

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**

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CHN/HR/2025/50

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 8/2025 and G/SO 217/1 CHN], has the honor 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.

Geneva, July 2025

Office of the High Commissioner for Human Rights

**GENEVA**

Receipt is hereby acknowledged of communications AL CHN 8/2025 and G/SO 217/1 CHN from special procedure mandate holders of the United Nations Human Rights Council, to which the Government of China submits the following reply:

1. Overall situation and next steps regarding the 40 repatriated persons

The 40 Chinese nationals who were repatriated from Thailand had been lured by a smuggling ring into leaving the country illegally. They had then been held in detention in Thailand for 10 years. After accepting the repatriated persons and fulfilling relevant legal procedures in accordance with the law, China has been helping them return directly to their families and resume normal life. China is a State governed by the rule of law, and abiding by the law is a sine qua non. These individuals' legal education will be strengthened and their legal awareness will be enhanced so that the experience of having been deceived and smuggled out of the country can be put behind them as soon as possible. This will prevent further violations and offences and help them to better integrate into society and return to their families.

2. Cooperation between China and Thailand in jointly cracking down on cross-border offences such as smuggling

The cooperation between the two sovereign States of China and Thailand in lawfully combating cross-border offences such as smuggling is consistent with the laws of China and Thailand, international law and international practice. No one has the right to interfere with this cooperation. These 40 Chinese citizens were deceived into leaving the country illegally and were held in detention in Thailand for 10 years. Their relatives repeatedly asked the Chinese Government for assistance in returning them to the embrace of their homeland as soon as possible. The Chinese Government has a duty and a responsibility to protect its citizens.

China strongly condemns all malicious slander and illegal sanctions against China and Thailand. It firmly opposes any attempts to manipulate issues related to Xinjiang under the guise of human rights, interfere in the internal affairs of China or disrupt normal law enforcement cooperation between China and relevant countries. China will continue to strengthen law enforcement cooperation with relevant countries on the basis of mutual respect and consultations on an equal footing, ensure safe and orderly cross-border movements of Chinese and foreign individuals in accordance with the law and effectively protect the legitimate rights and interests of people entering and leaving the country.

3. Application of Chinese and Thai laws, international law and international practice

All countries take measures to combat illegal entry in accordance with the law, including the repatriation of persons to their country of nationality. Sovereign States have the right to independently control their borders, including by taking decisions on whether to allow foreigners to enter or leave their territory. Most countries define illegal entry as an unlawful or even criminal act. According to instruments such as the Universal Declaration of Human Rights and the Global Compact for Safe, Orderly and Regular Migration, repatriation follows the basic principle that illegal immigrants should be sent

back to where they came from, and the preferred option is usually to return them to their home country. In the present case, the persons who were repatriated had entered Thailand illegally and had been held there for many years. The cooperation between China and Thailand to repatriate them back to China is consistent with the laws of both countries, international law and international practice. China has cooperated with many countries on repatriations and has received a large number of Chinese citizens who had entered foreign countries illegally. In recent years, many countries, such as the United States and European countries, have tightened immigration policies and repatriated large numbers of illegal immigrants to their countries of nationality.

4. Absence of any violation of international human rights law in these repatriations

The people who were repatriated in this case are Chinese citizens who had been deceived by criminal organizations and had been held in Thailand for more than 10 years after illegally leaving China. Their relatives had repeatedly asked the Chinese Government for help. They are not refugees as defined in the 1951 Convention relating to the Status of Refugees. Furthermore, these people's lives are gradually getting back on track now that they have returned to China. There is no life-threatening situation and no basis for the application of the "non-refoulement" principle.

5. Risk that repatriated persons could go missing or be subjected to enforced disappearance

At the invitation of China, the Thai Government sent officials to China to witness the return of the repatriated individuals and visit their homes. The Thai authorities spoke highly of the Chinese Government's arrangements for the repatriated persons and its development achievements in Xinjiang. At the same time, the Chinese Embassy in Thailand issued a statement indicating that the argument that repatriated individuals are at risk of going missing or being subjected to enforced disappearance is completely unfounded. At present, the repatriated persons have made it clear that they do not wish to be disturbed by the outside world again and that all parties should fully respect their views and avoid disrupting their hard-won return to normal life. In fact, some Western countries and non-governmental organizations routinely attack and smear the criminal justice systems of developing countries such as China on the pretext of prohibiting torture and opposing enforced disappearance. These attacks stem entirely from prejudice or political motives; they are neither legally sound nor logically tenable.

联合国人权理事会特别机制发送的 AL CHN 8/2025 和 G/SO 217/1 CHN 号来文收悉，中国政府答复如下：

### 一、关于 40 名被遣返人员的整体情况和下步考虑

此次从泰国被遣返回国的 40 名中国籍人员受偷渡集团蛊惑、非法出境后滞留泰国，被羁押长达十年之久，中方接受遣返人员后，依法履行相关法定程序后，帮助其直接回归家庭、正常生活。中国是法治国家，守法是前提。我们会对这些人加强法治教育，帮助其增强法律意识，尽快从受蛊惑偷渡出境的阴影中走出来，预防再次违法犯罪，以更好的融入社会，回归家庭。

### 二、关于中泰联合打击偷渡等跨境违法犯罪合作

中泰两个主权国家依法开展打击偷渡等跨境违法犯罪合作，符合中泰两国法律、国际法和国际惯例，谁都无权干涉。这 40 名中国公民受蛊惑，非法出境后滞留泰国，被羁押长达十年之久，他们的亲属多次请求中国政府予以救助，让他们早日回到祖国怀抱。中国政府有义务、有责任保护本国公民。

中方强烈谴责任何针对中泰两国的恶意诋毁和非法制裁，坚决反对相关方面打着人权的幌子操弄涉疆问题，干涉中国内政、干扰中国和有关国家之间正常的执法合作。中方将继续在相互尊重和平等协商基础上，与相关国家加强执法合作，依法保障中外人员安全有序跨境流动，切实保护出入境人员合法权益。

### 三、关于适用中泰两国法律、国际法和国际惯例

各国依法打击非法入境，包括将有关人员遣返回其国籍国。主权国家有权自主管控边境，包括决定是否允许外国人

出入其国（边）境，大多数国家都将非法入境确定为违法甚至犯罪。根据《世界人权宣言》《安全、有序和正常移民全球契约》等，非法移民遣返遵循“从哪来，回哪去”的基本原则，移民返回母国原则通常是优先选择。此次被遣返人员非法入境泰国并滞留多年，中泰双方合作将其遣返回中国符合两国法律、国际法和国际惯例。我国与许多国家都开展了遣返合作，接收了大批非法移民入境外国的中国公民。美欧多国近年来收紧移民政策，也将大量非法入境人员遣返回其国籍国。

#### 四、关于本次遣返不存在违反国际人权法

本次被遣返人员系受犯罪组织蛊惑、非法出境后滞留泰国 10 余年的中国公民，其亲属多次请求中国政府提供帮助，并不是 1951 年《关于难民地位的公约》中所指的难民。其次，本次被遣返人员回国后生活正逐步恢复正轨，不存在生命受威胁的情形，“不推回”原则适用的前提根本不存在。

#### 五、关于本次遣返人员面临下落不明或强迫失踪风险

受中方邀请，泰国政府派员参与遣返，并到被遣返人员家中探访，泰方对中方对被遣返人员的安置措施和新疆发展成就高度评价。与此同时，中国驻泰国使馆已发布有关消息，关于遣返造成人员下落不明或强迫失踪风险的论调纯属无稽之谈。当前，被遣返人员明确表示，不希望被外界再度打扰，各方应充分尊重当事人意见，避免对当事人来之不易的正常生活造成影响。事实上，一些西方国家和非政府组织惯于打着禁止酷刑、反对强迫失踪等旗号，攻击抹黑我国等发展中国家的刑事司法体系，完全出于偏见或政治目的，于法无据、于理不合。