federation of Trade Unions (ACFTU), a government body whose top leaders are also appointed by the government. All ACFTU officials working in national and local governments are on state payrolls, or state and private enterprises pay union officials who are posted in their respective workplaces. Thus, such unions are state organs and serve the political interests of the CCP instead of representing the interests of the vast majority of workers.⁸

16. The close relationship between business management and union representatives—with the latter being largely determined by the CCP—undermines the protection of workers' best interests. Although workers should choose their union representatives, according to the Trade Union Law, a higher-level union within the government holds the power to make final decisions on union leaders. Owners of an enterprise tend to wield great power in manipulating the union structure, and high-level managers and relatives of a company's executive team often occupy leadership positions in unions. Many workers in China become members of government-run labor

unions even without their knowledge, and state enterprises deduct a portion of their monthly salary as dues to unions that serve no function in protecting their rights.

17. The Trade Union Law does not provide for the right of workers to strike, a right that was written into China's Constitution in 1975 but revoked in 1982. Authorities regularly punish workers who push for work stoppages with short-term administrative detentions, and leaders of striking workers have been arrested and even imprisoned in retaliation for their labor rights advocacy. Workers who have organized to defend their rights in other ways—like by petitioning government officials, submitting demands directly to employers, and writing open letters to authorities—have also been retaliated against by the government.

18. We note that authorities have actively suppressed labor NGOs, which assist migrant workers with cultural education, worker safety training, and legal assistance. Formed largely because unions do not protect workers, these groups are not legally protected by the government and are under constant threat of being shut down.

19. In connection to workers' right to strike, we draw the Committee's attention to the suppression of association and assembly rights in China. Currently, such suppression is evident in an ongoing crackdown on civil society, which began in March 2013.⁹ For years, the government has moved to suppress NGOs, including labor groups, disrupting their operations to the point where some have been forced to curtail their work or shut down entirely. Authorities have retaliated against those who work with such groups, subjecting them to verbal threats, physical assaults, and arbitrary detention.

Article 9 – Right to social security

20. We are concerned that the “household registration system” (*hukou*) effectively jeopardizes rural residents' enjoyment of equal rights to health, education, work, and other social services and benefits, as compared with urban residents. Individuals who are born into households with rural registration face discrimination in obtaining state-subsidized medical care and insurance. They often do not receive medical care subsidies provided to urban residents, and pay proportionally more in medical insurance premiums and overall medical costs. If hospitalized, rural residents often resort to using their savings and income to pay for treatment because they have no medical insurance, and even those funds are often insufficient in paying for effective treatment.

21. The household registration system also creates serious issues of discrimination in employment and education. Citizens who do not possess household registration in a locale where they are living are ineligible for certain professional opportunities, especially in the civil services sector, since they are not eligible for such job recruitment process. Migrant workers in urban areas generally lack permanent residence in their new living places since they cannot afford to pay the high fees required for obtaining such status. Without urban registration, they are barred from attending public schools unless they pay additional fees, and they are not allowed to take the university entrance exam in cities. This type of discrimination leaves them severely

disadvantaged in educational, social, and professional advancement, and violates China's Higher Education Law, which provides for the right of all citizens to access higher education.

22. We are gravely concerned about the lack of legal status of many individuals in China who are not allowed to be registered and hence have no household registration permits of any kind (known as the so-called "black household" or "black population"). They are effectively deprived of the right to social security benefits and services. Children without household registration are not entitled to state-provided social benefits, including medical care, education, housing, and poverty alleviation subsidies. Individuals who lack registration may even be prohibited from traveling outside the area where they live or obtaining a marriage license.

23. Children are barred from obtaining any household registration permit if they are orphans (or have no legal documentation establishing parentage), have parents who lack household registration, or are born "out of birth quota" under the family planning policy, while their families cannot afford to pay fines required for obtaining a birth certificate. Even those born outside of a birth quota and have obtained a birth certificate may still not be allowed to register later, since their families may be unable to afford to pay a huge fine for violating the family planning policy. The fine is known as a "social rearing fee." The "social rearing fee" system lacks transparency and is highly vulnerable to corruption, with collected fines often ending up in the coffers of local governments instead of being made available to the penalized children and their families.

24. While the Chinese government announced in November 2013 that the "one-child policy" is being relaxed to "two-child policy" under particular circumstances,¹⁰ there remains a concern that any such restrictions on the number of births—based on the Population and Family Planning Law from 2002—violate reproductive rights by maintaining the state's power to limit the number of births per couple. Under the relaxed "birth quota," serious rights violations associated with the implementation of the birth-control policy may well continue, including married women being pressured to undergo gynecological tests to monitor their reproductive status, have an IUD inserted or be sterilized, or be forced to abort a fetus if a pregnancy is "out-of-quota."¹¹

25. Although the Population and Family Planning Law does not include reproduction regulations for unmarried females, such women who give birth to children are considered to have violated family planning regulations, according to the Methods for Social Rearing Fee Collection and Management. Their children are considered "illegitimate" and cannot obtain legal registration status, a discriminatory policy that violates the birth registration rights of children; hence, they are unable to access social services and benefits.

Article 10 – Right to protection of the family, mothers, and children

26. We are concerned that the State party made little progress in implementing International Labor Organization Conventions Nos. 138 and 182 regarding child labor, as children working under the age of 18 and under dangerous and illegal conditions remain widespread in China. One area of concern is the large number of secondary specialized or technical school students working in companies as "interns." Government departments in many provinces do not strictly oversee

this issue, and in fact tacitly approve of schools sending students to factories in the Yangtze River Delta and Pearl River Delta areas. Most of those students are not of the internationally recognized legal working age of 18, and some are even under 16 years old. Although they work in “internships,” the content, schedule, and intensity of their work are the same as those of full-time adult employees.

27. We are concerned that domestic violence against women remains widespread. Women victims of domestic violence often encounter obstacles when appealing to relevant government departments for assistance or accessing judicial remedies. Women cite domestic violence as the cause in many divorce cases. There are some instances where women victims of domestic violence who fight back to protect themselves (such as, in some cases, causing the death of their spouses) are held legally liable and subject to heavy prison sentences or even the death penalty. Due to a lack of training and awareness among law-enforcement authorities, village committees, and local Women’s Federations, women complaining about and seeking protection from domestic violence are often sent home or told to get along with their spouses, which have left the problems unresolved. China has very few shelters for battered women, and those that do exist are often unoccupied. Although an Anti-Domestic Violence Law was included in the government’s legislative agenda in 2012, China has not formally adopted a comprehensive law on domestic violence to ensure that all forms of such violence constitute a crime punishable under law. The principle prohibiting domestic violence is stated in the Marriage Law and other laws, but these laws do not include clear procedures for establishing legal liability or pursuing penalties. The Criminal Law and Criminal Procedure Law only handle domestic violence cases involving serious injuries or death.

28. We also want to raise concerns about uneven implementation of existing regulations banning corporal punishment in schools and about the fact that corporal punishment in the home is not banned. There remains no national law in China to ban corporal punishment, which is prevalent in public and private spaces. Abuse and abandonment of minors remains a widespread problem, and the Law on Protection of Minors¹² does not adequately address the issue. None of the 72 articles in this law relate to charges against those who commit corporal punishment of minors unless such acts result in serious injury or death. The Law on Protection of Minors states moral principles, but does not prescribe punishments or mechanisms for implementation.

Article 11 – Right to an adequate standard of living

29. Despite the State party’s claims that violent incidents of forced evictions and demolitions are on the wane, authorities continue to pressure city dwellers to leave their homes while colluding with developers in the violent destruction of residences. Meanwhile, authorities have obstructed and punished victims for seeking remedies, such as exercising their freedom of expression and peaceful assembly in advocating for their rights. Forced eviction and lack of fair compensation have contributed to problems of homelessness and extreme poverty for affected residents. Forced evictions and demolitions typically victimize the poorest urban residents, who often cannot afford to acquire adequate housing equal in size, quality, and convenience (for traveling to work and school) to what they have lost.

30. Regulations on Expropriation of and Compensation for Premises on State-owned Land, which took effect in June 2011 to ostensibly ameliorate problems of forced evictions and demolitions, has not prevented them from occurring in virtually every Chinese city. The regulations, in fact, allow for local governments to determine land use under the pretext of providing for “the public good,” and for officials to issue permission for evictions and demolitions to developers without public consultation.

31. China’s regulations governing social security provide for housing for individuals who are unable to secure it, but these provisions are not implemented in practice, and the system is extremely vulnerable to corruption. Much of the funding earmarked for government housing construction ends up in official coffers. Millions of rural migrants who have come to cities to work are only able to rent low-quality housing, often underground dwellings in very poor condition, with limited air flow, unhealthy sanitation facilities, damp floors and walls, and extreme noise.

32. Occupants of housing slated for demolition are often pressured into signing agreements for eviction and compensation with governments. Offered compensation is usually well below the property’s market value and sometimes not provided at all. Those who have resisted or protested illegal home evictions and demolitions can have their electricity and water cut off. Often in collusion with land developers who pay them off, local governments dispatch personnel and even hired thugs to enforce eviction and demolition orders, including by violently beating and threatening residents or even detaining them on criminal charges. In several instances, people losing their homes have been killed while resisting eviction and demolition—from beatings at the hands of those enforcing the orders, the collapse of buildings, being run over by demolition equipment, or by committing suicide.

33. Local governments control permits for developers to appropriate land. Developers typically underpay residents for property earmarked for demolition and then sell the land at a significant profit. The developers then pay back local governments. This scheme has helped build up government revenue while making officials even more eager to push forward plans for forced evictions and demolitions.

34. No independent judicial institutions exist in China for eviction and demolition victims to seek legal justice. Law-enforcement agencies, if not actually cooperating with and benefitting themselves from commercial development, very rarely conduct serious investigations into forced evictions and demolitions. For victims to pursue fair compensation, the regulations provide them with two channels: filing appeals with higher-level government authorities or filing lawsuits in court. Both channels are clearly ineffective; in the former case, officials just send the appeals back to the lower levels of government to handle, which often leads to reprisals against the victims, and cases filed with courts—bodies with no independence from the government—are usually rejected as “unacceptable” or “unsuitable” for lawsuit. Even if accepted by a court, courts tend to side with the government.

Article 13 – Right to education

35. The coalition of NGOs is concerned that the Chinese government has made little real progress in protecting and promoting the right of education for children, particularly children living in rural areas and migrant laborers' children. Problems of equal access to education persist despite the government's adding a "non-discrimination" stipulation to the Law on Protection of Minors, and even as the government has acknowledged that regional and rural-urban disparities in providing education for children represent serious issues.

36. The nine-year compulsory public education is still not free and is, in fact, unaffordable for many children in rural areas, migrants' children, and children of poor urban families. In large measure, the discriminatory "household registration" system causes many children in rural areas to face insurmountable obstacles in obtaining a basic education, since the urban-rural system dictates disparate government budgeting and services in education, with far more resources allocated to urban schools. There are gaping disparities between urban and rural enrollment rates from the elementary to the university levels.¹³

37. Hefty costs, including tuition and fees, remain a primary reason for more rural children than urban children to drop out of school.¹⁴ The existence of such fees can be partially blamed on insufficient central government funding for education, as China has adopted a "decentralized" financial mechanism that makes local governments responsible for raising and allocating funds for education.

38. Many rural schools have been forced to close down due to a dwindling number of school-aged children due to decades of stringent family planning policies suppressing population growth rates, and since large numbers of rural residents go to cities in search of work, often bringing their children with them. Consequently, many rural students become boarders due to the small number of schools near their homes and the long distances between school and home, a situation that makes education more expensive.

39. Migrant laborers' children in cities are the most likely to drop out of school or never attend at all. Most migrants' children hold rural household registration and are thus not entitled to the same educational rights provided to urban residents. They are generally not admitted into public schools in their new areas of residence, or their parents are forced to pay high fees in order for them to attend school.¹⁵ In addition, schools specifically set up for migrant children by parents and NGOs tend to be poorly equipped, as they rarely get government subsidies. These schools also risk being shut down by authorities for failing to pass safety inspections or having licensing issues.¹⁶

Article 15 – Cultural rights

40. The coalition is concerned that policies affecting ethnic Tibetans, particularly in the Tibet Autonomous Region (TAR), continue to discriminate against that ethnic minority population, depriving them of their rights to maintain their way of life, language, religion, and cultural

expression. Government policies have also greatly diminished Tibetans' ability to enjoy rights of free speech and expression, receive culturally appropriate education, and independently govern their religious institutions.

41. Tibetans have increasingly resisted suppressive government policies, suffering only further rights deprivations as a consequence. Perhaps most notably, riots in the TAR led by monks in March 2008 were violently cracked down on, and more than 120 Tibetans, both monks and lay people, have self-immolated since 2009.¹⁷ The government in December 2012 instituted a policy of criminalizing acts related to self-immolations, including by punishing so-called “instigators” as well as Tibetans who held religious rites for those who have burned to death. Many Tibetans with alleged ties to self-immolations have been detained, disappeared, or imprisoned, and some reportedly have died after being tortured. In addition, Tibetans, including writers and artists, are being imprisoned for cultural or political expression.¹⁸

42. As an example of deprived cultural rights linked with employment, Tibetans are not able to take the civil service exam in the Tibetan language. Also, as preconditions for taking the exam, Tibetans are forced to, among other things, denounce the “Dalai Lama clique” and repudiate “splittism.” Since 2008, authorities have recruited Han veteran military servicemen to work in law enforcement and state enterprises in the TAR, effectively excluding Tibetans from such jobs.

43. The Chinese government has implemented policies to restrict Tibetans' use of grasslands and forcibly displaced tens of thousands of Tibetans who have historically relied on such land to pursue a traditional lifestyle. Once forced into more urban areas, these Tibetans lack the work skills to find employment while being deprived of their culture, religion, diet, and way of life. Inundated with CCP propaganda campaigns, Tibetan herders who move into urban “settlements” must openly pledge to reject the Dalai Lama and express appreciation to the CCP. Tibetans are also required to fly the Chinese national flag on the roofs of their homes, a location traditionally reserved for displaying Tibetan prayer flags.

44. Government “reforms” have eliminated Tibetan language classes and effectively barred Tibetan culture from schools, curricular changes that accelerated after the protests in Tibetan areas in 2008. In some instances, students learned of changes to the curriculum—such as the removal of Tibetan educational materials for Mandarin Chinese texts—only when arriving at their schools for a new semester. Thousands of students demonstrated for educational rights in Qinghai Province in October 2010, and hundreds of students in Gansu Province took to the streets in April 2009 after their school administrators stepped up criticisms of the Dalai Lama. Some protesting students have faced serious retaliation; in March 2012, thousands of students in Qinghai demonstrated for “ethnic equality” and “language equality,” with many ending up detained and some being given criminal punishments.

45. In recent years, Tibetan religious institutions have been under increased assault and effectively occupied by government and CCP cadres. In April 2008, police raided three major monasteries in Lhasa and took into custody hundreds of monks. Since 2011, there has been a huge influx of non-Tibetan “cadres” assigned to the more than 1,700 monasteries in the TAR;

official state media has reported that more than 46,000 individuals are assigned to these monasteries. Beginning in September 2013, more than 60,000 cadres were sent to areas of the TAR, with many designated to monitor monasteries.

46. In 2013, TAR authorities launched a campaign aimed to elevate loyalty to the CCP, patriotic education, and mass surveillance. Such policies led to a backlash by Tibetans in some counties. Authorities responded by deploying armed police to quell demonstrations, detaining large numbers of Tibetans, and imposing curfews, extra surveillance, and strict limitations on petitioning over grievances.¹⁹

D. Suggestions and Recommendations

47. The coalition of NGOs urges that the government make public any draft legislation concerning the abolition of the Re-education through Labor system, and to guarantee that deprivations of liberty committed in the labor camps are not simply replicated under a system with another name. The coalition further recommends that the government establish effective and transparent channels for former RTL detainees to obtain justice, including judicial review of their demands for compensation for deprived liberty, and investigation of alleged torture and other mistreatment in RTL, thereby holding the perpetrators criminally responsible.

48. The coalition urges that the State party immediately abolish all other forms of arbitrary and extrajudicial detention, such as in “women correction centers” and in “black jails,” including facilities under the names of “legal study classes” purportedly established to “rehabilitate” Falun Gong practitioners. The government should also provide evidence of any effective measures taken to eradicate black jails, including data showing any decrease in their number and use across the country, and information on officials or those under official orders who have set up and operated black jails, and who have been held criminally responsible for such acts.

49. We recommend the Committee ask China to explain, among those “national NGOs and academic research organizations” that the State party claimed to have consulted during the drafting of the State report, how many of them are independent from the government; and produce evidence to prove the non-governmental nature of those identified by the government as being “independent.”

50. We recommend that the State party establish independent national human rights institutions that have a specific duty to accept, respond to, and address alleged rights violations brought by Chinese citizens; and provide information demonstrating that the rights contained in the Covenant are allowed and encouraged to be invoked before domestic courts, and that these courts have been instructed to cite international treaties that China has ratified in their judicial review of cases involving the violations of relevant rights.

51. The coalition recommends that the government clarify what mechanisms will be put in place and what procedures and punitive measures will be established for cases of discrimination in university admissions and professional employment, and effectively enforce relevant laws and

regulations, including the Labor Law, Employment Promotion Law, and Protection of Rights and Interests of Women Law. The government must also ensure that women have effective means of redress against violations of labor laws. We recommend that China explain what substantial mechanisms and legal penalties exist to combat sexual harassment in the workplace, publicize the number of criminal cases involving sexual harassment at work, and provide the definition of sexual harassment in law.

52. The coalition strongly recommends that China rescind its reservation to Article 8 and improve the effectiveness of its Trade Union Law by reinstating and protecting workers' right to form and freely join labor unions outside of the auspices of the ACFTU and guaranteeing them the right to strike, and also eliminate policies that restrict and suppress the work of labor and other NGOs in civil society, and release all individuals currently detained for acts of peaceful association and assembly.

53. The coalition recommends that China abolish the discriminatory household registration (*hukou*) system, and take concrete measures to ensure all citizens equal access to education, health care, housing, employment, and other social services and benefits in line with principles of non-discrimination. We recommend that the government eliminate discriminatory restrictions on rural migrants' equal access to social services and benefits in urban areas, and allow for migrants' children to take the university entrance exam in the locations of their new urban residence. We further recommend that the Chinese government separate residency status from the medical care and insurance systems so that rural residents can enjoy equal access to health care.

54. The coalition recommends that China provide information on measures undertaken to ensure that abortions, sterilizations, insertions of intrauterine devices, and tests of reproductive status are carried out voluntarily. The State party should also provide detailed information on the number of individuals investigated for allegedly using violence, arbitrary detention, intimidation, and harassment against citizens in enforcing the "one-child policy," and provide statistics of those individuals who have been held legally accountable.

55. We recommend that the government provide detailed data on the prevalence of child labor and information on steps taken to prevent schools from sending under-age students to factories as "interns." China must prohibit in law and regulations the employment of children under the age of 18.

56. We recommend the Committee ask China to clarify whether it has adopted legislation criminalizing domestic violence. The State party should be requested to provide information on the number of domestic abuse complaints received by the government, and the number of cases processed, their results, and the number of recurrences. In addition, the State party should introduce legislative amendments to the existing Criminal Procedural Law in order to prohibit corporal punishment in all settings.

57. We recommend that China provide the number of investigations conducted into illegal and violent home evictions and demolitions, and the number of officials held criminally

accountable for ordering, assisting, or failing to stop and prosecute such acts. The government must allow the judiciary to independently process claims for fair compensation, and provide a list of concrete measures for implementing relevant laws and regulations that provide access for low-income citizens and other disadvantaged and marginalized groups to adequate housing.

58. The coalition recommends that the government allocate sufficient funding to actualize free nine-year compulsory public education for all children and eliminate de facto discrimination against rural and migrant children in access to basic education. The government should also establish a “supplement or grant-based” assistance program in urban areas for rural children of migrant workers, and remove existing restrictions that prevent migrant children from accessing public education in their new residences.

59. We strongly recommend that China provide information on measures taken to implement laws and regulations protecting the cultural rights of all ethnic minorities, ensure freedom of cultural and religious expression, including teaching of minority languages in schools, and ensure equal opportunities for employment and civil service jobs for ethnic minorities. The Chinese government must grant greater access to Tibetan areas for OHCHR and UN experts, as well as international human rights organizations and the international media, in order for them to conduct independent investigation of reports of rights violations. We further recommend that authorities responsible for the use of violence to suppress cultural and religious expressions of Tibetans are investigated and held criminally accountable.

Appendices (Submitted as separate documents):

Appendix 1: Discriminatory Population Policies Lead to Unequal Protection of Socio-Economic Rights

Appendix 2: End Discriminatory Household Registration System (*Hukou*)

Appendix 3: Violence in Forced Eviction & Violation of Rights to Adequate Housing

Appendix 4: Chinese Workers Need Independent Trade Unions

Appendix 5: The Situation of Freedom of Association in China

Endnotes

¹ Xinhua.net, “China to abolish reeducation through labor,” November 15, 2013, http://news.xinhuanet.com/english/china/2013-11/15/c_132891921.htm.

² Xinhua.net, “China to ease one-child policy,” November 15, 2013, http://news.xinhuanet.com/english/china/2013-11/15/c_132891920.htm.

³ People’s Net, “Survey Shows Female University Graduates Studying Sciences Experience Greatest Level of Discrimination” (调查显示理工科女大学生受歧视比例最高), August 24, 2010, <http://edu.qq.com/a/20100824/000225.htm>.

⁴ CHRDR has documented many of these abuses in its reporting, including in a 2008 report, “Silencing Complaints: Human Rights Abuses Against Petitioners in China,” <http://chrdrnet.com/2008/03/silencing-complaints-human-rights-abuses-against-petitioners-in-china/>.

⁵ “Beijing to crack down on ‘black jails,’” BBC News, December 2, 2011, <http://www.bbc.co.uk/news/world-asia-china-15998076>. Zhang Bing, then-deputy head of the Beijing Municipal PSB, was quoted as saying that more than half of about 300,000 private security guards in the capital worked for “unlicensed” companies.

⁶ “Response of the Chinese Government to Questions Concerning the Combined 3rd and 4th Periodic Reports on the Implementation of the UN Convention on the Rights of the Child” (CRC/C/CHN/Q/3-4/Add.1), UN CRC - Session 64 (September 16, 2013 - October 4, 2013), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHN%2fQ%2f3-4%2fAdd.1&Lang=en.

⁷ See examples and background: CHRDR, “A Victim’s Efforts to Seek Accountability for RTL Stone-Walled,” *China Human Rights Briefing December 5-11, 2013*, <http://chrdrnet.com/2013/12/chrb-violence-rtl-victim-seeking-justice-stonewalled-125-1211-2013/>; and *Epoch Times*, “China Camp Closures Prompt Calls for Compensation,” January 6, 2014, <http://www.theepochtimes.com/n3/435329-china-camp-closures-prompt-calls-for-compensationrecompense/>.

⁸ See: CHRDR, “Reining in Civil Society: The Chinese government’s use of laws and regulations to persecute freedom of association,” <http://chrdrnet.com/2009/08/reining-in-civil-society-the-chinese-governments-use-of-laws-and-regulations-to-persecute-freedom-of-association/>.

⁹ CHRDR, Individuals Detained in Crackdown on Peaceful Assembly, Association & Expression, <http://chrdrnet.com/2013/07/individuals-detained-in-crackdown-on-assembly-and-association/>.

¹⁰ *The Lancet*, “China relaxes its one-child policy,” November 30, 2013, [10.1016/S0140-6736\(13\)62544-1](http://dx.doi.org/10.1016/S0140-6736(13)62544-1).

¹¹ CHRDR, “‘I Don’t Have Control over My Own Body!’ Abuses continue in China’s Family Planning Policy,” <http://chrdrnet.com/2010/12/i-dont-have-control-over-my-own-body/>.

¹² For full text of law, see: <http://www.china.org.cn/english/government/207411.htm>.

¹³ Zhang Shuying, Liu Chaochen, “A Study on the Relationship between Rural Income and Education,” *Scientific Technology and Economy* (《科技与经济》), No. 5, 2009. At the time of the report, the percentages of rural and urban children, respectively, in the educational system were: 6% of rural children and 21% of urban children in high schools; 0.8% and 13.2% in secondary specialized or technical schools; 0.2% and 11.1% in junior colleges; and 0.02% and 5.63% in universities. Residents in urban areas with degrees from high schools, secondary specialized or technical schools, junior colleges, and universities were, respectively, 3.5 times, 16.5 times, 55.5 times and 281.55 times greater than residents in rural areas.

¹⁴ CHRDR, “The Right to Basic Education of Rural Children in Suizhou, Hubei Province,” June 2007, <http://chrdrnet.com/?p=1674>.

¹⁵ Rights Defense Network, “Equality in Education Waits To Be Met – Taking for Example the Right to Education for Children of Three Disadvantaged Groups” (教育平等权亟待落实——以三大弱势群体子女的受教育权为例), September 21, 2011, <http://weiqianwang.org/?p=28286>. The report found that 84 percent of public schools in Beijing charged migrant students various fees and tuition amounting to as much as 50,000 *yuan* (about \$US 8,500) per year. A

2008 survey of “school selection fees” (fees paid in order for rural migrants to choose schools in urban areas) in Beijing, Shanghai, Guangzhou, Chengdu, and Xi’an showed that the average school selection fee in these locations was 3,150 *yuan*. The highest fee was 4,767 *yuan*, charged by public schools in Beijing.

¹⁶ For example, see: CHRd: “Closure of Beijing Schools for Migrant Workers’ Children Ushers in Educational, Social Crises,” *China Human Rights Briefing* (August 16-22, 2011), <http://chrdnet.com/?p=3161>.

¹⁷ For detailed information on self-immolations, see: <http://www.freetibet.org/news-media/na/full-list-self-immolations-tibet>.

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