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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by China Society for Human Rights Studies (CSHRS), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2021]

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\* Issued as received, in the language(s) of submission only.



## **High-quality Labor Legislation Promotes the High-quality Development of Labor Employment in Xinjiang Uighur Autonomous Region (UAR), China**

The Constitution of China gives citizens the right and obligation to work. Protecting labor rights means protecting human dignity and protecting human rights. China has promulgated a series of special laws such as the Labor Law and the Labor Contract Law to implement the positive labor market policy of strengthening employment priority according to law and practice international labor standards, thereby laying a solid right foundation for the people of all ethnic groups to create a better life and get rid of poverty.

Over the years, in accordance with the national policy on labor and employment and the overall plan for poverty alleviation, Xinjiang Uighur Autonomous Region, China, has always regarded promoting employment as the largest livelihood project, focused on improving workers' independent employment and entrepreneurial capability, implemented various national labor policies and regulations, and promulgated a number of local labor laws and regulations such as Regulations of Xinjiang Uighur Autonomous Region, China on the Protection of Workers' Labor Rights and Interests. Compared with the labor laws and regulations of other provinces in China, the labor and employment security policies and regulations in Xinjiang UAR, China have many innovations and characteristics:

1. They clarify the basic content of labor rights and emphasize the basic principle of equal protection of labor rights.

The Regulations of Xinjiang Uygur Autonomous Region on the Protection of Workers' Labor Rights and Interests reaffirm the connotation of equal employment and independent choice of employment and other labor rights granted to citizens by the Constitution, skillfully combines it with the basic principles against employment discrimination in the Employment Promotion Law, and emphasizes the rule of law principle of equal protection of the labor rights of workers of different genders, nationalities and religious beliefs, thereby providing an institutional guarantee for the people of all ethnic groups in Xinjiang UAR, China to enjoy the equal right to work and employment and jointly create a better life.

2. They strengthen the management of labor contracts, ensure that workers conclude labor contracts with employers on the equal and voluntary basis, and resolutely put an end to forced labor.

According to the Labor Contract Law of the People's Republic of China, employers and workers should adhere to the principle of equality and voluntariness in concluding, performing and terminating labor contracts, and any act of concluding or changing labor contracts against the true intention of workers is invalid. The Criminal Law of the People's Republic of China specifically stipulates the crime of forced labor, and severely crack down on the crime of forced labor according to law. While earnestly implementing the above legal systems, in order to effectively ensure that workers conclude labor contracts on an equal and voluntary basis, prevent fraud and coercion, and resolutely put an end to forced labor, the Regulations of Xinjiang Uygur Autonomous Region on the Protection of Workers' Labor Rights and Interests have strengthened the supervision system of written labor contracts in the Labor Contract Law. They not only require employers to sign a written labor contract with workers, but also require employers to establish labor files for employees and truthfully record the changes of labor relations. The conclusion, cancellation and termination of labor contracts shall be filed with the human resources and social security departments. Employers are required to disclose to employees the matters concerning the protection of labor rights and interests. For the rules and regulations involving the vital interests of the workers or decisions on major matters, employers shall not only consult with the employees' representative congress or all employees, but also discuss with them before such rules and regulations and decisions take effect. These provisions implement the right of workers to be the master of the country, with forced labor systematically eliminated.

3. They strengthen corporate social responsibility, protect workers' rights and interests, and build harmonious labor relations.

On the basis of fully implementing the national labor policies and laws, Xinjiang UAR, China's labor security policies and regulations have also carried out targeted institutional innovation. For example, in order to strictly limit the labor intensity and avoid disguised forced labor, the Regulations of Xinjiang Uygur Autonomous Region on the Protection of Workers' Labor Rights and Interests clearly require employers to determine that the labor quota standard should be the workload that more than 90% of the employees can complete within the legal working hours or the working hours agreed in the contract. At the same time, employers should have the legal obligation to train workers. If employers do not train workers, they cannot dismiss any employee on the grounds that such employee is incompetent.

The practice of rule of law in labor and employment security in Xinjiang UAR, China, is in line with the Constitution and laws of China, international labor and human rights standards, and the strong desire of the people of all ethnic groups in Xinjiang UAR, China, to pursue a better life. Such practice reflects the strong determination of "No ethnic group should be left behind in building a moderately prosperous society in all respects", escorts Xinjiang UAR, China, to achieve higher quality and more sufficient employment, and will definitely promote the steady and healthy development and sustainable prosperity of Xinjiang UAR, China's economy and society.

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