



DERECHO  
AMBIENTE Y  
RECURSOS  
NATURALES

## Lecciones aprendidas y desafíos para la implementación de la extraterritorialidad en la Infraestructura



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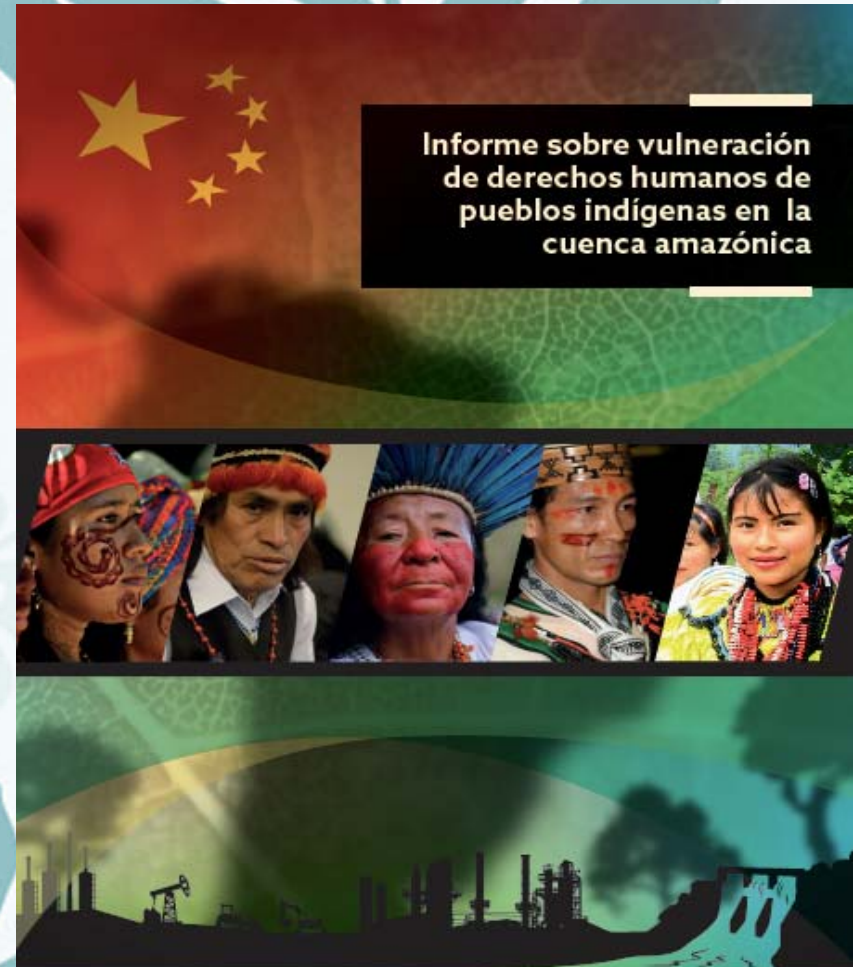


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# Evaluación Periódica Universal de DDHH - EPU (UPR)

- COICA ha elaborado, con apoyo de DAR y organizaciones de sociedad civil (miembros de Coalición) un informe para denunciar afectaciones de impactos de empresas chinas.
- En 2018 China se comprometió a respetar derechos de “minorías étnicas”. No se cumplió.
- Es un informe que presenta 5 casos de afectación en sus bases (Condor Mirador – Ecuador, Arco Minero – Venezuela, Lote 58 – Perú, Bloque el Nogal – Colombia). No son los únicos.
- Se presentó en el marco del EPU a China y se hizo cabildeo ante Naciones Unidas para que sea un insumo a tomar en cuenta para evaluar a China.
- Recomendaciones propuestas: Respetar principio extraterritorialidad, respeto a derechos de PPII, respeto a los marcos normativos nacionales y estándares ambientales y sociales



Con el apoyo técnico de:

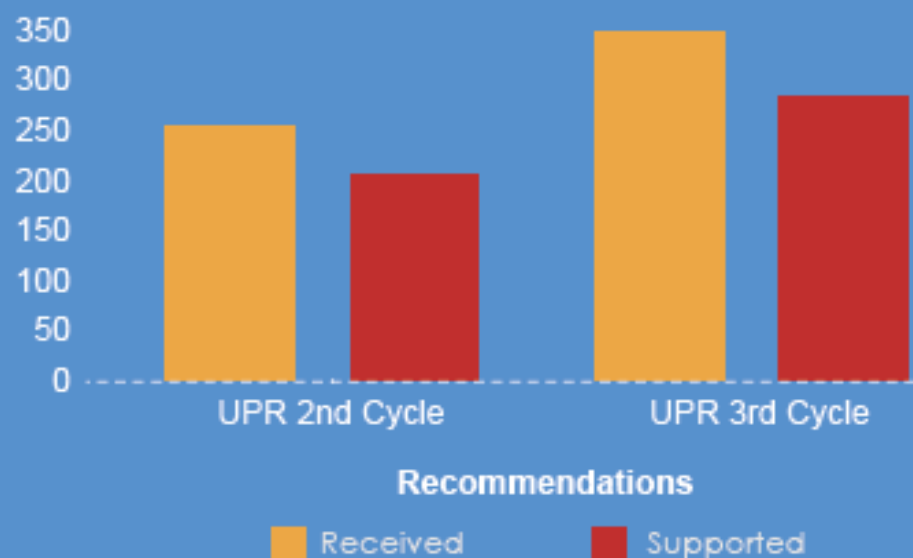


# The Universal Periodic Review

China was reviewed by UPR WG 31, in November of 2018. It received 346 recommendations and it supported 284 recommendations at the adoption of its UPR outcome at HRC 40, in March 2019 (an increase of 40% with respect to the 2nd cycle).

Supported recommendations related to: Legal and general framework of implementation, universal and cross-cutting issues, civil and political rights, economic, social, and cultural rights, women's rights, and rights of other vulnerable groups and persons.

# Trends in supported recommendations



# Recommendations\* by Issue



- Legal and general framework of implementation
- Universal and cross-cutting issues
- Civil and political rights
- Economic, social and cultural rights
- Women's rights
- Other vulnerable groups and persons

\*Supported UPR Recommendations from the 3rd Cycle. See: Matrice of Recommendations.

# ESAFÍOS PARA LA IMPLEMENTACIÓN DE RECOMENDACIONES

- 284 Recomendaciones adoptadas
- PRINCIPIO DE EXTRATERRITORIALIDAD EN MATERIA DE DERECHOS HUMANOS
- Poca jurisprudencia a nivel Sistema Interamericano.
- Documentación y actualización de casos. Incidencia nacional e internacional.
- Incluir como estándar en promoción de inversiones, y como parte de condiciones de préstamos.
- Promover declaración de CIDH.
- Ecuador y Perú recomendaron respeto a DDHH por parte de empresas Chinas. Seguimiento de cumplimiento

29 April 2019

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of China and welcome the constructive engagement of your Government during the 31<sup>st</sup> session of the UPR Working Group in November 2018.

As the final outcome report on the review of China has been recently adopted by the Human Rights Council at its 40<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of China – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 150 delegations, the presentation and responses made by the delegation of China and the actions taken by your Government to implement the 204 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I welcome your Government's efforts, such as rolling out of several reform measures, promulgation of new laws, including the General Rules on the Civil Law, designed to serve as an institutional framework for the promotion and protection of human rights. At the same time, I encourage China to continue to strengthen its engagement with the United Nations human rights mechanisms, including the Treaty Bodies and Special Procedures mandate holders of the Human Rights Council. I also strongly encourage your Government to create an enabling environment for human rights defenders and lawyers defending the rights of others, including those who have interacted with the United Nations human rights mechanisms. I further urge your Government to increase efforts to protect the rights of ethnic and religious minorities, and to intensify efforts to ensure transparency and the respect and protection of human rights in relation to all policies aimed at countering terrorism or violent extremism.

I welcome the adoption of the third national human rights action plan (2016-2020). I note that your Government reported during its third cycle of the UPR that this action plan, along with other reforms mentioned above, had provided a strong institutional basis for the promotion and protection of human rights. I encourage China to effectively implement recommendations resulting from United Nations human rights mechanisms, including in the areas highlighted in the Annex to this letter and to facilitate the preparations for China's fourth cycle of the UPR. My advice to Member States is to develop and implement national action plans in close consultation and cooperation with all relevant stakeholders, in particular civil society organizations, and, where necessary, with the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

H.E. Mr. Wang Yi  
Minister of Foreign Affairs  
China



# Recomendaciones de Estados

- S - 28.130 Promote measures that ensure that development and infrastructure projects inside and outside its territory are fully consistent with human rights and respect the environment and the sustainability of natural resources, in line with applicable national and international law and the commitments of the 2030 Agenda for Sustainable Development (Ecuador);
- S - 28.131 Consider the establishment of a legal framework to guarantee that activities carried out by industries subject to its jurisdiction do not negatively impact human rights abroad (Peru);
- S - 28.275 Strengthen the approach of respecting cultural differences within its territory (Peru)
- S - 28.133 Take further measures on business and human rights in line with its international obligations and ensure that companies operating in high-risk or conflict areas conduct human rights due diligence in line with the Guiding Principles on Business and Human Rights (State of Palestine);
- S - 28.135 Continue extending Chinese laws, regulations and standards such as the Guiding Principles on Business and Human rights to Chinese companies operating beyond China's borders (Kenya);