

Comments on CESCR Concluding Observations on the Third Periodic Report of China

China attached great importance to the review of the third periodic report of China on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR). A high-level Chinese delegation consisting of central government and the governments of Hong Kong Special Administrative Region and Macao Special Administrative Region went to Geneva to participate in the review, held constructive dialogue with the Committee in an open and frank manner. The Chinese delegation gave a comprehensive and in-depth overview of its achievements in promoting and protecting economic, social and cultural rights since the last review, answered as many questions as possible despite limited time to the more than 150 questions raised by the Committee members. China shared information on its efforts with specific examples and detailed statistics, did not shy away from difficulties and challenges, which demonstrated China's responsible and constructive attitude towards the review.

China will carefully study the Concluding Observations through an inter-agency working group. China is open to any recommendations that are suited to China's national realities. Meanwhile, China regrettably noted that the Concluding

Observations cited and accepted some false information and rumors on Xinjiang, Tibet, and Hong Kong-related issues, did not pay due attention to authoritative information such as facts and figures provided by China. The recommendations arising therefrom are untruthful, full of bias and double standards. China rejected those recommendations.

China believes that the review is intended to help the State Party better implement its duties as enshrined in the Covenant, and prompt State Party to make more progress in protecting economic, social and cultural rights. To that end, the Concluding Observations issued by the Committee are expected to be objective, unbiased, comprehensive and balanced, in keeping with the national conditions and capabilities of the State Party concerned. This also conforms with the letter and spirit of the Covenant. The Chinese government attaches great importance to fulfilling its obligations under international human rights instruments to which it has acceded to. China will continue to engage in constructive dialogue and cooperation with all parties, including treaty bodies, on the basis of equality and mutual respect. China welcomes mutual learning and shared progress, and firmly rejects false accusations in resolute defence of its sovereignty, security and development interests.

Given the above mentioned position, China reiterates the following basic facts regarding some fallacies in the Concluding Observations:

1. Concerning paragraph 9, “ the Committee is concerned about the lack of independence of the judiciary in the State party”, it defies facts. The Constitution, Criminal Procedure Law, Civil Procedure Law and Administrative Procedure Law of the People’s Republic of China stipulate that people’s courts exercise power independently, free from interference by administrative bodies, social organizations or individuals.

2. Concerning paragraph 22, “The Committee is also concerned that loans have resulted in unsustainable debt levels for borrowing countries”, the Belt and Road Initiative (BRI) has contributed to high-quality economic growth and sustainable development for countries along the Belt and Road, and provided bigger market, more investment and development opportunities to BRI countries. In the long run, the BRI helps narrow down global development deficit and ease debt burden. The COVID-19 pandemic has aggravated the debt issues confronted by some developing countries. China has fully implemented the G20 Debt Relief Initiative, and has become the biggest contributor to debt relief. In August 2022, China announced waiver of 23 interest-free loans for 17 African countries. China will also encourage multilateral institutions and commercial creditors to contribute more to the debt reduction and suspension for developing countries.

3. Concerning paragraph 31, “The Committee is concerned that corruption still occurs, and that the selection of cases of corruption for prosecution can be arbitrary and not

based on objective criteria”, China has been firmly combating corruption. Over recent years, the Chinese government has waged a battle against corruption on a scale unprecedented in our history, with coordinated and comprehensive efforts to ensure that officials do not have the audacity, opportunity or desire to become corrupt, maintaining a zero-tolerance stance on corruption. To ensure tangible results of our battle against corruption, the Supervision Commission of the People’s Republic of China was established by law. The Supervision Commission exercises supervisory powers independently according to law, and covers everyone who exercises public power. According the Supervision Law, if the oversight authority or any of its functionaries illegally divulges the information on reported matters, the acceptance of reports, and reporting parties’ information, the responsible leader and directly liable persons shall be punished in accordance with the law.

4. Concerning paragraph 35, “the Committee is concerned about reports of the discriminatory character of severe, systematic, vast and undue restrictions on a wide range of economic, social and cultural human rights, as well as the targeting of predominantly Uyghur, Kazakh, Kyrgyz, Hui” and paragraph 36, “The Committee urges the State Party to immediately bring to an end the violations of human rights in the Xinjiang Uyghur Autonomous Region”, as China’s Constitution states, “All nationalities in the People’s Republic

of China are equal. The State protects the lawful rights and interests of ethnic minorities, and uphold and develops relations of equality, solidarity, mutual assistance, and harmony among all nationalities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited”. The Xinjiang Uyghur Autonomous Region has strictly implemented China’s Constitution and laws. The relevant laws and policies and their implementation process embody the spirit of our legislation, which is putting all ethnic groups on the same footing, earnestly protecting human rights and forbidding discrimination against ethnic minorities.

5. Concerning paragraph 50, “the VETC system amounts to large-scale arbitrary deprivation of liberty”, the vocational education and training centers were in essence schools established in accordance with the law to de-radicalize trainees. The personal freedom of trainees at the education and training centers were protected in accordance with the law. The centers guaranteed that trainees’ personal dignity is inviolable, and prohibited stringently any insult or abuse in any forms. The centers adopted a residential education model which allowed trainees to go back home on a regular basis and ask for leave at anytime to attend personal affairs. The trainees also enjoyed the freedom of correspondence. The customs of all ethnic groups and the right to use their ethnic spoken and written languages were fully protected in the centers. By October 2019, all

trainees who received training including standard spoken and written Chinese, understanding of the law, vocational skills, and deradicalization had completed their courses.

6. Concerning paragraph 51, “immediately dismantle all systems of forced labour in place”, “release all individuals subject to forced labour”, and paragraph 90, “re-education in VETCs and/or ... employment schemes which de facto amount to forced labour”, in 2022, China ratifies the International Labour Organization’s Forced Labour Convention, 1930 and the Abolition of Forced Labour Convention, 1957. The Chinese government earnestly fulfills its obligations under the Conventions and prohibits any form of forced labour and stipulate criminal penalties for acts of forced labour. The Labour Law, the Labour Contract Law, the Employment Promotion Law, the Regulation of Labour Insurance and Supervision as well as other laws and regulations ensure that workers enjoy equal labour rights. Workers of all ethnic groups in Xinjiang choose their professions according to their own will. Their personal freedom is never restricted. Legitimate rights and interests, such as equal employment opportunities, remuneration, social insurance, rest and leave, and occupational safety are guaranteed by law. Workers of all ethnic groups are not subject to any discrimination. Trainees who entered the education and training centers receive vocational skills training during the period, which is limited to theoretical study and certain practical operations, do not attend actual

production activities. Graduates from education and training centers enjoy the same employment rights as workers from other ethnic groups in society. They choose their jobs, job hunting approaches and working places of their own volition, and sign labour contracts with enterprises upon their own will. They work under the same conditions as others and enjoy equal pay for equal work. The local government only assisted in providing job information and did not impose any mandatory requirements. In recent years, Xinjiang held more than 2,000 online and offline job fairs annually, providing approximately 500,000 job positions, facilitating better achievement of full employment for ethnic minority employees.

7. Concerning paragraph 71, “take immediate action to end...forced abortions, sexual violence, forced sterilizations, and torture in the implementation of family planning policies” and “to investigate effectively...all reported cases of forced abortion and forced sterilization”, the population of ethnic minorities in Xinjiang increases from 4.45 million (according to data from the 1st national census conducted in 1953) to 14.93 million (according to data from the 7th national census conducted in 2020), with an increase of 1.95 million from 2010 to 2020 alone. Among them, the Uyghur population increases from 3.6 million in 1953 to 11.62 million in 2020, with an increase of 1.62 million from 2010 to 2020. Such growth rate is leading at national level. Family planning was first applied to the Han People in Xinjiang in the early 1970s. Ethnic minorities

were exempt from family planning policies until the mid and late 1980s, and preferential policies were implemented for them. Although the population growth rate of Xinjiang has declined in recent years, it is still higher than that of the whole country, reflecting a general trend of China's economic, social and demographic development. The decline has nothing to do with the so-called "forced sterilization". It is mainly due to the change in how Xinjiang's young people perceive relationships and marriages and the greater emphasis they put on higher education and personal career development. The enhancement of women's social status partly explains it.

8. Concerning paragraph 89, "immediately abolish the coerced residential (boarding) school system imposed on Tibetan children", the Compulsory Education Law of China stipulates, where necessary, the people's government at the county level may set up boarding schools so as to ensure that the school-age children and adolescents who are dwelling in scattered areas receive compulsory education. This is a policy promulgated by the Chinese government according to national conditions to guarantee people's equal right to receive education. Chinese boarding schools provide accommodations, meals and other necessary services, which are not operated in an enclosed or militarized way. They are fundamentally different from those "colonial boarding schools" for indigenous people established by some western countries in the last century. Now there are boarding schools established based on the needs of local

students in each province and autonomous region in China. Some areas in Tibet Autonomous Region are at a high altitude with scattered population, which makes it very inconvenient for children especially those from pastoral areas to commute to school. Scattered school running cannot ensure enough number of teachers and quality of education. The boarding schools are established based on the actual needs to guarantee children of all ethnic groups in Tibet to receive high-quality education. There are boarding students who opt for day reading in the middle, and day-reading students transferred to boarding, which is all up to the will and needs of parents and students.

Like schools in other provinces of China, boarding schools in Tibet Autonomous Region prioritize students' family engagement in schooling, and invite parents to participate in boarding operation and design through family committee and open days alike. Students can go home on weekends, during holidays like Tibetan New Year, Shelton Festival, as well as winter and summer vocations. During school days, parents can visit their children or take them home if needed. Boarding schools provide courses on Tibetan, ethnic dances and other traditional cultures, as well as traditional food of the Plateau. Students can also wear ethnic clothes at school.

The Boarding schools has effectively guaranteed children's health, improved the level of education and their academic performance. Take Ali Prefecture of Tibet Autonomous Region as an example. From 2017 to 2019, the higher education

enrollment rates of the boarding high schools in Lhasa were 98.1%, 95.6% and 94.84% respectively, while those of the local high schools were only 37.3%, 31.4% and 26.67% respectively.

9. Concerning paragraph 101, “review the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (2020) to ensure the full independence of the judiciary and to ensure that national security legislation is not arbitrarily used to interfere with it”, the National Security Law addresses the prominent issues in the implementation of the policy of One Country, Two Systems, and aims to guard off national security risks, and is a necessary step to improve the system and institutions of One Country, Two Systems. It ensures complete and accurate implementation of the policy of One Country, Two Systems, and ensures that the practice of One Country, Two Systems is not bent or distorted. The law aims to uphold long-term peace, stability and prosperity of HKSAR. It completely complies with the policy of One Country, Two Systems and the Basic Law, and adds to the relevant system of the Basic Law in the field of national security.

The National Security Law stipulates four types of criminal acts, namely, secession, subversion of state power, terrorist activities, and collusion with foreign or external forces to endanger national security. It defines the constitution of crimes in a lucid manner. A clear line is drawn between offence and

non-offence. It does not cause any generalized interpretation or unlimited application of related crimes. It does not change the high degree of autonomy enjoyed by the HKSAR. As the National Security Law clearly stipulates, the rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, which the residents of the HKSAR enjoy under the Basic Law of the HKSAR and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to HKSAR, shall be protected in accordance with the law. It only targets an extremely small minority of persons who have breached the law on those national security offenses, in order to prevent, curb and sanction severe criminal acts that endanger national security, to better protect the life and properties, basic rights and freedoms of the overwhelming majority of Hong Kong residents.

Human rights promotion and protection is an ongoing mission that never ends. China will make unremitting efforts to realize the equal enjoyment of economic, social and cultural rights for all people at higher standards. China stands ready to step up communication with all parties for better mutual understanding.