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### China (ratification: 2006)

Convention (n° 111) concernant la discrimination (emploi et profession), 1958

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Convenio sobre la discriminación (empleo y ocupación), 1958 (núm. 111)

### Written information provided by the Government

The Chinese Government has taken note of the observations made in the report of the Committee of Experts on China's implementation of Convention No. 111. The Government attaches great importance to the observations and has conducted studies of those observations with relevant departments, local governments and social partners. A supplementary note is provided as follows:

China's laws, regulations and practices are fully in line with the principles of the Convention, which is to promote equality of opportunity and treatment in employment. The Chinese Government takes employment as the top priority that serves our people's fundamental well-being. China adopts a proactive employment policy, which is based on friendly cooperation and equal consultation with social partners, and in coordination with the national economic and social development policies. China gives high priority to workers' employment rights. A series of policy measures have enabled workers to fully enjoy equal opportunities and treatments in respect of employment and occupation. China has achieved the UN Millennium Development Goals (MDGs) and Sustainable Development Goal 1 ten years ahead of schedule. Article 3 of China's Labour Law provides that "workers shall have equal right to employment and choice of occupation, the right to remuneration for work, to rest and vacations, to protection of occupational safety and health, to training in vocational skills, to social insurance and welfare, to submission of labour disputes for settlement and other rights relating to labour stipulated by law". The Labour Law has two special chapters on "Promotion of Employment" and "Vocational Training", specifying detailed requirements. Article 12 of the Labour Law stipulates, "workers, regardless of their ethnic group, race, sex, or religious belief, shall not be discriminated against in employment". Article 3 stipulates that "workers shall have equal right to employment and choice of occupation, the right to remuneration for labour ...". The equal right to employment is an important basis for the subsistence and development of workers, and is protected by law. Article 3 of China's Law on Promotion of Employment states, "workers shall have equal right to employment and choice of occupation in accordance with law. In seeking employment, the workers shall not be subject to discrimination because of their ethnic background, race, gender, religious belief, etc." Article 21 provides that "The State supports the development of regional economy, encourages cooperation between different regions and comprehensively coordinates the efforts for balanced increase of employment in

different areas. The State supports ethnic minority areas in their efforts to develop the economy and increase employment.” Article 28 provides that “workers of all ethnic groups enjoy equal rights to work. When an employing unit recruits personnel, it shall give appropriate considerations to ethnic minority workers in accordance with law”. Chapter II, Article 4 of China’s Regulations on Employment Services and Employment Management reiterates that workers enjoy equal employment rights in accordance with the law. Workers shall not be discriminated against in employment by reason of ethnicity, race, gender, religious beliefs, etc. Article 20 stipulates that recruitment brochures or advertisements published by employing units shall not contain discriminatory content. Article 25 requires that public employment service agencies provide workers with free consultation on employment policies and regulations, supply and demand information on the job market, career guidance and job introduction services. Article 58 stipulates that employment agencies are prohibited from releasing employment information that contains discriminatory content. On 20 April 2022, the 34th Session of the Standing Committee of the 13th National People’s Congress revised the Law of the People’s Republic of China on Vocational Education, article 5 of which stipulates that “citizens have the right to receive vocational education in accordance with the law”. Article 11 stipulates that “The State implements a system whereby workers receive necessary vocational education before they are employed or take up posts.” The Guiding Opinions on Safeguarding the Labour Rights and Interests of Workers in New Forms of Employment (MOHRSS [2021] No. 56) clearly provides for the implementation of a fair employment system and the elimination of employment discrimination. The Chinese Ministry of Human Resources and Social Security (MOHRSS) will earnestly implement policies for safeguarding the rights and interests of workers in new forms of employment. China’s laws and regulations that explicitly prohibit employment discrimination and guarantee the equal rights of workers to employment have been fully and effectively reflected in judicial practices. In addition to discrimination because of ethnicity, race, gender, and religious beliefs, as stipulated in the Labour Law, workers who suffer from discrimination for other reasons may also file lawsuits and obtain relief in accordance with the law. For example, the Hangzhou People’s Court recently heard a dispute case of “Yan v. the company” on equal rights to employment. The ruling pointed out that workers enjoy equal employment rights according to law, and employers shall not discriminate against anyone when recruiting personnel. In this case, Yan suffered differentiated treatment because of his residential location from the company, which undermines Yan’s right to equal employment opportunity and treatment. Yan’s equal right to employment was violated. Therefore, the company was ordered to pay compensation to Yan for emotional distress, make an oral apology and a public apology through a state-level newspaper.

The laws and practices of the Xinjiang Uyghur Autonomous Region are consistent with the requirements of China’s national legal framework and in compliance with the Convention’s requirements. Just like any other province, region or municipality in China, Xinjiang implements national laws and regulations such as the Labour Law and the Law on Promotion of Employment under a unified national legal framework, follows the principles of equal employment and equal treatment, and facilitates decent work by promoting economic growth that creates jobs. The autonomous region’s subnational administrative regulations, departmental rules, and normative documents are all in line with the principles of national laws and conform to the principles and requirements of the Convention. Employment with higher quality is always a top priority. First, establish an active policy system for the promotion of employment. Xinjiang has enhanced the effective connection between employment policies and economic policies. The local government has comprehensively evaluated their impact on jobs, employment environment and unemployment risks when formulating major fiscal and

taxation, financial, industrial, trade, investment and regional policies, and promotes the linkage between economic growth and employment expansion and the coordination between structural improvement and employment transformation. Second, implement supporting policies covering the whole process of employment for all types of workers. To support economic and social development, Xinjiang has adopted a series of measures in accordance with the law to encourage workers to get jobs in enterprises, start their own businesses, take flexible employment and participate in vocational training while providing various public services. Third, implement policies to support employment by encouraging entrepreneurship. Xinjiang has continued to deepen the reform of streamlining administration, delegating power and improving government services, constantly improved the business environment, opened up channels for business start-ups and wealth creation, stimulated and protected entrepreneurship, and encouraged more social entities to make innovations and start businesses. Fourth, provide equal access to employment services. Xinjiang has provided basic public employment services free of charge, including policy consultation, employment and unemployment registration, career guidance and job introduction, skills training, and entrepreneurship training, for both employers and jobseekers to promote equal employment opportunities. The region has promoted the establishment of a unified, open, competitive and orderly human resources market, enhanced the flexibility of market-led employment and the initiative of workers in choosing their own jobs, and promote the free mobility of workers among regions (including between regions inside and outside Xinjiang and between areas within Xinjiang), industries and enterprises. The local government has established information platforms for monitoring supply and demand information in the human resources market, surveyed and collected information on urgently needed talents, and managed personnel files of mobile workers, and broadened online public service channels. A lifelong vocational skills training system has been introduced for all urban and rural workers to help them improve their employability and ability to start their own businesses. Xinjiang has built an “Internet plus” public employment and entrepreneurship service platform; put in place an information network of public employment services covering urban and rural areas and all kinds of groups; expanded the scope of self-service; promoted online application, processing and feedback sending; and facilitated the use of information technology in employment and entrepreneurship services and the whole process of management to continuously improve the capacity and quality of public employment services. More than half of Xinjiang’s population is made up of ethnic minorities, and it is the basic duty of the Government to protect their rights to freely chosen employment on an equal footing in accordance with the law. The above-mentioned policies in Xinjiang are within the framework of the State’s employment promotion system, which are similar to those in other regions of China. They are implemented after taking into account the overall economic and social development of Xinjiang, and are formulated through dialogue and consultation with various government departments and social partners.

Conclusion. Since the ratification of Convention No. 111 in 2007, the Chinese Government has deepened cooperation with all stakeholders, including social partners, earnestly fulfilled the requirements of the Convention, continuously improved its legal system, and made positive achievements in ensuring equal employment opportunities and equal treatment for workers. In particular, in promoting and protecting the employment rights of ethnic minorities, rapid development has been achieved in all minority-populated areas, including Xinjiang, which is a well-recognized fact. For instance, in 2018, the UN Committee on the Elimination of Racial Discrimination (CERD) affirmed the efforts and achievements of the Chinese Government in fulfilling the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The Chinese Government will continue its unwavering commitment to ensuring equal employment and career opportunities and equal treatment for workers of all

ethnicities across the country, and is willing to further international labour cooperation on the basis of equality and mutual respect. It should be pointed out that in recent years, under the pretext of “protecting human rights”, a few countries and organizations have openly boycotted and sanctioned products and enterprises from Xinjiang, which is unjustified, irresponsible and extremely wrong, not only depriving all ethnic groups in Xinjiang of the opportunity to work, obtain jobs and receive labour remuneration, but also violating the basic principle of respecting human rights, especially the right to subsistence and development. This violates the basic requirements of Convention No. 111 for anti-discrimination, runs counter to the human-centred approach advocated in the ILO Centenary Declaration, and is detrimental to the achievement of the UN’s Sustainable Development Goals by 2030 as well as an inclusive, sustainable and resilient socio-economic recovery. It should be further pointed out that certain materials received by the Committee of Experts fabricated by organizations that openly deny China’s territorial sovereignty and seek to split China’s territory, and some of which even have close ties with terrorist activities. The so-called accusations carry obvious political intentions and are seriously inconsistent with the facts. China welcomes the cooperation and dialogue between Member States and the Committee of Experts which should be based on the principle of respecting state sovereignty and territorial integrity as stipulated in the UN Charter. The allegations which are in clear violation of the UN Charter should not serve as a basis for the Committee’s concluding observations.

## Discussion by the Committee

*Interpretation from Chinese: Government representative (Vice-Minister of Human Resources and Social Security)* – In 2018, as required, the Chinese Government submitted a report on the application of the Convention. In 2020 and 2021, we timely responded on two occasions to the observations formulated by the International Trade Union Confederation (ITUC) on the status of implementation. In August 2021, this Government submitted materials in response to the comments of the Committee of Experts.

We have noted the observations made in the annual report of the Committee of Experts on China’s application of the Convention. Relevant government departments, together with related regions and the social partners, have looked into it carefully and deeply regret that China has been listed among the cases to be reviewed by the Committee. We especially do not understand why it was marked with a “double footnote” by the Committee of Experts. In reality, Chinese legislation is fully in line with the Convention’s provisions on the elimination of discrimination in employment and occupation, which have been effectively implemented nationwide. The Chinese Government wishes to take this opportunity to expand and clarify the situation and reestablish the truth.

The Chinese Constitution, the Labour Law, the Labour Contract Law, the Employment Promotion Law, the Social Insurance Law, the Education Law, the Vocational Education Law and other laws clearly stipulate the respect and protection of labour rights of all citizens, maintenance of workers’ lawful rights and interests and promotion of decent work.

The Chinese legislation provides clearly for equal rights to employment and occupation. Both the Labour Law and the Employment Promotion Law stipulate that workers, regardless of their ethnicity, race, sex or religious belief, shall not be discriminated against in employment. The Employment Promotion Law further prohibits rejection of recruitment on the grounds of being a carrier of infectious diseases, including hepatitis B. The governments at all levels have created an enabling environment for equal employment and the elimination of discrimination. Workers from all ethnic groups enjoy labour rights on an equal footing. A number of regulatory documents, including the Regulations on employment services and employment

management, the Regulations on the administration of online recruitment services, the Guidelines on the safeguard of labour rights in new employment forms, all prohibit discrimination against workers on the grounds of ethnicity, race, sex and religion, and provide that the online recruitment information shall not contain discriminatory content, nor should companies establish discriminatory conditions which are unlawful.

Through routine inspections, review of written materials, and receiving complaints, labour inspectors enforce legislation and regulations relating to labour and social security, safeguarding workers' right to equal employment in accordance with the law.

The Chinese judiciary, through court rulings, sanctions acts that violate the right to equal employment. Every ordinary worker is therefore protected and feels that he or she is being treated with justice and fairness. For example, the Hangzhou People's Court ruled on the case *Yan v. the Company*, stating that the employers shall not discriminate against anyone on the grounds of his or her residential location, and ordered the company to compensate Mr Yan financially for moral damages and to make a verbal apology and public apology through state-level media.

By the end of 2020, China accomplished as scheduled the arduous task of poverty alleviation in the new era. All 98.99 million rural poor under the current standard were lifted out of poverty. As the world enters the last decade of the implementation of the United Nations 2030 Sustainable Development Goals (SDGs), China has already achieved the poverty-related goal ahead of schedule. The effect of poverty elimination is particularly remarkable on minority inhabitants or concentrated regions with all of the 31.21 million people lifted out of poverty, which has been made possible for a large proportion of them through employment. The Chinese Government, together with its social partners, has provided skills training and employment guidance to people willing to work but lacking job skills or with limited information channels. They have benefited from basic public employment services, just as the inhabitants of other regions of China, and have managed to emerge from poverty through hard work.

We have taken note of the recommendations made by the Committee of Experts in its observation on the implementation of the Convention in Xinjiang. I hereby would like to pass the floor to the representative from the Xinjiang local government, who will present the true facts on the ground on promoting equal employment and occupation and creating more job opportunities.

*Interpretation from Chinese: Another Government representative* – I am a Uyghur cadre working at the department of Human Resources and Social Security of Xinjiang. I have worked in employment promotion for a long time, involved both in establishing employment policies and in employment promotion activities. More importantly, I have witnessed how the people of Xinjiang have enriched themselves through hard work.

My home region, Xinjiang, is located close to the north-west border of the country. For a long time, due to natural and historical factors, its economic foundation was seriously inadequate to support employment. Local people suffered from low employability too, leading to relatively low employment rates and very limited income. In recent years, under the guidance of the central Government, the Government of Xinjiang, together with the social partners, has made great efforts to promote equal employment, and effectively ensure the employment rights of workers of all ethnicities in Xinjiang.

First of all, efforts are made to create a fair employment environment. We have established a sound and complete system of employment policy. In Xinjiang, an employment-

first strategy and active employment policy are continuously implemented. We have also adopted the Xinjiang Implementing Rules under the Employment Promotion Law, providing a solid institutional guarantee to equal employment rights and conditions. Employment increased consistently from 2014 to 2020. The workforce has increased from 11.35 million to 13.56 million, which is an increase of 19.5 per cent. The annual increase of urban employment was 470,000.

A sound and fair public system of employment services was also established in Xinjiang, which covers both urban and rural areas. Free services provided to both employers and workers include policy advice, employment and unemployment registration, vocational guidance, job referral, skills training and entrepreneurship training, as well as other basic services, aimed at promoting fair employment opportunities. We have given full play to the role of markets in regulating employment and promoting the free movement of workers between regions, industries and enterprises. We have created a public employment and entrepreneurship service platform, "Internet+", providing workers with convenient employment services, enhancing accessibility, and increasing job opportunities and incomes. Between 2014 and 2020, the per capita disposable income of urban residents in Xinjiang increased from 23,200 yuan to 34,800 yuan, and the per capita disposable income of rural residents increased from 8,724 yuan to 14,000 yuan.

Moreover, a lifelong vocational skills training system covering all types of people has been established and comprehensively implemented in Xinjiang. It is market and employment-oriented, including all urban and rural workers, such as enterprise workers, rural workers and groups with employment difficulties in the scope of training, giving subsidies for vocational training, providing skills and opportunities for every worker and constantly improving their employment capability. Through training, workers have mastered at least one employment skill, and the vast majority have obtained professional certificates, vocational skills level certificates or special proficiency certificates, which have significantly improved their employability.

Secondly, efforts have been made to ensure workers' equal right to employment. In this respect, workers' willingness is always respected in employment promotion activities. In providing employment services, the Xinjiang Government ensures that workers can work and live independently and comfortably. For this purpose, we conduct regular surveys on workers' willingness to work, to keep abreast of workers' needs in terms of their location, position, remuneration and working conditions. Xinjiang Government departments extensively contact employers to collect information on job supply and demand, and timely publish it through multiple channels so as to provide information to workers for voluntary employment and free choice of occupation. After fully understanding the employment willingness and training needs of the public, government departments provide more targeted services to meet the specific needs of different workers, and strive to achieve a precise match between workers and jobs to increase their satisfaction and employment stability.

Workers' equal employment rights are effectively guaranteed. The Xinjiang Government takes measures to ensure that workers are not discriminated against based on ethnicity, region, gender, or religious beliefs, nor are they restricted on the grounds of urban and rural areas, where they come from, their industries or status. In terms of ensuring women's employment rights, the Xinjiang Government has made efforts to remove barriers to women's equal employment and formulated policies to support the entrepreneurship of women. In 2021, 477,400 new jobs were created in cities and towns, of which 215,200 were for women, accounting for 45 per cent. In terms of safeguarding the labour rights of persons with disabilities, we have made efforts to reinforce vocational training, vigorously developed

centralized employment and public welfare jobs, actively promoted employment by quota, as well as encouraging and supporting their multiple forms of employment. By the end of 2021, 181,000 persons with disabilities were employed across Xinjiang, accounting for 58 per cent of the total number of this group of working age.

Great attention is paid to the employment of key groups. The Xinjiang Government focuses on the unemployed young rural labour force, with local jobs close to home as the main channel, and encourages and guides the rural workforce to work in towns, enterprises, industrial parks and agricultural cooperatives. The local government actively develops labour-intensive industries, such as textiles and garments, agricultural product processing and other service industries, such as catering, tourism and commerce, to create suitable jobs for them. Xinjiang has consolidated the results of poverty alleviation, with 1.058 million poor workers lifted out of poverty through employment by the end of 2020, and 1.0823 million people out of poverty continued to be employed in 2021. The Xinjiang Government has strengthened assistance services for people with employment difficulties and from zero-employment families, and continuously improved assistance policies to promote various forms of employment, including employment in enterprises, flexible self-employed and entrepreneurship. People with difficulties, such as those who are older or have low skills, and people from zero-employment families in urban areas, were placed in public welfare positions, effectively solving the employment problems for these groups.

Thirdly, the legitimate rights and interests of workers have been safeguarded. Workers' rights to rest, leave and occupational safety are ensured. The relevant national regulations have been strictly followed with a system of eight working hours per day and 40 hours per week. If an employer needs to extend working hours, it must consult the trade union and the workers themselves in accordance with the law and arrange for time off or pay compensation. Workers are guaranteed the right to statutory holidays and rest days, such as the Spring Festival, Eid ul-Fitr and Eid al-Adha.

Workers' rights to social insurance are also guaranteed. We comprehensively implement the universal insurance scheme, actively promote and guide key groups, such as employees of micro, small and medium enterprises (MSMEs), internal migrant workers from rural to urban areas, workers with flexible working hours, and those in new forms of employment, to participate in the social security scheme and strive to achieve full coverage.

We further improve the mechanism for protecting workers' rights and interests. The labour contract system has been fully implemented, with the rights and obligations of employers and workers clarified. We have improved the tripartite consultation mechanism with the participation of representatives of the Government, workers and employers, and actively build harmonious labour relations. We leverage the role of trade unions in safeguarding the legitimate rights and interests of workers. Efforts have also been made to effectively strengthen labour inspection and dispute mediation and arbitration, in order to deal with disputes in a timely manner. We deal with prominent violations of labour laws in accordance with the law, and carry out special supervision of major violations, so as to effectively protect their legitimate rights and interests.

An old Uyghur proverb says: "Crops grow lush and green by rain, while people gain happiness by labour". In this land of Xinjiang, labour has changed our lives, and created happiness. In the future, through our hard work, the people of all ethnic groups in Xinjiang will have a sweeter life, and more prosperous days, they will realize their potential dreams, and usher in a better tomorrow. We welcome you all to our Xinjiang for a visit and to have a look when such an opportunity arises.

**Worker members** – The case of China, Convention No. 111, is a double-footnoted case, and China ratified the Convention in 2006. This is a most serious case involving state-sponsored forced labour of an entire population because of its ethnicity and religion. As such, we agree with the decision of the Committee of Experts to double footnote this case.

Freedom from discrimination is a fundamental human right, and the Committee of Experts has explained that freedom from discrimination in employment is essential so that workers can choose their employment freely, in order to develop their full-potential and realize their own aspirations. The Convention requires ratifying partners to adopt a national equality policy to eliminate discrimination. It defines discrimination as “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”.

As the Committee of Experts has noted, laws and regulations in China neither provide a definition of discrimination, whether direct or indirect, nor do they seem to cover all aspects of employment and occupation as defined in Article 1(3) of the Convention. The concept of race under the Convention has been determined to apply also to linguistic communities, or minority groups whose identity is based on religious or cultural characteristics, as in this case. Ratifying States do have an obligation to prevent physical, verbal or non-verbal conduct based on race which undermines workers’ dignity, or which creates an intimidating, hostile or humiliating working environment.

Not only is the Government of China failing to promote non-discrimination in employment and occupation, but it is itself actively violating these rights on a massive scale against the Uyghur population. Xinjiang is home to approximately 13 million of Uyghurs and other Turkic and/or Muslim groups. While constituting half the population of Xinjiang, they are a minority population within China as a whole. The Government of China has argued that the Uyghur population constitutes a domestic security threat and has therefore implemented programmes, including so-called poverty alleviation, vocational training, re-education through labour and deradicalization programmes, as a form of collective punishment. A key feature of this programme is the use of forced or compulsory labour of over 1 million people, including in internment camps and prisons in Xinjiang, and in workplaces across the region and the country.

The system is maintained through extensive digital and physical surveillance in the region, with the authorities using pervasive and overlapping systems to closely monitor the population, as well as mass collection of biometric data.

Under the Government’s so called poverty alleviation plan, rural workers are trained to work in manufacturing, including in the textile and garment sector. To ensure that these individuals have the skills required for factory jobs, they are mandated to go through training. This programme is governed through a centralized training centre which focuses on the Chinese language, work discipline and military drills. Any resistance to attend these training centres is seen as a sign of extremism and can result in being sent to re-education camps, thus having that implied threat ever present.

The rural population has resisted incorporation into the manufacturing sector for many years. Thus, it is unlikely that much of the Uyghur population is freely making the decision to join the manufacturing workforce. According to interviews with ex-detainees, minority workers who were part of the poverty alleviation plan were threatened with internment if they refused to work in a garment or textile factory. The practice of forcing these individuals to attend military style training, surveillance of all the members of the community with implicit and

explicit threats of being put in detention, and being paid less than the minimum wage with no opportunity to leave the employment, is clearly forced labour.

In a separate but parallel policy to China's Public Poverty Alleviation Plan, the Government has also enacted a Public Re-education Policy. This is an extrajudicial system that operates outside the criminal justice and regular prison systems. Many of the reasons for such detention are because individuals have travelled abroad, applied for a passport, communicated with individuals abroad and pray regularly. Government documents state that released re-educated minorities will be part of the new manufacturing workforce and are expected to assist the Government in meeting its quota requirements.

The Public Poverty Alleviation Plan and the Public Re-education Policy are both organized re-education programmes, whose facilities are internment camps, completed with police stations, high surrounding walls with watch towers, a surveillance and monitoring system and intercom systems generally found in prisons. The re-education programme focuses on military style drills, Chinese language courses and indoctrination with the expectation that individuals will renounce their religion and culture.

Detailed information released just a couple of weeks ago documented the extent and brutality of the internment camps, including a cache with thousands of photos of those who have been held in mass detention programmes. Documents reveal that guards have been given "shoot-to-kill" orders for those seeking to escape. That would be a strange order to give at a vocational training centre, raising doubts about the Government's claims. Other documents reveal that orders to expand the detention facilities in Xinjiang came directly from the national level.

Some Uyghurs are also within the traditional prison population rather than in the internment system, often for dubious crimes. The Xinjiang Production and Construction Corporation (XPCC), for example, administers its own prison system and factories. The XPCC forces its own prison population to conduct commercial activities, mainly in cotton harvesting and production. The XPCC was the enterprise that established Xinjiang's cotton industry and some estimates suggest that almost 34 per cent of China's overall cotton output comes from forced prison labour.

Much of this cotton, produced by prison labour, is absorbed into global supply chains and found in garments worn by people around the world.

The Government also offers incentives to companies to incorporate these Uyghur populations into their operations. Companies that train or employ detainees can receive subsidies. The Xinjiang Government has offered subsidies and inducements to encourage Chinese-owned companies to invest in and build factories around the vocational training compounds. The Government also permits these companies to pay workers less than the minimum wage of the region. These companies have been given five-year tax exemption, subsidies for workers' training, land, warehouse storage, transportation and electricity.

Tens of thousands of Uyghurs and other ethnic minorities have also been transferred from Xinjiang to factories in Eastern and Central China. This is part of a State-sponsored transfer of labour scheme, marketed as "Xinjiang Aid". The Xinjiang Aid Scheme allows companies to open up satellite factories inside Xinjiang or hire Uyghur workers for their factories located outside Xinjiang.

Furthermore, factories outside the Uyghur region in the Xinjiang Aid Programme have similar compounds complete with watchtowers, razor wire, barbed wire fencing and so on. The

factories that are part of the Xinjiang Aid Programme are suppliers to some of the largest global apparel and technology companies.

The Government of China has for years denied the existence of any form of prosecution of the Uyghur population and has denounced critics as “enemies of China”, but the evidence is overwhelming. Even now, when the United Nations High Commissioner for Human Rights, Michelle Bachelet, concluded her visit to China, she noted that she was unable to assess the human rights situation of the Uyghur people. The Chinese authorities went to great lengths to frame the narrative around her visit. This includes falsely quoting her as “praising China for protecting human rights” which, as her office clarified, was not said.

The scale of this situation is deeply concerning. We deplore the efforts of the Government of China to impose deradicalization responsibilities on employers’ and workers’ organizations. The Government must act in compliance with its international labour and human rights obligations.

**Employer members** – The Employer members would like to begin by thanking the Government representatives for their comprehensive and relevant comments today before our Committee as well as the written information provided.

By way of background, China has ratified a total of 26 Conventions, including 4 fundamental Conventions, 2 governance Conventions and 20 technical Conventions. China ratified the Convention that we are discussing today in 2006. We note that this is the first time that the Committee of Experts has provided its observations on China’s application of this Convention in law and practice. We also note that the Committee of Experts double footnoted this case. This is our first opportunity to discuss this case in the Committee in a tripartite manner. This occasion coincides with the visit of the United Nations High Commissioner for Human Rights, Michelle Bachelet, who has returned from a recent official visit to China. In her statement, dated 28 May, Ms Bachelet indicated that during her visit she raised questions and concerns about the application of counterterrorism and deradicalization measures in the Xinjiang Uyghur Autonomous Region (XUAR), and particularly their impact on the rights of Uyghurs and other predominantly Muslim and Turkic minorities, who are the subject of the case that we are discussing today.

Furthermore, Michelle Bachelet noted that she was unable to fully assess the scale of the vocational, educational and training centres, and raised with the Government the lack of independent judicial oversight of the operation of the programme.

During her visit, in her statement, she noted that the Government of China gave her reassurance that the vocational, educational and training centres system had been dismantled. In her statement, Ms Bachelet noted that she encouraged the Government to undertake a thorough review of all counterterrorism and deradicalization policies to ensure that they fully comply with international human rights standards and, in particular, that they are not applied in an arbitrary or discriminatory manner.

The Employer members also take note of the fact that, based on Ms Bachelet’s statement, it was agreed to establish a working group to facilitate substantive exchanges and cooperation between her Office and the Government through meetings in Beijing and Geneva, as well as virtual meetings. This working group is stated to be developed to organize a series of follow-up discussions about specific thematic areas including, but not limited to, development, poverty alleviation, human rights, rights of minorities, business and human rights, counterterrorism and human rights, digital space and human rights, judicial and legal protection and human rights, as well as other possible issues.

We trust, as in Ms Bachelet's statement, that the establishment of the working group will allow the structured engagement of her Office with the Government of China on a number of human rights issues and we look forward to further reports in that regard.

The Employer members recall that Article 2 of the Convention under discussion today requires that each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

In the present case, we note that the Committee of Experts has identified three main issues and, in essence, these three issues include the following: first, the definition and prohibition of discrimination in employment and occupation, which refer to Article 1(1)(a) and (3) of the Convention; allegations of discrimination on the basis of race, religion, national extraction and social origin affecting ethnic and religious minorities in the Xinjiang Uyghur Autonomous Region, which relate to the application of Articles 1, 2 and 3 of the Convention; and finally, the third issue, equality of opportunity and treatment of ethnic and religious minorities, including civil servants, with reference to Articles 2 and 3 of the Convention.

In respect of the first issue, the Employer members note the Committee of Experts' assessment of the Labour Law of 1994 and the Employment Promotion Law of 2007, indicating that these laws do not provide for a definition of discrimination, either direct or indirect, and that both pieces of legislation do not seem to cover all aspects of employment and occupation, as defined in Article 1(3) of the Convention.

We note that the Committee of Experts has requested the Government to take steps to include a clear and comprehensive definition of discrimination in these laws and to ensure that they cover all discrimination grounds identified in Article 1 of the Convention, in particular race, colour, sex, religion, political opinion, national extraction and social origin.

The Employer members note that it does not appear that the legal structure identified by the Committee of Experts defines discrimination. Therefore, we note that it is necessary to ensure that the definition of discrimination is included in a clear and comprehensive manner, in line with Article 1(1)(a) of the Convention.

Also, the Employer members note that it is important to ensure that the discrimination grounds identified in Article 1, but not yet mentioned in the Government's labour legislation, specifically colour, national extraction, social origin and political opinion, are explicitly referred to in the respective laws. Also, the Employer members are of the view that it is necessary for the Government to clarify in these laws that prohibited discrimination in employment and occupation also covers discrimination in access to employment and vocational training.

Turning now to the second issue of allegations of discrimination, we note with concern the serious allegations that members of the ethnic and religious minorities in Xinjiang, who belong to the Uyghur and other Turkic or Muslim groups, are targeted on the basis of their ethnicity and religion. We take note of the Government's explanation of its various regulations and policies on the eradication of poverty without discrimination. We do share the Committee of Experts' concerns regarding the methods applied and their discriminatory effect on employment and opportunities, as well as the treatment of ethnic and religious minorities in this region.

We take special note of the Committee of Experts' reference to the United Nations Committee on the Elimination of Racial Discrimination (CERD) and its observations regarding the situation in the Xinjiang Uyghur Autonomous Region. The CERD recommended that the

Government undertake prompt, thorough and impartial investigations into all allegations of racial, ethnic and religious profiling. In this regard, the Employer members also note the allegations and information communicated by both the ITUC and the Government on the application of the Convention in this region, as well as the stated Government policy in various regulatory and policy documents.

The Employer members take note of the Government's explanation of its various regulations and policies, including on the eradication of poverty. The Employer members nevertheless must express concern in respect of the methods applied, the impact of the stated government objectives and their direct and indirect discriminatory effect on the employment opportunities and the treatment of ethnic and religious minorities. The Employer members recall that the Convention requires the formulation and adoption of a national equality policy with a view to eliminating any discrimination and defines discrimination as any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Therefore, I will close my opening comments by recalling that Article 3 of the Convention also establishes a number of specific obligations with respect to the design of a national policy to promote equality of opportunity and treatment and the elimination of discrimination in respect of employment and occupation. Parties to the Convention must repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with this requirement under the Convention.

*Interpretation from Chinese: Worker member, China* – Observations in certain materials received by the Committee of Experts are not consistent with the real situation in China. China's Labour Law, Employment Promotion Law and other laws and regulations clearly stipulate that workers have equal rights to employment and choice of occupation and to remuneration for labour. China has also adopted a series of policy measures to comprehensively safeguard equality of opportunity and treatment in employment and occupation. In the course of their formulation and implementation, China's trade unions and workers have been consulted. Workers in China do feel the effects and benefits of these laws and policies. To safeguard workers' rights to equal employment and treatment, China's trade unions have made efforts in several areas.

- (1) We promote and participate in legislation by asking for the promulgation of new laws and giving opinions on existing laws.
- (2) We supervise law enforcement by carrying out sector-specific inspections or sending reminder notices or suggestion letters to employers.
- (3) We also participate in formulating national policies by sending union proposals to the Chinese People's Political Consultative Conference and giving opinions on the tripartite conference or other national inter-ministerial joint meetings.
- (4) In addition, we undertake extensive awareness-raising activities to promote non-discrimination at the workplace.

All these efforts have received strong support and a positive response from the Government. We believe China's laws, regulations and practices are fully in line with the Convention. We hope that the Committee will take due consideration of our opinions.

*Interpretation from Chinese: Another Worker member, China* – I am a worker and a union member. In Xinjiang, equal employment and occupation of all ethnicities is protected by the

Constitution and the various laws. Our local administrative regulations and policies follow the legal principles of the State protecting the equal rights of workers regardless of their ethnicity or religious beliefs. Companies in Xinjiang sign labour contracts with their employees in accordance with the law, ensuring fair pay, time off, paid leave and social security. In my company, employees are 100 per cent covered by labour contracts. The legislation and practices are in line with the purposes and requirements of the Convention and are in the interest of employees like us.

As an employee from an ethnic minority, I feel safe and secure in life and at work because of the guarantee provided by the Chinese legislation and practices. Take my example, I was born in a poor rural village, dropped out of school after middle-school and could not find a stable job. Later on, thanks to the good policy of the State, the Government offered me many job and training opportunities. Once equipped with the skills, there are a lot more opportunities in terms of choices of sector and companies. In 2009, I was lucky enough to be hired by a company in the energy and chemicals sector. The training I received and the experiences gained at work have made me a qualified furnace worker. Today I have a daughter and a son and I live a happy life. There are many cases like this around me.

Many ordinary workers in Xinjiang firmly believe that it is because of the full guarantee of equal employment and treatment offered by the national legislation and policies that we have managed to enjoy a happy life through diligent work. In Xinjiang, every employee, like me, cherishes his or her job. We also value the opportunities of working in various professions and of receiving training at work. To be honest, we, the ordinary workers in Xinjiang, are really against those unfriendly countries and organizations which have brought difficulties to our companies by imposing unilateral sanctions. As a result, many local companies have cut or stopped production and even gone bankrupt. Many of my worker friends have lost their jobs and incomes. Their families are in difficulties and have trouble making ends meet. This is truly tragic and this is what really deprives us of equal rights to employment and treatment.

I strongly call on the ILO and its Committee to maintain objectivity and impartiality, distinguishing right and wrong, and condemning those countries and organizations for irresponsible acts and the distortion of facts. Through your work, you can help us, the workers of Xinjiang, to truly enjoy equal rights to employment and treatment and to restore stability and tranquillity in our life and at work. This is the aspiration of the grass root workers in Xinjiang.

*Interpretation from Chinese: Employer member, China* – It is my pleasure to address the Committee on behalf of Chinese employers. As an employers' organization representing Chinese enterprises, the China Enterprise Confederation (CEC) is dedicated to guiding enterprises to operate according to the law and to be proactive in fulfilling their social responsibilities.

China's laws and regulations constitute an important guarantee for the elimination of employment discrimination. They are also a prerequisite as guarantees for the implementation of ILO Conventions. Relevant legal provisions that exist in China provide legal support to the fight against discrimination in employment and profession.

China's Constitution provides that citizens are equal before the law, and they have the right and duty to work. The Labour Law, the Employment Promotion Law, the Education Law, the Law on the Protection of Women's Rights and Interests, and the Law on Regional Ethnic Autonomy, as well as local regulation departmental rules, have all addressed the issues of employment and occupational equality.

Section 3 of the general provisions of the Labour Law provides that labourers have the right to be employed and choose occupations on an equal basis, obtain remuneration for labour, take rest, have holidays and leave, receive labour safety and sanitation protection, receive training and professional skills, enjoy social insurance and welfare treatment and submit applications for the settlement of labour disputes and other labour rights, as stipulated by the law.

Section 12 states that labourers should not be discriminated against in employment due to their nationality, race, sex or religious beliefs. The Employment Promotion Law adopted in 2008 devotes a whole chapter to equality in employment. The Law also stipulates that the Government at all levels shall create a fair employment environment, eliminating employment discrimination, formulate policies and take measures to support those who have employment difficulties. In the recruitment process, both employers and employment agencies shall provide workers with equal employment opportunities and fair employment conditions. They shall not engage in any discriminatory acts.

The CEC actively cooperates with the Government in improving business practices by enterprises in compliance with the relevant laws and regulations, and we play an active role in promoting equal employment and in boosting employment through multiple channels and methods. We encourage enterprises to carry out collective consultations and build harmonious labour relations. We urge them to fulfil their social responsibilities to formulate human resource strategies for equal pay for equal work and to eliminate discrimination in the workplace, in order to enhance their competitiveness and sustainable development capabilities. Enterprise confederations in Xinjiang also actively participate in our activities, encourage local enterprises to recruit workers in compliance with relevant laws and regulations, implement policies of equal pay for equal work, and create jobs and promote the local economy and social development.

Since China ratified the Convention in 2007, the CEC has cooperated with the ILO and other international organizations. We have played an important part in organizing training for enterprises and representative organizations, employers' organizations – even at the enterprise level – to promote the implementation of core ILO Conventions, including the dissemination of the content of Convention No. 111. These activities have played an important role in awareness-raising, implementing sound human resource policies and building efficient and family-friendly enterprises. Furthermore, we have edited and published relevant guidelines and contributed to the establishment of a system for a discrimination-free workplace.

Some of the material received by the Committee of Experts contains allegations that are obvious in their political intent and run counter to the facts. They seem more related to the major issue of China safeguarding national sovereignty, security and territorial integrity. The cooperation and dialogue between the ILO Committee of Experts and Member States should be based on respect for national sovereignty and territory integrity, as stipulated in the United Nations Charter. Xinjiang-related allegations that are inconsistent with the spirit of the United Nations Charter should not become the basis for the Committee of Experts to arrive at its concluding observations.

The Chinese Government adheres to the people-centred approach and strives to achieve development that is of a higher quality, more efficient, more equitable, more sustainable and fairer. We, as Chinese employers, are also willing to contribute more to the country's economic and social development. At the same time, we are willing to strengthen communication and

cooperation with employers' organizations in various countries in our joint effort to promote sustainable enterprises.

**Membre gouvernemental, France** – J'ai l'honneur de m'exprimer au nom de **l'Union européenne et de ses États membres. L'Albanie, pays candidat, l'Islande et la Norvège** pays de l'Association européenne de libre-échange (AELE) s'alignent sur la présente déclaration.

L'Union européenne et ses États membres sont engagés dans la promotion, la protection et le respect des droits de l'homme, y compris les droits du travail.

Nous encourageons activement la ratification et la mise en œuvre universelles des conventions internationales fondamentales en matière de travail. Nous soutenons l'OIT dans son rôle indispensable d'élaboration, de promotion et de contrôle de l'application des normes internationales du travail ratifiées et des conventions internationales en particulier.

Le principe d'égalité et de non-discrimination est un élément central du droit international des droits de l'homme et du droit du travail, autant qu'au niveau de l'Union européenne. La convention n° 111 en est la traduction pour le monde du travail, de l'emploi et de l'exercice d'une activité professionnelle.

Nous saisissons cette occasion pour discuter de la mise en œuvre de la convention en Chine. Nous avons pris connaissance avec grande attention du rapport de la commission d'experts et écouté soigneusement les interventions de la délégation de la Chine.

Lors du récent 23<sup>e</sup> sommet bilatéral Union européenne-Chine, les dirigeants ont discuté de l'état des relations bilatérales, passé en revue les domaines d'intérêts communs et exploré les moyens d'assurer des relations commerciales plus équilibrées et réciproques.

Ces dernières années, la Chine a fait des efforts notables pour réduire la pauvreté, améliorer l'accès à la santé et à l'éducation et, plus généralement, la situation sociale de ses citoyens. Nous avons pris note des informations fournies par le gouvernement et examiné attentivement les dispositions de la loi sur le travail et de la loi sur la promotion de l'emploi. Toutefois, nous fondant notamment sur les observations de la commission d'experts, nous exprimons notre préoccupation quant à leur effet discriminatoire direct ou indirect sur les opportunités d'emploi, en raison d'une mise en œuvre inadéquate et des méthodes appliquées dans la réalisation de leurs objectifs déclarés, en particulier vis-à-vis des personnes appartenant à des minorités ethniques et/ou religieuses en Chine.

Nous prenons note des conclusions de la commission d'experts sur les lacunes normatives existantes dans la législation nationale et soulignons l'importance d'une définition juridique claire et complète de la discrimination (tant directe qu'indirecte) qui permette de couvrir tous les aspects de l'emploi et de l'activité professionnelle. Nous rappelons que l'absence de discrimination est essentielle pour que les travailleurs puissent choisir librement leur emploi.

L'Union européenne et ses États membres continuent d'être profondément préoccupés par les discriminations apparentes en matière de respect des droits de l'homme et des droits du travail en Chine. Plus précisément, nous restons gravement préoccupés par la situation dans la région autonome ouïgoure du Xinjiang, en particulier par l'existence d'un vaste réseau de camps de rééducation politique, le recours avéré au travail forcé, la surveillance généralisée, l'absence de liberté de circulation et les restrictions systématiques à la liberté de religion ou de conviction à l'encontre des Ouïgours et des personnes appartenant à d'autres minorités de la région.

Nous notons avec une grande inquiétude le climat d'intolérance, propice à la discrimination dans l'emploi et la profession et au travail forcé des minorités ethniques et religieuses du Xinjiang affectées à des usines de cette région et d'autres provinces, y compris la mise en œuvre continue du règlement du Xinjiang sur la déradicalisation. Nous nous associons pleinement à la demande de la commission d'experts de modifier les dispositions réglementaires nationales et régionales pertinentes en vue de réorienter le mandat des centres de formation et d'enseignement professionnels.

Nous réitérons notre appel à la Chine pour qu'elle se conforme à ses obligations en vertu de la convention, qui stipule que le gouvernement doit assurer l'égalité des chances et de traitement dans l'emploi et la profession pour tous, y compris en ce qui concerne les groupes ethniques et religieux en Chine, en particulier au Xinjiang, au Tibet et en Mongolie intérieure.

Nous nous félicitons de la décision du Congrès national du peuple chinois d'approuver la ratification des conventions n<sup>os</sup> 29 et 105, et nous espérons l'alignement complet des lois et règlements chinois sur ces conventions sur le travail forcé ainsi que leur mise en œuvre effective. Nous espérons que cette étape fondamentale dans la protection de tous les travailleurs prendra moins de temps que la mise en œuvre effective de la convention.

L'Union européenne et ses États membres sont prêts à poursuivre leur engagement avec la Chine dans les forums bilatéraux et multilatéraux dans le cadre des efforts qu'elle déploie pour mettre pleinement en œuvre la convention concernant la discrimination.

Si la Commission de l'application des normes décidait de demander une mission tripartite d'enquête de haut niveau, nous verrions l'intérêt de cette mission afin de soutenir le gouvernement dans son obligation de mettre effectivement en œuvre les conclusions de cette commission.

Enfin, tout en prenant note de la nature non investigatrice de la mission de la semaine dernière en Chine de la Haute-Commissaire pour les droits de l'homme, M<sup>me</sup> Michèle Bachelet, nous regrettons que son accès aux organisations indépendantes de la société civile, aux défenseurs des droits de l'homme et aux centres de détention ait été limité. Nous continuons à demander à la Chine un accès significatif, sans restriction et sans surveillance, des titulaires d'un mandat au titre des procédures spéciales de l'ONU, des experts internationaux indépendants, des journalistes et diplomates étrangers au Xinjiang, au Tibet et ailleurs en Chine.

**Government member, Canada** – I am speaking on behalf of the Governments of Canada and **Australia**. We thank the Committee of Experts for its report. Canada and Australia share the deep concerns expressed by the Committee of Experts over allegations of employment discrimination, including forced labour practices, affecting ethnic and religious minorities in Xinjiang.

Canada and Australia take the issue of discriminatory policies targeting ethnic and religious minorities seriously, especially their intersection with forced labour and involuntary vocational training. We have actively voiced concerns regarding the situation of Uyghurs and other minorities in Xinjiang in forums such as this one.

Mounting evidence points to systemic, state-led human rights violations by Chinese authorities in Xinjiang, often under the false pretext of countering terrorism and violent extremism. Canada and Australia remain alarmed by the mass arbitrary detentions, forced labour, forced political re-education, repressive surveillance and allegations of torture and mistreatment.

At the same time, we take note of China's announcement of its ratification of Conventions Nos 29 and 105. We look forward to seeing meaningful steps towards their full implementation, including China's adherence to the ILO definition of forced labour and its adoption of the Committee of Experts' recommendations aimed at addressing the concerns raised in its report.

However, noting the seriousness of China's discriminatory policies, as described in this ILO report and as raised by United Nations Special Rapporteurs, Canada and Australia today call for a high-level tripartite mission to be established and be granted unfettered access to Xinjiang before the next International Labour Conference, with a view to supporting, and reporting on, China's implementation of Convention No. 111. We urge China to review its policies to ensure equality of opportunities and treatment in employment and occupation, and to repeal or revise its laws and practices of employment discrimination against racial and religious minorities in Xinjiang.

It is incumbent on all Members to end serious and persistent labour rights deficits. We urge all Members to do their part to ensure that the ILO continues to be a leader in addressing major labour rights issues around the world. We hope that China takes the concerns raised here seriously, heeds the recommendations that this Committee will bring forward, and cooperates with the ILO to prevent continued employment discrimination and forced labour practices.

**Government member, Sri Lanka** – The Government of Sri Lanka welcomes the continuous efforts of the Government of China to ensure effective implementation of the provisions of the Convention. We also commend the recent decision by China to ratify ILO Conventions Nos 29 and 105.

We understand that, since the ratification of the Convention in 2007, the Chinese Government has deepened cooperation with all stakeholders, including the social partners, earnestly fulfilled the requirements of the Convention, continuously improved its legal system, and made positive achievements in ensuring equal employment opportunities and equal treatment for workers.

We note the important steps taken by the Government of China to promote equality of opportunity and treatment in employment through its national labour law provisions and regulations implemented throughout all regions of China, including in the Xinjiang Uyghur Autonomous Region. We support the efforts of the Government of China to ensure the freedom of employment and labour rights of all ethnic groups, including in the Xinjiang region, and encourage an open and constructive dialogue on the implementation of ILO Conventions. We also recognize the establishment of an open and competitive human resources market, as well as the promotion of the free mobility of workers among regions.

We request in this context the Committee to adopt a balanced, technical and objective approach with regard to China.

**Worker member, Indonesia** – We emphasize our deep concern in respect of the policy and methods applied by the Government of China that have caused discriminatory effects and impacts on the employment opportunities and treatment of ethnic and religious minorities in the country.

We also regret, as the Committee of Experts has noted, that the legislation and policy in China generate a climate of intolerance, which deepens discrimination in employment and occupation. The ethnic and religious minorities in Xinjiang region are not entitled to the same right to be free from discrimination in employment.

The employment related policies adopted and carried out by the regional and national authorities in the Xinjiang region target ethnic and religious minorities. The vocational training, labour relocation and poverty alleviation programmes have the purpose of deradicalization and ideological conversion of the ethnic and religious minorities. They are backed up by State policies in the context of combating terrorism. The Uyghurs and Muslims are particularly targeted on the basis of race, religion, social and cultural characteristics. This is stated in the Xinjiang Uyghur Autonomous Region Regulation on Deradicalization, as amended in 2018. It is reflected and implemented systematically in the workplans and policies of the regional and national authorities.

The Convention, in its Preamble, affirms that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”. In this regard, we call on the Government to implement the recommendations of the Committee of Experts and review its national and regional policies in order to eliminate any distinction, exclusion or preference which has the effect of limiting access to equal opportunity and treatment in employment and occupation.

We emphasize that the Government has an obligation to respect international labour and human rights standards, as well as the guidance provided by the Committee of Experts in line with its mandate.

**Government member, United States of America** – The Government of the United States shares the Committee of Experts’ deep concern regarding the People’s Republic of China’s (PRC) policies towards Uyghurs and members of other ethnic and religious minority groups in Xinjiang. Specifically, the Committee of Experts’ observations highlight discriminatory policies that permit the arbitrary detention of members of these groups ostensibly for re-education. We are also disturbed by policies that incentivize or require businesses and trade unions to engage in such abusive practices.

The People’s Republic of China submitted information in response to these concerns, explaining that its policies are non-discriminatory, voluntary and used to alleviate poverty. However, publicly available People’s Republic of China policy documents and countless victim testimonies, detailing coercive recruitment, limitations of movement and communication, and constant surveillance, instead clearly demonstrate systemic violations of labour and human rights.

Critically, the People’s Republic of China is failing to address the arbitrary detainment of more than 1 million Uyghurs and members of other ethnic and religious minority groups, including approximately 100,000 individuals who may be working in conditions of forced labour following detention in internment camps.

We call on the People’s Republic of China to immediately end its discriminatory policies and abuses against minority groups. To that end, we urge the PRC to take effective action to:

- fully implement the recommendations of the Committee of Experts;
- avail itself of ILO technical assistance, including to effectively implement Conventions Nos 105 and 29 following their successful ratification; and
- accept a high-level tripartite mission to further investigate the allegations and provide full and unhindered access, including meaningful, unrestricted and unsupervised access to all relevant organizations, individuals and locations implicated in the system of detention.

The People's Republic of China's existing policies and practices are in clear violation of its obligations under Convention No. 111 and the commitments in the ILO 1998 Declaration on Fundamental Principles and Rights at Work. It is our strong view that the Committee's conclusions merit inclusion in a special paragraph of the report.

**Government member, Ethiopia** – My delegation would like to thank the distinguished representative of the Government of the People's Republic of China for his statement on the application of the Convention. We have taken note of the information provided by the Government in relation to the proactive employment policy that it has adopted, based on friendly cooperation and consultation held with the social partners and coordination with national economic and social development policies.

The Chinese Government has also informed this august assembly that, just like all other provinces, regions and municipalities in China, the Xinjiang Uyghur Autonomous Region implements national laws and regulations under a unified legal framework, follows the principles of equal employment and treatment, and facilitates decent work by promoting economic growth that creates jobs.

We are encouraged to hear that these are in line with the principles of national laws and in conformity with the principles and requirements of the Convention. Furthermore, United Nations Treaty Bodies, such as the CERD, have recognized the efforts and achievements of the Chinese Government in fulfilling the Convention on the Elimination of All Forms of Racial Discrimination.

In view of the above, we are of the view that the progressive efforts made so far by the People's Republic of China are directed towards the full application of the Convention under discussion. In conclusion, we hope that this Committee and its conclusions will take into consideration the critical information provided by the Government and all the constructive comments and discussion that transpired in this sitting.

*Interpretation from Russian:* **Worker member, Belarus** – We have listened closely to the comments of the Committee of Experts relating to the application of the Convention by China. We believe that the law and practice in China are fully in line with the principles of the Convention. The measures taken in China by the social partners allow workers to fully benefit from a regime of equality in employment and occupation. There are a number of provisions which clearly bolster the individual's right to work and employment and it is also clearly noted that regardless of ethnic group, race, gender or religion, no worker can be subjected to discrimination in this area of employment.

In law and practice, the State supports the development of regional economies and encourages cooperation between regions for the development of employment in different regions. The State supports those areas with ethnic populations by developing education and industry and, with regard to the Xinjiang Uyghur Autonomous Region, we also think it is necessary to emphasize the respect for the law of the country and the requirements of the Convention. As in all countries, the regions abide by national laws, follow principles of non-discrimination at work and facilitate decent work through economic growth and the creation of employment. In this situation, we think it is necessary to pay attention to the fact that the social partners in China are focused on economic and social development, securing employment and equality for workers. Other countries and organizations are trying to counter the progress of the State, introducing sanctions and boycotting products from the region of Xinjiang. This not only deprives ethnic minorities of the opportunity to work and be rewarded for their work but undermines the fundamental right to develop and live. This is something that we are hearing in the ILO, which undermines the principles of the ILO and the SDGs. The

international community, including the ILO, should listen to the voice of the workers in Xinjiang and defend their rights, including that of equal access to work.

**Miembro gubernamental, Cuba** – La delegación gubernamental cubana agradece la presentación realizada por China. Las informaciones aportadas por la delegación de ese país, de las cuales tomamos nota, contienen elementos de actualización sobre diversos asuntos y describen la voluntad del Gobierno para continuar avanzando en su territorio en la aplicación de los aspectos previstos en el Convenio y el trabajo con la OIT.

Cuba ha enfatizado en diversas ocasiones en la OIT la importancia de conceder a los Gobiernos el tiempo y espacio necesarios para trabajar junto a los actores pertinentes en el marco de su legislación nacional y en el cumplimiento de sus obligaciones y compromisos en virtud de los instrumentos de la OIT. Consideramos que deben analizarse de forma imparcial las políticas de apoyo al empleo y la no discriminación implementadas en el país, entre otros aspectos relacionados. Debe hacerse evitando la politización y los enfoques punitivos, ya que estas prácticas no favorecen nuestros debates. La OIT ha sido siempre un foro de soluciones y de consenso, de diálogo amplio e inclusivo, donde la opinión y el consentimiento de los países concernidos resultan esenciales. Creemos en el diálogo tripartito y las soluciones negociadas.

**Government member, United Kingdom of Great Britain and Northern Ireland** – Following the Committee of Experts' report on Chinese non-compliance with the Convention, the United Kingdom is deeply concerned about the continued reports of a widespread and systematic programme of forced labour in Xinjiang involving the Uyghur and other Turkic and Muslim minorities. New evidence continues to emerge to reveal the scale and severity of the human rights violations in the region, including from the Chinese Government's own documents. In order to effectively implement the recommendations contained in the Committee of Experts' report, we strongly call for the Chinese Government to accept a high-level tripartite mission in Xinjiang.

We urge the Chinese Government to grant all necessary accommodations to enable the mission to carry out its duties in a meaningful and unfettered matter, just as we did prior to the recent visit by the United Nations High Commissioner for Human Rights. We request that this mission be conducted before the next session of the International Labour Conference in 2023.

In addition, we suggest that the Chinese Government avails itself without delay of all available technical assistance to ensure comprehensive compliance with the Convention in law and in practice. We request that the Chinese Government provides detailed and complete information on the application of the Convention to the Committee of Experts before its next session in December 2022. Such is the seriousness of this case that we believe that it merits inclusion in a special paragraph in the final report.

Furthermore, we take note of the announcement by the National People's Congress of the ratification of Conventions Nos 29 and 105. We call on the Chinese Government to officially ratify both Conventions and any accompanying protocols by depositing the legal instruments at the International Labour Office and to take expeditious action to align its laws.

The United Kingdom pays tribute to the Committee of Experts for bringing this serious issue to the attention of the ILC and we call on China to immediately cease its repressive and discriminatory policies in Xinjiang.

**Worker member, Ireland** – Labour laws in China ban discrimination in recruitment based on race, gender and religious belief. Employers are prohibited from asking female job candidates about their marital and childbearing status, or from demanding pregnancy tests.

However, discriminatory recruitment practices remain in both the public and private sectors to unlawfully deprive women and minorities of free choice, equal job opportunities and equal access to remedies.

The Provisions on the Recruitment of Civil Servants of 2019 still require applicants to be between the ages of 18 and 35. In 2020, about 11 per cent of government job postings still specified a preference or requirement for men only.

It is commonplace for working candidates to field intrusive questions in job interviews, such as whether they have or are intending to have children. Under the State's promotion of the two-child and now three-child policy, it is common to find recruitment advertisements specifying a preference for married women with children, in order to save costs on paying maternity benefits. Ethnic and religious minorities working from the Xinjiang region are recruited systematically by regional authorities to work, without free choice of employment, in coastal provinces. They are made to work and live in factories segregated from others, placed under high surveillance and exploitative working conditions.

Until now, the scope of labour inspection under the Regulation on Labour Security Supervision does not include discrimination related to work and recruitment. It remains at the discretion of the inspection authorities to take action on the complaints filed by victims of discrimination. The labour relocation programmes of ethnic and religious minorities in the Xinjiang region, which seek to deradicalize them, also fall outside the remit of inspection and monitoring.

Letters sent by United Nations Special Rapporteurs to China and more than 150 multinational companies about labour rights in the coastal region pointed to allegations of the denial of access for multinationals to conduct due diligence in these factories.

We are concerned about deficiencies in labour inspection and the inconsistent application of the law and practice to eliminate discrimination in employment and recruitment to all workers.

We call on the Government to bring national and regional laws and practices into compliance with the Convention based on the recommendations of the Committee of Experts.

**Miembro gubernamental, Estado Plurinacional de Bolivia** – El Estado Plurinacional de Bolivia agradece a la distinguida delegación del Gobierno de China por la presentación realizada en referencia al cumplimiento del Convenio, así como a todos los representantes que han hecho uso de la palabra. Hemos escuchado la información proporcionada con relación a la política de empleo adoptada por el Gobierno chino que se basa en la cooperación y la consulta igualitaria con los interlocutores sociales con miras al desarrollo social y económico sustentado en lo estipulado en la Ley del Trabajo de este país.

El Estado Plurinacional de Bolivia tiene un firme compromiso con la lucha contra toda forma de discriminación y en ese sentido resaltamos la importancia de implementar mecanismos y políticas de trabajo con este fin.

La delegación de China ha explicado claramente el marco normativo que adoptaron siguiendo los principios de igualdad de trato en el empleo para un trabajo decente. En estos últimos años, China ha desarrollado esfuerzos evidentes para promover el desarrollo y crecimiento de su país. La promoción del crecimiento económico respetando los derechos laborales de todas y todos es crítico; más aún en tiempos de recuperación después de la pandemia, que todavía sigue presente entre nosotros.

Igualmente destacamos haber escuchado que, desde la ratificación del Convenio en 2007, el Gobierno chino ha profundizado la cooperación con todos los interlocutores sociales y ha incorporado mejoras para la promoción y protección de los derechos laborales de las minorías étnicas. Les alentamos a profundizar estos avances y, en el marco del respeto a sus asuntos internos y soberanía, impulsar un diálogo constructivo aún más con la OIT.

De igual manera, exhortamos a la Comisión de Expertos a evitar la politización de la OIT e impulsar diálogos y acercamientos con los Miembros, evitando generar desinformación. Nos preocupa que las campañas negativas para con algunos Estados sean recurrentes en varios organismos, cuando en estos momentos nuestra prioridad debería ser fortalecer el multilateralismo para responder a problemas comunes. Mi delegación reitera la importancia del diálogo amplio para llegar a soluciones consensuadas.

**Worker member, Germany** – I am speaking on behalf of the workers in Germany, Canada, France, the Netherlands and Switzerland. We are concerned at the protection against sex-based discrimination, especially sexual harassment, under the employment-related policies in China, and equal access to the same protection, including for ethnic and religious minorities. Prohibition against sex-based discrimination is provided in labour laws and regulations in China without providing a definition of discrimination.

The new Civil Code covers sexual harassment of both men and women, including the right of the victim to file civil litigation, and the responsibilities of the management to adopt anti-sexual harassment policies. The laws still fail to prohibit “quid pro quo” and “hostile work environment” sexual harassment in all aspects of employment and occupation, including vocational training and job placement. The liabilities of management are unclear.

The equal access to legal remedies for victims, including those under the systematic mass labour relocation programmes for ethnic and religious minorities to work in the coastal province, is unclear without available data. Since 2019, only 18 verdicts out of 110 lawsuits related to sexual harassment that had been filed by victims have been handed down. The victims, who bear the burden of proof, have won the lawsuit in only four cases, yet without being awarded compensation. In the prominent lawsuit of a young female activist against a famous host in a broadcast company, with CCTV of sexually harassing her in 2014 when she was an intern, the case was thrown out of court claiming insufficient evidence in 2021.

On the other side, the victim is also campaigning for sexual harassment victims, yet the authorities continue to censor her and shut down discussions. Many more cases have been driven underground.

We call on the Chinese Government to review national and regional laws in China for compliance with its obligations under the Convention, and to implement the recommendations made by the Committee of Experts to ensure that sex-based discrimination against all workers is eliminated.

*Interpretation from Russian:* **Government member, Belarus** – We are grateful to the delegation of China for the exhaustive information provided. It has provided detailed comments on the issues raised, including questions relating to anti-discriminatory practices, as well as issues relating to other legislation.

We note that the Government of the People’s Republic of China takes a systemic approach to improving the economic situation in the country and also to social and labour relations. It does that by encouraging employment throughout the country, including in the Xinjiang Uyghur Autonomous Region. It is important to recognize the achievements of China. It has created a business environment that is conducive to entrepreneurship. It has also encouraged

innovation, and this has led to job creation in that part of the country, as well as in other areas. For instance, it has provided free-of-charge services for recruitment in that part of the country. Career guidance services are also available, and it is possible for people to undergo training and upskilling throughout their lives.

Repeatedly then, we have also seen that China has involved international experts to advise on how best to do all this and that there are witnesses to its openness and transparency. We have seen, for instance, that the United Nations High Commissioner for Human Rights recently visited China. We consider that the Government of China is committed to full compliance with the Convention and we note the active and constructive cooperation that exists between the ILO and China.

We therefore believe that the accusations levelled at China about the supposed use of forced labour among certain ethnic minority groups do not in fact give the full picture. When it comes to the way in which economic and social development is taking place in the country, and also when you look at the stability in the Xinjiang Uyghur Autonomous Region, it is clear again that these allegations are not well founded. The accusations do not take due account of the particular features of the region. Sadly, in the way that this issue has been addressed, we are told that, thanks to certain policies followed by the Government, certain things have happened, but we are not told that in fact people have come out of abject poverty thanks to the policies that were pursued. That is something that is very important to note. Therefore, when it comes to the application of the Convention, we believe that China has provided all of the information required to convince us that it is indeed complying with it.

*Interpretation from Russian:* **Government member, Russian Federation** – The Russian Federation fully endorses the assessment of the Chinese Government with reference to compliance with the Convention in the Xinjiang Uyghur Autonomous Region, as well as elsewhere in the country. We believe that the information provided describing what is done in the country in terms of the Labour Code and the efforts to promote employment demonstrates that China is indeed ensuring that there can be no discrimination whatsoever against the ethnic group in that area. If we look at the Convention, we see that it seeks to outlaw discrimination, and we do indeed believe that there is no discrimination in China and that there is therefore no reason to accuse it of not being in full compliance with this Convention.

We believe the allegations are unfounded and they do not respect the steps that have been taken within the country in seeking to ensure that there can be no discrimination whatsoever when it comes to employment. We believe that a very objective and partial approach is being taken in levelling these accusations, not recognizing what has been done to create jobs and ensure that people can enjoy better and decent jobs. We believe that we must recognize that what is happening in China is fully in compliance with the Convention.

As for the accusations about the alleged use of forced labour, they are completely unfounded allegations and they are partial and biased. We believe that this is indeed a trend that we are seeing increasingly when certain complaints are made about some countries. We believe this is something that can only undermine the credibility and authority of the ILO. We are supposed to look only at well-founded allegations of violations of human rights and labour rights in this area. We think it is very important to ensure that the ILO takes a properly balanced, impartial and objective approach to the way that it works. We think that it should act solely on the basis of information received from reliable sources, otherwise it will simply find that its position is undermined in the long term.

**Miembro gubernamental, Nicaragua** – Como miembro de las organizaciones de las Naciones Unidas en esta 110.<sup>a</sup> reunión de la Conferencia Internacional del Trabajo, reiteramos

que es deber de todas las naciones fomentar las relaciones de amistad basadas en el respeto, en el principio de igualdad de derecho y de obligaciones que nos impone la Carta de las Naciones Unidas, a no intervenir en los asuntos que son esencialmente de la jurisdicción interna de los Estados.

El Gobierno de Nicaragua hace un llamado a la Comisión a no ser influenciada por políticas de mentiras y de desinformación sobre Xinjiang en lo relacionado a la implementación del Convenio, por parte de la República Popular de China.

Bien conocido es el respeto que se le debe a la hermana República Popular de China en la protección de los derechos laborales y de sistemas de control de normas de la OIT. No obstante, ir más allá de los mandatarios se torna en una clara manipulación y politización del propio sistema internacional laboral. Nicaragua se opone firmemente a cualquier expresión de politización y de otras formas que puedan violentar la soberanía o interferir en los asuntos internos de la República Popular de China.

*Interpretation from Arabic:* **Government member, Egypt** – The delegation of Egypt wishes to commend the measures that have been taken by China with reference to giving effect to the Convention. China is doing all that is required to be done in order to undertake the necessary reforms to bring its situation into full compliance with all labour standards. We believe that the ILO should focus on providing the technical assistance that is required by Member States to give effect to international labour Conventions: that is its role and that is what it should be doing.

**Government member, Zimbabwe** – Zimbabwe has listened attentively to the discussion on the application of the Convention by the People's Republic of China. From the discussion and the information presented to this august Committee, it is clear that China has made great strides in advancing the welfare of her people through a robust legislative framework and sound economic and labour policies. The information submitted by the Government demonstrates China's commitment to alleviating poverty among the people by creating decent jobs, building sustainable livelihoods and skills development, among many other initiatives.

This shows that China is a strategic player in the global labour discourse and in promoting social justice in the world of work, as evidenced by the Memorandum of Understanding for strategic partnership, focusing on the four dimensions of the Decent Work Agenda, signed by the Chinese Government and the ILO.

This is also further demonstrated by the information contained on the ILO website stating that "the ILO works with China to disseminate Chinese successful experiences and good practices that could inspire other nations on the way towards poverty eradication and employment promotion".

The information submitted by the Government of China is a clear demonstration of China's commitment to fulfilling the objectives of the Conventions that it has ratified, which include Convention No. 111.

The narrations of the allegations seem generalized and not based on facts. My delegation is however confident that the Government of China has the capacity to address the issues in the context of implementing the Decent Work Country Programme. Going forward, Zimbabwe commends China for the programmes being implemented within the context of its Decent Work Country Programme and would like to encourage both the Office and the Chinese tripartite partners to deepen their collaboration within this framework.

**Government member, Pakistan** – Pakistan appreciates the continuing commitment of the People’s Republic of China to comply with international labour standards, and particularly its implementation of the Convention. It is encouraging that China has taken a number of significant legislative and administrative measures after the ratification of the Convention in 2007.

We are of the view that all Member States should have the necessary space to implement laws and regulations in light of their specific circumstances and sovereign obligations to ensure the well-being of their people. It is the responsibility of every government to create an environment that is conducive to the well-being and welfare of its people. Accordingly, policy measures should be pursued to not only afford equal opportunities, but also to grant positive discrimination to disadvantaged groups so that they have a pedestal to grow and compete with others. This also applies to the promotion of employment and choice of occupation.

It is important to resolve all concerns and complaints amicably in the spirit of tripartite cooperation. It is important to refrain from politicizing the work of the ILO supervisory mechanisms and this Committee. Objectivity is the first victim of politicization, which contravenes the human-centred approach advocated in the ILO Centenary Declaration and reiterated every year, especially in the post-pandemic world of work. We believe deliberations in the Committee should be in line with the spirit of multilateralism and aimed at the application of labour standards in a non-political and objective manner.

**Membre gouvernemental, Algérie** – La délégation algérienne remercie le gouvernement de la République populaire de Chine pour son rapport substantiel sur le respect de ses engagements dans la mise en œuvre effective des dispositions de la convention et soutient l’ensemble de ses commentaires.

L’Algérie salue la politique active de l’emploi engagée par le gouvernement chinois, basée sur la concertation avec les partenaires sociaux, pour permettre aux travailleurs de jouir pleinement de l’égalité des chances et de traitement en matière d’emploi et de profession.

Elle se félicite des mesures prises pour un accroissement équilibré de l’emploi dans les différentes régions et la protection des minorités ethniques. Elle se félicite également des politiques de travail adoptées par la Chine tendant à éliminer toutes les formes de discrimination, ériger en infraction tout acte de ce type et le sanctionner.

Mon pays appuie les efforts de la Chine visant la promotion d’une croissance économique créatrice d’emplois décents en encourageant les travailleurs urbains et ruraux à trouver un emploi dans les entreprises, à créer leur propre entreprise et en permettant à ces derniers de bénéficier de la formation professionnelle tout au long de la vie, afin de les aider à améliorer leur employabilité et leur capacité à créer leur propre entreprise.

Par ailleurs, l’Algérie est convaincue que le BIT devrait tenir compte des réalités et des spécificités nationales de la République de Chine dans l’évaluation de l’application des normes internationales du travail, et contribuer par l’assistance technique à permettre à la Chine de renforcer ses capacités dans la lutte contre les discriminations et d’œuvrer pour le travail décent pour tous les travailleurs.

**Membre gouvernemental, Burundi** – La délégation du Burundi a pris bonne note du rapport de la commission d’experts, de la déclaration faite par le représentant du gouvernement chinois ainsi que des informations écrites publiées. Nous apprécions l’engagement et les efforts continus du gouvernement chinois pour mettre en œuvre les conventions ratifiées. Nous prenons note de l’explication donnée par le gouvernement sur les

diverses réglementations et politiques, notamment en matière d'emploi et d'éradication de la pauvreté sans discrimination.

Nous voudrions attirer l'attention de la présente commission sur le fait que les lois, règlements et pratiques de la Chine sont conformes aux principes de la convention, qui vise à promouvoir l'égalité des chances et de traitement en matière d'emploi, et que les lois et pratiques du Xinjiang sont conformes aux exigences du cadre juridique national de la Chine. Nous nous félicitons des mesures concrètes prises par le gouvernement pour protéger les droits à l'égalité en matière d'emploi et de traitement de tous les types de travailleurs dans tous les endroits, y compris au Xinjiang.

Nous saluons les efforts déployés par le gouvernement chinois pour coopérer avec toutes les parties prenantes, y compris les partenaires sociaux, afin de s'acquitter des obligations découlant de la convention. Il est très important que la commission d'experts puisse traiter les cas dans la neutralité totale. Une attitude contraire ne servirait pas à l'atteinte d'une justice sociale qui est l'objectif ultime de l'OIT.

Nous sommes pleinement convaincus que le gouvernement poursuivra ses efforts et fera davantage de progrès dans l'exécution des obligations qui lui incombent en vertu des conventions ratifiées. En conclusion, nous espérons que la commission, dans ses conclusions, tiendra compte des informations importantes fournies par le gouvernement chinois et de tous les commentaires et discussions constructifs présentés au cours de cette séance.

**Government member, Cambodia** – My delegation takes note of the report of the Committee of Experts and the details presented by the Government of China.

Cambodia believes that the enduring strength of all human rights mechanisms lies in even-handed approaches based on transparency, objectivity and impartiality, as well as in full adherence to the principles of sovereign equality, territorial integrity and non-interference, which are well enshrined in the United Nations Charter. This agenda must be addressed through a genuine dialogue-based approach with non-confrontation, non-politicization and non-selectivity, based on verified sources of information and bearing in mind the national particularities of each country.

We welcome China's measures and achievements in observance of the Convention. China has demonstrated its willingness to work towards ensuring equal employment opportunities in accordance with international labour standards. In addition to its legislation, the adoption of a proactive employment policy, in consultation with the relevant stakeholders, and a series of policy measures have contributed to the enjoyment of equal opportunities and protection against discrimination.

China has also deepened its cooperation with all stakeholders, earnestly fulfilled the requirements of the Convention, continuously improved its legal system and made positive achievements in ensuring equal employment opportunities and equal treatment for workers.

To conclude, China's efforts and achievements in assisting its people, including all ethnic groups, to acquire skills and access to satisfactory employment of their own free will have resulted in substantial poverty alleviation. China's attainment in lifting the population out of poverty in its territory, including in Xinjiang, and meeting the target of Sustainable Development Goal No. 1 ten years ahead of schedule should be recognized.

*Interpretation from German:* **Government member, Germany** – Germany aligns itself with the statement of the European Union and its Member States. We thank the independent Committee of Experts for its thorough analysis.

The principle of equality and non-discrimination is a fundamental principle of international human rights. The Convention applies that fundamental principle to the world of work.

We are deeply concerned about labour and employment provisions and their application in China relating to ethnic and religious minorities which discriminate against them. According to the Committee of Experts, there is a climate of intolerance allowing for discrimination in employment and occupation, as well as providing fertile ground for forced labour. We call on the Chinese Government to review its policy in Xinjiang, a minority policy which is based on discrimination, repression and mass internment. We renew our call to China to honour its obligations under national and international law and observe and protect the rights of all ethnic and religious groups.

We have in many forums, together with our European Union and G7 partners, expressed our deep concern at the Uyghur and labour rights situation in Xinjiang. In the past year in Germany, the law on the duty of care in the supply chain has been adopted, which makes it obligatory for enterprises established in the country to identify, prevent and counter human rights violations in the supply chain. We are also working across Europe to ensure a ban on imports produced using forced labour.

International cooperation is essential, and Germany is working worldwide to ensure that human rights, which are an essential part of the rules-based order, are protected. China ratified Conventions Nos 29 and 105 in April 2022. We ask for these to be fully transposed into law in China and we are ready to work with the Chinese Government at any time.

**Miembro gubernamental, República Bolivariana de Venezuela** – El Gobierno de la República Bolivariana de Venezuela agradece la presentación de la distinguida delegación del Gobierno chino con relación al cumplimiento del Convenio. China ha enfatizado que el empleo es la principal prioridad para el bienestar de su pueblo, y en ese sentido su política de empleo es proactiva respetando los derechos de los trabajadores a nivel nacional, incluyendo la región de Xinjiang.

Destacamos, como lo ha expresado el Gobierno, que China ha alcanzado los Objetivos de Desarrollo del Milenio y el Objetivo de Desarrollo Sostenible 1, diez años antes de lo pautado por Naciones Unidas.

Asimismo, el Gobierno ha brindado amplias explicaciones sobre las previsiones y el respeto de la Ley del Trabajo en China que prohíbe la discriminación, teniendo en cuenta que la igualdad de los derechos en el empleo y la ocupación es una base importante para la subsistencia y el desarrollo de los trabajadores. Como lo ha explicado también el Gobierno, en China se impulsa el mercado laboral, la iniciativa para elegir los puestos de trabajo y se prevé la libre movilidad de los trabajadores entre las regiones, comprendiendo las regiones dentro y fuera de Xinjiang.

Celebramos que la Comisión de Expertos en su Informe de 2022 expresamente haya tomado nota de los avances informados por China en materia de igualdad de oportunidades y de trato a las minorías étnicas y religiosas.

Como siempre, hacemos un llamado para que los órganos de control de la OIT se alejen de consideraciones políticas por cuanto se extralimitan en sus comentarios y esto resta seriedad, credibilidad, y además daña el noble objetivo de nuestra Organización, invadiendo la soberanía de los Estados. Finalmente, la República Bolivariana de Venezuela espera que las conclusiones de esta comisión sean objetivas y equilibradas, con la finalidad de que el

Gobierno de China siga avanzando y fortaleciendo el cumplimiento del Convenio en toda su nación.

**Government member, Japan** – First, Japan would like to express our gratitude to the Office and the Committee of Experts for their efforts in pursuit of the principles enshrined in the ILO Constitution.

Japan places great importance on maintaining and strengthening the international order, which is based on universal values and rules, such as freedom, democracy, human rights and the rule of law. We are determined to work extensively for this, through our efforts to address international human rights issues.

Japan is seriously concerned at the human rights situation in the Xinjiang Uyghur Autonomous Region, which is pointed out in the Committee of Experts' report. As a responsible member of the ILO Governing Body, Japan strongly expects the Chinese Government to provide the necessary explanations to the Office and all ILO constituents. As previously stated by other Member States, we request the Chinese Government to address in good faith the points raised in the Committee of Experts' report and to address accountability and improvement by providing, in consultation with the social partners, detailed and complete information to the Committee of Experts before the next session of the Conference in 2023. We strongly urge the Committee to decide to include this case and its conclusions in a special paragraph of the report.

Last but not least, we strongly expect the Chinese Government to follow the procedure adopted by this tripartite structure.

**Government member, Islamic Republic of Iran** – We would like to express our gratitude for the comprehensive and detailed information shared by the Government of China with regard to the latest developments in the application of the Convention, as well as the information requested and replies by the Committee of Experts. We particularly take note of the information provided regarding the regulatory and normative environments safeguarding the equal rights of all to employment and decent work.

The Islamic Republic of Iran attaches great importance to the Government of China's achievements in economic and social development, poverty eradication and its high standing in the global economy. We commend China's people-centred approach and policies, particularly in the alleviation of poverty in the Xinjiang region, and we believe that all of this has been achieved with the support and satisfaction of the people and based on social dialogue and tripartism.

At a time of rising global poverty as a result of the COVID-19 crisis, my delegation believes that the successful implementation of poverty eradication programmes based on youth empowerment merits due attention by the Committee's distinguished members.

**Government member, New Zealand** – New Zealand thanks the Committee of Experts for its report. Discriminatory policies that target ethnic and religious minorities are a major issue globally and constitute a violation of the rights enunciated by the Universal Declaration of Human Rights. The New Zealand Government takes this issue seriously and is committed to helping eliminate all forms of discrimination both in New Zealand and abroad.

New Zealand continues to have grave concerns about the growing number of credible reports of human rights violations taking place against Uyghurs and other ethnic and religious minorities in Xinjiang. New Zealand has been consistent in calling for China to allow meaningful and unfettered access to Xinjiang for independent international observers, including the

United Nations, for some time. In line with this, New Zealand supports calls for a high-level tripartite mission in Xinjiang, to be undertaken before the next International Labour Conference in 2023.

We would like to take this opportunity to acknowledge and welcome China's announcement that it will ratify Conventions Nos 29 and 105. We look forward to seeing China take meaningful and concrete steps to implement the Conventions to their fullest extent and ensure that its policies and practices guarantee equality of opportunity and treatment in respect of employment and occupation.

We recall that freedom from discrimination is a fundamental human right and is essential for workers in order to choose their employment freely, develop their full potential and reap economic rewards on the basis of merit. As Members of the ILO, it is incumbent on all of us to ensure we are setting an example by upholding fundamental labour rights to the highest possible standard.

**Government member, Lao People's Democratic Republic** – The Lao People's Democratic Republic thanks China for the comprehensive presentation on the implementation of the Convention. My delegation commends China's tireless efforts and achievements in implementing the Convention, such as deepening cooperation with all stakeholders, including the social partners; fulfilling all the requirements of the Convention; continuously improving its legal system; ensuring equal employment opportunities and equal treatment for workers; and promoting and protecting the employment rights of marginalized groups of people and ethnic minorities, including in the Xinjiang region, among others.

Moreover, we are heartened to witness that the Chinese Government attaches great importance to fulfilling all the obligations of international labour Conventions ratified by China and cooperating closely with the ILO's Office and standards supervisory bodies in preparing and submitting the requested information and replies.

In conclusion, the Lao People's Democratic Republic strongly believes that the standards supervisory system of the ILO should carry out its mandate based on genuine dialogue and cooperation and should remain free from the politicization of the issues that are not under the mandate of this Committee or the ILO.

**Membre gouvernemental, Suisse** – Tout d'abord, la Suisse fait part de ses profondes préoccupations en relation avec la situation des droits de l'homme dans la région autonome ouïghoure du Xinjiang. Des rapports crédibles indiquent l'existence d'un vaste réseau de camps de rééducation politique où plus d'un million de personnes ont été détenues arbitrairement. Nous avons vu un nombre croissant de rapports faisant état de violations généralisées et systématiques des droits de l'homme. Des restrictions sévères sont imposées à la liberté de religion ou de croyance et aux libertés de mouvement, d'association et d'expression, ainsi qu'à la culture ouïghoure.

La surveillance généralisée continue de cibler de manière discriminatoire et disproportionnée les Ouïghours et les membres d'autres minorités. Les observations de la Confédération syndicale internationale illustrent une situation extrêmement préoccupante quant à la discrimination à leur égard.

La Suisse partage la préoccupation exprimée par la commission d'experts quant aux méthodes appliquées, à l'impact de leurs objectifs affichés et à leur effet discriminatoire sur les possibilités d'emploi et le traitement des minorités ethniques et religieuses en Chine. Dans l'attente de la fermeture des centres de rééducation politique, la Suisse demande à la Chine de respecter les droits des personnes appartenant à des minorités ethniques et religieuses ainsi

que d'assurer le libre choix de travail et de formation professionnelle des Ouïghours et d'autres minorités ethniques lorsqu'ils cherchent un emploi.

Enfin, la Suisse demande à la Chine d'adopter une politique nationale d'égalité, afin d'éliminer toute discrimination fondée sur la race, la couleur, le sexe, la religion, l'opinion politique, l'ascendance nationale ou l'origine sociale telle que stipulée dans l'article 2 de la convention n° 111, et de mettre en œuvre les recommandations de la commission d'experts.

**Observer, International Trade Union Confederation (ITUC)** – Forced labour is modern slavery and it is not acceptable anywhere. The facts are clear. More than 1 million of the Uyghur people are exposed to State-sponsored forced labour and discrimination in China. The Chinese Government has justified this serious and grave violation of human and labour rights by declaring the Uyghur population a domestic security threat. On the basis of that threat, the Chinese authorities have developed and are implementing the various programmes you have heard about, so-called “poverty alleviation”, “vocational training”, “re-education through labour” and “de-extremification” programmes”. A key feature of these programmes is the use of internment camps and prisons in Xinjiang, and in workplaces across the region and the country. The programmes are maintained by massive digital and physical surveillance. This collective punishment of the Uyghur people and other Turkic and Muslim minorities in China simply must end. Justifying this treatment under the guise of providing subsistence and development as part of meeting its human rights and employment obligations is simply absurd. The facts are clear, and they do not support this claim of the Government.

The Chinese Government has also accused the ITUC of political motivation. Yet, the reality is that the Government does not contradict the information provided in the Committee of Experts' report. The Government rather justifies its discriminatory programmes and policies in the way that we have indicated. In any case, the evidence on this matter is overwhelming and it comes from victims' testimonies, not just media reports. Also, other civil society organizations and the United Nations human rights system have raised serious concerns. I am at the World Justice Forum and I have spoken to Uyghur representatives here: I can tell you that we are standing against oppression.

It is time for the Government of China to take seriously its international human rights obligations. I know it can. I know China can make change. It must implement the recommendations of the Committee of Experts. Discrimination against a minority population, imposing collective surveillance and punishment on this group and others, forcing them to work, punishing them with reduced wages, forcing them to learn languages and to recant their religion and, of course, forcing trade unions and employers' organizations to perform deradicalization duties, is simply contrary to China's human rights obligations. China, I plead with you: end the forced labour and discrimination of the Uyghur people. I know that this would make a huge difference. If you work with the ILO, if you work with us and the employers, we can actually support progress. But right now, this is an extremely worrying case and, in a developed nation with the wealth that you have, it is not acceptable anywhere but particularly in your country, where you are making progress in other areas.

*Interpretation from Chinese:* **Government representative, China (Vice-Minister of Human Resources and Social Security)** – I have just heard statements by many tripartite representatives who have shown understanding of and support for China and its policy measures. Their evaluations are both objective and factual, for which the Chinese Government expresses appreciation and gratitude.

We also believe, at the same time, that some made unfounded allegations, which we strongly object to, such as the ITUC and a number of delegates. Some representatives have

even failed to follow basic procedures of the Conference, turning such a solemn forum into a platform for political show. Their statements are irrelevant to our discussion today and groundless, to which we express our strong objection.

Right now, I would like to invite my colleague from Xinjiang to clarify certain facts.

*Interpretation from Chinese: Another Government representative* – I am from the Xinjiang public employment service centre. I was born and grew up in Xinjiang. Here, I would like to respond to some of the questions raised.

Firstly, it concerns the so-called forced labour in Xinjiang, which I do not understand, because forced labour has absolutely nothing to do with our current review at this Committee. Nevertheless, I wish to briefly respond to this issue. China's Labour Law, Labour Contract Law, Employment Promotion Law and Labour Inspection Regulations, as well as other laws and regulations, all clearly prohibit forced labour. Workers' rights and interests are protected by punishing the practice of forced labour and prosecuting those guilty of such practices according to the law. As a matter of fact, there is no so-called forced labour in Xinjiang.

In recent years, under the pretext of protecting human rights, some countries and organizations have boycotted Xinjiang products and sanctioned Xinjiang enterprises by alleging the existence of forced labour. As a result, Xinjiang workers, especially those from ethnic minorities, cannot find jobs, lose the means of earning a living and run the risk of falling back into poverty. Such situations restrict the employment opportunities of Xinjiang workers, especially minority workers, which is tantamount to employment discrimination and violate the basic requirements of anti-discrimination in the Convention. It also runs counter to the people-oriented concept, as advocated in the ILO Centenary Declaration. It certainly does not contribute in any way to an inclusive, sustainable and resilient social economic recovery.

My second point is on the so-called "re-education camp". Let me point out that the so-called "re-education camp" or the "internment camp" does not exist. There was a time when terrorist activity brought tremendous harm to the normal productive life of the people in Xinjiang. In the fight against terrorism and deradicalization, the Government established – according to the law – vocational and educational training centres. There is no difference in essence between the deradicalization centre, community corrections centre and transformation disengagement programmes in many countries. They are by no means so-called re-education camps.

In October 2019, all students had graduated from those training centres. Let me point out that the education training centre has improved the students' ability to use the national common language and employability and has enhanced their patriotic feeling, civic awareness and knowledge of the rule of law. Some of the graduates have decided to apply for jobs of their choice, others chose to set up their own businesses and some have found jobs with the help of the Government. In short, all are living a stable life.

The third issue is about deradicalization. Extremism destroys religious harmony, creates ethnic hatred and is tremendously harmful to social harmony and stability. Let me ask all delegates present. In your country, would anyone be allowed to incite ethnic hatred? Those who blind their eyes on purpose and defend terrorists, please reflect on yourselves. Hatred and terrorism would not be allowed in any country. Please do not practice double standards.

Furthermore, regarding the policy of employment transfer, Xinjiang workers have the right to go to other parts of the country. Let me say this, workers throughout China are free to decide where to seek jobs and Xinjiang workers are no exception. Xinjiang has set up a complete system of public employment services, through which information on vacant posts

and remuneration and other employment advice are provided free of charge. The right to free choice and personal preference is fully respected and under no circumstances is anyone obliged to take up a political job or a job at a particular location.

Finally, with regard to the interventions of Canada and Australia, let me say this: you are not in a position to represent justice. In Canada and Australia, there was a time when millions of aboriginals were living there. Two hundred years have passed; today, where are their descendants? Science has progressed, but their population, however, has diminished to the point of being negligible. They are actually living at the rock bottom of society, subject to poverty and discrimination.

To the distinguished Ambassador from the United States, please, first and foremost, ask your Government to ratify the Convention.

*Interpretation from Chinese: **Government representative, (Vice-Minister of Human Resources and Social Security)*** – Employment is pivotal to people’s wellbeing. Employment provides essential support for economic development. The Chinese Government always adheres to the people-centred approach by prioritizing employment among economic and social development. Through the promulgation and implementation of a series of laws, regulations and policy measures, the Chinese Government has effectively guaranteed that workers fully enjoy equal employment rights, equal employment and occupational opportunities and equal treatment.

Since its ratification of Convention No. 111, the Chinese Government, working closely with the social partners, has in earnest turned into practice various provisions of the Convention. China’s achievements in promoting fair employment and protecting labour rights and interests are obvious to all.

All the areas inhabited by ethnic minorities in China, including Xinjiang, have achieved rapid economic and social development. China met the poverty reduction goal of the United Nations 2030 Agenda for Sustainable Development ten years ahead of schedule. In 2018, the United Nations Committee on the Elimination of Racial Discrimination affirmed the Chinese Government’s efforts and achievements in implementing the International Convention on the Elimination of All Forms of Racial Discrimination.

The Chinese Government will continue to implement the employment promotion policy with the people-centred approach in order to further achieve employment of higher quality. In the 14th five-year Social and Economic Development Plan, employment promotion is clearly included as an integrated part of the macro strategy. We have always prioritized employment promotion and economic and social development, which are important safeguards of people’s livelihoods. Employment stabilization and expansion is thus a priority goal for macro control.

Another point is the promotion of equality of opportunity for employment, which is essential to unlock social mobility channels and to make the most of the labour force and of talent. Further efforts are to be made to eliminate employment discrimination based on ethnicity, race, gender and other characteristics. All rights have to be protected, and special measures are taken to protect women’s rights. For example, supportive measures are continuously taken to enable women whose employment has been interrupted because of childbirth to retain their jobs. Any complaint of discrimination is handled according to the law. With 746 million people in employment, China has made an outstanding contribution to the global employment landscape. I sincerely invite all of you to visit China, take a look and feel the power of the people in the ethnic minority areas, including in Xinjiang. We are committed to the sustained implementation of Convention No. 111.

We reject prejudiced, irrelevant remarks and groundless accusations, we also strongly reject the request for a tripartite mission made by certain representatives. I would like to invite all of you to come to Xinjiang and to see for yourselves that the people have realized their self-growth, increased their family income and are living happy lives through productive employment. My Government is ready to maintain communication with the Committee of Experts on relevant issues.

**Worker members** – The Government of China is reported to be detaining more than 1 million Uyghurs and other Muslim minorities in prisons and internment camps in Xinjiang because of their ethnicity and their religion. Ethnicity and religion cannot be grounds for unequal treatment and this falls under the scope of the Convention. Despite the Government's outright denials of the existence of internment camps and the use of forced labour of Uyghur workers in detention, there can be little doubt of a centralized programme of forced labour on a massive scale based on the religious and ethnic identities of the victims. This cannot continue one day longer.

I must repeat that no one here is against China. What we are deeply concerned about is the policy of a specific government which violates the core principles of this Organization and the obligations it has freely undertaken, as a valued member of the ILO.

We do take note that the Government of China is planning to deposit the instruments of ratification of the two forced labour Conventions, Conventions Nos 29 and 105. This is welcome and must be pursued with the technical assistance of the Office to give full effect to Convention No. 111. This means ending the unequal treatment of an entire population and enabling that population to pursue its freely chosen employment. Deliberate Government policy is urgent to prevent further irreparable harm against the population.

In light of the foregoing, we urge the Government of China: to immediately cease the use of all forced labour of the Uyghur population; to immediately cease the harassment of the Uyghur people, including physical, verbal, or non-verbal conduct based on their ethnicity and religion; to adopt national and regional policies with a view to eliminating all distinction, exclusion or preference leading to inequality of opportunity and treatment in employment and occupation, particularly with regard to the Uyghur population; to repeal regulations and other policies that impose deradicalization duties on enterprises and trade unions and prevent enterprises and trade unions from playing their respective roles in promoting equality of opportunity and treatment in employment and occupation; to amend national and regional policies with the view to ensuring that activities of vocational guidance, vocational training and placement services serve the purpose of assisting ethnic and religious minorities in the development and use of their capabilities for work in their own best interests and in accordance with their own aspirations; to amend national and regional regulatory provisions with a view to re-orienting the mandate of vocational training and education centres from political re-education based on administrative detention; to repeal the 2019 white paper on vocational education and training in Xinjiang; and to bring its legal framework into line with the Convention, including the prohibition of all forms of sexual harassment and violence.

We urge the Government of China to avail itself of technical assistance in order to meet the obligations of the Convention.

We heard several calls for a high-level tripartite mission and the Worker members can support these calls so that the full scale of the problem is exposed and the appropriate assistance provided.

**Employer members** – The Employer members have listened very carefully to the positions of all participants in the discussion today of China’s application of the Convention, both in law and in practice.

In this regard, we positively note China’s stated intention to deposit the instrument of ratification of Convention No. 29. We also positively note the submissions of the Government representative in respect of the willingness of China to welcome the visit of the ILO to better understand the situation on the ground in China with respect to the issues raised.

We also positively note the Government representative’s openness to continue dialogue and engagement with the ILO.

The Employer members, having duly considered the information included in the Committee of Experts’ observations and the submissions of the participants today, and having carefully considered the information provided by the Government in response to these serious allegations, would propose the following. We would encourage the Government to include a clear and comprehensive definition of discrimination in its labour legislation, in consultation with the most representative employers’ and workers’ organizations; to review its national and regional policies with a view to eliminating any distinction, exclusion or preference which has the effect of nullifying or compromising equality of opportunity and treatment in employment and occupation so as to come into line with its obligations under Convention No. 111.

Further, the Employer members recommend that the Government repeal provisions in the Xinjiang Uyghur Autonomous Region that impose deradicalization duties on enterprises and trade unions and prevent enterprises and trade unions from playing their respective roles in promoting equality of opportunity and treatment in employment and occupation without discrimination based on race, national extraction, religion or political opinion.

The Employer members recommend that the Government revise national and regional policies with a view to ensuring that the activities of vocational guidance, vocational training and placement services serve the purpose of assisting ethnic and religious minorities in the development and use of their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the general needs of society.

The Employer members recommend that the Government amend national and regional regulatory provisions with a view to reorienting the mandate of vocational training and education centres from political re-education based on administrative detention towards the purposes set out in Article 3 of the Convention so that it is focused on the promotion of equality of opportunity and treatment in employment and occupation without discrimination.

The Employer members also recommend that the Government provide information on the measures taken in observance of the policy to promote equality of opportunity and treatment in the vocational training activities carried out in Xinjiang’s vocational training and education centres.

The Employer members recommend that the Government provide information on the measures taken to ensure observance of the policy to promote equality of opportunity and treatment specifically for the Uyghur minority and other ethnic, Turkic or Muslim minority groups when seeking access to employment, both inside and outside the Xinjiang Uyghur Autonomous Province.

Finally, with respect to equality of opportunity and treatment of ethnic minorities, including in the civil service, the Employer members note, in particular, the Committee of Experts’ request for the Government to continue to provide information on the measures taken

to promote this area and to provide information on the Government's efforts to engage with the social partners in order to design and implement such measures.

The Committee of Experts also requested that the Government provide information on the current employment situation of various ethnic and religious minorities inside and outside the autonomous regions, including employment data disaggregated by sex and ethnicity in the civil service. We would make specific note that we support these requests and encourage the Government to comply with these requests from the Committee of Experts without further delay.

## Conclusions of the Committee

**The Committee took note of the oral and written statements made by the Government and the discussion that followed.**

**The Committee deplored the use of all repressive measures against the Uyghur people, which has a discriminatory effect on their employment opportunities and treatment as a religious and ethnic minority in China, in addition to other violations of their fundamental rights.**

**The Committee also expressed grave concern at the Government's efforts to impose "deradicalization" responsibilities on employers' and workers' organizations.**

**Taking into account the discussion, the Committee urges the Government to, in consultation with the social partners:**

- **immediately cease any discriminatory practices against the Uyghur population and any other ethnic minority groups, including internment or imprisonment on ethnic and religious grounds for deradicalization purposes;**
- **immediately cease the racial harassment of the Uyghur people, including physical, verbal or non-verbal conduct or other conduct based on their ethnicity and religion, which undermines their dignity and creates an intimidating, hostile or humiliating working environment;**
- **adopt national and regional policies with a view to eliminating all distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity and treatment in employment and occupation, particularly with regard to the Uyghur population;**
- **repeal provisions in the Xinjiang Uyghur Autonomous Region Regulation, and any other laws, regulations or other policies, that impose deradicalization duties on enterprises and trade unions that prevent enterprises and trade unions from playing their respective roles in promoting equality of opportunity and treatment in employment and occupation without discrimination;**
- **amend national and regional policies with a view to ensuring that the activities of vocational guidance, vocational training and placement services serve the purpose of assisting ethnic and religious minorities in the development and use of their capabilities for work in their own best interests and in accordance with their own aspirations;**
- **amend national and regional regulatory provisions with a view to reorienting the mandate of vocational training and education centres from political re-education based on administrative detention;**

- **bring the existing legal framework on sexual harassment in the workplace fully into line with the Convention and ensure that victims of sexual harassment have effective access to judicial mechanisms and legal remedies; and**
- **amend the Labour Law and Employment Promotion Law so as to bring this legislation fully into line with the Convention.**

**The Committee recommends that the Government accept an ILO technical advisory mission to allow the ILO to assess the situation together with the support of the ITUC and IOE.**

**The Committee requests the Government to submit a report to the Committee of Experts by 1 September 2022 with information on the application of the Convention in law and practice, in consultation with the social partners.**

*Interpretation from Chinese: Government representative* – The Chinese Government has taken note of the conclusions made, adopted by the Committee on China's application of Convention No. 111.

Since 2020, China has supplied the Committee with numerous reports, elaborating facts, shown great sincerity; this shows that we are a responsible Member of this Organization.

Regrettably, the Committee has adopted such a groundless position against China and asks China to stop the so-called and non-existing discriminative practices against Uyghur populations. We firmly reject such a practice. According to China's Constitution, in the first chapter, all ethnic groups in China are treated equally. Any discrimination against any ethnicities is firmly prohibited and, in practice, we also uphold the equality of all ethnicities. Therefore, there exists no discrimination against any ethnicities.

On China's application of Convention No. 111, there are always a handful of anti-China forces who are manipulating this issue and criticizing, using the Convention and this platform. This is very worrisome. For many years, the tripartite constituents of China have cooperated with members of the Committee as well as Members of the Organization. Regrettably, the Committee fails to recognize active efforts and positive achievements made by China.

We are ready to consolidate our efforts with the ILO to maintain our communication with the Committee of Experts. We sincerely hope that all the Officers and the Committee of Experts could come to China and make impartial comments based on facts.