



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

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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 joint communication [UA CHN 1/ 2022] dated 18 January 2022, 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.

Geneva, 15 March 2022



Office of the High Commissioner for Human Rights
GENEVA

[Translated from Chinese]

[Reply from China, dated 5 March 2022]

Receipt is hereby acknowledged of the letter dated 18 January 2022 addressed jointly by the United Nations Human Rights Council's Special Rapporteur on trafficking in persons, especially women and children, Working Group on the issue of human rights and transnational corporations and other business enterprises, Special Rapporteur on the human rights of migrants, and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (ref. OL CHN 11/2021). The Chinese Government wishes to make the following reply:

The Chinese Government has always required overseas Chinese enterprises to strictly comply with local laws and regulations and conscientiously fulfil their social responsibilities. It is our understanding that Tianjin Electric Power Construction Company Ltd. (hereinafter referred to as Tianjin Electric Power Construction), a subsidiary of China Energy Engineering Corporation Ltd., was the contractor responsible for the construction of most of the facilities of the Linglong tyre plant project in Zrenjanin, Serbia, and had signed labour dispatch service contracts with three legally registered Vietnamese labour companies (Song Hỷ Gia Lai Company Limited, Công Ty Xuất Khẩu Lao Động Bảo Sơn and Công Ty Cổ Phần Quốc Tế Kaizen (Kaizen International Stock Company)) to arrange for Vietnamese workers to work at the project site.

The labour dispatch companies signed labour contracts with the Vietnamese workers (subject to Vietnamese law and approved by the Vietnamese Ministry of Labour); Tianjin Electric Power Construction issued letters of invitation (which were also referred to the Municipal Migration Office of the Serbian city of Zrenjanin and the Serbian Ministry of Labour) and this was reported by the Vietnamese labour dispatch companies to the Vietnamese Embassy in Romania (Vietnam does not have an embassy in Serbia), which applied for Serbian visas on its behalf. No "trafficking in human beings" took place, as alleged in the communication.

In order to streamline the processing of work permits and vaccinations for the Vietnamese workers, the Project Department of Tianjin Electric Power Construction needed to collect their passports; the workers could collect their passports from the Project Department at any time during the processing as needed. No "seizure of passports" took place, as alleged in the communication.

Tianjin Electric Power Construction signed labour dispatch service contracts with Vietnamese labour dispatch service companies; it did not sign employment contracts with the Vietnamese workers. According to the contracts, Tianjin Electric Power Construction was responsible for the Vietnamese workers' food and accommodation, as well as their visa fees and round-trip air tickets from Vietnam to Serbia. There was no provision in the contract "prohibiting union organisation of any kind". The workers' monthly wages were paid in full based on actual attendance and payment was confirmed by the individual workers' signatures on the payroll forms. No "deductions from workers' wages" were made, as alleged in the communication.

The Project Department of Tianjin Electric Power Construction rented an unused factory building and converted it into a centralized living area for the Vietnamese workers. The area was equipped with sufficient drinking water facilities and washrooms. In mid-October, the Project Department issued electric heaters and provided the Vietnamese workers with cotton clothes, cotton shoes, thermal underwear and other cold-weather apparel. To better ensure an adequate and stable power supply to the living area, the Project Department moved all the Vietnamese workers to a new living area, with complete facilities in the rooms, daily body temperature checks for all staff, and face masks issued daily for each worker. At present, 60 new dormitory rooms have been built to serve as emergency backup for epidemic prevention and isolation, and the relevant local authorities have been asked to inspect and approve them. There is no "lack of epidemic

prevention measures", contrary to the allegation in the communication.

From September to November 2021, no local civil society organizations approached the Project Department of Tianjin Electric Power Construction through official channels to request assistance for the Vietnamese workers or to seek clarification from the Department on the situation of these Vietnamese workers. Only some local media made false reports about the situation of the Vietnamese workers. There was no "deliberate blocking of assistance to the Vietnamese workers". The communication's allegation that there were "two strikes in September - November 2021 due to lack of food and unpaid wages" is a fabrication.

In order to solicit opinions and suggestions from the Vietnamese workers on their living conditions and working environment, the Project Department of Tianjin Electric Power Construction contacted the workers to provide input on a voluntary and equal basis and recorded them in a friendly manner, rather than forcing them to sign a statement. It is not true that the "Vietnamese workers were forced to sign a statement", as alleged in the communication.

Moreover, the Serbian and Vietnamese sides have made public clarifications regarding the false allegations about the situation of the Vietnamese workers. From 16 to 17 November 2021, the Serbian Ministry of Labour, the Migration Department and the local police and fire services conducted in-depth inspections of the Vietnamese workers' living environment, living facilities, meals provided by the Project Department, work documents, working environment, and distribution of labour supplies. The Ministry of Labour concluded that there were no problems whatsoever, and the Immigration Department and the local police station considered all the Vietnamese workers' documents to be genuine and valid. On 22 November, the Ministry of Foreign Affairs of Vietnam arranged for three staff members from its embassy in Romania to visit the project site to inspect the living environment and living conditions of the Vietnamese workers and concluded that no Vietnamese workers had been maltreated, no Vietnamese workers' passports and working documents had been confiscated, and no personal freedoms had been restricted.

For many years, the Chinese Government has been studying and debating the ratification of Conventions Nos. 29 and No. 105 of the International Labour Organization and has undertaken long-term technical cooperation with that Organization. Since 2021, the Chinese side has further strengthened the process of combing through domestic laws and regulations, and it has continued to engage in exchanges and discussions with the ILO and related institutions. After unremitting efforts, the preparatory work for the ratification of the Conventions has been basically completed.

联合国人权理事会贩卖人口问题特别报告员、人权与跨国公司问题工作组、移民权利问题特别报告员、当代形式奴役问题特别报告员 2022 年 1 月 18 日联合来文收悉，中国政府答复如下：

中国政府一贯要求海外中国企业严格遵守当地法律法规，切实履行社会责任。据了解，中国能源建设股份有限公司所属天津电力建设有限公司（以下简称天津电建）作为承包商，负责塞尔维亚兹雷尼亚宁玲珑轮胎厂项目大部分设施建设，并于 2021 年初与三家合法注册的越南劳务公司（Song Hy Gia Lai、Cong Ty Xuat Khau Lao Dong Bao Son、Cong Ty Co Phan Quoc Te Kaizen）签订劳务派遣服务合同，由三家劳务公司安排越南工人到项目现场工作。

劳务公司与越南工人签订劳务合同（适用越南法律，获越南劳工部审批），天津电建出具邀请函（同时向塞尔维亚兹雷尼亚宁市移民局、塞尔维亚劳工部等政府部门报备），经越南劳务公司报给越南驻罗马尼亚大使馆（越南在塞未设使馆），由其代为申请塞尔维亚签证。不存在来文所称的“贩卖人口”情况。

为统一办理越南工人工作许可和疫苗接种等事宜，天津电建项目部需要收集其护照，办理过程中工人如有需求可随时到项目部领取护照，相关事宜办理完毕后护照立即归还本人。不存在来文所称的“扣留护照”情况。

天津电建与越南劳务公司签署劳务派遣服务合同，不与越南工人签署雇佣合同。按照合同约定，天津电建承担越南

工人伙食、住宿以及越南至塞尔维亚的往返机票和签证费用。合同中不存在“不允许参加任何工会组织”的规定。工人每月工资按实际考勤足额发放，并由工人本人在工资发放表上签字确认。不存在来文所称的“克扣工人工资”的情况。

天津电建项目部租用了一处闲置厂房，改造后作为越南工人集中居住区。该区域配有足够的饮用水设备和洗澡间。项目部于10月中旬发放了电暖气并为越南工人提供了棉衣、棉鞋、保暖内衣等防寒衣物。为更好保障生活区电力供应充足和稳定，天津电建项目部陆续将所有越南工人搬至新生活区，房内设施齐全，全员每天进行体温测量，给每位工人每天配发口罩。目前又新建了60间员工宿舍，作为防疫隔离应急备用场所，并已报请当地相关部门验收。不存在来文所称的“缺乏防疫措施”情况。

2021年9—11月，无任何当地民间社会组织通过正式渠道与天津电建项目部接洽要求向越南工人提供协助，或向项目部求证越南工人境况等事宜。只有部分当地媒体对越南工人的情况进行了不实报道。不存在所谓“故意阻拦救助越南工人”的情况。来文所称的“2021年9—11月因伙食匮乏、欠薪发起的两起罢工事件”系捏造。

天津电建项目部为征求越南工人对生活条件和工作环境的意见和建议，本着自愿平等的原则与工人进行友好沟通并记录，并非强迫签署声明。来文所称“越南工人被迫签署声明”情况不属实。

此外，塞尔维亚、越南方面已就越南工人境况的不实指控均做出公开澄清。2021年11月16—17日，塞尔维亚劳工

部、移民局和当地警察局及消防局对越南工人的居住环境、生活设施、项目部提供的餐食、工作证件、作业环境、劳动用品发放等情况进行了详细检查。劳工部认为不存在任何问题，移民局和当地警察局认为所有越南工人证件均真实有效。11月22日，越南外交部安排其驻罗马尼亚使馆的3名工作人员到项目现场实地查看了越南工人的居住环境和生活条件，认为不存在越南工人被虐待的情况，越南工人的护照和工作证件也未被扣留，不存在限制人身自由的情况。

多年来，中国政府一直就批准国际劳工组织第29号和第105号公约开展研究论证，并与国际劳工组织开展了长期的技术合作。2021年以来，中方进一步加强国内法律法规梳理，持续与国际劳工组织及相关机构进行交流探讨。经过不懈努力，批约前期准备工作已基本完成。