



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

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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 latter's communication [AL CHN 12/2022] dated 19 December 2022, has the honour to transmit herewith the reply of 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

[Translated from Chinese]

Receipt is hereby acknowledged of communication AL CHN 12/2022 addressed by the United Nations Human Rights Council. The Chinese Government wishes to make the following reply:

A. Concerning so-called “recommendations” with regard to the way in which Xinjiang-related issues are dealt with by China (7 topics in total)

1. *“Ensure the legality, proportionality, and non-discrimination of any applicable counter-terrorism and preventing violent extremism laws or regulations; repeal the Regulation of the Xinjiang Uyghur Autonomous Region on Deradicalization (hereinafter abbreviated as “the Xinjiang Regulation on Deradicalization”) due to its impermissible aim and unlawful impingement on the rights to freedom of religion or belief, freedom of expression and opinion, of peaceful assembly and of association, as well as of cultural rights; and amend the Counter-Terrorism Law of the People’s Republic of China (hereinafter abbreviated as “the Counter-Terrorism Law”) and the Measures for the Implementation of the Counter-Terrorism Law of the People’s Republic of China in the Xinjiang Uyghur Autonomous Region (hereinafter abbreviated as “the Xinjiang Measures on Implementing the Counter-Terrorism Law”) by revising the definition of “terrorism” in line with the model definition developed by the Special Rapporteur on the promotion and protection of human rights while countering terrorism.”:*

The system of laws and policies on counter-terrorism and deradicalization in China is in line with the relevant United Nations counter-terrorism conventions and instruments, fully reflects Chinese obligations under international human rights law, and strictly prohibits the alleged “unlawful violation of freedom of religion and belief, freedom of expression” and so on. China has ratified a series of United Nations human rights treaties, and in actual practice, consistently abides by the fundamental *pacta sunt servanda* principle of international law (i.e., that “treaties must be honoured”), effectively implements international treaties it has concluded or acceded to, respects, fulfils and benefits from international law as it currently exists, and indeed is a defender, builder and contributor to current international law.

The system of laws and policies on counter-terrorism and deradicalization in China is also consistent with the internationally recognized principle of legal certainty. China is a country with statutory laws, and strictly adheres to the “principle of legality”, i.e. that “there can be no crime or punishment unless both are expressly stipulated in law”. For example, the definition and applicable scope of terrorism and extremism have been clearly defined in relation to the relative circumstances, extent, nature and form of the illegal or criminal activity respectively, making the work of deradicalization and counter-terrorism more normative and precise and avoiding issues of arbitrary law enforcement resulting from ambiguous, broad or over-generalized legal provisions, and also avoiding human rights violations.

The Constitution of the People’s Republic of China (hereinafter abbreviated as “the Chinese Constitution”) stipulates that the State respects and guarantees human rights. The Criminal Law of the People’s Republic of China (hereinafter abbreviated as “the Criminal Law”) stipulates that one of the tasks of criminal law is to protect the personal, democratic and other rights of citizens. The Counter-Terrorism Law stipulates that counter-terrorism work shall be carried out in accordance with the law, shall respect and protect human rights, and shall safeguard the lawful rights and interests of citizens and organizations. The Xinjiang Measures on Implementing the Counter-Terrorism Law stipulate that counter-terrorism and deradicalization work shall address the root causes as well as the symptoms of terrorism and extremism and take comprehensive measures to combat [terrorism and extremism] within the law, temper justice with mercy, respect customs and safeguard human rights. These provisions are consistent with counter-terrorism legislation and judicial practice in the vast majority of countries around the world and fully comply with relevant requirements of international human rights law. On 29 March 2017, in accordance with the Constitution, the Counter-Terrorism Law, the Regulations on Religious Affairs of the State Council of the People’s Republic of China and other relevant laws and regulations, and in light of actual conditions [in the Region], the Standing Committee of the Xinjiang Uyghur Autonomous Region People’s Congress adopted the Xinjiang Regulations on Deradicalization, providing legal safeguards for deterring and eliminating extremism and offering protection against extremist violence.

2. *“Ensure compliance of surveillance programmes and activities with international human rights law, including the requirement of non-discrimination and the right to privacy; ensure all surveillance programmes and activities are approved for use against a specific person only—as authorized by a competent, independent,*

and impartial judicial body—and subject to appropriate, express limitations on the time, manner, place and scope of the surveillance permitted in accordance with international human rights law.”:

Xinjiang consistently upholds a concept of human rights that is centred on the people, combines combating terrorism and extremism with safeguarding human rights in accordance with the law, and resolutely prevents human rights violations from occurring in connection with counter-terrorism and deradicalization. The alleged “surveillance activities”, and especially “surveillance activities” targeting specific ethnic groups and specific populations, are strictly prohibited.

Article 6 of the Counter-Terrorism Law stipulates that counter-terrorism work shall be carried out in accordance with law, shall respect and protect human rights and safeguard the legitimate rights and interests of citizens and organizations. Article 48 provides that the leading organs, relevant departments and work units and individual staff involved in counter-terrorism work shall keep confidential the state secrets, trade secrets and private personal matters of which they become aware in the course of carrying out their duties and obligations in combating terrorism. Those who disclose state secrets, trade secrets and private personal matters in violation of these provisions shall be investigated for legal liability in accordance with the law. These provisions are consistent with counter-terrorism legislation and judicial practice in the vast majority of countries around the world and fully comply with relevant requirements of international human rights law.

As one of the important powers of the State, the power of investigation must be exercised in strict accordance with the law. In addition to the Counter-Terrorism Law, the Criminal Procedure Law of the People’s Republic of China (*hereinafter abbreviated as “the Criminal Procedure Law”*) and the People’s Police Law of the People’s Republic of China, there are also the Interpretation of the Supreme People’s Court Regarding the Application of the Criminal Procedure Law of the People’s Republic of China, the Rules of Criminal Procedure for People’s Procuratorates, and the Provisions on Procedures for Handling Criminal Cases by Public Security Organs, all of which contain clear and specific provisions regarding the exercise, supervision and restriction of investigative power. In investigating cases of terrorism and extremism and in applying technical investigation measures and coercive measures, the public security organs shall exercise the powers conferred on them by these laws in strict accordance with Chinese law and relevant judicial interpretations. Moreover, the use and scope of their application is determined in accordance with the provisions of Chapters IV and V of the Counter-Terrorism Law, following strict approval procedures, and in compliance with relevant legal procedures and awareness.

3. *“Ensure detention practices are aligned with international legal standards, including the obligation to promote and protect the right not to be arbitrarily deprived of liberty, the prohibition of enforced disappearance and the freedom from torture; immediately close any mass arbitrary detention facilities in Xinjiang and take effective measures to prevent the practice of enforced disappearances, including incommunicado detention; invite relevant Special Procedures mandates to conduct country visits, and grant them unimpeded access to places of alleged mass arbitrary detention, as well as the capacity to interview persons who have been detained, and ensure that they will not suffer reprisals.”:*

China has cracked down on illegal and criminal activities of all kinds in accordance with the law, while safeguarding the lawful rights of all citizens in accordance with the law and strictly prohibiting alleged “arbitrary deprivation of liberty”, “enforced disappearance” and “torture”, as well as the establishment of alleged “mass arbitrary detention facilities.”

Xinjiang is an open region and a wide range of friends in the international community, including the United Nations and other international organizations, are welcome to visit Xinjiang. Since the end of 2018, Xinjiang has invited more than 170 groups, comprising more than 2,300 people including foreign diplomatic envoys to China, diplomatic envoys of friendly countries to Geneva and representatives of the business community in China, to visit the Region. These visitors saw the reality of an open and inclusive Xinjiang, with stable development, ethnic unity, religious harmony and dynamic energy. But we firmly oppose anyone coming to Xinjiang to investigate a presumption of guilt, interfere in the internal affairs of China, or meddle in Xinjiang affairs and interfere in its development.

4. *“Safeguard in education and training institutions the right to hold divergent opinions and of freedom of expression; end forced assimilation through the education and training centres, authorize a review of all existing educational and training activities and revise curricula to ensure that they comply with international standards, particularly with regard to guaranteeing freedom of religious belief, freedom of expression, enjoyment of educational and cultural rights.”:*

The work of education and training in Xinjiang is carried out in accordance with the basic principles set forth in the relevant conventions and initiatives of the international community.

The vocational-skills education and training centres established by law in Xinjiang are schools of a deradicalizing nature. Their curricula have been set up to concentrate on **learning** the national common spoken and written language, **learning** about the laws, **learning** vocational skills, and **removing** extremist thoughts. Focusing on eliminating the soil and conditions in which terrorism and extremism breed and spread, their primary objective is to educate, transform and rescue persons infected with extremist thought, or who have committed minor criminal acts or violations of the law. The education and training centres are managed on a residential model; trainees can go home on a regular basis and take leaves of absence when needed, and their personal freedom is guaranteed by law during their learning process in the education and training centres. All participants completed the aforementioned “Three **Learnings** and One **Removal**” training programme in October 2010.

5. “...institute gender-specific measures to protect against sexual and gender-based violence in arbitrary detention and other situations; put an immediate end to the policy of forced sterilization and birth control in Xinjiang, which discriminates against women and violates their basic reproductive health rights; amend detention provisions to provide administrative justice guarantees to ensure full reporting and effective investigation of allegations of sexual and gender-based violence.”:

China is a rule of law country, and strictly prohibits alleged “arbitrary detention” as well as alleged “forced sterilization”, “sexual violence” and “gender-based violence.”

The reproductive technical services in Xinjiang have consistently operated under the principle of combining State guidance and individual voluntary participation. The practices of forced birth control and compulsory pregnancy testing are strictly prohibited. Whether or not people of all ethnic groups take contraceptive measures or use any form of contraception is independently and voluntarily determined by the individuals concerned, and no organization or other individual may interfere. It is understood that the principle of combining voluntary public participation with technical guidance is followed in all parts of Xinjiang, whereby the general public are encouraged to choose a long-term contraceptive method suitable for themselves, and there has been a large increase in free voluntary tubal ligation and intra-uterine birth control device (IUD) placement procedures among the public over time. Practice has shown that among all types of contraceptives, the tubal ligation and IUD placement contraceptive methods are internationally recognized as having few side effects, highly safe, and effective over the long term. They are widely used in other regions of China and have been voluntarily accepted by people of reproductive age in Xinjiang.

6. “Protect individual workers, including Uyghur and other minority workers, against human rights abuses by businesses in line with international human rights and labour rights standards; put an immediate end to any policy that authorizes the involuntary transfer of detained Uyghur and other ethnic-minority workers to work in factories, and allow companies in China to conduct due diligence and investigate any allegations of forced labour without restrictions.”:

In strict accordance with the Labour Law of the People’s Republic of China, the Employment Promotion Law of the People’s Republic of China, the Labour Contract Law of the People’s Republic of China and other laws and regulations, Xinjiang guarantees that the lawful rights and interests of workers shall not be infringed. Workers of all ethnic groups are free to choose their occupation and work location, and the alleged “involuntary transfer” and “forced labour” are strictly prohibited.

Xinjiang strictly implements a system of eight working hours per day and 40 hours per week for workers of all ethnic groups, in accordance with the law. In the event of a need to extend the working hours for production and operation, employing entities must consult with trade unions and workers and arrange supplementary rest breaks or pay corresponding remuneration. Workers are guaranteed the right to enjoy rest and remuneration on such statutory holidays, rest days and paid holidays as Spring Festival, the Nowruz Festival (Eid al-Fitr), and the Kurban Festival (Eid al-Adha) in accordance with the law. Workers of all ethnic groups in Xinjiang thus have four additional days of statutory holidays than those set by the State, totalling 120 days per year. Under the Regulation on Paid Annual Leave for Employees as implemented in accordance with the law, workers who have worked for more than one full year shall be entitled to paid leave of from 5 to 15 days per year.

Workers of all ethnic groups in Xinjiang have the right to choose the position and region or industry of their preference. The degree of development of the provinces in our country varies from one province

to another, and there are differences among regions within the same province as well. As in many Western countries, workers tend to choose to leave underdeveloped or relatively underdeveloped areas for developed regions or provinces in which to work and do business. The job of the Government is to improve employment promotion policies of all kinds, actively build employment information platforms, maintain wide contacts among employing entities and collect information on job supply and demand, and publicly release it in a timely manner through public employment service agencies, employment network platforms, radio and television, bulletin boards and other channels. We provide information services for workers' voluntary employment and freely-chosen occupations, and strive to achieve accurate matching of people with posts, effectively promote the autonomous and voluntary circulation of the labour force, and improve employment stability and satisfaction.

7. *“...compensate Uyghur and other minorities subject to any of the alleged rights violations concerned; to amend the Counter-Terrorism Law and any other applicable laws and regulations in line with the fair trial guarantees and due process safeguards required under international human rights law; and recommend the full and prompt implementation of the recommendations contained in the Concluding Observations on China adopted in 2018 by the Committee on the Elimination of Racial Discrimination.”*

China guarantees the lawful rights of all its citizens in accordance with the law, and combats, in accordance with the law, illegal and criminal activities of all kinds. In Xinjiang, cases involving terrorism and extremist crimes are handled strictly and impartially in accordance with the law. As a written-law State, the regulations by which China prevents and combats illegal and criminal acts are systematic and clear, and strictly prohibit the alleged “violation of the rights of Uyghurs and other ethnic minorities”.

The Criminal Law, the Criminal Procedure Law, the Counter-Terrorism Law and other laws draw a distinction between administrative offences and criminal offences, and provide for different subjects of judicial law enforcement as well as applicable procedures. Among these are educational and transformative measures to rescue offenders and prevent them from committing offences, along with administrative and more severe criminal sanctions. On the overall basis of such different factors as the subjective degree of the perpetrators' malicious intent, the role they played in the illegal and criminal acts concerned, the degree of social harm caused by said acts and the social impact entailed, and so on, the nature of their behaviour is determined in accordance with the law and a variety of corresponding measures are taken. In handling criminal cases involving terrorism and extremism, the people's courts consistently adhere to the principle of evidence-based judgment in determining the facts of the case, which must be based on evidence; they adhere to the principle of exclusion of unlawful evidence in enforcing the requirement that no one be compelled to prove his or her guilt; they adhere to the principle of presumption of innocence, under which finding the accused guilty must meet the probative standards of clarity of facts of the crime and sufficiency of evidence; and they adhere to the principle of procedural impartiality by ensuring the substantive impartiality of the adjudication of cases through the procedural impartiality of court trials.

B. Concerning matters on which further clarification is solicited from China (8 topics in total)

1. *Provide additional information or comment on the above-mentioned allegations in this communication.*

By providing feedback materials and by holding special press conferences, Xinjiang has already fully clarified the issues previously reflected in this communication.

2. *Indicate whether the Xinjiang De-extremification Regulations [Regulations on Deradicalization] and the Counter-Terrorism Law and implementing regulations comply with China's international and human rights law obligations, particularly with respect to the rights to freedom of religion or belief, to freedom of expression, to liberty and personal security, as well as cultural and minority rights.*

The system of laws and policies on counter-terrorism and deradicalization in China is in line with the relevant United Nations counter-terrorism conventions and instruments, and fully reflects Chinese obligations under international human rights law.

China has ratified a series of United Nations human rights treaties and consistently abides by the fundamental *pacta sunt servanda* principle of international law (i.e., that “treaties must be honoured”), effectively implements international treaties it has concluded or acceded to, respects, fulfils and benefits

from international law as it currently exists, and is indeed a defender, builder and contributor to current international law.

Xinjiang consistently upholds a concept of human rights that is centred on the people, combines combating terrorism and extremism with safeguarding human rights in accordance with the law, and resolutely prevents human rights violations from occurring in connection with counter-terrorism and deradicalization. First, the law clearly sets out the lawful rights of citizens and organizations in the context of carrying out counter-terrorism and deradicalization. The Constitution stipulates that the State respects and guarantees human rights. The Counter-Terrorism Law stipulates that counter-terrorism work shall be carried out in accordance with the law, shall respect and guarantee human rights, and shall safeguard the lawful rights and interests of citizens and organizations. The Xinjiang Measures on Implementing the Counter-Terrorism Law stipulate that counter-terrorism and deradicalization work shall address the root causes as well as the symptoms of terrorism and extremism and take comprehensive measures to combat [terrorism and extremism] within the law, temper justice with mercy, respect customs and safeguard human rights. These provisions are consistent with counter-terrorism legislation and judicial practice in the vast majority of countries around the world and fully comply with relevant requirements of international human rights law. Second, we insist that counter-terrorism and deradicalization shall not be linked to specific regions, ethnic groups or religions. The Counter-Terrorism Law stipulates that in counter-terrorism efforts, citizens' freedom of religious belief and customary ethnic practices shall be respected, and any discriminatory practices based on geographical, ethnic, religious or other grounds are prohibited. The Xinjiang Regulations on Deradicalization draw clear distinctions between ethnic customs and normal religious activities on the one hand and extremism on the other, and identify 15 main manifestations of extremism. Xinjiang prohibits any discriminatory practices based on regional, ethnic, religious or other grounds, vigorously advocates broad engagement, comprehensive exchanges and deep interaction among all ethnic groups, respects and safeguards the customary practices of all ethnic groups, and actively promotes the healthy and orderly transmission of all religions. At the same time, if any person, ethnic group, or believer in any religion violates the law, they will be treated equally and prosecuted in accordance with the law.

3. *Indicate what safeguards and limitations exist to ensure that surveillance measures against groups of people, including Uyghurs and other ethnic minorities, comply with the fundamental requirements of international law for the protection of the right to privacy and the legitimate exercise of the right to personal liberty, including legality, proportionality, necessity and non-discrimination.*

Xinjiang consistently upholds a concept of human rights that is centred on the people, and combines combating terrorism and extremism with safeguarding human rights in accordance with the law, resolutely prevents human rights violations from occurring in connection with counter-terrorism and deradicalization, and resolutely opposes "surveillance activities" targeting specific ethnic groups and specific populations.

The Counter-Terrorism Law stipulates that in counter-terrorism efforts, citizens' freedom of religious belief and customary ethnic practices shall be respected, and any discriminatory practices based on geographical, ethnic, religious or other grounds are prohibited. The Xinjiang Regulations on Deradicalization draw clear distinctions between ethnic customs and normal religious activities on the one hand and extremism on the other, and identify 15 main manifestations of extremism. Xinjiang prohibits any discriminatory practices based on regional, ethnic, religious or other grounds, vigorously advocates broad engagement, comprehensive exchanges and deep interaction among all ethnic groups, respects and safeguards the customary practices of all ethnic groups, and actively promotes the healthy and orderly transmission of all religions. At the same time, if any person, ethnic group, or believer in any religion violates the law, they will be treated equally and prosecuted in accordance with the law. The procuratorial authorities shall exercise legal supervision in compliance with the provisions of the Criminal Procedure Law and other relevant laws. If individual citizens object to the measures taken by an organ of public security in the process of handling a case, they may safeguard their lawful rights and interests through such channels as procuratorial supervision. The general public may monitor the exercise of investigative powers by public security organs by availing themselves of the petitioning bureaus, or resorting to such means as exposing, reporting on and lodging complaints regarding the conduct of such organs. Work units and individuals exercising the power of investigation in violation of laws and regulations shall be dealt with, in accordance with the laws and regulations, under the Provisions on Internal Supervision of Law Enforcement Work of Public Security Organs and the Regulations on

Investigation of Responsibility for Law Enforcement Errors by People's Police in Public Security Organs, both issued by the Ministry of Public Security of the People's Republic of China, in line with the resolute prohibition of the violation of human rights.

4. *Indicate how detainees in Xinjiang are protected from arbitrary deprivation of liberty, enforced disappearance, torture, forced labour, sexual violence, and enjoy basic reproductive health rights."*

Xinjiang guarantees the legal rights of all citizens in accordance with the law, and strictly prohibits alleged "arbitrary deprivation of personal liberty" "enforced disappearance" "subjection to torture", "forced labour" and "sexual violence."

5. *Provide information on measures taken to ensure that detainees have access to the highest attainable standard of physical and mental health.*

China protects the lawful rights and interests of criminal offenders in accordance with the law. The Prison Law of the People's Republic of China clearly stipulates that the human dignity of convicted offenders shall not be insulted, nor shall their personal safety, lawful property and rights to defence, appeal, bring lawsuits, lodge accusations and all other rights not suspended or limited in accordance with the law be violated, including their ability to file complaints if they are dissatisfied with the sentences imposed. Prisons shall promptly process materials related to complaints or accusations filed by offenders, or transfer them to the public security organ or the people's procuratorate for processing, and said public security organ or people's procuratorate shall apprise the prison of the result of the processing. While serving their sentences in prison, offenders may meet with relatives and guardians and may communicate with others. The cell block in which the criminal resides shall be solidly-built, well-ventilated, adequately lit, clean and warm. Prisons shall establish medical facilities and living and sanitation amenities, and establish a living and sanitation regime. Offenders have the right to rest on statutory holidays and rest days. The particular living customs of ethnic minority offenders shall be accommodated.

Xinjiang invited the United Nations human rights bodies and the envoys to China of relevant States to visit the Xinjiang Kashgar Prison. They visited the cell blocks, classrooms, reading rooms, infirmary, meal distribution centres, skills training centres, practical-skills training workshops, meeting centres and other places. Prison officials provided detailed information on educational reform, living conditions and rights guarantees. "We saw an open and transparent prison, and the many questions we asked were answered," said many of the participants in the visit. "The prison was well managed, orderly, civil, fully compliant with international standards, and doing a very good job."

6. *Provide information on measures taken to prevent enforced disappearances, especially with regard to the registration of persons deprived of their liberty, and to ensure timely access to information by their relatives or legal representatives, and indicate how such measures are effectively implemented; provide information on measures taken to ensure the timeliness, effectiveness, independence, impartiality and comprehensiveness of the investigation and prosecution of those accused of enforced disappearance.*

On the basis of relevant laws and regulations, Xinjiang has aggressively cracked down on illegal and criminal activities of all kinds, and strictly prohibits "enforced disappearances".

7. *How to reform the existing education projects in Xinjiang to comply with the obligations under international law to protect fundamental freedoms, personal security, the right to physical and mental health, freedom of religion and belief, freedom of expression, the right to education and cultural rights.*

The vocational skills education and training centres established by law in Xinjiang are schools of a deradicalizing nature. They are a phase in counter-terrorism and deradicalization measures, aimed at educating and rescuing people infected with extremist thought, or who have committed minor criminal acts or violations of the law. All participants completed the "Three Learnings and One Removal" training programme (learning the national common spoken and written language, learning about the laws, learning vocational skills, and removing extremist thoughts) in October 2010.

8. *The legislative and administrative measures adopted to prevent the re-occurrence of this communication's allegations from the Uyghur and other minority communities in Xinjiang, and the measures taken by the Government to ensure fair and impartial investigation of those responsible and compensation for victims.*

In recent years, the anti-China forces in the United States and the West, along with overseas “ETIM” forces, have manipulated some so-called think tanks, media, and organizations into concocting a lot of rumours and disinformation regarding Xinjiang, and have submitted numerous false allegations to international bodies such as the United Nations Human Rights Council in an attempt to spread misinformation among the international community. This is essentially a support platform for terrorism and extremism, and shows contempt for the basic human rights of all ethnic groups in Xinjiang.

Xinjiang has consistently guaranteed the political, economic, cultural and other basic rights of the public of all ethnic groups in accordance with the law, in line with the actual economic and social development conditions in Xinjiang, with the vital interests and universal aspirations of the public of all ethnic groups, and with the prevailing practices of the international community. This is an act of justice that can fully stand up to scrutiny. It is hoped that the international community will take the true situation in Xinjiang into account, listen to the voices of the more than 25 million people of all ethnic groups in Xinjiang, and guard against the lies spread by the few to avoid being deluded by them.

联合国人权理事会 AL CHN 12/2022 号来文收悉，中国政府答复如下：

一、关于对中方处理涉疆问题提出所谓“建议”（共 7 条）

（一）所谓“确保有关反恐和去极端化法律法规的合法性、恰当性、必要性和非歧视性。废除《新疆维吾尔自治区去极端化条例》，因其目的不被容许，且非法侵犯宗教信仰自由、言论自由、和平集会和结社自由、文化权等。修订《中华人民共和国反恐怖主义法》、《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》，修正“恐怖主义”的定义，同在反恐中促进和保护人权问题特别报告员提出的参考定义保持一致。”

中国反恐去极端化的法律和政策体系符合联合国相关反恐公约和文件精神，充分体现了中国在国际人权法下应该承担的义务，严格禁止所谓“非法侵犯宗教信仰自由、言论自由”等问题。中国批准了一系列联合国人权条约，在具体实践中，始终坚持“条约必须信守”的国际法基本原则，切实履行中国缔结或参加的国际条约，是现行国际法的遵守者、践行者、受益者，更是现行国际法的维护者、建设者、贡献者。

中国反恐去极端化的法律和政策体系符合国际社会公认的法律确定性原则。中国是实行成文法的国家，严格遵循“罪刑法定”“法无明文规定不为罪、法无明文规定不处罚”原则。比如，对恐怖主义、极端主义的定义及适用范围，根据违法或犯罪活动情节、程度、性质、形式等方面的不同，分别作出了明确的界定，使反恐去极端化工作更加规范、更

加精准，避免出现因法律条文的模糊、宽泛、笼统而导致的执法任意性问题，也避免了侵犯人权现象的发生。

《中华人民共和国宪法》规定，国家尊重和保障人权。

《中华人民共和国刑法》规定，刑法的任务之一，是保护公民的人身权利、民主权利和其他权利。《中华人民共和国反恐怖主义法》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。《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》规定，反恐怖主义、反极端主义工作应当标本兼治、综合施策、依法打击、宽严相济，尊重习俗、保障人权。这些规定，与世界上绝大多数国家的反恐立法和司法实践是一致的，也完全符合有关国际人权法要求。根据《中华人民共和国宪法》《中华人民共和国反恐怖主义法》、中华人民共和国国务院《宗教事务条例》等有关法律法规，结合实际，新疆维吾尔自治区人大常委会于2017年3月29日通过了《新疆维吾尔自治区去极端化条例》，为遏制和消除极端主义，防范极端主义侵害，提供了法律保障。

（二）所谓“确保有关监视活动经过公正的司法程序、符合国际人权法标准，包括非歧视和保护隐私权的要求。确保有关监视活动经过具有法定资格的、独立、公正的司法机关授权，仅针对特定个人执行，且根据国际人权法，对监视的时间、方式、地点和范围作出适当、明确的限制。”

新疆始终坚持以人民为中心的人权理念，坚持依法打击恐怖主义、极端主义与保障人权相结合，坚决防止因反恐去极端化而出现侵犯人权的行为，严格禁止所谓的“监视活动”，更不允许针对特定民族、特定人群的“监视活动”。

《中华人民共和国反恐怖主义法》第六条规定，反恐怖主义工作应当依法进行，尊重和保护人权，维护公民和组织的合法权益。第四十八条规定，反恐怖主义工作领导机构、有关部门和单位、个人应当对履行反恐怖主义工作职责、义务过程中知悉的国家秘密、商业秘密和个人隐私予以保密。违反规定泄露国家秘密、商业秘密和个人隐私的，依法追究法律责任。这些规定，与世界上绝大多数国家的反恐立法和司法实践是一致的，也完全符合有关国际人权法要求。

侦查权作为国家的重要权力之一，必须严格依法行使。除《中华人民共和国反恐怖主义法》《中华人民共和国刑事诉讼法》《中华人民共和国人民警察法》外，还有《最高人民法院关于适用〈中华人民共和国刑事诉讼法〉的解释》《人民检察院刑事诉讼规则》《公安机关办理刑事案件程序规定》等，对侦查权的行使、监督和制约等都进行了明确、具体的规定。公安机关在侦查恐怖主义、极端主义案件中，严格依照中国法律和有关司法解释行使法律赋予的职权，适用技术侦查措施和强制措施。同时，按照《中华人民共和国反恐怖主义法》第四章、第五章规定，经过严格的批准手续，并遵守有关法律程序和知悉、使用、适用范围。

（三）所谓“确保监禁措施符合国际法标准，包括保护不被任意剥夺人身自由的权利、禁止强迫失踪、免受酷刑的义务。立即关闭新疆大规模任意拘留设施，采取有效措施防止强迫失踪的做法，包括断绝同外界联系。邀请有关特别机制访问，允许其不受限制到访拘留设施，允许其采访曾被拘留人员并保证其免遭报复。”

中国依法打击各类违法犯罪活动，依法保障全体公民的合法权利，严格禁止所谓“任意剥夺人身自由”“强迫失踪”“受酷刑”的情况及设立所谓“大规模任意拘留设施”。

新疆是开放地区，欢迎包括联合国等国际组织在内的国际社会各界朋友来新疆参访。2018年底以来，新疆已先后邀请外国驻华使节、友好国家驻日内瓦使节、在华工商界代表等170多批团组、2300余人来疆参访，来访人们看到了新疆开放包容、稳定发展、民族团结、宗教和谐、充满活力的真实情况。但如果是抱着偏见，来新疆搞有罪推定式调查，借所谓“新疆问题”，干涉中国内政、插手新疆事务、干扰新疆发展，我们坚决反对。

（四）所谓“在教培机构保障持不同意见的权利和言论自由。停止通过教培中心进行强制同化，授权审查所有现有教培活动，修订课程大纲，保证其符合国际标准，特别是在保障宗教信仰自由、言论自由、享有教育和文化权利方面。”

新疆教培工作符合国际社会有关公约、倡议中明确的基本原则。

新疆依法设立的职业技能教育培训中心是去极端化性质的学校，设置了以学习国家通用语言文字、法律知识、职业技能以及去极端化为主要内容的教学课程，主要目的是对受极端思想感染，有轻微犯罪行为或违法行为人员开展教育、转化、挽救工作，着力消除恐怖主义、极端主义滋生蔓延的土壤和条件。教培中心实行寄宿制管理，学员可定期回家，有事请假，学员在教培中心学习过程中的人身自由得到依法保障。2019年10月，所有参加“三学一去”培训的学员已经全部结业。

（五）所谓“制定有性别区分的措施，以保护在任意拘留和其他情况下免受性暴力和基于性别的暴力。立即停止在新疆实施强制绝育和节育政策，因其歧视女性并侵犯其基本生殖健康权；修订拘留条款，提供行政司法保障，保证全面报告和有效调查性暴力和基于性别的暴力指控。”

中国是法治国家，严格禁止所谓“任意拘留”的情况和所谓“实施强制绝育”“性暴力”和“基于性别的暴力”。

新疆的生育技术服务一直实行国家指导和个人自愿相结合的原则，严厉禁止强制节育、强制孕检等行为，各族群众是否采取避孕措施、采取何种方式避孕，均由个人自主自愿决定，任何组织和个人不得干涉。据了解，新疆各地遵循群众自愿与技术指导相结合的原则，鼓励群众选择适合自身的长效避孕措施，一段时间内自主选择接受免费输卵管结扎术、宫内节育器放置术的群众大幅增加。实践证明，在各类避孕措施中，输卵管结扎术和宫内节育器放置术属长效避孕措施，是国际公认的副作用小、安全性和有效性高的避孕措施，已在国内其他地区广泛应用，也被新疆育龄群众自愿接受。

（六）所谓“根据国际人权和劳工权利标准，保障包括维吾尔和其他少数民族在内的务工人员人权不受企业侵犯。立即停止一切授权强迫转移被拘留的维吾尔族和其他少数民族人员到工厂劳动的政策，允许在华企业不受限制地就强迫劳动指控开展尽职调查。”

新疆严格按照《中华人民共和国劳动法》《中华人民共和国就业促进法》《中华人民共和国劳动合同法》等法律法规，保障劳动者合法权益不受侵害，各族劳动者可以自由选

择职业和选择去哪里工作，严格禁止所谓“强迫转移”“强迫劳动”。

新疆依法严格落实各族劳动者每日工作 8 小时、每周工作 40 小时等工时制度，用人单位因生产经营需要延长工作时间，必须依法与工会和劳动者协商，并安排补休或支付相应报酬。保障劳动者依法享有春节、肉孜节、古尔邦节等法定节假日、休息日休息和带薪休假的权利，新疆各族劳动者的法定节假日比国家规定的法定节假日多 4 天，达到 120 天。依法落实《职工带薪年休假条例》，工作时间满一年以上的劳动者，每年可享受 5 天至 15 天不等的带薪假期。

新疆各族劳动者有权利选择到自己喜欢的岗位或区域、行业领域就业。我国各省份发展程度不同，每个省份的地区间也有差异，劳动者往往会选择从欠发达或发展相对滞后地区去发达地区或省份务工和经商，这和很多西方国家是一样的。政府所做的工作，就是健全完善各项促进就业政策，积极搭建就业信息平台，广泛联系用人单位，收集整理岗位供求信息，通过公共就业服务机构、就业网络平台、广播电视、宣传栏等渠道及时公开发布，为劳动者自愿就业、自由择业提供信息服务，努力达到人岗精准匹配，有效促进劳动力自主自愿流动，提升就业稳定性和满意度。

（七）所谓“对有关指控中权利遭受侵犯的维吾尔族和其他少数民族人员进行补偿，修订《中华人民共和国反恐怖主义法》及其他有关法律法规，根据国际人权法要求保证公平审判、程序正当。建议完全、立即执行消除种族歧视委员会 2018 年涉华结论性意见。”

中国依法保障全体公民的合法权利，依法打击各种违法犯罪活动，新疆严格依法公正办理涉恐怖主义、极端主义犯

罪案件，作为成文法国家，中国预防和打击违法犯罪行为的规定是系统的、明确的，严格禁止所谓“侵犯维吾尔族和其他少数民族权利”。

《中华人民共和国刑法》《中华人民共和国刑事诉讼法》《中华人民共和国反恐怖主义法》等法律区分了行政违法和刑事犯罪的界限，并规定了不同的执法司法主体和适用程序，其中既有预防和挽救违法犯罪行为人的教育转化措施，也有行政处罚乃至严厉的刑事制裁。针对违法犯罪行为，根据行为人主观恶性的大小、自身行为在违法犯罪活动中起到的作用、行为造成的社会危害程度和社会影响大小等各种因素来综合判断，依法确定其行为的性质，分别采取不同措施。在办理涉恐怖主义、极端主义犯罪案件中，人民法院始终坚持证据裁判原则，认定案件事实，必须以证据为根据；坚持非法证据排除原则，贯彻不得强迫任何人证实自己有罪的规定；坚持疑罪从无原则，认定被告人有罪，必须达到犯罪事实清楚，证据确实充分的证明标准；坚持程序公正原则，通过法庭审判的程序公正确保案件裁判的实体公正。

二、关于希望中方进一步澄清的问题（共8条）

（一）对此前来文指控提供额外信息或评论。

针对此前来文反映的问题，新疆已多次通过反馈答复材料、召开涉疆专题新闻发布会等形式进行充分说明。

（二）说明《新疆维吾尔自治区去极端化条例》、《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》是否符合国际法和国际人权法规定的义务，特别是在保护宗教信仰自由、言论自由、人身自由和人身安全及文化和少数民族权利方面。

中国反恐去极端化的法律和政策体系符合联合国相关反恐公约和文件精神，充分体现了中国在国际人权法下应该承担的义务。

中国批准了一系列联合国人权条约，始终坚持“条约必须信守”的国际法基本原则，切实履行中国缔结或者参加的国际条约，是现行国际法的遵守者、践行者、受益者，更是现行国际法的维护者、建设者、贡献者。

新疆始终坚持以人民为中心的人权理念，坚持依法打击恐怖主义、极端主义与保障人权相结合，坚决防止因反恐去极端化而出现侵犯人权的行为。一是法律明确规定了反恐去极端化过程中公民和组织的合法权利。《中华人民共和国宪法》规定，国家尊重和保障人权。《中华人民共和国反恐怖主义法》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。《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》规定，反恐怖主义、反极端主义工作应当标本兼治、综合施策、依法打击、宽严相济，尊重习俗、保障人权。这些规定，与世界上绝大多数国家的反恐立法和司法实践是一致的，也完全符合有关国际人权法要求。二是坚持反恐去极端化不与特定地域、民族、宗教挂钩。《中华人民共和国反恐怖主义法》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。《新疆维吾尔自治区去极端化条例》准确区分了民族习俗、正常宗教活动与极端化行为的界限，明确了极端化的15种主要表现。新疆禁止任何基于地域、民族、宗教等理由的歧视性做法，大力倡导各民族广泛交往、全面交流、深度交融，尊重和保障各民族风俗习惯；切实尊重和保障各族群众

宗教信仰自由权利，积极推进各种宗教健康有序传承。同时，不论哪个人、哪个民族、信仰何种宗教，只要触犯法律，都将一视同仁，依法予以惩处。

（三）说明采取了何种保障和限制措施，以确保对包括维吾尔族和其他少数民族在内的人群实施监控措施符合国际法关于保护隐私权、合法行使人身自由权利的基本要求，包括合法性、恰当性、必要性和非歧视性。

新疆始终坚持以人民为中心的人权理念，坚持依法打击恐怖主义、极端主义与保障人权相结合，坚决防止因反恐去极端化而出现侵犯人权的行为，坚决反对对特定民族、特定人群所谓的“监控措施”。

《中华人民共和国反恐怖主义法》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。《新疆维吾尔自治区去极端化条例》准确区分了民族习俗、正常宗教活动与极端化行为的界限，明确了极端化的15种主要表现。新疆禁止任何基于地域、民族、宗教等理由的歧视性做法，大力倡导各民族广泛交往、全面交流、深度交融，尊重和保障各民族风俗习惯；切实尊重和保障各族群众宗教信仰自由权利，积极推进各种宗教健康有序传承。同时，不论哪个人、哪个民族、信仰何种宗教，只要触犯法律，都将一视同仁，依法予以惩处。检察机关依照《中华人民共和国刑事诉讼法》等相关法律规定实施法律监督。公民个人对公安机关采取措施有异议的，在案件处理过程当中，可以通过检察监督等途径，维护自己的合法权益。人民群众可以通过信访部门，采取揭发、检举、控告等方式，监督公安机关行使侦查权。对于违法违规行使侦查权的单位和个人，按照中华人

民共和国公安部《公安机关内部执法监督工作规定》《公安机关人民警察执法过错责任追究规定》等依法依规进行处理，坚决防止发生侵犯人权的问题。

（四）说明如何保障新疆被拘留者免遭任意剥夺人身自由、强迫失踪、酷刑、强迫劳动、性暴力并享有基本的生殖健康权。

新疆依法保障全体公民的合法权利，严格禁止所谓“任意剥夺人身自由”“强迫失踪”“受酷刑”“强迫劳动”“性暴力”。

（五）说明采取了何种措施保证被拘留者能获得可达到的最高身心健康标准。

中国依法保障罪犯的合法权益，《中华人民共和国监狱法》明确规定，罪犯的人格不受侮辱，其人身安全、合法财产和辩护、申诉、控告、检举，以及其他未被依法剥夺或者限制的权利不受侵犯，主要包括：罪犯对生效的判决不服的，可以提出申诉。对罪犯提出的控告、检举材料，监狱应当及时处理，或者转送公安机关或者人民检察院处理，公安机关或者人民检察院应当将处理结果通知监狱。罪犯的申诉、控告、检举材料，监狱应当及时转递，不得扣压。罪犯在监狱服刑期间，可以会见亲属、监护人，可以与他人通信。罪犯居住的监舍应当坚固、通风、透光、清洁、保暖。监狱应当设立医疗机构和生活、卫生设施，建立生活、卫生制度。罪犯有在法定节日和休息日休息的权利。对少数民族罪犯的特殊生活习惯，应当予以照顾。

新疆邀请了联合国人权机构、有关国家驻华使节参访了新疆喀什监狱，走访了监舍、教室、阅览室、医院、配餐中心、技能培训中心、劳动实训车间、会见中心等场所，监狱

负责人详细介绍了关于教育改造、生活待遇、权利保障等情况。许多参访嘉宾表示：“我们看到了一个开放、透明的监狱，我们问的很多问题都得到了回答。“监狱的管理规范、有序、文明，完全符合国际标准，做得非常好。”

（六）说明采取了何种措施防止强迫失踪，特别是在被剥夺自由人员注册登记和确保其亲属或法律代理人及时获得信息方面，并说明如何有效落实相关措施；说明采取了何种措施确保对强迫失踪指控责任人调查起诉的及时性、有效性、独立性、公正性、全面性。

新疆依据有关法律法规，严厉打击各类违法犯罪活动，严格禁止“强迫失踪”。

（七）如何改革新疆现有教培项目，使其符合保护基本自由、人身安全、身心健康权、宗教信仰自由、言论自由、受教育权、文化权等国际法所规定义务。

新疆依法设立的职业技能教育培训中心是去极端化性质的学校，是阶段性反恐、去极端化措施，目的是教育挽救感染极端主义、有轻微犯罪行为或违法行为的人员。2019年10月，参加“三学一去”（学习国家通用语言文字、法律知识、职业技能和去极端化）的教培学员已全部结业。

（八）通过何种立法和行政举措，防止新疆维吾尔族和其他少数民族社区再发生来文所提指控，政府采取了何种措施保证能公平公正地调查起诉相关责任人并对受害者进行补偿。

这些年，美西方反华势力、境外“东突”势力操纵一些所谓的智库、媒体、组织，炮制了大量涉疆谣言和虚假信息，向联合国人权理事会等国际机构提交大量不实指控，在国际

社会混淆视听，实质上是为恐怖主义、极端主义站台撑腰，蔑视新疆各族群众的基本人权。

新疆始终依法保障各族群众的政治、经济、文化等各项基本权利，符合新疆经济社会发展实际，符合各族群众切身利益和普遍愿望，符合国际社会通行做法，是正义之举，完全经得起检验。希望国际社会能看到新疆的真实情况，倾听2500多万新疆各族群众的呼声，警惕少数人散布的谎言，避免被他们蒙蔽利用。