

(Translated from Chinese)

Receipt is hereby acknowledged of communication No. OL CHN 18/2019 of 1 November 2019 from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Vice-Chair of the Working Group on Arbitrary Detention, the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the right to education, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on minority issues, the Special Rapporteur on the right to privacy, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment of the United Nations Human Rights Council. The Chinese Government wishes to make the following reply:

The relevant special mechanisms of the Human Rights Council have used unconfirmed information, based on a one-sided interpretation of the human rights treaties in question, to make completely unsubstantiated accusations against China and to grossly interfere in its internal affairs and judicial sovereignty, citing the Counter-Terrorism Law of the People's Republic of China and other laws and regulations. China expresses its strong dissatisfaction and firm opposition to this. China has adopted and implemented the Counter-Terrorism Law and has effectively prevented and combated terrorism. It attaches great importance to ensuring the balance between counter-terrorism activities and the protection of human rights. The achievements of Xinjiang in combating terrorism and extremism are obvious for all to see. There is no place for vilification and malicious speculation on the part of the experts of the special procedures. For the sake of clarification, we would like to make the following reply:

1. General situation

1.1 For a certain period, violence, terror and religious extremism, which are essentially behaviours targeting humankind, society and civilization, seriously undermined social stability in Xinjiang and produced a grave catastrophe for the people of all ethnic groups there. In view of the complex and serious situation of counter-terrorism efforts and the urgent requests from the people of all ethnic groups to crack down on violent terrorist crimes and ensure the safety of life and property, Xinjiang has, adhering to the rule of law and making use of the law and, in accordance with the Counter-Terrorism Law of the People's Republic of China and the Measures of the Xinjiang Uyghur Autonomous Region on Implementing the Counter-Terrorism Law of the People's Republic of China and other measures, severely cracked down, in accordance with the law, on violent terrorist activities that violate citizens' human rights, endanger public safety, undermine national unity and advocate separatism. The judicial authorities in Xinjiang have always adhered to a principle whereby their action is based on facts and their criterion for action is the law, fully implementing a policy of the application of criminal law that combines leniency with severity, bringing the educational and corrective roles of penalties into full play, carrying forward the cause of justice in fighting terrorism, meeting the security expectations of Xinjiang's people of all ethnic groups and maintaining social harmony and stability.

1.2 Definition of "terrorism" and "extremism" in the Counter-Terrorism Law

According to article 3.1 of the Counter-Terrorism Law, terrorism and terrorist activities are defined as follows: "In this Law, 'terrorism' refers to advocacy and actions that create panic in society, endanger public safety, attack persons or property or exert coercion upon national bodies or international organizations by means of violence, destruction or intimidation in order to achieve political, ideological, or other objectives."



With a view to precisely identifying and combating terrorist activities, article 3.2, on the basis of the definition of terrorism in article 3.1, clearly sets out a list of five types of acts that are of a terrorist nature, specifically including: “(1) Activities that cause serious harm to society, such as organizing, planning, preparing for or carrying out any of the following acts so as to cause personal injury or death, major property damage or damage to public facilities, or to wreak havoc in the public order; (2) Advocating terrorism, inciting others to commit terrorist acts, unlawfully possessing items advocating terrorism or compelling others to wear clothing, accessories or symbols advocating terrorism in a public place; (3) Organizing, leading, or participating in a terrorist organization; (4) Providing information, funds, supplies, personnel or technology or facilities for terrorist organizations, for persons engaged in terrorist activities or for training for such activities, or otherwise supporting, aiding or abetting them; and (5) Other terrorist activities.”

Extremism is the ideological basis for terrorism. In order to effectively combat terrorism, it is necessary to oppose all types of extremism. Article 4 (2) of the Counter-Terrorism Law stipulates that the State is to oppose all forms of extremism, including incitement to hatred, incitement to discrimination and the advocacy of violence through the distortion of religious doctrines or other means, and that the State is to eliminate the ideological basis of terrorism. At the same time, in order to accurately comprehend the meaning of extremism, article 6 (2) further sets out that counter-terrorism work must respect the freedom of religious belief and the customs and habits of the people, and it prohibits any discriminatory practices based on geographical, ethnic or religious grounds. These regulations set out clearly the essential characteristics of extremism, clarify the relationship between extremism and terrorism and show our country’s clear stand and attitude against all forms of extremism. Article 28 of the Counter-Terrorism Law establishes that actions taken to carry out terrorist acts are to be duly stopped in accordance with the law and to be investigated to establish legal responsibility. Article 81 clearly lists 10 categories of extremist acts that are subject to investigation for legal responsibility.

These definitions of terrorism and extremism are fully in line with the United Nations Declaration on Measures to Eliminate International Terrorism, the Convention of the Shanghai Cooperation Organization against Terrorism and other international legal documents, as well as the provisions on terrorism and extremist crimes in amendment 9 to the Criminal Law and the Decision of the Standing Committee of the National People’s Congress on Issues related to Strengthening Counter-Terrorism Work. A clearly defined scope of actions has been established that, in accordance with the law, should be investigated to ascertain responsibility. This reflects the unity of counter-terrorism action and the protection of human rights and provides a clear legal basis for action by the judiciary and law enforcement agencies. There is no question of an excessively “broad” definition that could potentially lead to the criminalization of a peaceful dialogue on human rights and religious activities, as mentioned in the communication of the relevant special procedures of the Human Rights Council.

1.3 Collection of biometric data of residents of Xinjiang

The provision in the Counter-Terrorism Law for the collection of biometric data as an investigative measure applies only to terrorism suspects. Article 50.1 of the Counter-Terrorism Law establishes that in the course of investigations into terrorist activities, public security bodies may interrogate, investigate and summon suspects in accordance with the relevant laws and regulations and may extract or collect biometric information, including suspects’ likenesses, fingerprints, iris recognition data and biometric samples, such as samples of blood, urine or cell smears. Under these provisions, the collection of biometric information is limited to persons suspected of terrorist acts. The purpose is to determine the distinctive features or physical states of suspects and to find evidence related to cases and effectively prevent them from carrying out terrorist acts. The Counter-Terrorism Law and relevant regulations also provide a strict standard for the application of this measure. It may be implemented only by those who, in accordance with the law, are detectives or have the right to investigate cases. The scope is limited to the need to ascertain the facts of the case or the biological characteristics of a suspected terrorist; information may not be arbitrarily extracted or collected. Collected samples are to be appropriately managed, used and handled in accordance with regulations.

1.4 The Counter-Terrorism Law and basic human rights guarantees

Article 33 of the Constitution establishes that the State is to respect and guarantee human rights. Terrorism is a major threat to State security, public safety and the life and property of citizens. Effective counter-terrorism measures are complementary to respect for and the protection of human rights. Enacting the Counter-Terrorism Law, strengthening counter-terrorism measures and effectively preventing and combating terrorism are themselves important aspects of the protection of human rights. In drafting the Counter-Terrorism Law, China attached great importance to balancing counter-terrorism activities and the protection of human rights, strengthening standards of law enforcement and preventing the infringement of the legitimate rights and interests of citizens and organizations.

The Counter-Terrorism Law upholds and applies in practice the principles in the Constitution. Article 6 (1) of the law provides that “counter-terrorism activities shall be carried out in accordance with the law, shall respect and protect human rights and shall safeguard the legitimate rights and interests of citizens and organizations.” Article 6.2 provides that “in counter-terrorism activities, the freedom of religious belief and ethnic customs of citizens shall be respected and any practices that discriminate on the basis of geographic, ethnic or religious grounds shall be prohibited”.

These principles are also reflected in the concrete structure of the Counter-Terrorism Law, article 15 of which provides that anyone who objects to a classification of an organization or person as being involved in terrorist activities may apply for review of such a classification through the offices of the lead agency for national counter-terrorism activities. Article 60 sets out that in dealing with incidents of terrorism, priority must be given to protecting the personal safety of those directly endangered or threatened by such activities. Article 78 establishes that organizations and persons that suffer damages to their legitimate rights and interests as a result of counter-terrorism activities should receive compensation and restitution, in accordance with the law. Article 96 provides that organizations or individuals that are in disagreement with the decisions on administrative penalties and administrative coercive measures applied under this law may, as stipulated by law, apply for administrative reconsideration, or take legal action under the administrative law.

1.5 Coercive measures taken against persons suspected of involvement in terrorism

While cracking down, in accordance with the law, on crimes of violence and terrorism, the Chinese Government has always insisted that all people are equal before the law and has opposed linking terrorism with specific regions, nationalities or religions. On the one hand, it strictly follows legal procedures and, in accordance with the Criminal Law, it severely punishes the very small number of key members of terrorist organizations and those who are involved in terrorist crimes. On the other hand, for the overwhelming majority who have been deceived into participation in some activities organized by the East Turkistan organization, it has taken educational measures to help them turn over a new leaf and return to normal. Strictly applying the provisions of the Criminal Procedure Law, the public security bodies guarantee, in accordance with the law, the legitimate rights and interests of persons suspected of terrorist crimes and promptly inform them of their rights under the law, and protect those rights, including the rights to request recusal, to hire a lawyer, to use the language of their ethnic group in bringing legal action, to file an appeal and to bring charges. When coercive measures are taken against criminal suspects, the investigation and approval procedures are strictly followed, the time limit prescribed by law is observed and the arrest of the criminal suspect is submitted for the approval of the People’s Procuratorate, in accordance with the law. Regarding evidence, all kinds of evidence that can prove the guilt or innocence of the criminal suspect and the seriousness of the crime are collected in strict accordance with legal procedures. It is strictly forbidden to extract confessions by torture or collect evidence through the use of threats, enticement, deceit or other illegal means. If it is ascertained that a criminal suspect’s confession has been obtained through torture or other illegal means, or that a witness’s testimony or a victim’s statement has been obtained with the use of violence or other illegal means, it is forbidden to use them as the basis for deciding the case.

1.6 Vocational skills education and training centres

The Xinjiang vocational skills education and training centres are educational transformation institutions aimed at assisting with employment and eliminating extremism. In China, there are no special mechanisms called “detention centres”, as referred to in the communication, let alone is there any so-called “mass detention of Muslims”. The Counter-Terrorism Law, amendment 9 to the Criminal Law and the Opinions on Several Issues concerning the Application of Laws in the Handling of Cases of Terrorist Activities and Extremist Crimes jointly issued by the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security and the Ministry of Justice in 2018, all clearly establish the criteria for what constitutes or does not constitute a crime of terrorist activities or an extremist crime and set out the rules for the handling of legal proceedings and for re-education mechanisms. The Regulations of the Xinjiang Uyghur Autonomous Region on Deradicalization and other local laws and regulations formulated by Xinjiang Autonomous Region have further refined the relevant provisions on re-education in the light of the actual situation in Xinjiang and have been continuously revised and improved in practice in order to better carry out this work, in accordance with the law, to enhance the effect of education and training and to effectively defend against the infiltration of extremist ideas. The counter-terrorism and anti-extremism work done in China is carried out in accordance with the law.

1.7 Legality of the Counter-Terrorism Law and other laws, regulations and practices in the context of international law

China has always adhered to the spirit of the rule of law in promoting counter-terrorism work. The Counter-Terrorism Law fully implements the international human rights treaties to which China is a party and Security Council resolutions, including resolutions 1624, 1963, 2129, 2178 and 2395. It systematically regulates the Government’s work in combating terrorism and violent extremism in respect of counter-terrorism systems and measures, and in respect of the protection of rights and interests. The State combats all forms of terrorism and extremism, bans terrorist organizations, in accordance with the law, and refuses to compromise with any terrorist organizations or terrorists; it refuses to provide or grant refugee status to any persons engaged in terrorist activities and it works to eliminate the ideological basis of terrorism.

The promulgation and implementation of the Counter-Terrorism Law has provided a solid legal basis and guarantee for legally identifying terrorist organizations and terrorists, combating terrorism and extremism and strengthening international counter-terrorism cooperation. Since the law came into force, China has carried out extensive activities to spread knowledge of the law throughout society, to spread awareness of counter-terrorism work and increase people’s consciousness of how to combat terrorism, to spread knowledge among the public on the prevention of terrorist attacks and strengthen training for employees in key industries so as to help combat terrorism, and to mobilize forces in all fields to participate in counter-terrorism work and jointly prevent violent or terrorist acts. Government departments have adopted counter-terrorism measures, in accordance with the law. They have strictly implemented measures in fields such as the management of dangerous goods and communication and Internet networks, border controls and the investigation and control of funds transfers and security checks for delivery and logistics services, and they have increased vigilance at target locations; acts such as the advocating of violence and fear by audio and video means have been severely punished, as has the failure of undertakings to register under their real names. Investigations of suspected terrorist activities are carried out promptly. At the same time, China has scrupulously implemented the measures called for by the United Nations Security Council Committee established pursuant to resolution 1267 (1999) relating to the strict implementation of travel bans and other related sanctions against terrorist suspects, and coercive measures have been taken against suspected terrorists, in accordance with the law, such as restrictions on their leaving their city or county of residence without authorization and the handing over of travel and identity documents such as passports. Entry and exit papers, identity documents and driver’s licences are deposited with the public security bodies in order to reduce administrative gaps, eradicate hidden risks and prevent infiltration by extremists. Often, though, the spread of extremist thought is in essence closely related to poverty and a low

level of education. Vocational education and training play a positive role in transforming people deeply affected by extremist thought. The study of the national language, laws and regulations and vocational skills and an understanding of the national traditions and culture, the acquisition of general knowledge of laws and regulations and an understanding of the country's development and the situation of the international community assist in broadening outlooks. This helps to avoid extremist thinking, promote employment and foster personal development. It helps people to better adapt to and integrate into modern society and to ward off the corrosive effect of extremist ideas and eliminate terrorism at its source. The relevant application by China of the law is not a violation of the human rights treaties to which the country is a party.

1.8 The counter-terrorism efforts of China

Terrorism propagates and spreads under the influence of a variety of complex factors, including economic development, geopolitics, religion and culture. It is impossible to fundamentally solve the problem by a single means alone. The Chinese Government adheres to a counter-terrorism principle of prevention, active crack-downs and efficient handling of the phenomenon, addressing both its symptoms and its root causes. It has adopted a series of measures to promote counter-terrorism work from the aspects of economic development, legislation and justice, public administration, dissemination and public education and international cooperation. The main ones are:

1. Improving the legal system that combats terrorism. In 2016, China promulgated the Counter-Terrorism Law, and in 2018, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice issued Opinions on Several Issues concerning the Application of Laws in the Handling of Cases of Terrorist Activities and Extremist Crimes. Various government departments have also continuously revised and improved rules and regulations in the different fields of counter-terrorism work. For example, they have issued regulations for express delivery services, strengthened management of delivery channels and blocked the transport of dangerous goods, revised regulations on religious affairs, further strengthened the protection requested by legal religious groups and cracked down on extremist religious activities, formulated regulations for the management of public security video systems, taken into account both the need to fight criminal activities and to protect human rights and provided standards for the use of scientific and technical means in counter-terrorism work. Most of the local governments at the provincial level have drawn up concrete measures to implement the Counter-Terrorism Law within their respective jurisdictions. The Xinjiang Autonomous Region has issued anti-extremism regulations in response to the need to control the source of terrorism there. These, together with the basic national laws such as the Criminal Law and the Criminal Procedure Law, now constitute the counter-terrorism legal system in China.

2. Building and perfecting counter-terrorism mechanisms and responsibilities. Under the joint leadership of national and local counter-terrorism lead agencies at all levels, bodies such as the public security agencies, the State security organs, the People's Procuratorates, the People's Courts, judicial and administrative bodies, other relevant State bodies and the Chinese People's Armed Police Force carry out their respective duties with respect for the division of tasks, assume responsibility under the system and successfully carry out counter-terrorism work, in accordance with the law.

3. Cracking down on violent terrorist activities, in accordance with the law. China has always maintained high-pressure deterrence of violent terrorist activities. The Ministry of Public Security has released, in succession, three lists of terrorist organizations and terrorists. Since the launch in May 2014 of the special campaign to crack down on terrorist violence, a number of terrorist and extremist bands have been knocked out of action and a number of criminal suspects have been captured, with significant results. In the vast majority of terrorist and extremist cases, the activities have been stopped in the planning stage.

4. Vigorously promoting anti-extremism activities. Over the years, the Chinese Government has actively carried out educational activities to counter violent extremism, educating and guiding the public to resist the corrosive influence of violent extremist ideas and continuing to push forward work to remove recordings and videos related to violence

and terrorism from the Internet. In Xinjiang, illegal religious activities, propaganda materials and Internet broadcasts have been brought under control, in accordance with the law. This has effectively curbed the propagation and spread of religious extremism. In addition, the Chinese Government has continued to fight against poverty, making great efforts to improve people's living standards, popularize the oral and written use of the national common language, spread knowledge of the law and guide citizens to pursue a modern, civilized lifestyle and to shun religious extremism.

5. Improving the capacity to prevent terrorism. China attaches great importance to the prevention of terrorism. It has strongly promoted the adoption by key industries of terrorism prevention standards and has strengthened personal, property and technology protections in crowded areas and places with important infrastructure, and it maintains strict controls over firearms, explosives and dangerous goods. With an emphasis on civil aviation, subway and urban public transport, the relevant government ministries have now drawn up and issued over 30 terrorism prevention standards, technical specifications and guidance opinions.

6. Actively carrying out international cooperation against terrorism. China has always attached great importance to strengthening counter-terrorism cooperation with the international community. Through multilateral and bilateral mechanisms, China has carried out counter-terrorism exchanges and cooperation with other countries in such areas as joint counter-terrorism exercises, joint border defence operations, the exchange of intelligence and judicial cooperation.



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

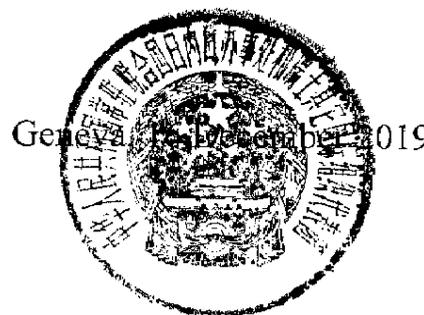
PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA

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/72/2019

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 communication [OL CHN 18/2019] dated 1 November 2019, has the honour 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.



Office of the High Commissioner for Human Rights
GENEVA

联合国人权理事会“在反恐中促进和保护人权”问题特别报告员、任意拘留问题工作组副主席、强迫失踪问题工作组主席、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、教育权问题特别报告员、健康权问题特别报告员、少数群体问题特别报告员、隐私权问题特别报告员、宗教信仰自由问题特别报告员、酷刑问题特别报告员 2019 年 11 月 1 日来函[OL CHN 18/2019]收悉。中国政府对来函答复如下：

人权理事会有关特别机制就《中华人民共和国反恐怖主义法》等法律法规来函，采用未经证实的信息，依据对有关人权条约的片面解读，对中方进行无端指责，粗暴干涉中国内政和司法主权，中方对此表示强烈不满和坚决反对。中国制定和实施《反恐怖主义法》，有效防范和打击恐怖主义，重视保证反恐与人权保障之间的平衡。新疆反恐和去极端化成果有目共睹，不容任何特别机制专家诬蔑和恶意揣测。为澄清事实，现做出以下回应：

一、总体情况

一段时间以来，以反人类、反文明、反社会为本质的暴力恐怖和宗教极端行为，给新疆社会稳定带来极大危害，给新疆各族人民带来了深重灾难。针对严峻复杂的反恐形势和各族群众对打击暴力恐怖犯罪、保障生命财产安全的迫切要求，新疆

坚持法治思维、运用法治方式，依据《中华人民共和国反恐怖主义法》和《新疆维吾尔自治区实施〈中华人民共和国反恐怖主义法〉办法》等，依法严厉打击侵犯公民人权、危害公共安全、破坏民族团结、分裂国家的暴力恐怖活动。新疆司法机关始终坚持以事实为依据、以法律为准绳，全面贯彻执行宽严相济刑事政策，充分发挥刑罚的教育改造和预防犯罪作用，弘扬了打击恐怖主义的正义性，满足了新疆各族人民的安全期待，维护了社会和谐稳定。

二、关于《反恐怖主义法》对“恐怖主义”和“极端主义”的定义

中国《反恐怖主义法》第三条第一款规定了恐怖主义、恐怖活动等的定义：“本法所称恐怖主义，是指通过暴力、破坏、恐吓等手段，制造社会恐慌、危害公共安全、侵犯人身财产，或者胁迫国家机关、国际组织，以实现其政治、意识形态等目的的主张和行为。”

为了准确认定和打击恐怖活动，第三条第二款在第一款关于恐怖主义定义的基础上，用列举的形式明确规定，恐怖活动是指恐怖主义性质的五类行为，具体包括“（一）组织、策划、准备实施、实施造成或者意图造成人员伤亡、重大财产损失、公共设施损坏、社会秩序混乱等严重社会危害的活动的；（二）宣扬恐怖主义，煽动实施恐怖活动，或者非法持有宣扬恐怖主义的物品，强制他人在公共场所穿戴宣扬恐怖主义的服饰、标志的；（三）组织、领导、参加恐怖活动组织的；（四）为恐怖

活动组织、恐怖活动人员、实施恐怖活动或者恐怖活动培训提供信息、资金、物资、劳务或者技术、场所等支持、协助、便利的；（五）其他恐怖活动。”

极端主义是恐怖主义的思想基础，要做好反恐怖主义工作，就要反对一切形式的极端主义。《反恐怖主义法》第四条第二款规定，“国家反对一切形式的以歪曲宗教教义或者其他方式煽动仇恨、煽动歧视、鼓吹暴力等极端主义，消除恐怖主义的思想基础。”同时，为准确把握极端主义的含义，第六条第二款还规定，在反恐怖主义工作中，应当尊重公民的宗教信仰自由和民族风俗习惯，禁止任何基于地域、民族、宗教等理由的歧视性做法。这些规定揭示了极端主义的本质特征，明确了极端主义与恐怖主义的关系，表明了中国反对一切形式的极端主义的鲜明立场和态度。对于实施恐怖主义行为的，《反恐怖主义法》第二十八条规定，应当依法予以制止并追究法律责任。第八十一条用列举的方式明确规定了应当追究法律责任的十种极端主义行为。

上述关于恐怖主义和极端主义的定义与联合国《消除国际恐怖主义措施宣言》《上海合作组织反恐怖主义公约》等国际法律文件以及《刑法修正案（九）》关于恐怖主义和极端主义犯罪的规定、《全国人大常委会关于加强反恐怖工作有关问题决定》是衔接一致的。对于应当依法追究法律责任的行为的范围是清晰明确的，体现了反恐与保障人权的统一，为司法执法机关提供了清楚的法律依据，不存在人权理事会有关特别机制来文中

所提“过于宽泛”“可能导致和平人权对话和宗教活动被定罪”的问题。

三、关于在新疆采集居民的生物信息

采集生物信息是《反恐怖主义法》规定的仅适用于恐怖嫌疑人员的一项调查措施。《反恐怖主义法》第五十条第一款规定，公安机关调查恐怖活动嫌疑，可以依照有关法律规定对嫌疑人员进行盘问、检查、传唤，可以提取或者采集肖像、指纹、虹膜图像等人体生物识别信息和血液、尿液、脱落细胞等生物样本。根据上述规定，采集生物信息的对象仅限为恐怖活动嫌疑人员，目的是确定嫌疑人的某些特征或者生理状态，是提取与案件有关的证据，有效防止其进行恐怖活动。《反恐怖主义法》和有关规定还对这一措施的执行作了严格的规范，执行主体只能是依法对案件行使调查或者侦查权的人等；范围仅限于查明案件事实或者恐怖活动嫌疑人员生物特征的需要，不得随意提取或者采集；采集的标本应当妥善管理，按照规定使用和处理。

四、关于《反恐怖主义法》与基本人权保障

中国宪法第三十三条规定，国家尊重和保障人权。恐怖主义是对国家安全、公共安全、公民生命财产安全的重大威胁。有效的反恐措施同尊重和保障人权相辅相成，制定《反恐怖主义法》，强化反恐怖主义措施，有效防范和打击恐怖主义，本身就是人权保障的重要方面。中国在制定《反恐怖主义法》的过程中，高度重视处理好反恐与人权保障之间的平衡，强化执法规范，防止侵害公民和组织的合法权益。

《反恐怖主义法》坚持和贯彻宪法原则，第六条第一款中规定：“反恐怖主义工作应当依法进行，尊重和保障人权，维护公民和组织的合法权益。”第六条第二款规定，“在反恐怖主义工作中，应当尊重公民的宗教信仰自由和民族风俗习惯，禁止任何基于地域、民族、宗教等理由的歧视性做法。”

这些原则也体现在《反恐怖主义法》的具体制度中，如第十五条中规定，对恐怖活动组织和人员的认定不服的，可以通过国家反恐怖主义工作领导机构的办事机构申请复核。第六十条规定，应对处置恐怖事件，应当优先保护直接受到恐怖活动危害、威胁人员的人身安全。第七十八条中规定，因开展反恐怖主义工作对有关单位和个人的合法权益造成损害的，应当依法给予赔偿、补偿。第九十六条规定，有关单位和个人对依照本法作出的行政处罚和行政强制措施决定不服的，可以依法申请行政复议或者提起行政诉讼。

五、关于对涉恐犯罪嫌疑人采取的刑事强制措施

在依法打击暴恐活动犯罪的过程中，中国政府始终坚持法律面前人人平等，反对将恐怖主义与特定地域、民族、宗教相挂钩。一方面，严格遵循法定程序，依照刑法，严厉惩治极少数恐怖组织骨干分子和恐怖犯罪人员。另一方面，对于那些由于受到蒙骗、参与了“东突”组织一些活动的大多数人，采取教育的方式，帮助他们改邪归正。公安机关严格依照《刑事诉讼法》的规定，对涉嫌恐怖活动犯罪的嫌疑人，依法保障其合法权益，及时告知并保障其依法享有的各项权利，如申请回避、

聘请律师权、使用本民族语言进行诉讼的权利、申诉、控告权，等等。对犯罪嫌疑人采取强制措施的，严格审批程序，遵守法定期限，逮捕犯罪嫌疑人依法提请人民检察院批准，等等。在证据方面，严格依照法定程序，收集能够证实犯罪嫌疑人有罪或者无罪、犯罪情节轻重的各种证据，严禁刑讯逼供和以威胁、引诱、欺骗以及其他非法的方法收集证据。凡经查证确实属于采取刑讯逼供等非法方法获取犯罪嫌疑人供述，或者通过暴力等非法方法取得证人证言、被害人陈述，均不允许作为定案的根据。

六、关于职业技能教育培训中心

新疆职业技能教育培训中心是以帮助就业、去极端化为导向目的的教育转化机构。中国不存在特别机制来文中所谓的“拘押中心”，更不存在所谓“大规模拘禁穆斯林”的情况，中国《反恐怖主义法》、《刑法修正案（九）》以及2018年最高法、最高检、公安部、司法部联合下发的《关于办理恐怖活动和极端主义犯罪案件适用法律若干问题的意见》，对恐怖活动和极端主义犯罪的罪与非罪标准、办案程序和教育转化工作机制均有明确规定。新疆维吾尔自治区制定的《新疆维吾尔自治区去极端化条例》等地方性法规，进一步结合新疆实际对教育转化相关规定做了具体细化，并在实践中不断修订完善，以便更好地依法开展工作，提升教育培训效果，有效抵御极端思想渗透，中国的反恐和去极端工作都是依法进行的。

七、《反恐法》等法律法规和实践在国际法框架下的合法性

中国始终坚持以法治精神推动反恐怖工作，《反恐怖主义法》全面贯彻执行中国参加的国际人权条约以及安理会 1624、1963、2129、2178、2395 号等决议，从反恐怖工作体制机制、手段措施、权益保护等方面系统规范了政府打击恐怖主义和暴力极端主义工作的开展。国家反对一切形式的恐怖主义、极端主义，依法取缔恐怖活动组织，不向任何恐怖活动组织和人员作出妥协，不向任何恐怖活动人员提供或者给予难民地位，消除恐怖主义的思想基础。

《反恐怖主义法》的颁布实施为依法认定恐怖活动组织和人员，打击恐怖主义和极端主义，以及加强国际反恐合作，提供了坚实的法律支撑与保障。该法实施以来，中国在全社会广泛开展反恐普法宣传活动，增强全民反恐、防恐意识，普及公民防范恐怖袭击知识，并针对重点行业从业人员加强岗位反恐技能培训，发动各领域力量参与反恐怖工作，共同防范暴力恐怖活动。政府各部门依法采取反恐手段，严格实施危险物品管理、通信网络管理、边境管控、资金查控、寄递物流安检、重点目标防范等措施，严厉惩处传看暴恐音视频、不落实行业实名登记责任等行为，及时开展恐怖活动嫌疑调查。同时，认真履行联合国安理会 1267 委员会决议中关于严格落实对涉恐人员的旅行禁令等相关制裁措施，对恐怖活动嫌疑人员依法采取约束性措施，如未经批准不得离开所居住的市、县，将护照等

出入境证件、身份证件、驾驶证件交公安机关保存等等，尽可能堵塞管理漏洞、排除涉恐隐患、抵制极端渗透。但从根本上看，极端思想的传播往往与贫困和受教育程度密切相关，开展职业技能教育培训对转化深受极端思想影响的人有积极作用。通过学习国家通用语言、法律法规和职业技能，了解国家传统文化和法律法规常识，了解国家发展和国际社会情况，有助于开拓视野，避免极端思维，有利于促进就业和提高个人能力，使其更好地适应和融入现代社会，从而远离极端主义思想的侵蚀，从源头上消除恐怖主义。中国有关立法实践不违反中国参加的人权条约。

八、关于中国的反恐努力

恐怖主义滋生蔓延受经济发展、地缘政治、宗教文化等多种复杂因素影响，单纯靠一种手段无法从根本上解决问题。中国政府坚持“立足预防，主动出击，高效处置，标本兼治”的反恐原则，从经济发展、立法司法、社会管理、宣传教育、国际合作等方面采取了一系列措施来推进打击恐怖主义工作。主要有：

一是完善反恐怖法制建设。2016年，中国颁布了《反恐怖主义法》，2018年最高人民法院、最高人民检察院、公安部、司法部又联合下发了《关于办理恐怖活动和极端主义犯罪案件适用法律若干问题的意见》，政府各部门也不断修订完善反恐怖工作各领域的管理规章制度，比如出台快递条例，加强寄递渠道管理、阻断危险物品运输渠道，修订宗教事务条例，进一步

加强对合法宗教需求的保护和对宗教极端活动的打击，制定公共安全视频图像信息系统管理条例，兼顾打击犯罪与保障人权，规范科技手段在反恐怖工作中的应用，等等。各省级地方政府大多制定了本行政区域内实施反恐怖主义法的具体办法，新疆维吾尔自治区结合区内恐怖主义源头治理需要，出台了去极端化条例。这些与刑法、刑事诉讼法等国家基本法律共同构成了中国的反恐法律体系。

二是建立健全反恐怖机制和责任。在国家和地方各级反恐怖工作领导机构的统一领导下，公安机关、国家安全机关和人民检察院、人民法院、司法行政机关以及其他有关国家机关、中国人民武装警察部队等，根据分工，各司其职，落实责任制，依法做好反恐怖工作。

三是依法打击暴力恐怖活动。中国始终保持对暴力恐怖活动的严打高压威慑态势，公安部先后公布了三批恐怖组织和恐怖分子名单。自2014年5月开展严厉打击暴恐专项行动以来，打掉了一批暴恐极端团伙，抓获了一批犯罪嫌疑人，取得了重大战果，绝大多数暴恐极端案件被摧毁在预谋阶段。

四是大力推进去极端化工作。中国政府多年来积极开展反暴力极端主义教育，积极教育引导民众抵御暴力极端主义思想侵蚀；持续推进对网络传播暴恐音视频问题的整治。新疆地区依法治理非法宗教活动、非法宗教宣传品、非法宗教网络传播，有力遏制了宗教极端思想的滋生蔓延。此外，中国政府还持续开展脱贫攻坚战，着力提高人民生活水平，普及国家通用语言

文字和法律知识，引导公民追求现代文明生活方式，远离宗教极端。

五是提高反恐怖防范能力。中国高度重视反恐怖防范工作，大力推动重点行业反恐怖防范标准建设，切实加强人群密集场所、重要基础设施等人防、物防、技防工作，严格对枪支、爆炸物及危险物品管理。目前，以民航、地铁、城市公交为重点，各有关行业部门已制定出台了 30 多个反恐怖防范标准、技术规范或指导性意见。

六是积极开展国际反恐合作。中国始终注重加强与国际社会的反恐合作，通过多边、双边机制，与各国在联合反恐演习、联合边防行动、情报交流、司法合作等方面开展反恐交流与合作。