

Report unveils a pattern of human and environmental rights violations by Chinese companies in Latin America

Thursday 11 October 2018

In a new report released today, FIDH and the Colectivo sobre Financiamiento e Inversiones Chinas, Derechos Humanos y Ambiente (CICDHA), a coalition of 20 human rights organisations, unveil a pattern of human and environmental rights violations committed by Chinese companies in Latin America.

The report features case-studies from 18 projects, supported by 15 Chinese consortia, including private and State-owned enterprises and by at least six Chinese banks in Argentina, Bolivia, Brazil, Ecuador, and Peru.

The report concludes that the violations of human and environmental rights are not isolated incidents. It reveals a recurring pattern of behaviour marked by a disrespect for fundamental rights and internationally recognised economic, social, and cultural rights as well as non-compliance with international standards and a lack of accountability for human rights violations. The report also finds that the companies have continuously and knowingly engaged in behaviours violating human rights (such as the right to land, territory, and adequate housing; the right to live in a healthy environment; the right to liberty and security; and the rights to consultation and participation). The Chinese authorities have failed to monitor and examine the human rights due diligence of projects implemented by Chinese companies in the countries examined. Lastly, the report also documents the Chinese government's failure to adopt and implement effective measures for fulfilling China's extraterritorial obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Over the past decade, Chinese presence in global extractive and infrastructure industries has increased sharply in the Latin American and Caribbean (LAC) region, where it is expected to further grow in the years to come. In this regard, China, a State party to the ICESCR, has obligations to respect, protect, and fulfill human rights, both in and outside its territory, and an obligation to "take the necessary steps to prevent human rights violations abroad by corporations domiciled (its) territory and/or jurisdiction". In October 2017, China accepted in a document that its companies' and citizens participating in economic cooperation respect: extraterritorial obligations to respect the host countries' laws; the United Nations (UN) recommendations through the National Development; and China's "good image."

In light of the report's findings, FIDH and CICDHA urge the Chinese government to work in cooperation with human rights bodies to integrate human rights instruments in its policies and investment projects in the LAC region. FIDH and CICDHA also call on the Chinese government to ratify ILO Convention 169 on Indigenous and Tribal Peoples and respect its extraterritorial obligations related to human and environmental rights. Most importantly, FIDH and CICDHA demand China to abandon the existing projects in indigenous peoples territories living in voluntary isolation and to commit not to participate in any such projects. Chinese authorities must also promote a comprehensive and participative human and environmental rights assessments for projects involving Chinese banks and companies in Argentina, Brazil, Bolivia, Ecuador, and Peru or suspend those lacking compliance with international standards, FIDH

and CICDHA urge.

On 13 June 2014, in its Concluding Observations on the review of China's second periodic report under the ICESCR, the Committee on Economic, Social and Cultural Rights (CESCR) urged the Chinese government to: adopt a human rights-based approach in its international cooperation policies; implement impact assessments and monitoring mechanisms; establish avenues to report and remedy violations; and adopt legislative and administrative measures to ensure legal liability of companies and their subsidiaries violating human rights extra-territorially.

FIDH and CICDHA call on UN member States to question China during the country's upcoming third Universal Periodic Review (UPR) on 6 November 2018. In particular, UN member States should ask China what steps were taken to put the CESCR's recommendations into practice, since the pattern of violations documented in the FIDH/CICFHA report demonstrate that Chinese authorities failed to implement the UN body's recommendations.