

Mandates of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to development; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on trafficking in persons, especially women and children

Ref.: AL CHN 14/2022
(Please use this reference in your reply)

6 February 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to development; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 51/15, 46/9, 51/7, 43/8, 43/36 and 44/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the extensive labor transfer program in the Tibetan Autonomous Region, placing rural workers into low-skilled and low-paid industrial jobs, allegedly eroding Tibetan minority languages, cultural practices, and religion.**

According to the information received:

From 2015 to 2020, over 2.8 million farmers and herdsmen in Tibet were 'transferred' from the agricultural sector to the manufacturing and services sectors in urban areas, including over 600,000 transfers in 2020 alone. This information has been corroborated by your Excellency's Government.¹ The 'labour transfer' process is allegedly being used to erode the Tibetan languages, culture, religion, way of life and general identity further, which to some extent are similar to developments taking place in the neighbouring Xinjiang Uyghur Autonomous Region which have been documented by various Special Procedures mandates and by the UN Human Rights Office in the OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China² published on 31 August 2022.

The program involves shifting mainly farmers, herders, and other rural workers into an extensive labour transfer programme which implies working in low-skilled and low-paid employment. According to your Excellency's Government, participation in the programme is voluntary. In practice,

¹ People's Daily. 2021. *A total of 2.839 million Tibetan farmers and herdsmen have transferred jobs.* [online] Available at: <<http://xz.people.com.cn/n2/2021/0209/c138901-34573359.html>> [Accessed 21 September 2022].

² OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China.

however, there are no options to refuse, unless faced with reprisals including against family members. Several sources suggest these programmes are being used to further political indoctrination, undermine cultural identities, and expand surveillance measures – including the promotion of mass surveillance of Tibetans on each other through the “grid management system” and “double-linked household system.”³ According to the Chinese Department of Human Resources, an addition of 700,000 herders and farmers were to be further assisted in 2021 to follow an identical ‘labour transfer programme.’⁴

The labour transfer programme is facilitated by a network of so-called “vocational training” facilities and enterprises. At the end of 2019, nearly 500 such enterprises were found to exist in the Tibet Autonomous Region (TAR) and the neighbouring Tibetan populated province of Qinghai. Reportedly, in some training centres, up to 70 per cent of the content of the mandatory trainings focuses on political re-education. Given the absence of information and lack of transparency on the kind of training that is provided in such facilities and given the high numbers of people submitted to such programmes, it is unclear how workers are selected, what kind of trainings are being delivered and for what purposes.

For example, there is a particularly high concentration of vocational training centres in Chamdo in the TAR, and the “vigorous promotion of military-style...[vocational] training”, has also been mandated throughout the region based on the model pioneered in Chamdo.⁵ Furthermore, there is a significant number of these centres in Nyingtri, one of the most heavily-militarized regions on the Tibetan plateau, as it is on a disputed border between China and the Indian state of Arunachal Pradesh, a territory partially claimed by China.

Marginalization of Tibetan languages

According to allegations received and as also noted in AL CHN 6/2022 and in previous communications sent to your Excellency’s Government, Putonghua-language has been imposed in the TAR in the context of transferring Tibetan minority pastoral workers into the urban wage sector. This has reportedly undermined the use and relevance of the Tibetan languages.

Tibetans who have shared their concern about this marginalization of their languages have allegedly been subjected to arrest or protracted prison sentences. There are cases of Tibetan advocates for the use of the language and the protection of the Tibetan identities, being sentenced to several years of imprisonment. Prisoners are themselves reportedly denied the right to use the Tibetan languages in detention, including when communicating with one another or with visitors, preventing them from effectively maintaining ties with their family members, particularly older persons, who cannot speak the Putonghua-language.

In some areas, such as Lhatse County of Shigatse prefecture-level city, a village-based work team from the TAR’s Civil Affairs Bureau reportedly

³ Lhasa's "Six Combinations" Boost Poverty Alleviation. Available at: <https://archive.ph/e45fJ#selection-349.0-349.52>

⁴ www.china.org.cn/china/2021-02/07/content_77196369.htm

⁵ Zizhiqiu 2019-2020 Nian Nongmumin Peixun he Zhuanyi Jiuye Xingdong Fang'an.

teaches the villagers, with a particular focus on training and improving the pronunciation of 15 – 45-year-olds who hold a basic knowledge of the language. Such measures appear to be implemented as policies intentionally aimed at marginalizing the Tibetan languages. Public kindergartens in Tibet are nominally “bilingual” in conformity with the law; in practice, these schools reportedly prioritise Putonghua-language education. This prevents Tibetan children from learning their mother tongue, which may prevent them from communication with older family members who do not speak the Putonghua-language.

Freedom of religion or belief

Given the information outlined above and based on relevant past communications sent by Special Procedures, it appears that the labour transfer and vocational training programmes rather contribute to the erosion of religious and economic behaviours. Moreover, authorities have categorized religious devotion as an obstacle to “effective poverty alleviation.” In the area of Golog, Qinghai, the authorities warned that Xi Jinping’s instructions are to be followed to “transform” Tibetan Buddhist views and to “educate and guide religious figures and believers to respond positively to the call of Party Committee and government” to “meet the actual situation of poverty alleviation in Golog Prefecture.”⁶

Right to development

As noted in the report of the Special Rapporteur on contemporary forms of slavery on ethnic, linguistic and religious minorities, an extensive labour transfer programme has shifted mainly farmers, herders and other rural workers into low-skilled and low-paid employment.⁷ The labour transfer and vocational training programmes appear to focus on developing low-level skills for manufacturing and construction employments and have undermined the viability of previously sustainable livelihoods in rural areas where Tibetans hold comparative advantages, such as jobs in woollen goods and dairy products.

Cultural re-education

Vocational training programmes also target current and former Tibetan prisoners, alongside herders and farmers. In Qinghai province, one alleged training enterprise offered training for 24 released and currently serving prisoners on machine operation “to further strengthen the education and help to released and serving prisoners” and to “ensure stability” in the region in 2016.⁸ During their vocational trainings, current and former prisoners are reportedly prevented from expressing their cultural identity and are subjected to the “Four Stresses and Four Loves” ideological education campaign, which emphasizes the primacy of the CCP and the unity of the motherland while it aims at reducing the influence of religion in Tibetan society. In some centres,

⁶ Available at: www.guoluo.gov.cn/html/106/305950.html

⁷ [A/HRC/51/26](https://www.ohchr.org/en/hrbodies/hrc/docs/a/hrc/51/26)

⁸ Archive.ph. 2016. *Tibet has built 934 relocation and resettlement areas for poverty alleviation*. [online] Available at: <https://archive.ph/EB7hj> [Accessed 21 September 2022].

the training's focus raises questions about the program's actual intentions and objectives, as the political component may outweigh any vocational objectives.

Contemporary forms of slavery and trafficking in persons for purposes of forced labour

Through the labour transfer program in TAR, many Tibetans are potentially coerced to accept jobs in the manufacturing or construction sector, where working conditions may amount to forced labour. Tibetans are reportedly transferred directly from the training to their new work facilities, which makes it challenging to understand whether Tibetans can object or if they are coerced into the new employment. There is reportedly limited oversight of working conditions to determine whether they would meet the threshold for forced labour. The limited transparency regarding working conditions also leads to a lack of remedy for any labour rights abuses taking place.

CCP officials must allegedly meet strict labour transfer targets and are instructed to pressure subordinates to meet quotas.⁹ Such quota pressures again raise questions as to whether Tibetans have a choice of accepting such transfers or not. Reportedly, in Lhoka, Dranang County, party officials are scored annually to track their progress, while in Ngari, party officials are required to submit "weekly, monthly, and quarterly" reports to ensure strict adherence to the quota system regarding the number of persons transferred. Additionally, party officials may be subjected to punishment¹⁰ if there are failures to meet the hereabove mentioned quotas.'

Although the Government has asserted that all work placements are voluntary and respect "the will of the Tibetan farmers and herders", sources suggest that in practice, Tibetans have no say in this process or decision-making, and policies are imposed from above. There are consequently serious concerns regarding the voluntary nature of the programme.

⁹ 2019-2020 Farmer and Pastoralist Training and Labor Transfer Action Plan 6. Establish a cooperation mechanism for enterprises to absorb employment[...]According to the project investment quota and construction scale, in the links such as bidding and employment permit processing, it is stipulated that project construction enterprises absorb technology according to the proportion of employment of no less than 10% (page 19). Support farmers and herdsmen to participate in the operation of cooperative organizations. Conscientiously implement the spirit of the 6th Central Tibet Work Symposium, make good use of a series of special preferential policies granted by the Central Government to Tibet, and guide cooperative organizations in the direction of "small and specialized", "small and refined", and "small and special" according to market demand. Development, give full play to the role of cooperative organizations in absorbing employment, and expand the labor demand of cooperative organizations. Guide cooperative organizations to act consciously to serve the economic and social development of the registered area, and the government supports small and micro enterprises to provide a certain proportion of jobs according to the support quota, attract local farmers and herdsmen to find employment, and promote the local employment of laborers in farming and pastoral areas. Implement policies and measures for farmers and herdsmen to return to their hometowns to start businesses, encourage and support farmers and herdsmen to establish and lead cooperative organizations, and expand channels for farmers and herdsmen to transfer employment. Strive to attract more than 3,000 farmers and herdsmen to transfer employment and more than 6,000 person-times through the participation of farmers and herdsmen in cooperative organizations every year, and the labor income will reach 10 million yuan above. (Leading unit: Municipal Bureau of Agriculture and Rural Affairs. Responsible unit: Municipal Economic and Information Bureau, Market Supervision Bureau, Taxation Bureau, all counties (districts) people's government).

¹⁰ *Ibid.* V. Safeguards (5) "...Strictly reward and punish units, reward units and individuals with outstanding work, and report criticism, serious accountability, and rectification within a time limit to units and individuals who do not perform well. (Leading unit: Office of the Municipal Leading Group for the Transfer of Employment of Farmers and Herdsmen (Municipal Labor Employment Service Bureau). Chinese version available at: <http://web.archive.org/web/20200828154328/http://www.shannan.gov.cn/zwgk/zfgb/2019n/202001/P020200109816846198757.pdf>

We express our deep concern about the serious human rights violations committed against Tibetans in the TAR and other Tibetan populated regions, particularly allegations of labour exploitation which may amount to forced labour, trafficking for purposes of forced labour, marginalization of the Tibetan languages, religion, way of life and forced political indoctrination of prisoners violating the freedoms of thought, conscience, opinion and expression. Also, the conditions under which the re-education of Tibetans takes place are of acute concern to us.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide additional information about the labour transfer programme such as examples of curricula; selection criteria for participation; the number and locations of existing facilities and any other relevant features.
3. Please provide disaggregated statistics on the number of ethnic Tibetans transferred through the labour transfer programmes in the past years.
4. Please indicate if Tibetans have a choice of opting out of the ‘labour transfer’ programmes, of selecting the place where they are posted and on any potential consequences faced by those who do not wish to participate in the labour transfer scheme.
5. Please indicate which (national and/or international) businesses are based in the TAR and which (national and/or international) businesses supply from companies which are based in that region.
6. Please specify if your Excellency’s Government conducts labour inspections and if any efforts are undertaken to ensure that the businesses operating in TAR comply with the UN Guiding Principles on Business and Human Rights.
7. Please indicate which measures your Excellency’s Government has taken or is considering to take to prevent and address potential forced or compulsory labour in line with ILO Forced Labour Convention 1930 (No. 29) and the Abolition of Forced Labour Convention 1957 (No. 105), scheduled to enter into force on 12 August 2023.
8. Please provide information on the cooperation of your Excellency’s Government with the ILO and social partners regarding the

implementation of the recommendations made by the ILO Committee of Experts on Conventions No. 111 and 122, including about a technical advisory mission and regarding the implementation of ILO Conventions No. 29 and 105 on forced labour, and the Protocol of 2014 to the Forced Labour Convention, 1930.

9. Please indicate if your Excellency's Government is planning to ratify ILO Convention No. 29 on Forced or Compulsory Labour; ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise; ILO Convention No. 98 on the Right to Organise and Collective Bargaining, and ILO Convention No. 105 on the Abolition of Forced Labour.
10. Please provide information on what measures are taken to identify victims of trafficking or persons at risk of trafficking for purposes of forced labour, and to provide assistance and protection to victims, including effective access to compensation. Please provide information on measures taken to ensure effective investigations into trafficking in persons for purposes of forced labour.
11. Please provide information about the use and teaching of the Tibetan languages, including any context in which their use is limited and prohibited, and explain how any restrictions are compatible with international human rights standards on the right to use and transmit one's language in the private and the public space.
12. Please indicate if individuals/communities that under existing policies are targeted for relocation and re-housing from rural to urban areas have a choice of opting out of these programmes. Please provide information about existing consultation and decision-making processes related to these programmes.
13. Please provide information on the 'benefits' applicable to Tibetans who are transferred to low-paid, low-skilled jobs, such as construction or textile manufacturing, and as a consequence, abandon their work in woollen goods, dairy products, and other areas which provided correlative advantages to their livelihoods and may have represented their chosen way of life.
14. Please provide information on the "three-dimensional (social stability) preventive control system," known as "grid" management.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on trafficking in persons, especially women and children

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency Government's attention to its international obligations relevant to this case.

The Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on 10 December 1948, further contributes to the international standards regarding the elimination of all forms of slavery. Article 4 states that “no one shall be subjected to slavery or servitude, slavery and slave trade are prohibited in all its forms.”

We want to draw your Excellency’s attention to the obligations established under the 1926 Slavery Convention, to which China has been a party since 1937. Article 1 of the 1926 Slavery Conventions states:

“For the purpose of the present Convention, the following definitions are agreed upon:

- (1) Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”

Forced or compulsory labour is defined in the International Labour Organization Forced Labour Convention, 1930 (No. 29), ratified by China in 2022, and which will enter into force in China on 12 Aug 2023. Per article 2, paragraph 1, ‘term forced, or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.’

Under the Abolition of Forced Labour Convention 1957 (No. 105), ratified by China in 2022 and which will enter into force in China on 12 Aug 2023, article 1 states that ‘each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour:

- a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system;
- b) as a method of mobilising and using labour for purposes of economic development;
- c) as a means of labour discipline;
- d) as a punishment for having participated in strikes;
- e) as a means of racial, social, national, or religious discrimination.

According to the Employment Policy Convention 1964 (No. 122), ratified by China ratified in 1997, article 1 states that ‘with a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment. As per article 2 (c), ‘the said policy shall aim at ensuring that—there is freedom of choice of employment.’

We would also like to bring to the attention of your Excellency’s Government, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which your Excellency’s Government accepted in 2010. It defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. States are required to prevent trafficking in persons, and to ensure assistance and protection to victims. We remind your Excellency’s Government of the obligation to ensure effective investigations into trafficking for purposes of forced labour, arising under the Palermo Protocol and international human rights law.

We would also like to draw your Excellency’s attention to thematic report of the Special Rapporteur on trafficking in persons, especially women and children, Trafficking in persons in the agriculture sector: human rights due diligence and sustainable development (A/HRC/50/33) in which the Special Rapporteur expresses concern about the lack of oversight and enforcement to ensure protection against trafficking for forced labour. The Special Rapporteur stresses that the identification and protection of victims of trafficking is a positive obligation on States, as is the prevention of trafficking. While the remoteness and isolation of agricultural work may create additional challenges, effective prevention of trafficking requires the allocation of sufficient human and financial resources to labour inspectorates and to law enforcement authorities to meet these obligations (para.30).

We also recall the recommendations of the Special Rapporteur on trafficking in persons, especially women and children, at para.60, to (i) Strengthen identification and referral procedures for agricultural workers at risk of trafficking, including through deployment of multidisciplinary teams, to promptly identify and provide early unconditional assistance to victims and potential victims of trafficking in persons; and [...] (l) Ensure that a trauma-informed and gender-sensitive approach is adopted in all actions to combat trafficking in persons, including in identification and referral for protection of victims and persons at risk of trafficking, and in investigations of trafficking.

Furthermore, we would like to draw the attention of your Excellency’s Government to the 1998 ILO Declaration on Fundamental Principles and Rights at Work, article 2 which declares that all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in

accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:(a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation.

We would also like to bring to refer your Excellency Government to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, issued by the Office of the High Commission for Human Rights in July 2002.

We would also like to bring to your Excellency Government's attention Article 8 of the International Covenant on Civil and Political Rights (ICCPR), signed by China in 1998, which prohibits slavery, the slave trade, servitude, and forced labour, and which includes a prohibition on trafficking for purposes of forced labour, and positive obligations to prevent trafficking in persons, protect victims and persons at risk of trafficking and ensure effective investigations into trafficking. Article 18 enshrines that: (1) Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching. (2) No one shall be subject to coercion that would impair his freedom to have or to adopt a religion or belief of his choice.

We would also like to highlight ICCPR General Comment No. 22, which entails that the right to freedom of thought, conscience, and religion (which includes the freedom to hold beliefs) in article 18.1 is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others. The freedom of thought and the freedom of conscience are protected equally with the freedom of religion and belief. The fundamental character of these freedoms is also reflected in the fact that this provision cannot be derogated, even in times of public emergency, as stated in article 4.2 of the Covenant. Article 10 of the ICCPR also mandates that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." It also requires that "the reform and social readaptation of prisoners" be an "essential aim" of imprisonment.

We also want to draw your Excellency's attention to the obligations under article 26 and article 27 of the International Covenant on Civil and Political Rights (ICCPR), signed by China in 1998. The former prohibits "any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such" language and religion, while the latter stipulates that: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

According to article 1 of the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958 (No. 111) which your Excellency's government ratified on 12 Jan 2006, discrimination includes 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.

Further, regarding the allegations on prisoners, we want to refer to the United Nations Standard Minimum Rules for the Treatment of Prisoners. Per rule 58 on 'contact with the outside world,' prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits. Further, rule 65 on 'religion' highlights that (1) a qualified representative of that religion shall be appointed or approved if the institution contains a sufficient number of prisoners of the same religion. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis. (2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times. Regarding 'social relations and after-care,' rule 106 enshrines that special attention shall be paid to the maintenance and improvement of relations between a prisoner and his family as are desirable in the best interests of both.

Additionally, article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), accessed by China in 2001, ensures that States Parties recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. The steps to be taken by a State Party to achieve the full realization of this right shall include technical and vocational guidance and training programs, policies, and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual. Moreover, article 7 emphasizes the right of everyone to the enjoyment of just and favourable conditions of work, including safe and healthy working conditions.

Article 15 of the ICESCR recognizes the right of everyone to take part in cultural life. Under this provision, States Parties have also undertaken to respect the enjoyment and development of cultural practices and respect the freedom indispensable for creative activity.

Article 2 of the ICESCR obliges States to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

As stressed by the Committee on Economic, Social and Cultural Rights, article 15, paragraph 1 (a), of "the Covenant also includes the right of minorities and of persons belonging to minorities to take part in the cultural life of society, and also to conserve, promote and develop their own culture. This right entails the obligation of States parties to recognize, respect and protect minority cultures as an essential component of the identity of the States themselves. Consequently, minorities have the right to their cultural diversity, traditions, customs, religion, forms of education, languages, communication media (press, radio, television, Internet) and other manifestations of their cultural identity and membership" (General Comment 21, para. 32).

The Committee also stressed that States must refrain from interfering with the exercise of and the access to cultural practices, goods and services. The obligation of States to fulfil this right requires them to take appropriate legislative, administrative, judicial, budgetary, promotional and other measures aimed at the full realization of the right for everyone. It also recalled the right of everyone not to be subjected to any form of discrimination based on cultural identity, exclusion or forced assimilation, to express their cultural identity freely, to exercise their cultural practices and way of life and to access to their own cultural and linguistic heritage and to that of others. States parties should consequently ensure that their legislation does not impair the enjoyment of these rights through direct or indirect discrimination (E/C.12/GC/21, paragraphs 44, 48, 49).

In the Convention on the Elimination of All Forms of Racial Discrimination, ratified by China in 1981, article 5 requires States Parties to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of (a) the right to equal treatment before the tribunals and all other organs administering justice; (c) political rights, in particular the right to participate in the elections-to vote and to stand for election on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service. According to paragraphs (d) and (i), other rights must be guaranteed, such as the right to freedom of thought, conscience, and religion, the right to freedom of opinion and expression, and the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration.

Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance in her report [A/73/305](#) reiterates that the prohibition on racial discrimination in international human rights law is aimed at much more than a formal vision of equality. Equality in the international human rights framework is substantive and requires States to take action to combat intentional or purposeful racial discrimination, as well as to combat de facto or unintentional racial discrimination. The Committee on the Elimination of Racial Discrimination underscored that States have an obligation to dismantle discriminatory structures, in addition to tackling intentional discrimination. This framework for substantive racial equality means that all measures that are aimed at voter suppression, or that undermine judicial independence, threaten the lives of human rights defenders and undermine press freedom, all in the service of advancing non-plural, mono-racial, mono-ethnic or mono-religious nations, must be addressed as a matter of urgency by Member States. These mechanisms, which directly and indirectly target and undermine the rights of marginalized racial, ethnic, national or religious groups, must be understood as contravening the prohibition of racial discrimination under international human rights law.

We further recall that the UN Declaration on the right to development (A/RES/41/128) defines the right to development an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development (article 1.1). The Declaration further states that the human person is the central subject of development and should be the active participant and beneficiary of the right to development (article 2.1) and requires that States should encourage popular participation in all

spheres as an important factor in development and in the full realization of all human rights (article 8.2).

We also refer to the Guidelines and recommendations on the practical implementation of the right to development, which urge States to design and implement development projects after holding meaningful consultations to identify the development priorities of the communities. Specifically: consultation processes should be institutionalized rather than ad hoc, and any potential conflicts of interest among those convening the consultations should be addressed in order to ensure that the consultations truly reflect the viewpoints of affected stakeholders (para 18 (a)). Whenever possible, States should decentralize participatory planning processes, thus enabling local communities to pursue development initiatives that reflect their interests and to draw more domestic resources (para 19). Governments should implement coherent national policies that are in line with local development needs in order to foster synergies and correlation among institutions (para 20).

At the domestic level, under the Labour Law of China, article 96 prohibits forced labour, and the Labour Contracts Law and Employment Promotion Law provide additional protections. Forced labour is penalised in article 244 of the Criminal Law of China, and victims can also bring claims under the Civil Code.