



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Information received from China on follow-up to the
concluding observations on its combined fourteenth to
seventeenth periodic reports***

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* The present document is being issued without formal editing.



Responses of the Government of China on follow-up to the concluding observations of the United Nations Committee on the Elimination of Racial Discrimination

With regard to the issues raised in the concluding observations of the Committee on the Elimination of Racial Discrimination (“the Committee”), China has already provided some explanations in its report to the Committee on implementation of the Convention (CERD/C/CHN/14-17) and in its responses to the Committee’s list of themes (CERD/C/CHN/Q/14-17), as well as in its interactive dialogue with Committee. In accordance with the recommendation regarding follow-up contained in paragraph 61 of the Committee’s concluding observations (CERD/C/CHN/CO/14-17), the Government of China hereby responds to questions raised in paragraphs 33 (b), 42 (a)–(d), 42 (f)–(h) and 44 (c) of the concluding observations:

A. On the number of non-governmental organizations that are officially registered in China and are working on issues relating to the Convention

The Government of China has always attached great importance to the role of social organizations in eliminating racial discrimination and protecting the rights of ethnic minorities. At present, there are nearly 1,800 ethnically-related social organizations registered with civil affairs departments. These organizations are active in such areas as education and health, culture and sports, economics and trade, international exchanges, theoretical research and other fields, and play an important role in safeguarding the lawful rights and interests of ethnic minorities and promoting equality, unity, mutual assistance and harmonious development for all ethnic groups.

B. Issues connected with the Xinjiang Uighur Autonomous Region of China

During the dialogue session, members of the Committee paid close attention to the issue of the vocational and technical education and training centres (hereinafter referred to as “education and training centres”) in Xinjiang. China would like to clarify this issue before answering other questions related to the Xinjiang Uygur Autonomous Region.

Terrorism and extremism are the common enemies of human society, and combating terrorism and eliminating extremism are the shared responsibilities of the international community. Xinjiang is the main battlefield of the struggle against terrorism and extremism in China. For a period of time, Xinjiang suffered greatly from terrorism and religious extremism, which posed a serious threat to people’s lives and safety. Upholding the principle of addressing both the symptoms and root causes, and integrating preventative measures with a forceful response, Xinjiang has established vocational education and training centres, in accordance with the law, to eradicate the breeding ground and conditions for the spread of terrorism and religious extremism. By effectively curbing the number and frequency of terrorist incidents and protecting the rights to life, health, and development of the people of all ethnic groups, it has thereby achieved an important victory at this stage of the struggle against terrorism and extremism.

In line with such laws and regulations as the Counter-Terrorism Law of the People’s Republic of China, the Measures of the Xinjiang Uygur Autonomous Region for the Implementation of the Counter-Terrorism Law of the People’s Republic of China, and the Regulations of the Xinjiang Uygur Autonomous Region on Deradicalization, Xinjiang has established education and training centres to carry out assistance and instruction work. At present, trainees entering the centres fall into three categories: the first comprises persons who have been incited, coerced or induced into participating in terrorist or extremist activities, or for whom the circumstances of their participation in terrorist or extremist activities were not serious enough to constitute a crime. The second category comprises persons who have been incited, coerced or induced into participating in terrorist or extremist activities, or who participated in terrorist or extremist activities that posed a real danger but did not cause actual harm, whose malicious intent was not deep, and who are

capable of acknowledging, and expressing repentance for, their past offences, who thus do not need to be sentenced to or can be exempted from punishment, and who have demonstrated willingness to receive training. The third category comprises persons who have been convicted and sentenced for terrorist or extremist crimes, have been assessed prior to release upon completion of their sentences as still posing a potential threat to society, and who have been ordered by people's courts in accordance with the law to receive education at the centres. Under the provisions of articles 29 and 30 of the Counter-Terrorism Law, people in the first and third categories are provided with assistance and education or assigned an educational placement. With regard to people in the second category, a small number are punished severely while the majority are rehabilitated, in accordance with the criminal policy of balancing compassion and severity. Those who confess guilt, express repentance and voluntarily accept training are provided with assistance and education once they have been exempted from prosecution in accordance with the law. Education and training in vocational skills is provided to such persons free of charge in a variety of forms, including centralized training, boarding study and practical development, and graduation certificates are issued once the trainees have been assessed as having met the standard. Following graduation, trainees may choose their own jobs or be assisted by the relevant departments of the regional government in arranging employment. The number of those taking part in education and training is dynamic, as people are continuously coming and going. With the effective on-going development and promotion of education and training work, the majority of trainees have met the training requirements and successfully completed their studies.

The education and training work being undertaken in Xinjiang conforms to the basic principles clearly defined in the relevant conventions and initiatives of the international community. As a responsible member of the international community, China actively supports the leading and coordinating role of the United Nations in international counter-terrorism cooperation, resolutely follows the Charter of the United Nations and other principles and norms of international law, supports the series of counter-terrorism resolutions adopted by the United Nations Security Council, and vigorously promotes the full implementation of the United Nations Global Counter-Terrorism Strategy (A/RES/60/288). At present, China has acceded to such international anti-terrorism conventions as the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism, and the International Convention against the Taking of Hostages. The education and training work being undertaken in Xinjiang is precisely the concrete manifestation of how China integrates the counter-terrorism and deradicalization initiatives and ideas of the international community in practically implementing them in China, drawing on the international community's experiences in counter-terrorism and deradicalization.

The education and training centres are schools by nature. Responding to the practical need to combat terrorism and extremism in Xinjiang, they have set up teaching curricula emphasizing the study of the standard spoken and written national language of China, understanding the law, vocational skills, and deradicalization. First, to address their lack of proficiency in standard spoken and written Chinese, the trainees are provided with language training. Arrangements are made to employ qualified instructors specializing in the teaching of standard Chinese, using textbooks compiled especially for the trainees, and teaching in the same way as in regular schools in order to rapidly improve the trainees' ability to use standard spoken and written Chinese. Second, the centres provide courses in legal knowledge in order to address the trainees' general lack of awareness of the rule of law. Through their studies, the trainees develop a stronger understanding of their rights and obligations as citizens, and establish the concepts of the equal enjoyment of their rights and of the obligation to fulfil their duties as citizens, along with an acceptance of the need to abide by the Constitution and laws and act in accordance with the rights and obligations that the Constitution and laws confer. Third, vocational skills training is provided to address trainees' lack of occupational skills and to remedy their employment difficulties. The education and training centres regard the study of vocational skills as an important channel for improving the trainees' ability to find employment. They set up training courses according to local needs and employment conditions, and provide training in multiple skills for those who have the desire and qualifications, so as to ensure that trainees can master one to two vocational skills more proficiently after graduation.

The education and training work being undertaken in Xinjiang is a social governance measure taken by the Government in accordance with law, which is aimed at ensuring the safety of people's lives and the inviolability of citizens' basic rights. In undertaking this work, the education and training centres strictly implement the provisions of the Constitution and laws, and ensure that the basic rights of those taking part in the training are not violated. Chinese law expressly prohibits any discriminatory practices based on regional, ethnic, religious and other factors, and this stipulation has been effectively implemented in Xinjiang. The only criterion by which the education and training centres determine those who are to be educated and rescued is whether there has been any illegal or criminal terrorist or religious-extremist act, which has nothing to do with the region in which they live, their ethnicity or the religion to which they belong. During the education and training centres' learning process, the personal freedom of the trainees is guaranteed by law. The centres ensure that trainees' personal dignity is inviolable, and prevent any insult or abuse in any manner. They employ a residential education model which allows trainees to return to their homes on a regular basis and to request leave to attend to personal affairs. The trainees also enjoy the freedom of correspondence. The customs of all ethnic groups and the right to use their spoken and written languages are fully protected at the centres, and the trainees' freedom of religious belief and spiritual and cultural life needs are respected. The education and training centres employ bilingual teachers, instructors, doctors and logistics and managerial staff to ensure that the trainees can lead normal life during their studies. In order to relieve them of family worries, the Xinjiang authorities at all levels treat trainees' families on an equal footing with regard to preferential policies in social security, education, medical service, and poverty elimination, and help their families and relatives to address substantive problems in work, daily life, employment, education and medical services, thus allowing the trainees to focus more attention on their own education and training.

Practical experience has shown that the education and training work being undertaken in Xinjiang has effectively eliminated the breeding ground and conditions for the spread of terrorism and religious extremism, effectively guaranteeing the rights to life, health and development of the people of all ethnic groups in Xinjiang, not only enabling Xinjiang to achieve social stability, but also powerfully maintaining regional security and stability. This approach is fully in line with the basic spirit and principles of international efforts to combat terrorism and eliminate extremism, and fully accords with the fundamental interests and needs of the people of all countries in the world.

1. **On so-called “Halting the practice of detaining individuals who have not been lawfully charged, tried and convicted for a criminal offence in any extralegal detention facility”, “Immediately releas[ing] individuals currently detained under these circumstances, and allow[ing] those wrongfully held to seek redress”, and “Provid[ing] the number of persons held against their will in all extralegal detention facilities in the Xinjiang Uighur Autonomous Region in the past five years”**

No extrajudicial detention facilities exist, nor have incidences of extrajudicial detention occurred, within the territory of China including the Xinjiang Uygur Autonomous Region. The Criminal Procedure Law of the People's Republic of China, Law of the People's Republic of China on State Compensation and other Chinese laws and regulations contain strict provisions on criminal detention, and give citizens full rights of redress.

First, the scope of application of criminal detention is strictly regulated. Criminal detention is a type of criminal coercive measure in which the public security organs temporarily restrict the personal freedom of criminal suspects and take them into custody. Only under the circumstances stipulated in the Criminal Procedure Law can the public security organs apply it to active criminals or major suspects.

Second, the organs deciding on and carrying out criminal detention are strictly regulated. In addition to the public security organs, which have the authority to decide on and carry out criminal detention in accordance with the law, the people's procuratorate has the right to make decisions on detention in cases directly accepted by it, which are then executed by the public security organs.

Third, criminal detention procedures are strictly regulated. If a public security organ needs to detain a criminal suspect in accordance with the law, the person in charge of the public security organ at or above the county level shall approve and issue a detention

warrant. In cases where detention is decided upon by the people's procuratorate, such decisions shall be decided by the chief procurator. The families of detainees shall be informed within 24 hours after the detention, except in cases where such notification is impossible, or, in cases of crimes against national security or terrorist activities, where such notification could hinder the investigation. Persons detained shall be interrogated by the public security organs within 24 hours after their detention. If it is found that they should not have been detained, they must be immediately released and issued certificates of release.

Fourth, persons criminally detained are granted relief measures. The Criminal Procedure Law guarantees criminal detainees' rights to mount a defence, make appeals and bring lawsuits. Criminal suspects have the right to appoint lawyers as defenders from the date that detention measures are taken against them. If they fail to appoint defenders owing to economic difficulties or other reasons, they or their close relatives may apply to a legal aid agency. Criminal suspects and their lawyers have the right to apply for modification of the coercive measures taken against them, as well as the right to lodge complaints and charges against the judicial organs and staff when those organs or personnel have violated the law. Under the State Compensation Law, if a detention measure is taken against a citizen in violation of the provisions of the Criminal Procedure Law, or a detention measure is taken against a citizen in accordance with the conditions and procedures prescribed by the Criminal Procedure Law, but the period of detention exceeds the time limit stipulated in the Criminal Procedure Law, a decision is then taken to dismiss the case, bring no charges, or rule the defendant not guilty and suspend the investigation of criminal liability, and the victim then has the right to obtain State compensation.

There are specific facilities for criminal detention, which are subject to legal supervision. Article 85 of the Criminal Procedure Law provides that "after being taken into custody, a detainee shall be immediately transferred to a detention facility for custody within twenty-four hours". The Regulations on Detention Facilities stipulate that such facilities are the organs for detaining criminal suspects arrested and detained in accordance with the law. Under national laws, detained criminal suspects are to be guarded by armed police to ensure safety. Criminal detention certificates, held by the organ remanding detainees and signed and issued by public security organs at the county level or above, must be presented for detainees being taken into custody in detention facilities. If such a certificate is lacking, or if the content recorded on it is at variance with the facts of the situation, the detainee concerned shall not be taken into custody. The supervisory functions of the detention facility are subject to the legal supervision of the people's procuratorate.

2. On so-called "allegations of racial, ethnic and ethno-religious profiling"

The Chinese Constitution and laws stipulate that all citizens of the People's Republic of China are equal before the law. The law applies equally to any persons committing crimes, who shall be investigated and bear the corresponding criminal liability regardless of ethnicity, race, sex, occupation, family origin, religious belief, education level, financial status or duration of residence. Their litigation rights and other lawful rights and interests are also protected by national law, which prohibits discrimination in any form.

3. On the collection, analysis and processing of personal data and information

China protects citizens' personal information and privacy in accordance with the law. It has promulgated a series of laws and regulations, judicial interpretations and national standards in this regard, and has continuously strengthened efforts to protect citizens' personal information and combat the infringement of that information.

In the area of civil law, article 111 of the General Principles of Civil Law of the People's Republic of China stipulates that "the personal information of natural persons shall be protected by law. Any organization or individual needing to obtain the personal information of another individual shall ensure the security of that information in accordance with the law, shall not illegally collect, use, process or transmit the personal information of another individual, and shall not illegally trade, make available or disclose the personal information of another individual".

In the area of criminal law, the crimes of selling or illegally furnishing the personal information of citizens and of illegally obtaining the personal information of citizens were added to amendment (VII) of the Criminal Law of the People's Republic of China in 2009.

In 2015, amendment (IX) of the Criminal Law was further improved by the incorporation of those two crimes into the crime of infringing on citizens' personal information, broadening the scope of the criminal subject and of personal information infringement, and changing the maximum legal punishment for that crime from three to seven years' fixed-term imprisonment. In 2017, the Supreme People's Court and the Supreme People's Procuratorate jointly issued the Interpretation on Several Issues concerning the Application of Law in the Handling of Criminal Cases of Infringing on Citizens' Personal Information, which defined the scope of "citizens' personal information" and clarified the conviction and sentencing standards for the crime of infringing on citizens' personal information.

In the area of personal information security management, the 2016 Cybersecurity Law of the People's Republic of China treats personal information protection as an important institution. It comprehensively and systematically regulates the collection and use of personal information, and strengthens the responsibility of those who collect and use personal information to protect it. The Personal Information Security Specification issued by the National Information Security Standardization Technical Committee in 2017 is applicable to organizational and personal information processing activities of all kinds. Aimed at the security problems facing personal information, it standardizes the actions of those who control personal information with regard to the collection, preservation, use, sharing, transfer and public disclosure links in the information processing chain, and focuses on such issues as curbing the illegal collection, abuse and disclosure of personal information, to maximize the protection of the lawful rights and interests of individuals as well as the public interests of society as a whole.

4. On so-called "travel restrictions that disproportionately affect members of ethnic minorities"

The Chinese government protects the lawful rights and interests of every citizen exiting or entering China. Chinese citizens exiting or entering China must apply for passports or other travel documents in accordance with the law. Laws and regulations such as the Passport Law of the People's Republic of China and the Exit and Entry Administration Law of the People's Republic of China have set out detailed provisions for Chinese citizens regarding application for passports, exit and entry etc., clarifying the conditions under which the passport-issuing authority will not issue passports and will not allow Chinese citizens to leave the country, while also providing relief measures for persons affected. As article 6 of the Passport Law stipulates, if a passport is not issued on the grounds that the application does not conform to the relevant provisions, the exit-entry control department of the public security organ shall give the reasons in writing and inform applicants of their right to apply for administrative reconsideration or bring an administrative lawsuit in accordance with the law.

5. On disclosing the so-called "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" etc.

Under the seditious instigation of foreign "East Turkistan" terrorist organizations, the illegal exit of people in China to participate in "Jihad" has become prominent in recent years. Most of these people are bewildered and worn down by religious extremism, and are deceived and coerced into leaving the country illegally by the foreign "East Turkistan" terrorist organizations, posing a great threat to the security and orderly border management of China and other countries concerned. In this regard, Chinese law enforcement departments undertake international law enforcement cooperation with relevant countries in accordance with the law, carrying out extradition or repatriation in a sound and orderly manner and dealing with a variety of different situations. Those who have been affected by religious extremism and have been deceived and coerced are resettled, assisted, educated and converted, while those suspected of leaving the country to join terrorist organizations or remain at large are subject to severe punishment in accordance with the law. The Chinese Government undertakes, in accordance with the law, the management of persons returned to the country through extradition or repatriation, and guarantees their lawful rights and interests.

C. On “provid[ing] information regarding the promotion of, and any restrictions on the use of, ethnic minority languages”

In accordance with the law, the Chinese government guarantees the freedom of ethnic minorities to use and develop their own spoken and written languages. There are nearly 40 laws and regulations in China containing provisions on the use and development by ethnic minorities of their own spoken and written languages; these include the Constitution, the Law of the People’s Republic of China on Regional National Autonomy, the Education Law of the People’s Republic of China and the Law of the People’s Republic of China on the Standard Spoken and Written Chinese Language. The government guarantees the legal use of minority spoken and written languages in administrative justice, press and publication, radio, film and television, culture and education and other fields. Documents and simultaneous interpretation in the Mongolian, Tibetan, Uyghur, Kazakh, Korean, Yi, Zhuang and other ethnic languages are provided at major conferences such as the National Congress of the Communist Party of China, the National People’s Congress and the Chinese People’s Political Consultative Conference. We are strengthening the construction of regional radio and television infrastructure, and incorporating the implementation of key radio and television public service projects into national targeted poverty-alleviation strategies in the frontier ethnic areas of Qinghai, Xinjiang and Tibet, as well as vigorously promoting the introduction of public radio and television services in villages and households in those areas. By means of live-broadcast satellite receiving equipment, farmers and herdsmen in remote mountainous areas and border areas with poor road conditions and limited information access can watch and listen to more than 50 clear, high-quality television and radio programmes. In 2017, some 122,000 hours of radio programming and 42,000 hours of television programming dubbed in minority languages were produced nationwide; 11 ethnic minority-language programming dubbing centres throughout China completed the ethnic-language dubbing of 1,104 film episodes, and more than 210,000 orders were placed for dubbed versions of complete films. The variety of ethnic-language programming is also growing richer by the day, with China Central Radio simultaneously broadcasting the national news programme in five ethnic-minority languages online. The dubbing centres also carry out the development of persons talented in ethnic-language programme dubbing, through a variety of means such as programme-dubbing hardware upgrades, training courses, and cooperative arrangements with social institutions.

The Chinese government attaches great importance to the study, use and development of the Tibetan language, and earnestly guarantees the freedom of the Tibetan people to use and develop their own written language. At present, the spoken and written Tibetan and Chinese languages are used in all laws, regulations, resolutions and official documents, as well as newspapers, magazines and radio and television broadcasts in the Tibet Autonomous Region and other Tibetan autonomous areas. A complete education system from kindergarten to university has been established in Tibet, guaranteeing the teaching of the Tibetan language. More than 100 Tibetan-language book titles are published and printed in press runs of hundreds of thousands of copies in the Tibet Autonomous Region each year. The people’s courts also foster judges bilingual in the Tibetan and Chinese languages by means of training bases in Lhasa City, Tibet and in Zhouqu County, Gannan Tibetan Autonomous Prefecture of Gansu Province. The people’s procuratorates have set up a bilingual training base for the national procuratorial organ in Nyingchi, Tibet to train procurators bilingual in the Tibetan and Chinese languages, so as to provide greater convenience for Tibetan citizens to use their own ethnic language for litigation. Moreover, the Tibetan language has entered the information age, with Tibetan character coding having met not only national but also international standards, thus becoming the first ethnic-minority language in China to have done so. The Tibetan language has also become a popular language of communication in the Internet.

In conclusion, the Chinese government hopes that the foregoing responses will help the Committee to gain a more comprehensive and objective understanding of the efforts and progress made by the Chinese Government with regard to eliminating racial discrimination. The Chinese government is also willing to continue cooperation and exchanges with the Committee on the basis of equality and mutual respect, and constantly to improve the level of the enjoyment of human rights by ethnic minorities.