



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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24 November 2020

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 101st session, considered the follow-up report submitted by the Government of China, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 33 (b), 42 (a)–(d), 42 (f)–(h) and 44 (c) of the Concluding Observations (CERD/C/CHN/CO/14-17), adopted following the consideration of the State party's combined 14th to 17th periodic reports, at its 96th session, held in August 2018.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 18th to 20th periodic reports, to be submitted in a single document by 28 January 2023.

Paragraph 33 (b) of the Concluding Observations

While the Committee thanks the State party for the information that nearly 1,800 ethnically-related social organizations are registered with its civil affairs departments, the Committee requests the State party to clarify whether these social organizations are non-governmental organizations (NGOs) and working on issues relating to the Convention. The Committee is concerned about reports that the current legal framework for NGOs in China creates a restrictive environment that prevents NGOs from documenting and investigating violations of the Convention in the territories of the State Party.

His Excellency Mr. Xu Chen
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The Committee is also concerned about reports that NGOs working on human rights issues, including those working on issues relating to the Convention, have not been able to register or re-register as required in order to be able to operate in mainland China, and that they have been banned or shut down and that staff members of NGOs have been subjected to arbitrary detention, disappearances and torture. The Committee therefore considers the response to this recommendation unsatisfactory and requests the State party to provide, in its next periodic report, information confirming the number of NGOs, including foreign NGOs, that are working on issues relating to the Convention and are officially registered in China, and information on measures taken to address the reported concerns in particular on investigations into the allegations of arbitrary detention, disappearances and torture of NGO staff members. The Committee also requests the State party to provide information on the number of NGOs, including foreign NGOs, registered in its five officially recognized autonomous regions working on issues related to the Convention.

Paragraph 42 (a)–(d) of the Concluding Observations

The Committee takes note of the State party's response claiming that no extralegal detention facilities exist and that no instances of extrajudicial detention have occurred within the territory of China including the Xinjiang Uighur Autonomous Region. The Committee, however, remains alarmed by multiple reports that large numbers of Uighurs and members of other minorities are arbitrarily detained in extrajudicial detention facilities operating as education and training centres and in forced labor camps in the State party's territory, in contravention to any recognized legal process with fair trial rights. The Committee is furthermore concerned about reports that children of those detained have been placed in state-run institutions, even of parents that have not given consent or where other close relatives are willing to care for the children.

The Committee, therefore, considers the response to this recommendation unsatisfactory and reiterates its recommendation to the State party to provide the number of persons held against their will in all education and training centres and other camps in the Xinjiang Uighur Autonomous Region in the past five years, together with the duration of their detention, the grounds for detention, the humanitarian conditions in the centres, the content of any training or political curriculum and activities, actual number of cases where the right that detainees have to challenge the illegality of their detention or appeal against the detention is used, and measures taken to ensure that their families are promptly notified of their detention. The Committee also reiterates its recommendation that the State party immediately release individuals currently detained under these circumstances against their will and allow those wrongfully held to seek redress.

While noting the information provided by the State party on its Constitution and laws stipulating that all citizens of the People's Republic of China are equal before the law, the Committee remains concerned about reports that Governmental controls over day-to-day life in Xinjiang primarily affect members of Uyghur, Kazakh and other Muslim minorities, which would amount to violations of international legal prohibitions against discrimination in particular the Convention. The Committee is also concerned by information that stops by law enforcement at numerous check points have become daily routines everywhere in Xinjiang and continue to single out and target ethnic

minorities, and that in some areas, facial recognition systems have been deployed specifically to identify and track Uighurs. The Committee reiterates its recommendation for the State party to undertake prompt, thorough and impartial investigations into all allegations of racial, ethnic and ethno-religious profiling, holding those responsible accountable and providing effective remedies, including compensation and guarantees of non-repetition, and provide an update on the availability and actual application of these measures in its next periodic report.

While the Committee also notes the response of the State party on China's protection of citizens' personal information and privacy, it reiterates its recommendation to the State party to develop measures to identify possible racial profiling through proper analysis of the statistics on individuals stopped by law enforcement, the reasons for and outcome of those stops, report publicly on the information collected at regular intervals and include it in its next periodic report.

Paragraph 42 (f)–(h) of the Concluding Observations

While taking note of the information provided by the State party, the Committee remains concerned by reports that ethnic minorities continue to face travel restrictions. The Committee reiterates its recommendation to eliminate travel restrictions that disproportionately affect members of ethnic minorities. It also requests the State party to provide information on the number, and ethnic background, of applicants whose application for a passport was unsuccessful, on how many of these unsuccessful applicants subsequently applied for administrative reconsideration or brought an administrative lawsuit in accordance with the law, and on the outcome of these procedures.

The Committee is concerned by reports that the fate of the Uighur students, refugees and asylum seekers who returned to China pursuant to a demand made by the State party remains largely unknown and that family members and observers fear that, as their whereabouts are unknown, they may have been subjected to extralegal detention or torture. The Committee notes reports that, based on such concerns, some countries have stopped sending Uighur asylum seekers back to China. The Committee reiterates its request to disclose the current location and status of Uighur students, refugees and asylum seekers who returned to China pursuant to a demand made by the State party in the past five years.

The Committee considers the response to this recommendation unsatisfactory.

Paragraph 44 (c) of the Concluding Observations

While noting the State party's information on the use of the languages of ethnic minorities in its territory, the Committee is concerned about reports according to which Government restrictions on the use and teaching or preservation of ethnic minority languages have continued or become more stringent in some cases. The Committee requests that the State party provide, in its next periodic report, information on steps taken to prevent and remove the restrictions on the use and teaching or preservation of ethnic minority languages and to fully implement minority language rights. The Committee also requests information on mechanisms set up by the State party to assess the implementation of provisions on the use and promotion of ethnic minority

languages, and on the State party's mechanisms/measures to monitor restrictions on the use of ethnic minority languages. The Committee also recommends that the voluntary and consensual implementation of language policy in schools is ensured, including by consulting with and ensuring participation of ethnic minorities during the revision process.

While noting the State party's information on the establishment in Tibet of an education system guaranteeing the teaching of the Tibetan language, the Committee is concerned about reports that the State party's policy of bilingual education has resulted in the replacement of Tibetan with the Chinese language as the medium of instruction in primary schools throughout the region, with the exception of classes studying Tibetan as a language. The Committee is also concerned about reports that language rights advocates continue to face persecution. The Committee recommends the State party to take steps ensuring that public discussions of education issues can be held without threat of reprisals. The Committee also requests the State party to include, in its next periodic report, information on concrete steps taken to ensure that the established rights of minorities to mother-tongue instruction in schools are applied and adequate resources are provided to this end.

The Committee considers the response to this recommendation partially satisfactory.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of China, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Marc Bossuyt
Vice Chairperson
Committee on the Elimination of Racial Discrimination