

(Translated from Chinese)

Receipt is hereby acknowledged of the letter dated 1 May 2019, addressed jointly by the Working Group on the issue of human rights and transnational corporations and other business enterprises; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the independence of judges and lawyers, of the United Nations Human Rights Council (ref. AL CHN 3/2019). The Chinese Government wishes to make the following reply:

The so-called “safeguarding rights” incident took place in July 2018 at the Shenzhen JASIC Science and Technology Co., Ltd. The police ascertained that it was an illegal and criminal case involving employees who had been expelled for violating the company system. Under the organization, planning and instructions of persons outside the factory, such as Fu Changguo, some workers were swept up in an illegal assembly and attacked the factory area of the company in the name of “safeguarding [their] rights”, seriously disturbing normal business and production operations and seriously affecting the local social order. The public security organs handled the case in accordance with the law, and all the above-mentioned personnel candidly confessed to the fact that they had unlawfully committed the crimes of picking quarrels and provoking trouble, and of assembling a crowd to disturb social order. The cases of the criminal offenders concerned were transferred to judicial organs for disposition in accordance with the law.

In accordance with the Constitution of the All-China Federation of Trade Unions, Chinese trade unions commit to organizing and to the working principle of effective rights protection, adhere to a worker-centred outlook and a philosophy of taking the initiative in scientifically protecting workers’ rights in accordance with the law, safeguard workers’ economic, political, cultural and social rights, participate in the coordination of labour relations and social-interest relations, strive to build harmonious labour relations, promote the high-quality economic development and long-term stability of society, and maintain the solidarity and unity of the working class and trade union organizations, in order to build a harmonious socialist society.

In China, the right of workers to participate in and organize trade unions is fully guaranteed by law. Article 2 of the Trade Union Law of the People’s Republic of China stipulates that “Trade unions are mass organizations formed by the working classes of their own free will. The All-China Federation of Trade Unions and all of its trade union organizations shall represent the interests of the workers and protect the lawful rights and interests of the workers in accordance with the law.” Article 3 stipulates that “All labourers doing physical or intellectual work in enterprises, public institutions and government organs within Chinese territory who earn their living primarily from wages ... shall have the right to participate in and form trade union organizations in accordance with the law.” Article 10 (5) stipulates that “The All-China Federation of Trade Unions shall operate uniformly at a national level”; article 11 stipulates that “The establishment of a basic-level trade union, local all-level federation of trade unions or a national or local industry-specific trade union must be reported to the trade union organization at the next highest level for approval. The trade unions at the higher level may assign personnel to assist and direct enterprises in establishing trade unions; no unit or individual may obstruct them.”





中华人民共和国常驻联合国日内瓦办事处和瑞士其他国际组织代表团

**THE PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA
TO THE UNITED NATIONS OFFICE AT GENEVA AND OTHER
INTERNATIONAL ORGANIZATIONS IN SWITZERLAND**

11 Chemin de Surville, 1213 Petit-Lancy
Tel: +41(0)22 879 56 78 Fax: +41(0)22 793 70 14
Email: chinamission_gva@mfa.gov.cn Website: www.china-un.ch

No. GJ/20/2019

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's letter [AL CHN3/2019] dated 1 May 2019, has the honor to transmit herewith the reply by the Chinese government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



OHCHR REGISTRY

Office of the High Commissioner for Human Rights
GENEVA

31 MAY 2019

Recipients: **SPB**

.....
.....
.....

联合国人权理事会人权与跨国公司问题工作组、强迫失踪问题工作组、言论自由问题特别报告员、和平集会与结社自由问题特别报告员、“人权卫士”问题特别报告员、法官和律师独立性特别报告员 2019 年 5 月 1 日联合来文[AL CHN3/2019]收悉。中国政府对来文答复如下：

2018 年 7 月，深圳佳士科技股份有限公司发生所谓“维权”事件。经警方查明，此系个别违反公司制度被开除员工，在付常国等厂外人员的组织策划指示下，裹挟部分工人借“维权”之名非法聚集并冲击公司厂区，严重扰乱正常办公和生产经营、严重影响当地社会秩序的违法犯罪事件。公安机关依法办案，上述人员均对寻衅滋事及聚众扰乱社会秩序的违法犯罪事实供认不讳，相关违法犯罪人员已移送司法机关依法处理。

中国工会按照《中国工会章程》，坚持组织起来、切实维权的工作方针，坚持以职工为本、主动依法科学维权的维权观，维护职工的经济、政治、文化和社会权利，参与协调劳动关系和社会利益关系，推动构建和谐劳动关系，促进经济高质量发展和社会的长期稳定，维护工人阶级和工会组织的团结统一，为构建社会主义和谐社会作贡献。

在中国，劳动者参与和组织工会的权利是有充分法律保障的。《中华人民共和国工会法》第二条规定：“工会是职工自愿结合的工人阶级的群众组织。中华全国总工会及其各工会组织代表职工的利益，依法维护职工的合法权益”；第三条规定：“在中国

境内的企业、事业单位、机关中以工资收入为主要生活来源的体力劳动者和脑力劳动者，……都有依法参加和组织工会的权利。”第十条第五款规定：“全国建立统一的中华全国总工会”；第十一条规定：“基层工会、地方各级总工会、全国或者地方产业工会组织的建立，必须报上一级工会批准。上级工会可以派员帮助和指导企业职工组建工会，任何单位和个人不得阻挠。”