

Introduction

CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB).

This submission seeks to draw the Council's attention to manifestations of anti-Muslim hatred and discrimination in the People's Republic China, especially in the Xinjiang Uyghur Autonomous Region (XUAR, also known as East Turkestan to many Uyghurs).

State-sanctioned religion

The realisation of the right to FoRB in China remains a mixed picture, with conditions varying according to religion, location, ethnicity, attitudes of local officials, and other factors. However, overall, the level of FoRB is rapidly and significantly decreasing, and is characteristic of the critical deterioration in the broader protection of human rights in the country since 2013.

Under Article 36 of the Constitution, the state protects all 'normal' religious activities. The five officially-recognised religious traditions – Buddhism, Taoism, Islam, Protestantism and Catholicism – are overseen by seven state-sanctioned associations. In reality, 'normal' religious activities refers to those carried out by religious communities registered with these associations. There is no space afforded to independent religious activities. Furthermore, registered religious communities are also subject to increasingly severe restrictions.

China's State Council's revisions to the Regulations on Religious Affairs further restrict religious practice and marked a further deterioration in the level of FoRB in the country. At the same time, there has been fresh emphasis put on the requirement that all religious communities in China 'sinicise' by becoming 'Chinese in orientation' and adapting to 'socialist society'. CSW's sources believe the intent behind 'sinicisation' of religions or beliefs is to eradicate independent religion and bring all religious activities under state control, including Muslim religious activities. Despite having a long history in China, Islam is perceived as a potential tool for foreign infiltration and a threat to national security.

Xinjiang Uyghur Autonomous Region (XUAR)

Over one million Uyghurs, Kazakhs and members of other ethnic groups have been detained in the Uyghur region 're-

education camps' since 2017 without charge. Information on the camps has been well-documented by human rights organisations, including CSW, drawing on information from interviews with witnesses and family members of victims as well as public recruitment notices, government procurement and construction bids, Chinese state media, testimony from legal proceedings (Kazakhstan), academic research, international media reports and Google Maps images. The strength of the evidence leaves no doubt that mass detentions are taking place in the Uyghur region which violate domestic and international law.

Most (but not all) of the detainees are Muslim and there is a strong religious element to the detentions. Numerous reports of torture, sexual violence and ill-treatment have emerged from the camps; the conditions are dangerously unsanitary and overcrowded.

Individuals have been detained for acts as basic as having the WhatsApp application on their mobile phones, having relatives abroad, accessing religious material and engaging in peaceful religious activities, including praying or wearing 'Islamic' clothing. Witnesses have reported that detainees inside the camps are required to renounce Islam and promise not to follow religion. Detainees have also been forced to eat pork or drink alcohol against their religious beliefs.

Outside the camps, authorities have demolished thousands of mosques in what the Uyghur Human Rights Project's Zubayra Shamseden describes as 'a wholesale attack on Uyghur religion, culture and ethnic identity.'¹

Hundreds of imams, as well as other key religious community figures, have been detained in the camps, with some receiving long prison sentences, effectively disappearing into the opaque prison system.

Rights of the child and the situation of the Uyghurs

The government's actions in the Uyghur region are an attack on Uyghur identity, culture, and religion. They are breaking up families and leaving children and elderly people alone and vulnerable. The impact of these actions cannot be overstated.

Civil servants are being placed in Uyghur homes to monitor their behaviour day and night. Uyghurs are not allowed to practise their religion, play traditional instruments, or use their language freely. Children whose parents are detained are being taken from their families and placed in state

¹ Uyghur Human Rights Project Blog, 'Zubayra Shamseden Speaks at Second Annual China Human Rights Lawyers Day', 11 July

2018 <https://weblog.uhrp.org/zubayra-shamseden-speaks-at-the-second-annual-chinese-human-rights-lawyers-day/>

facilities. A Uyghur worker at a regional orphanage told Radio Free Asia (RFA) that his facility was seriously overcrowded, with children as young as six months 'locked up like farm animals in a shed.'² Minors have reportedly been detained in re-education camps alongside adults.³

Ethnic minority schools in the Uyghur region have reportedly been closed, and in some cases transformed into re-education camps. According to China Aid, from March 2018, the authorities have only permitted schools with a 'Han Chinese background' to operate, closing down schools that specifically cater to Uyghur, Kazakh, and Mongolian children. Authorities closed down the Fourth Uyghur Secondary School of Xinyuan on 2 March and confirmed that it had been reopened as a 'political training center.'⁴

A child's right to education without discrimination is guaranteed by Article 26 of the Universal Declaration of Human Rights (UDHR), and Articles 28 and 29 of the Convention on the Rights of the Child (CRC) which China has ratified. The right to education is guaranteed in Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which China has also ratified.

Under-18s in the Uyghur region are also prohibited from attending religious services, in violation of their right to FoRB under Article 18 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), as well as Article 14 of the United Nations (CRC).

The rights of older persons and the situation of the Uyghurs

There is mounting evidence, based on information provided in witness testimonies, that older persons are among those detained in camps and are at particular risk of serious health problems.

CSW has collated several reports of older persons dying apparently in connection with the poor conditions and abusive treatment in the camps. In other cases, older persons' health needs suffer as family members are detained and unable to provide care. In one first-hand testimony a Uyghur woman living outside the country

shared that her 75-year-old mother-in-law, who is in ill-health, blind and deaf, has been left uncared for and unsupported because all her other relatives are in camps.

In January 2021, it was reported that 82-year-old Haji Mirzahid Kerimi, a renowned poet and editor, had died while serving an 11-year jail prison term for his writing. According to RFA, Kerimi was arrested as part of a campaign beginning in 2017 to censor "sensitive" books, and the authorities objected to phrases and passages in Kerimi's books that had to do with religion.⁵

The UN Independent Expert on the rights of older persons' country visit report to China states that older persons, including those from religious minority groups, continue to experience multiple and intersecting forms of discrimination, affecting their full enjoyment and exercise of human rights, including access to health.⁶

Forced Labour and the situation of the Uyghurs

In 2019 and 2020 reports by think tanks, NGOs and academics, including the Australian Strategic Policy Institute (APSI), Initiatives for China, the Center for Strategic and International Studies, and Adrian Zenz, Ph.D., revealed evidence of forced labour occurring in the Uyghur region and beyond on a massive scale. This mass labour project not only involves Uyghurs detained in the camps and in the prison population, but also those remaining behind in their villages, where Uyghurs are coerced and pressured into taking manufacturing and other jobs under the banner of 'poverty alleviation'.

In some cases, forced labour involves Uyghurs being transported to other parts of the region and other regions in China, where they are housed in factory dormitories. Although it is difficult to verify reports of what life is like in these factory compounds, individual accounts together paint a picture of strict control over all aspects of workers' lives, including the food they eat, the language they speak, their communication with their families and their religious practice. Normal religious observance is impossible in these conditions.

² Radio Free Asia, 'Dozens of Uyghur Children of Xinjiang Village Camp Detainees Sent to Live in Orphanages', 2 July 2018 www.rfa.org/english/news/uyghur/orphanages-07022018143057.html

³ Radio Free Asia, 'Uyghur Teenager Dies in Custody at Political Re-Education Camp', 14 March 2018 www.rfa.org/english/news/uyghur/teenager-03142018154926.html/

⁴ ChinaAid, 'Xinjiang converts ethnic minority schools into ethnic minority detention centers', 9 April 2018

<http://www.chinaaid.org/2018/04/%20xinjiang-converts-ethnic-minority.html>

⁵ Radio Free Asia, Prominent Uyghur Poet and Author Confirmed to Have Died While Imprisoned, 25 January 2021 <https://www.rfa.org/english/news/uyghur/poet-01252021133515.html>

⁶ General Assembly, 45th session of the United Nations Human Rights Council, 'Country visit report: China', Independent Expert on the rights of older persons, <https://undocs.org/A/HRC/45/14/Add.1> August 2020

Recommendations

To the Human Rights Council:

- Protect the rights of all people in China to freedom of thought, conscience and religion, in accordance with Article 18 of the ICCPR and UDHR.
- Abolish and end the use of re-education camps, and all forms of extra-legal detention, enforced disappearance and arbitrary detention.
- Abolish and end the use of forced labour, including in the XUAR, including ensuring no part of cotton and clothing production exploits workers through forced labour.
- Remove security measures which place restrictions on cultural and religious rights in contradiction of Article 18 of the ICCPR, including in Tibet and the Uyghur Region, and ensure the rights of all ethnic groups are fully protected.
- Protect the rights of children in XUAR by ceasing the practice of forcibly removing children from their homes and families, and ensuring minors are not detained in adult facilities.
- Grant access to all parts of China, including XUAR and Tibet, to United Nations Special Procedures and other international human rights bodies and experts.
- Immediately release all prisoners of conscience detained in connection with their religion or belief and impartially investigate cases of wrongful imprisonment.
- End the demolition of religious buildings as a means of limiting religious practice and establish a complaints mechanism for religious groups affected.
- Ensure that no citizen is detained incommunicado and that family members of detainees are informed of their whereabouts and the charges against them in good time, in accordance with international standards.
- Protect the rights of detainees and prisoners and immediately cease all forms of torture and ill-treatment, and impartially investigate allegations and reports of torture and deaths in detention.
- Ensure that any form of registration system is optional, not mandatory, and is not used as a tool to control religious activities.