

solidar

ECONOMIC & SOCIAL RIGHTS IN CHINA

MONITOR 2021



SUMMARY

How can the European Union (EU) better contribute to building an enabling space for Civil Society Organizations (CSOs) in China? How can the EU support the progressive realization of Economic and Social Rights - that is to say Freedom of Association and the Right to Organise, Decent Work and the Right to Social Protection for all - in connection with the implementation of the 2030 Agenda for Sustainable Development? The SOLIDAR Network is active on these themes in China through its members and partner organisations. In 2020, our Network has held several meetings aimed at discussing the current situation of Economic and Social Rights in China, as well as define the modalities of a solid partnership between the EU and CSOs in the promotion of these rights.

This publication presents the main results of these exchanges and is structured around two priority axes:

1. Building an Enabling Space for Civil Society Organizations and Human Rights Defenders (SDGs 16 and 17)



2. Promoting Decent Work and Social Protection for all (SDGs 3, 4, 8, 12)



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1. ABOUT THE SOLIDAR SOCIAL AND ECONOMIC RIGHTS MONITOR

In 2015, all United Nations member states signed up to the 2030 Agenda for Sustainable Development: a global commitment to transform our current model of economic development into one based on respect for human rights and the environment. In 2017 - with the aim of promoting policy coherence for development - the new European Consensus on Development announced the alignment of the development policies and operations of the European Union (EU) and its member states with the 2030 Agenda.

According to SOLIDAR, the 2030 Agenda constitutes a powerful framework to:

- a) Promote a model of sustainable development at the service of the greatest number and not of the few, making the full realization of human and environmental rights its main objective;
- b) Ensure the progressive realization of economic and social rights, namely decent work, social protection and freedom of association.

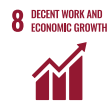
The Economic and Social Rights Monitoring Report (ESRM) is a tool developed by SOLIDAR members and partners within the framework of the EU-funded program “Organizing International Solidarity” (OIS)¹. The objective of the ESRM is to engage in a structured dialogue with the EU, and to contribute to the implementation and monitoring of the national strategies and the funding allocation in the next Multiannual Financial Framework (MFF). This objective will be pursued by collecting the views and recommendations of civil society organizations (CSOs) on the contribution of national and European policies and programs to the achievement of the Sustainable Development Goals, and especially of:



SDG 3: Good health and Wellbeing



SDG 4: Quality Education



SDG 8: Decent Work and economic growth



SDG 12: Responsible Consumption and Production



SDG 16: Peace, Justice and Strong Institutions



SDG 17: Partnership for the Goals

Within this context, the Monitor pays special attention to EU and national contributions to the promotion of (1) an Enabling Environment for CSOs and Human Rights Defenders and (2) Decent Work and (3) Social Protection for all. Furthermore, it also addresses the impact caused by COVID-19 on people’s working conditions and ability to work. The ESRM, thus, represents an opportunity for SOLIDAR members and partners to engage in a structured dialogue with the EU over the progressive realization of economic and social rights and the 2030 Agenda.

¹ A presentation of the OIS programme is available at: <https://prezi.com/view/9zuxuivoqUSD3w1pGJSz>

2. CHINA - COUNTRY BACKGROUND AND DEVELOPMENT STRATEGY

TABLE 1. CHINA AT A GLANCE

Population ²	21.402 billion (2020)
Gross Domestic Product (GDP) ³	US\$ 14.723 trillion (2020)
Human Development rank ⁴	0.761 (85 over 189 countries)
Total public spending on social protection, excluding health (percentage of GDP) ⁵	7.2% of GDP (2020)
Sustainable Development Score (current) ⁶	72.1/100 (57th over 165 countries)

² <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=CN>

³ <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=CN>

⁴ <http://hdr.undp.org/en/countries/profiles/CHN>

⁵ https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_817572.pdf

⁶ <https://dashboards.sdgindex.org/profiles/china>

⁷ <https://ec.europa.eu/trade/policy/countries-and-regions/countries/china/>

2.1 EU - CHINA relations and development strategy

When China joined the World Trade Organisation (WTO) in 2001, it agreed to reform and liberalise important parts of its economy. However, this liberalisation included a lack of transparency, industrial policies and non-tariff measures that discriminate against foreign companies while promoting strong government intervention in the economy and poor protection and enforcement of intellectual property rights.⁷ **This lack of transparency on the part of the Chinese authorities is reflected in all sectors and is aggravated by the non-existence of accountability mechanisms to rely on for the monitoring of economic and social rights.**

In practice, multiple violations continue being undertaken by China, especially in relation to the rule of law, freedom of expression and freedom of assembly and association, which results in further deterioration of human rights. This is especially true in Xinjiang

regarding civil and political rights, as witnessed by the continuing crackdown on human rights lawyers and defenders.⁸

Furthermore, China is at the same time the world's largest carbon emitter and the largest investor in renewable energy. Although China produces 28% of global greenhouse gas emissions⁹, **the country is not assuming responsibility on climate action**, commensurate with its international influence and its economic strength. In this context, **although the EU is aware of violations of fundamental rights, including labour rights, it ignores the situation for fear of repercussions on economic relations and it continues to trade normally with China**. On the contrary, the EU should have a strong voice and denounce these unfair practices, thereby putting pressure on China to meet its obligations as a member of the WTO, the ILO, as well as other organizations of international relevance.

The EU approach towards China is set out in the “**EU-China 2020 Strategic Agenda for Cooperation**”¹⁰, which covers the areas of peace and security, prosperity and sustainable development. In addition, it specifically addresses EU-China trade and investment relations, with particular importance on furthering opportunities for Small and Medium Sized Enterprises (SMEs). Furthermore, the Agenda includes further negotiation and conclusion of a comprehensive EU-China Investment Agreement for stronger cooperation, including a Free Trade Agreement (FTA). **However, this Agenda is currently under review as the EU and China work to identify the targets for 2025.**

⁸ <https://ec.europa.eu/info/sites/default/files/communication-eu-china-a-strategic-outlook.pdf>

⁹ https://eeas.europa.eu/sites/default/files/eu-china_factsheet_06_2020_0.pdf

¹⁰ https://eeas.europa.eu/archives/docs/china/docs/eu-china_2020_strategic_agenda_en.pdf

Moreover, the SOLIDAR network in China highlights that the following challenges should also be addressed:

1 The **rural-urban divide** has been created by the household registration and led to income inequality and rural poverty. The divide has also contributed to other social issues such as disparities in education and healthcare, and the phenomenon of left-behind children. Children of migrant workers are forced into a cycle causing that their lives are not much different from their parents and limiting their social mobility.

2 **Gender discrimination** continues to be an issue as society continues to hold conservative views and patriarchal attitudes. Although there has been a rising awareness regarding feminism and sexual harassment in recent years, the government has also censored online information by activists.

3 **Environmental pollution**. China has experienced unprecedented economic growth, but this has also come at the cost of environment destruction and pollution. This has led to pollution-related deaths, illnesses, affected food production and ecosystem, contributing to climate change.

3. BUILDING AN ENABLING SPACE FOR CIVIL SOCIETY ORGANISATIONS (CSOS) AND HUMAN RIGHTS DEFENDERS (HRDS)

3.1 Fundamental rights and the protection of Human Rights Defenders (HRDs)

China's constitution allows for freedom of expression, assembly, and association but there are heavy restrictions on these freedoms in the country. Chinese authorities control the flow of information online and in the media. The Ministry of Public Security introduced the "Computer Information Network and Internet Security, Protection and Management Regulations" which prohibits residents from using the internet to incite resistance and violation of constitution, laws or regulations.¹¹ A number of other laws have been enacted by the **Chinese government to restrict freedom of expression**. In 2015, China enacted its Counter-Terrorism Law which provides a broad definition of "terrorist activities", thereby forcing telecommunications companies and internet service providers to facilitate decryption services when requested by public security organs¹². In the same year, the country passed its National Security Law, which criminalizes threats to China's government, sovereignty, and unity among others¹³. Another example is the Cybersecurity Law in 2016, which came into effect in 2017 and requires users to register with their real identity. This implies that data collected by companies within China must be stored in the country, and authorities have access to it when requested.

These laws are being used to target dissent and human rights activists in the name of "national security". Chinese authorities have launched several crackdowns over the years across all human rights work in the country. For instance, in July 2015, authorities launched a coordinated crackdown, detaining more than 200 individuals which was named the "709 crackdown"¹⁴.

Furthermore, Hong Kong was a base of support for China-based activists and grassroots NGOs for many years. But the newly enacted National Security Law in June 2020 is vaguely worded, and criminalizes any acts of secession, subversion, terrorism and collusion with foreign forces. The law has had a major impact on civil society and has targeted dissent: media groups, unions, NGOs and pro-democracy and labour groups have disbanded or closed such as the Hong Kong Confederation of Trade Unions, Civil Human Rights Front and Amnesty International. Many activists have been arrested, awaiting trial or have been charged. This includes Chow Hang Tung, vice-chair of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance). She was sentenced to 22 months for inciting others to participate in an unauthorised assembly, the Tiananmen Vigil, in 2020 and 2021. The vigil has been held yearly by the Alliance to commemorate victims of the Tiananmen Square Massacre.¹⁵

¹¹ <https://www.theguardian.com/media/2003/apr/24/chinathemedia.digitalmedia>

¹² <https://www.reuters.com/article/us-china-security-idUSKBN0UA07220151228>

¹³ <https://www.wsj.com/articles/china-adopts-sweeping-national-security-law-1435757589>

¹⁴ <https://thediplomat.com/2015/08/chinas-political-firewall-mass-arrest-of-lawyers/>

¹⁵ <https://www.aljazeera.com/news/2021/10/25/amnesty-to-close-two-hong-kong-offices-cites-security-law>

<https://www.reuters.com/world/asia-pacific/hong-kong-trade-union-disbands-impact-security-law-deepens-2021-10-03/>

<https://www.frontlinedefenders.org/en/case/whrd-chow-hang-tung-sentenced-22-months-2020-and-2021-tiananmen-vigils>

VIOLATIONS OF FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION

China is ruled by the Chinese Communist Party which repeatedly represses those who criticize the state. Xu Zhiyong, a prominent human rights activist and lawyer, was detained in February 2020 for participating in a private meeting in Xiamen in December 2019 with several activists, where they discussed civil society and democracy in China. He had also written an open letter calling on President Xi Jinping to resign over his mishandling of the coronavirus and the Hong Kong protests¹⁶. Human rights lawyers Ding Jiaxi and Huang Zhiqiang were also taken away for participating in the Xiamen meeting¹⁷.

Another victim of the heavy censorship and control over online information was Li Wenliang, one of the firsts doctors to alert others about the coronavirus by posting a warning to a chat group of fellow doctors. He was summoned by local police and accused of “spreading rumors”¹⁸, and his death after contracting the virus was an outpouring of grief online, with some even calling for freedom of speech. Several journalists who travelled to Wuhan to carry out on the ground reporting of the coronavirus outbreak were detained. Zhang Zhan, an independent journalist who had travelled to Wuhan, reported on the coronavirus and was openly critical about the government’s mishandling of the outbreak. She was handed a four-year sentence for “picking quarrels and provoking trouble”¹⁹. Finally, Chen Mei and Cai Wei were detained for more than a year for having saved and republished articles and social media posts that were censored (many which were related to COVID-19)²⁰.

16 <https://www.nchrd.org/2013/10/prisoner-of-conscience-xu-zhiyong/>

17 <https://www.theguardian.com/world/2020/feb/17/chinese-activist-arrested-xi-jinping-clueless-coronavirus-xu-zhiyong>

18 <https://www.bbc.com/news/world-asia-china-51403795>

19 <https://www.nchrd.org/2020/09/zhang-zhan/>

20 <https://www.hrw.org/news/2020/07/22/silenced-china-archivists>

21 <https://www.frontlinedefenders.org/en/case/harassment-against-wang-quanzhang-family>

3.2 Mechanisms of protection of Human Rights Defenders (HRDs)

China has ratified several UN human rights treaties such as the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. Furthermore, the country has signed but not yet ratified the International Covenant on Civil and Political Rights. Despite this, **China continues to ignore its own obligations under the mentioned treaties. Many CSOs that monitor the human rights situation are predominantly located outside of the mainland such as Human Rights Watch and Amnesty International.** This is so, as the government remains hostile to CSOs that criticize the country’s human rights record and **HRDs continue to be persecuted, questioned and monitored regularly for their work.**

Authorities also regularly detain, interrogate and harass the family and friends of activists, especially those who speak out about their detentions. Wang Quanzhang’s wife, Li Wenzhu, was evicted from her home in 2016 after the landlord received threats from authorities, and their son was also denied enrolment to an elementary school in Beijing²¹. In 2019, Cheng Yuan, Liu Dazhi and Wu Geijianxiong from the NGO Changsha Funeng, focusing on disability rights, were arrested on charges of subversion of state power.





3.3 Regulatory framework and Capacity-development opportunities for CSOs

Recent laws place restrictions on the operations of CSOs, such as the 2016 Charity Law and the 2017 Overseas NGO Management Law: The Charity Law allows fundraising only for charities that have been registered for at least two years and have submitted fundraising plans to national authorities, while the Overseas NGO Management Law places restrictions on funding and requires foreign CSOs to register in the country through a lengthy process and an arduous amount of paperwork. **The Chinese government provides funding only to CSOs working on issues that are politically less sensitive, such as humanitarian aid, poverty alleviation and left-behind children.** During the coronavirus, public donations were to be made only to five government-backed charities.²² However, some of these organizations, such as the Red Cross Society, were **found to be operating under the direction of the government despite being “charities”**, because of the overwhelming support and funding from the government²³.

There is also a provision that **activities must not endanger “national security,” which has been a vague term used to target activists and dissidents.** The law gives power to police to question workers, check the bank accounts of the organisation and access the organisation’s documents in cases where a potential violation of the law²⁴ is detected.

Foreign governments and international CSOs provided funding to national and local CSOs for over two years. However, due to

the current limitations, several foreign CSOs have decided not to run programs in China. Furthermore, **the Chinese government views funding from western sources, such as the US and EU, with suspicion.** It has previously sanctioned several US based foundations in retaliation for the passing of the Hong Kong Human Rights and Democracy Act in US Congress²⁵. Finally, although training opportunities are important, it would be **extremely risky for activists to participate in any sort of formal training funded from European or International Institutions.** These activities would be seen as being “hostile” to the government.

MAIN CHALLENGES IN THE COOPERATION WITH THE PRIVATE SECTOR

Receiving private sector funding would be seen as less risky compared to funding from foreign sources and, in this sense, **there has been some cooperation with private sector actors.** For instance, sexual harassment training to companies was provided²⁶ and some labour CSOs have also run hotlines for brand companies to receive complaints.

However, the private sector would also be reluctant to fund “sensitive” activities and projects (for instance, those related to the promotion of Freedom of Association or decent work) for fear of repercussions from the Chinese authorities. Furthermore, this cooperation has focused on registered CSOs that do not have any foreign affiliation.

22 <https://www.scmp.com/news/china/society/article/3048512/china-red-cross-under-fire-poor-delivery-coronavirus-supplies>

23 <https://www.nytimes.com/2020/04/28/world/asia/coronavirus-china-red-cross.html>

24 <https://www.chinafile.com/ngo/laws-regulations/law-of-peoples-republic-of-china-administration-of-activities-of-overseas>

25 https://www.washingtonpost.com/world/asia-pacific/china-announces-sanctions-against-us-based-nonprofits-in-response-to-congresss-hong-kong-legislation/2019/12/02/9f414616-14e0-11ea-80d6-d0ca7007273f_story.html

26 https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_159_en.pdf

3.4 Meaningful and structured participation in policymaking

CSOs involvement in policymaking in the country is limited. Therefore, meaningful engagement with the government on human rights issues for fostering change has not been possible.

For example, the All-China Federation of Trade Unions (ACFTU) can engage with the government, but they are not considered an independent workers' organization, since it **does not adequately represent the interests of workers**. To allow the engagement of CSOs in policymaking, the Chinese government needs to provide space for CSOs to work and operate freely, and to stop the persecution of human rights activists.

Nonetheless, some civil society involvement contributed to positive implications: for over two decades²⁷, feminist activists have been advocating for an Anti-Domestic Violence Law, which was passed in 2016.

3.5 Recommendations from SOLIDAR network in China to the European Union

- Establish strong and reliable accountability mechanisms in the current EU-China Trade Agreements, paralysing any kind of exchange before the human rights violations and Human Rights Defenders persecutions.
- Provide funds for the most marginalised organisations, in particular in rural areas, to support their activities. To do so, the administration procedures should be easy to understand.

²⁷ <https://www.nytimes.com/2016/03/08/world/asia/china-feminists-women-domestic-violence.html>

- Build the capacity of national and local CSOs by offering training opportunities or good practices exchanges, even if with reduced fora to avoid repercussions.
- Impose sanctions towards China after violations of human rights or persecutions, incarcerations or threats towards Human Rights Defenders and their families.
- Highlight in the political dialogue with China the current situation of CSOs as well as the consequences of the national laws for an open and free democracy.
- Take an uncompromising stance in the defence of the “one country, two systems” model, especially after the violence against protesters in Hong Kong.
- Establish a constructive dialogue with CSOs and offer protection to activists and Human Rights Defenders in danger. This could be done by creating a network of organizations that provide accurate information and legal support to victims.





4. PROMOTING DECENT WORK AND SOCIAL PROTECTION FOR ALL

4.1 Fundamental Rights at Work

Although China has enacted various labor laws to protect the rights of workers such as the Labour Law, the Labour Contract Law, and the Work Safety Law among others, their enforcement is an issue. China has become the manufacturing “hub” of the world following China’s economic reforms in the 1970’s with the country’s “Reform and Opening Up” to foreign investment, and subsequently its accession to the WTO in 2001. But this is slowly changing as companies have begun moving production to other countries due to rising labour costs and the effects of the US-China trade war.

Since the economic reforms, migrant workers, residents from rural areas who moved to urban areas in search of work and higher pay, have been employed in factories manufacturing items such as electronics, garments and furniture. **The manufacturing industry still employs many migrant workers, paying the minimum wage standard of the region which is insufficient for workers to sustain themselves.** Conditions in factories are dire: working hours are long, wages are low, and there is a lack of social insurance and occupational health and safety, which is a major concern. Increasingly, these issues within the manufacturing sector are witnessed in the

service sector, as strikes have broken out at hospitals and schools. Even white-collar workers such as employees in the “tech” industry are feeling the brunt.²⁸

SUCCESSFUL ACTION BY WORKERS IN THE MANUFACTURING SECTOR

Workers continue to organize strikes and protests across the country regarding issues such as social insurance and wage arrears. Although many of these collective actions were once centred in the manufacturing sector, they are also taking place in the service sector and the platform economy.

In December, thousands of workers in Shanghai Pegatron, a major supplier factor for Apple, went on strike²⁹. The factory had forced workers to transfer to the Kunshan facility, and those who refused would lose their commissions. Pegatron subsequently announced they would be revising the relocation scheme. Furthermore, as the union fails to represent the interests of workers, they have no choice but to organize among themselves.

28 <https://www.scmp.com/tech/big-tech/article/3152363/spreadsheet-sharing-gruelling-hours-chinas-tech-world-goes-viral-996>
<https://www.nytimes.com/2019/04/29/technology/china-996-jack-ma.html>, <https://www.ft.com/content/37e9e0c6-952e-4fcf-9318-786ebd5e3a3d>
29 <https://www.rfa.org/english/news/china/workers-12212020111240.html>

In 2019, the anti-996 campaign was launched, where “tech” employees protested against the 9am to 9pm, 6 days a week according to their work schedule, which is well above the maximum work hours stipulated by China’s labour laws. In this sense, the death of two Pinduoduo workers recently sparked new outcries regarding the working conditions in the industry³⁰.

The platform economy sector has been growing, especially during the coronavirus pandemic, and there has been increased scrutiny and media coverage on the working conditions in place. In the case of the food delivery sector, workers have reported shortened delivery times and are fining upon late deliveries, resulting in them driving over the speed limit.

Finally, some of the largest companies in the world continue to subcontract orders to factories in China, especially in the electronics industry. In these electronics factories, workers are subject to excessive overtime, are employed as dispatch workers as opposed to formal workers, with no social protection and exposed to a range of chemicals at work, which heightens their risk of occupational diseases. They are not provided with the necessary safety training nor personal protective equipment while factories continue to use chemical substances such as benzene and n-hexane, despite years of international campaigns to eliminate their use.

30 <https://www.nytimes.com/2021/02/01/business/china-technology-worker-deaths.html>

31 <https://www.bbc.com/news/blogs-china-blog-27163254>

32 <https://labornotes.org/2021/04/china-leader-delivery-riders-alliance-detained-solidarity-movement-repressed>

33 <https://www.ituc-csi.org/hong-kong-lee-cheuk-yan-sentence>

RESTRICTIONS TO THE FREEDOM OF ASSOCIATION AND ASSEMBLY

Freedom of association is heavily restricted in China as all unions must be affiliated with the All-China Federation of Trade Unions (ACFTU) and independent unions are prohibited.

Moreover, China removed the right to strike in 1982, but at the same time there is no law prohibiting strikes. Therefore, strikes are situated in a “grey area”. That is, while strikes are usually tolerated by authorities, there have been cases where workers have been detained for going on strike or protests, especially those that involve a larger number of workers.

In 2014, workers went on strike at the Yue Yuen shoe factory for more than two weeks demanding an increase in social insurance benefits, with workers and activists taken away by police.³¹

In 2018, workers at Shenzhen Jasic Technology had followed relevant trade union laws in establishing a trade union at their factory due to the poor working conditions. After protests broke out at the factory, the authorities detained and arrested workers and students who came out in support. More recently, Chen Guojiang was detained in late February 2021. Guojiang, food delivery worker, had set up mutual aid networks on Wechat, which was seen as a “union-like organization,”³².

Another consequence of the restrictions to the freedom of assembly is the arrest of Mr Lee Cheuk Yan, general secretary of the Hong Kong Confederation of Trade Unions (HKCTU) that was imprisoned in Hong Kong and sentenced to 18 months prison for “inciting, organising and participating in an unauthorised assembly”.³³

4.1.1 Decent work

China has enacted comprehensive labour laws, but workers' rights violations and work safety accidents continue in the country. In 2020 alone, there were over 800 recorded strikes in the country revealing the discontent among workers.³⁴ Issues ranged from wage arrears among construction workers and teachers to protests against relocation policies among factory workers. Legal channels are available, yet many workers still face difficulties in finding assistance³⁵.

4.1.2 Forced labour in China

The use of forced labor and re-education camps in Xinjiang has been documented extensively. **Chinese authorities have forced the Uyghur population into factories under conditions described as forced labour**³⁶. These factories are located in Xinjiang and across China, and manufacture for major brands. Uyghurs are placed under constant surveillance with their movements being monitored and are threatened with detention. The working conditions are appalling, as Uyghurs are subject to political indoctrination, made to take Mandarin language classes and prohibited from practicing their religion. Aside from the manufacturing sector, there are reports stating that Uyghurs have been forced to pick cotton in the region³⁷.

³⁴ <http://maps.clb.org.hk>

³⁵ <https://static1.squarespace.com/static/53960c86e4b010f46523d1fc/t/5711cedd9de4bb8a69b0cfbd/1524770150399/Halegua%2C+W/ho+Will+Represent+China%27s+Workers%3F+%282016%29.pdf>

³⁶ <https://www.aspi.org.au/report/uyghurs-sale>

³⁷ <https://newlinesinstitute.org/china/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/>

³⁸ <https://www.reuters.com/article/us-tesco-china-labour-prisons-factbox/factbox-chinas-use-of-prison-labor-idUSKBN1YS00F>

³⁹ <https://www.ft.com/content/1416a056-833b-11e7-94e2-c5b903247afd>

⁴⁰ <https://www.npr.org/2019/12/23/790832681/6-year-old-finds-message-alleging-chinese-prison-labor-in-box-of-christmas-cards>

⁴¹ <https://www.scmp.com/news/china/society/article/2048231/clothing-factories-eastern-china-import-child-labour-migrant>

⁴² <https://clb.org.hk/content/china-sees-progress-tackling-child-labour-problems-remain>

⁴³ <https://www.theguardian.com/global-development/2019/aug/08/schoolchildren-in-china-work-overnight-to-produce-amazon-alexa-devices>

<https://chinalaborwatch.org/iphone-11-illegally-produced-in-china-apple-allows-supplier-factory-foxconn-to-violate-labor-laws/>, <https://chinalaborwatch.org/students-forced-to-intern-at-wuling-motors/>

There have been accounts of prison labour in China, which is legal under the country's Criminal Law³⁸, although domestic and international trade laws ban the export of goods produced under prison labour. An in-depth investigation article was released in 2018, detailing the use of prison labour in the garlic industry, where inmates received little to no wages to peel garlic for long hours which was then exported³⁹. There have also been several reports of consumers finding letters written by prisoners who were manufacturing goods, detailing their dire working conditions and pleading for help⁴⁰.



4.1.3 Child labour in China

Despite China laws includes provisions prohibiting the employment of individuals under 16 years of age, cases of child labor have been found in the country. **In 2016, clothing factories in eastern China were found to be employing child workers through agents, and children under 16 years of age were reported to be working more than 16 hours a day**⁴¹. The state has made efforts to address the issue and reports of child labor have decreased⁴².

However, there have been reports of students **from vocational schools, some aged between 16 to 18 years of age, who have been forced to work at factories as part of internships in order to graduate and receive their diplomas**.⁴³ These internships have little to do with the students' area of studies. This is so, as students

are forced to work overtime and night shifts despite laws prohibiting this, as found in a case at Hengyang Foxconn, an Amazon supplier factory⁴⁴. Teachers from the vocational school were sent to the factory to monitor students and to fire them if they refused to work.

4.1.4 Job discrimination

Discrimination is prohibited under the Labour Law, which mentions that individuals are not to be discriminated based on nationality, race, sex or religion. However, **gender discrimination remains prevalent** despite the enactment of the Law on the Protection of the Rights and Interests of Women. Job advertisements in both the private and public sector explicitly mention that men are preferred, or that the position is offered to men only⁴⁵. **Many companies are unwilling to take on additional costs for maternity leave, and traditional views regarding women being primary caregivers and being less capable than men are common.** Women have also reported being fired or had their pay cut after becoming pregnant. Furthermore, **the pay gap between men and women has increased, with women earning 20% less than men**⁴⁶ and women are rarely appointed in leadership positions.

Moreover, China has enacted a policy that requires public and private companies to reserve 1.5% for persons with disabilities, mandating fines for those that fail to meet this quota. Despite this, many companies would rather pay fines instead of hiring those with disabilities to meet quotas, and **currently only 9 of the 85 million of persons with disabilities are employed**⁴⁷.

44 <https://chinalaborwatch.org/amazons-supplier-factory-foxconn-recruits-illegally-in-terns-forced-to-work-overtime/>

45 <https://www.hrw.org/report/2018/04/23/only-men-need-apply/gender-discrimination-job-advertisements-china>

46 <https://www.scmp.com/business/china-business/article/2188933/chinese-women-earn-fifth-less-men-and-gap-widening-fast>

47 <https://www.ft.com/content/fdbc2238-41c9-11e8-97ce-ea0c2bf34a0b>



4.1.5 Recommendations from SOLIDAR network in China to the European Union

Through trade negotiations (such as CAI⁴⁸), and in the relevant international arena (such as the ILO and other UN bodies) the EU should:

- Establish a monitoring and accountability mechanism in the framework of EU-China Trade agreements to hold accountable public and private sector regarding violations of International Labour Standards.
- Hold European companies that source from supply chains in China accountable for rights abuses in their supply chain, pushing for greater oversight.
- Strengthen the collaboration and support with trade unions as strategic partners to ensure decent work and fight against discrimination in the labour market.
- Denounce the cases of forced and child labour with a stronger voice, including in the political dialogue with China government.
- Monitor the work of European businesses and multinational companies in China and verify if they comply with human, environmental and labour rights, as they do in Europe.
- Provide exchanges of good practices and trainings regarding the green transition and create awareness on how to implement environmentally friendly workplaces.
- Monitor the platform economy and work together with trade unions and labour CSOs to ensure decent work and address the issue of representation of independent platform workers in the gig economy.
- Raise awareness on the dire conditions of workers employed in the manufacturing industry and denounce restrictions to fundamental freedoms such as the freedom of expression, assembly and

- association. Moreover, advocate for the recognition of right to strike in all sectors as part of the political and human rights dialogue with China.

CASE STUDY: FOOD DELIVERY WORKERS

Chen Guojiang is a food delivery worker who created several informal mutual aid groups in Beijing. These groups combined were made up of over 10,000 food delivery workers providing assistance to one another including assistance with housing, repairs of bikes, mediating disputes and providing legal aid⁴⁹. The group also had connections with other workers in cities outside of Beijing. Chen Guojiang filmed and uploaded several videos exposing the working conditions in the industry and calling out companies for their repressive policies and blatantly violating laws. In February, he posted a video criticizing the Lunar Year bonuses that E.le.me, a food delivery company, offered to drivers. The targets for the bonuses were impossible to reach. Workers went on strike because of the bonus scheme. Many citizens criticized E.le.me and the company was forced to come forward with a statement apologizing to workers and that they would be reviewing the rewards scheme, offering compensation to workers⁵⁰.

Cheng was arrested in late February for “picking quarrels and provoking trouble”⁵¹. He had been detained previously in 2019 for a month for organizing a strike. Food delivery drivers later staged a strike over Chen’s detention in addition to low wages⁵². In recent years, networks of workers and activities have been crushed, and authorities have become particularly wary because of the growing network of alliance that Cheng had built along with several other drivers.

48 EU-China Comprehensive Agreement on Investment.

49 <https://labornotes.org/2021/04/china-leader-delivery-riders-alliance-detained-solidarity-movement-repressed>

50 <https://www.scmp.com/news/china/article/3122485/chinese-food-delivery-giant-eleme-apologises-setting-drivers-impossible>

51 <https://clb.org.hk/content/food-delivery-worker-activist-accused-%E2%80%9Cpicking-quarrels%E2%80%9D>

52 <https://www.rfa.org/english/news/china/riders-03042021131132.html>



4.2 Universal access to health

In China, around 95% of the population has access to the public health insurance program, due to improvements in coverage over the years⁵³. There are currently three health insurance schemes in China: The New Rural Cooperative Medical Scheme (NRCMS) for rural residents, the Urban Employee Basic Medical Insurance (UEBMI) and the Urban Resident Basic Medical Insurance (URBMI). However, the level of coverage differs. **Urban employees generally have better coverage due to higher premiums**, and rural residents are enrolled in the government-provided scheme with lower coverage, hence incurring higher out of pocket costs⁵⁴. Overall, out-of-pocket costs remain high, and **individuals cover close to 30% of their medical expenses**⁵⁵.

In addition, migrant workers who have migrated to cities have limited access to healthcare. Employers are to enrol migrant workers into health insurance (required to be the UEBMI) and make contributions, yet they regularly fail to do so⁵⁶. Many workers are also employed as dispatch workers, as they are hired by intermediaries and do not have a formal labour relationship with their employers, thereby not receiving benefits. Currently, **only around 20% of migrant workers are covered by urban health insurance schemes**⁵⁷. Therefore, migrant workers are forced to return to their hometowns for medical treatment or seek care in cities where they work, which could lead to high medical expenses. Furthermore, in 2015, official data revealed that 44% of Chinese households live in poverty because of costs associated with treatment of illness⁵⁸.

53 <https://focus.cbbc.org/how-chinas-healthcare-system-actually-works/#.YLhzLH0zaWA>

54 <https://www.inkstonenews.com/health/china-translated-does-china-have-universal-health-care/article/2167579>

55 <https://chinapower.csis.org/china-health-care-quality/>

56 <https://journals.sagepub.com/doi/full/10.1177/186810261604500203>

57 <https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-020-8448-8>

58 <https://www.inkstonenews.com/health/china-translated-does-china-have-universal-health-care/article/2167579>

59 <http://www.sixthtone.com/news/2154/why-chinas-modern-barefoot-doctors-are-walking-away>

60 <https://www.nytimes.com/2018/09/30/business/china-health-care-doctors.html>

61 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898031/>

There are also significant **disparities in the quality of healthcare between urban and rural areas in China. Hospitals in the cities are well-equipped with resources and better-quality healthcare, while in rural areas, residents may have access only to very basic medical services and equipment.** When ill, some residents must travel hours away to the nearest hospital. In villages, “barefoot” doctors - doctors who only have basic medical training - usually provide treatment, yet due to their minimal medical knowledge are unable to provide adequate care⁵⁹. Doctors who have gone through the necessary training mostly move to larger city hospitals where the pay is higher and there are more opportunities.

Moreover, there is currently a **critical shortage of doctors**, most likely driven by the low pay and the long hours they are forced to endure. As such, patients are often subjected to lengthy waits to see a doctor. According to the World Health Organization, **in China there is one general practitioner for 6,666 people, whereas the international standard is one for 1,500 to 2,000 people**⁶⁰.

4.2.1 Changes to ensure the right to quality and universal health care

In 2016, China launched the “Healthy China 2030” Plan, aiming to improve healthcare in the country, to bring it on par with developed countries and to meet the sustainable development goals.⁶¹ The government has put in place indicators that they hope to reach by 2030, including **reducing out of pocket expenses from 30% to**

3 GOOD HEALTH AND WELL-BEING



12 RESPONSIBLE CONSUMPTION AND PRODUCTION



4 QUALITY EDUCATION



8 DECENT WORK AND ECONOMIC GROWTH



25%, increasing the number of doctors and improving the health outcomes of its citizens ranging from life expectancy to infant mortality rate⁶². In 2019, the state also enacted the “Law on Promotion of Basic Medical and Health Care”, which came into effect in June 2020, **to ensure citizens the right to basic medical services and to promote the development and improvement of medical services.** This reveals the government recognizes the need for citizens to have better access to health care. Though as with many laws, enforcement of this may become an issue.

4.2.2 Recommendations from SOLIDAR network in China to the European Union

Provide support to ensure better quality of medical treatment for citizens, expanding access especially to rural areas, ensuring that adequate equipment and quality doctors are available.

Assist Chinese government in reforming current health insurance and related policies to ensure citizens can receive adequate coverage, focusing especially on policies that are favourable to migrant workers who are constantly relocating.

Promote mechanisms for good practices exchanges to highlight the benefits of investing in robust public health systems, in particular for rural areas.

62 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5898031/>

63 <https://data.worldbank.org/indicator/SE.ADT.LITR.ZS?locations=CN>

64 http://en.moe.gov.cn/documents/reports/201910/t20191022_404775.html

65 <https://chinapower.csis.org/education-in-china/>

66 <https://www.sixthtone.com/news/1000089/chinas-most-understaffed-school-has-113-children-class>

67 <https://www.sixthtone.com/news/1000089/chinas-most-understaffed-school-has-113-children-class>

68 <https://www.scmp.com/comment/insight-opinion/hong-kong/article/2174363/chinas-migrant-children-struggling-get-schools>

4.3 Universal access to education

China’s Education Law stipulates that all citizens are to enjoy equal opportunities to education and are to receive nine years of education. The country has achieved a literacy rate of close to 97%⁶³ and enrolment rates are 99.95% for school-age children⁶⁴, but there are **significant disparities across regions, especially between rural and urban areas**, with large and wealthier cities such as Beijing and Shanghai having higher literacy rates⁶⁵. **China is also experiencing overcrowded classrooms, as more children are sent to cities for better education**, which is also placing a strain on local resources⁶⁶. In 27 provinces, the average class size of high school was more than 45 students, with 12 provinces averaging more than 55 students⁶⁷. Moreover, most resources tend to be directed towards larger and more developed cities, which have been able to keep the student-to-teacher ratio at lower levels.

In addition, the significant number of migrant workers who have travelled outside of their hometowns in search of work and for better pay in the cities generated a phenomenon called left-behind children, since their children are mostly looked after by their grandparents. **These children are enrolled in schools in rural areas, where the quality of education is lower compared to cities.** For migrant workers who bring their children in the cities, the household registration system or the “hukou” has imposed various bureaucratic hurdles. Although in the early 2000’s, the government banned schools **from charging fees for migrant children, the practice still exists.** Parents have had to submit several additional documents simply to enroll their children in public schools⁶⁸. Therefore, some migrant



children are enrolled in unauthorized schools, which are substandard and have unqualified teachers. This severely impacts the quality of education for migrant children.

Without quality primary and secondary schooling, this ultimately impacts a child's ability to later enroll in tertiary education. **This is so, as universities also set quotas for the number of students who are accepted from each province, and there is a preference for students from the same province.**

4.3.1 Recommendations from SOLIDAR network in China to the European Union

Provide **support to China to improve quality of education for all**, especially children in rural areas by ensuring local governments have sufficient funding for education, infrastructures and better paid qualified teachers.

Encourage the country to enact and better **enforce policies that ensure migrant children are not at a disadvantage when they move to cities for schooling**. Focus also on the quality and access to the tertiary education sector.

Promote a **dialogue between EU-China government, academia representatives, trade unions representing teachers and CSOs working on education** to identify main challenges and to develop a national action plan towards universal access to quality education in line with the Agenda 2030.





5. CONCLUSIONS

Civic space and fundamental freedoms such as freedom of expression and association are pre-requisites for a working democracy. However, the current political context of China demonstrates the lack of guarantee and no respect for rule of law. **Civil society and trade unions are no longer welcome** in the system and **citizens are criminalised when raising their voices for their rights**. This is happening at the same time than the country consolidates its economical power at international level.

The **effects of Covid-19 in China have been disastrous** and have caused, especially among the most vulnerable groups of the population, an increase in **inequality, precariousness and unemployment**. Many workers were trapped and unable to go to work due to the sudden lockdown, and the existing discrimination against Wuhan migrant workers has worsened, especially at the start of the pandemic.

The **shortcomings in essential services** have increased and the lockdown of several cities in the country highlighted the importance of essential workers such as delivery drivers and healthcare workers. Yet their working conditions remain dire. Finally, **restrictions on the rights of expressions, assembly and association remain limited**, with increased **surveillance of citizens**, giving the state more access to data.

The EU can and need to play an essential role to promote human and labour rights. One of the main tools to promote them is the EU-China Trade Agreements and the high-level political dialogues.



ORGANISING
**INTERNATIONAL
SOLIDARITY**

solidar

50 Avenue Des Arts. Box 5, 2nd floor.
B1000 - Brussels
Belgium
www.solidar.org

Responsible Editor: SOLIDAR aisbl

Authors: SOLIDAR

Coordination: Barbara Caracciolo and Alba Gonzalez,
SOLIDAR

Copy-editing: Júlia Miragall Mas, Alba Gonzalez

Graphic Design: Dagmar Bleyova

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A presentation of the OIS programme can be found at the following link:

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