



CHINA

SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION

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INTRODUCTION

Amnesty International submits this document in advance of consideration by the United Nations (UN) Committee on the Elimination of Racial Discrimination (hereinafter the Committee) of China's combined 14th-17th periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter the Convention) in August 2018. The submission is not intended to comprehensively review all forms of racial discrimination in China. It highlights some of the most egregious aspects of such discrimination, in law and practice, which Amnesty International has researched and campaigned on in recent years, including:

- Legal framework enabling racial discrimination
- Racial discrimination against Tibetans
- Racial discrimination against Uighurs and other predominantly Muslim ethnic minorities
- *Refoulement* of nationals of the Democratic People's Republic of Korea (North Korea)

The media reports cited in this submission are either believed to be reliable and warrant at least the Committee's inquiries as to what has happened, or else stem from China's state media.

In line with Amnesty International's current priorities for research and action, the scope of this submission is confined to mainland China (China) and excludes the Hong Kong Special Administrative Region and the Macao Special Administrative Region.

LEGAL FRAMEWORK

THE LACK OF DEFINITION OF RACIAL DISCRIMINATION

Despite recommendations by the Committee in 2001 and 2009, there is still no definition of racial discrimination in China's legislation that accords with the Convention's provisions, nor is racial discrimination as such specifically penalized.¹

Although ethnic discrimination is prohibited under Chinese law, as described in paragraph 10 of China's state report, the laws are silent on what type of action or behaviour would constitute discrimination. For example:

- Article 4 of China's Constitution sets out the fundamental principles of equality of all nationalities and of non-discrimination.²
- Article 249 of the Criminal Law criminalizes incitement to discrimination on the basis of nationality.³
- Article 9 of the Law on Regional National Autonomy prohibits discrimination against and oppression of any nationality.⁴

¹ Concluding Observations of UN Human Rights Committee on the Elimination of Racial Discrimination: China, CERD/C/59/Misc.16/Rev.3, 9 August 2001, para.11; CERD/C/CHN/CO/10-13, 15 September 2009, para.10.

² Its first paragraph provides: "All nationalities in the People's Republic of China are equal. The state protects the lawful rights and interests of the minority nationalities and upholds and develops the relationship of equality, unity, and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any acts that undermine the unity of the nationalities or instigate their secession are prohibited". In the official English version of China's Constitution, the term "*minzu*" (民族) is translated to "nationalities". In other occasions, such as in the State Council Information Office website, the Chinese government translates "*minzu*" as "ethnic groups" (see english.scio.gov.cn/featured/chinakeywords/2018-03/16/content_50714995.htm).

³ "Whoever incites national enmity or discrimination, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years."

⁴ "State organs at higher levels and the organs of self-government of national autonomous areas shall uphold and develop the socialist relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality shall be prohibited; any act that undermines the unity of the nationalities or instigates national division shall also be prohibited."

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However, all three provisions fail to provide a definition of discrimination on the basis of nationality, ethnic origin, colour, descent or race as provided in Article 1 of the Convention and hence hinder China's full compliance with the Convention. The reporting, monitoring and assessment of racial discrimination are all hindered, and effective education and training are unlikely to be undertaken to combat racial discrimination without a clear definition of such discrimination in the law.

NATIONAL ETHNIC POLICY TO COMBAT "SEPARATISM", "EXTREMISM" AND "TERRORISM"

While Article 4 of the Constitution prohibits discrimination against any nationality, it also prohibits "any act which undermines the unity of the nationalities or instigates division".

The Chinese government claims that the Law on Regional National Autonomy is the "basic law guaranteeing all rights of ethnic minorities and ethnic areas".⁵ Similar to the Constitution, Article 9 prohibits "any act that undermines the unity of the nationalities or instigates national division". Moreover, Article 7, which stipulates that "[t]he organs of self-government of national autonomous areas shall place the interests of the state as a whole above anything else and make positive efforts to fulfil the tasks assigned by state organs at higher levels", gives autonomous areas no alternative but to accept and implement directives from the central government, even to the detriment of "rights of ethnic minorities and ethnic areas".

China's ethnic policy states that "[e]thnic unity is China's fundamental principle in handling any ethnic issues as well as the core of the country's ethnic policies", and "[t]he country is determined, in accordance with the law, to guard against and crack down on any infiltration into China, sabotage and subversive activities against China conducted by forces of terrorism, separatism and extremism."⁶

The Chinese government has stated in state media outlet *Xinhua* that the "Three Forces" of "ethnic separatist forces, violent terrorist forces, and religious extremist forces" are "threats to unity of nationalities, social stability and unification of the nation". The authorities most frequently raise the "Three Forces" as a concern in the Xinjiang Uighur Autonomous Region (XUAR) and the Tibet Autonomous Region (TAR).⁷

The vague and broad concepts of "separatism", "extremism" and "terrorism" are not precisely defined in China's laws and are open to subjective interpretation by the authorities. Amnesty International has documented cases in which these concepts and laws were misused by the authorities to target ethnic minorities, especially Tibetans (mainly Tibetan Buddhists) and Uighurs, a mainly Muslim Turkic ethnic group. In the name of "unity of the nation", "national security" and "social stability", members of these ethnic minorities are targeted merely for exercising their rights to freedom of religion and belief, peaceful assembly, association, movement, opinion and expression and to information. This submission provides details of instances of the misuse of these concepts and laws related to "separatism", "extremism" and "terrorism".

"NATIONAL SECURITY" LEGAL ARCHITECTURE

Since 2014, the Chinese government has created a comprehensive "national security" legal architecture that presents severe threats to human rights. This includes the Anti-Espionage Law (enacted in 2014), the Criminal Law Amendments (9) (2015), the National Security Law (2015), the Anti-Terrorism Law (2016), the Cyber Security Law (2017), the foreign NGO management law (2017), the National Intelligence Law (2017) and the revised Regulations on Religious Affairs (2018). This series of sweeping laws and regulations uses vague and overbroad concepts of national security, grants effectively unchecked powers to the authorities and lacks safeguards to protect against arbitrary detention and infringements of the rights to freedom of expression, religion and belief and other human rights.

These laws – in particular, the Criminal Law Amendments (9), the Anti-Terrorism Law, the Cyber Security Law and the revised Regulations on Religious Affairs – can be misused by the authorities to silence dissent, censor information and harass and prosecute ethnic minorities. Vague and overbroad concepts of "separatism" and "extremism" in these laws are mainly applied to ethnic minorities or in cases relating to ethnic minority issues to unlawfully restrict the right to liberty and the peaceful exercise of human rights.

⁵ Consideration of reports submitted by states parties under Article 9 of the Convention, CERD/C/CHN/14-17, 18 April 2017, para. 8.

⁶ Information Office of the State Council of the People's Republic of China, *China's Ethnic Policy and Common Prosperity and Development of All Ethnic Groups*, 27 September 2009, Part III.

⁷ Xinhua News Agency, "何为'三股势力'?" ("What are the 'Three Forces'?"), 13 July 2009; Xinhua News Agency, "中国非传统安全的六大挑战之六：民族分裂主义" ("The sixth challenge of the six untraditional state security challenges: ethnic separatism"), 10 August 2004.

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CRIMINAL LAW AMENDMENTS (9)

The Criminal Law Amendments (9), which were passed on 29 August 2015 and came into effect on 1 November 2015, use imprecise and overbroad terms of national security offences, including offences related to “terrorism” and “extremism”.⁸ These offences are open to subjective interpretation, violating the legality requirement for criminal offences, and increasing the possibility of abusive, arbitrary and discriminatory prosecution and conviction.

The Criminal Law Amendments (9) criminalize a broad range of activities, such as production and dissemination of materials, issuing information, teaching, or simply possessing materials “advocating terrorism or extremism”.⁹ The criminalization of these activities does not meet the test of necessity and proportionality. Moreover, materials promoting Tibetan and Uighur culture and religion can be classified as “advocating extremism”, which is not defined in the Criminal Law but in effect broadly defined in the Anti-Terrorism Law’s Article 4, which states: “The state opposes all forms of extremism that incites hatred, incites discrimination, advocates violence, etc., by distorting religious teaching or other means, in order to eliminate the ideological foundation of terrorism.”

The Criminal Law Amendments (9) further criminalize “crossing the national borders (boundaries) to participate in a terrorist organization, receive training in terrorist activities or carry out terrorist activities”. This provision could in fact be used to restrict the right of individuals who wish to leave China to attend the *Hajj* in Saudi Arabia but have no opportunity to do so in a legal manner, such as many Uighur individuals whose passports were confiscated by Chinese authorities in an effort to control their movement and restrict their peaceful exercise of other human rights.

The Chinese government has labelled Uighurs trying to leave China as having attempted to participate in “terrorist organizations”. For instance, reports in state media outlet *Xinhua* claimed that 109 Uighurs forcibly returned from Thailand to China in 2015 were on their way to “join ‘the so-called jihad’” in Syria and Iraq, without making public any evidence to support the claims.¹⁰ Misuse of the law could have negative repercussions on Uighur individuals who have no connection with terrorist activities.

ANTI-TERRORISM LAW

The Anti-Terrorism Law, which was passed on 27 December 2015 and came into effect on 1 January 2016, could be used to restrict the rights to freedom of religion and expression, as well as other rights of ethnic minorities.¹¹ It has virtually no safeguards to prevent those who peacefully practice their religion or simply criticize government policies from being persecuted on vague and overbroad charges related to “terrorism” or “extremism”.

Religious freedom comes under specific attack in the legislation. Anyone suspected of “terrorist” activities could see their freedom of movement severely restricted and be subjected to so-called “education” measures or other forms of arbitrary detention.¹² Anyone who provides venues for religious worship could potentially be criminalized and branded as “terrorists” or “extremists”, even if the religious practices are completely peaceful.¹³ Tibetans (who are mainly Tibetan Buddhists) and Uighurs (who are predominantly Muslims) could be punished for manifesting religious belief.

CYBER SECURITY LAW

The Cyber Security Law, which was passed on 7 November 2016 and came into effect on 1 June 2017, forces companies operating in China to censor content, store users’ data in China and enforce a real-name registration system in a way that runs counter to national and international obligations to safeguard the right to freedom of expression and the right to privacy.¹⁴ The law prohibits individuals or groups from using the

⁸ For further information see Amnesty International, *Submission to the NPC Standing Committee’s Legislative Affairs Commission on the Criminal Law Amendment (9) (second draft)* (Index: ASA 17/2205/2015).

⁹ Criminal Law, Article 120(3).

¹⁰ Xinhua News Agency, “专家认为泰国遣返中国籍偷渡人员符合国际惯例” (“Expert considers Thailand’s deportation of Chinese illegal immigrants in line with international practice”), 17 July 2015, www.xinhuanet.com/world/2015-07/17/c_1115960827.htm.

¹¹ For further information, see Amnesty International, *Draconian anti-terror law an assault on human rights* (Press release, 4 March 2015).

¹² Anti-Terrorism Law, Article 29 and 30.

¹³ Anti-Terrorism Law, Article 80.

¹⁴ For further information, see Amnesty International, *Submission to the NPC Standing Committee’s Legislative Affairs Commission on the draft “Cyber Security Law”* (Index: ASA 17/2206/2015).

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internet to “harm national security” or “harm national interests” – vague and imprecise terms that could be used to further restrict freedom of expression.

Article 58 of the Law stipulates: “To fulfil the need to protect national security and social public order, and respond to major social security incidents, with the approval or by the decision of the State Council, temporary measures regarding network communications in certain regions may be taken, such as restricting it.” It provides legal authority for various government authorities to disproportionately restrict internet access in violation of international human rights law and standards.

Amnesty International documented the cutting off of internet access and its suspension for several months in the XUAR as a result of protests that occurred there in July 2009.¹⁵ Communications via internet and mobile phones to the Ganzi (Kardze) Tibetan Autonomous Prefecture and Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, both in Sichuan province in western China, were cut off for days after self-immolation protests in March 2017 and March 2018, respectively.

While blocking and filtering measures that deny users access to specific content on the internet may be justifiable in specific cases, cutting off users from internet access entirely, regardless of the justification provided and even in cases of political unrest, is disproportionate and thus a violation of Article 19(3) of the ICCPR, according to the Special Rapporteur on freedom of expression.¹⁶ Apart from the freedom to seek, receive and impart information and ideas of all kinds, the internet is also an enabler, facilitating the realization of other human rights including a wide range of economic, social and cultural rights, such as the right to education, and the right to take part in cultural life and to enjoy the benefits of scientific progress.¹⁷

Even though the Cyber Security Law allows authorities to suspend network communications, previous instances of such suspension in the autonomous regions seem disproportionate as a response to those protests and raises concerns that the law may be used to further restrict rights of ethnic minorities.

REVISED REGULATIONS ON RELIGIOUS AFFAIRS

The revised Regulations on Religious Affairs, which were passed on 14 June 2017 and came into effect on 1 February 2018, codify total state control over every aspect of religious practice.

Many Tibetan Buddhists and Uighur Muslims, among others, have been harassed or even imprisoned in the struggle to freely practice their religion or beliefs. Under the amended regulations, there is more state interference, more religious activities banned and more financial penalties on religious organizations. The revised regulations also encourage officials to ramp up persecution of those practicing their religion or beliefs outside of state-sanctioned organizations.

People organizing unauthorized religious travel abroad, which could include Muslims attending the *Hajj* in Saudi Arabia, could face fines of up to 200,000 RMB (30,000 USD).

Under other laws in the “national security” legal architecture, some individuals who make “unsanctioned” religious trips abroad, such as Tibetans attending teachings by the Dalai Lama, even risk being accused of “extremism”, “separatism” or “endangering national security”. The state media outlet *Global Times* reported that, according to the Chairman of the Ethnic and Religious Committee of the Chinese People’s Political Consultative Conference, the number of Tibetans attending the Kalachakra teachings in India, presided over by the Dalai Lama, has decreased dramatically in recent years after the local governments told local Tibetans that the ritual is about “separatism”, and also due to tightened border control.¹⁸ These notoriously vague and overly broad charges are favoured instruments for the authorities to persecute Tibetan Buddhists and Uighur Muslims.

The revised Regulations on Religious Affairs will be prone to the same misuse. Authorities will be able to revoke the religious standing of a monk or mullah, stop their teachings or performances of rituals, confiscate donations or other property, as well as invalidate registrations of their monasteries or mosques – all under claims of “extremism”, “separatism” or even “terrorism”.

¹⁵ Amnesty International, “Justice, justice”: the July 2009 protests in Xinjiang, China, (Index: ASA 17/027/2010)

¹⁶ Frank La Rue, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, para. 78-79, 16 May 2011.

¹⁷ Frank La Rue, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, para. 22, 16 May 2011.

¹⁸ *Global Times*, “Dalai Lama ritual a ‘political tool’”, 5 January 2017, www.globaltimes.cn/content/1027367.shtml

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DISCRIMINATION AGAINST TIBETANS

Ethnic Tibetans continue to face discrimination and restrictions of their rights to freedoms of religious belief, expression, association and peaceful assembly. In June 2017, in his report on a 2016 visit to China, the UN Special Rapporteur on extreme poverty and human rights stated that the situations of Tibetans and Uighurs are “deeply problematic”, as in fact “of the 56 ethnic minorities in China ..., most ethnic minorities in China are exposed to serious human rights challenges, including significantly higher poverty rates, ethnic discrimination and forced relocation.”¹⁹

As raised in the chapter above discussing the legal framework, the Chinese government misuses the concepts and laws related to “separatism” and “extremism” to target ethnic minorities. The Chinese government’s misuse of these concepts and laws to discriminate Tibetans are played out in the following ways.

POLICY AND PRACTICE TARGETING TIBETANS

The Chinese authorities see “countering separatism” as the core task in governing the Tibet Autonomous Region and Tibetan-populated areas in other provinces (Tibet). The exiled 14th Dalai Lama, the top spiritual leader of Tibetan Buddhists, and his followers are labelled as the “Dalai Lama clique” representing a separatist force. Tibetan individuals or groups who follow the Dalai Lama are persecuted as engaging in “separatist” activities or illegal organizations.

In September 2015, to mark the 50th anniversary of the establishment of the TAR, the Chinese government issued a white paper denouncing the “Dalai Lama group’s separatist activities”. In a ceremony marking the anniversary, political leader Yu Zhengsheng vowed to fight against separatism and urged the army, police and judicial staff in Tibet to be ready to fight a protracted battle against the “Dalai Lama clique”.

In 2015, the government in Tongren (Rebkong) County of Qinghai province in northwest China issued a notice of 20 “illegal activities related to the independence of Tibet”, which prohibited a large range of activities, such as chanting for self-immolators or expressing condolences to their families; legally or illegally travelling outside of the state to participate in religious events; hanging portraits of the 14th Dalai Lama in public places; and inciting or planning gatherings to pray for the Dalai Lama under the banner of religion and tradition.²⁰

On 7 February 2018, the TAR Public Security Department issued the “Notice on Reporting Leads on Crimes and Violations by Underworld Forces”.²¹ The public was asked to report to the authorities information about activities of “evil forces connected to the separatist forces of the Dalai Lama”. The “organized crimes” also include monasteries that “interfere in judicial, educational or other affairs”, as well as associations that “instil the masses with ideas such as protecting the mother tongue”.

While the concept of “separatism” is not clearly defined in Chinese law, in practice it covers a large variety of activities, and the Dalai Lama’s supporters are “separatists” to be persecuted. Amnesty International documented cases where Tibetans were prosecuted on the charges of “separatism” or “inciting separatism” for the peaceful exercise of their human rights. Details of these cases will be discussed in later sections.

MARGINALIZING TIBETAN LANGUAGE

Article 4 of China’s Constitution states: “All nationalities have the freedom to use and develop their own spoken and written languages”. However, the preservation of Tibetan language and culture is under threat as the government has pursued aggressive measures to embed a uniform national identity and to promote the use of the Mandarin Chinese language (Putonghua) among Tibetans.²² The authorities justify these measures in the pursuit of “unification of the country and unity of all its nationalities”.²³

¹⁹ Report to the Human Rights Council, Special Rapporteur on extreme poverty and human rights on his mission to China, UN doc. A/HRC/35/26/Add.2, para. 44, documents-dds-ny.un.org/doc/UNDOC/GEN/G17/076/79/PDF/G1707679.pdf?OpenElement.

²⁰ *Tibet Post International*, “China issues 20 ‘illegal activities related to the independence of Tibet’”, 25 February 2015. The Tibet Post International is a Tibetan news service based in Dharamshala, northern India, and was formed in March 2008 under the auspices of the Himalayan Literacy Trust.

²¹ China Law Translate, Notice of the Tibet Autonomous Region Public Security Department on Reporting Leads on Crimes and violations by Underworld forces, 11 February 2018.

²² Roseann Rife, “A Tibetan language advocate’s journey to imprisonment” ([news story](#), 7 May 2018).

²³ State Council Information Office of the People’s Republic of China, *China’s Ethnic Policy and Common Prosperity and Development of All Ethnic Groups*, 27 September 2009, Part III.

Under the so-called “bilingual system”, most schools in Tibetan-populated areas use Chinese as the dominant medium and Tibetan language is merely taught as one of the subjects. Nowadays it is rare to find Tibetan used as the teaching medium in secondary schools. Only primary schools in rural farming and nomadic communities, where many teachers are unqualified to teach in Mandarin Chinese, use Tibetan. That leaves many students in rural schools facing the dual obstacle of not being able to use their mother tongue properly and not being able to read, speak or write Mandarin Chinese fluently.²⁴

Whether teaching in Mandarin Chinese or Tibetan, schools are required to use the “uniform national curriculum”, which basically teaches the dominant Han Chinese culture without giving adequate emphasis to the culture and history of ethnic minorities.²⁵

Furthermore, every year the government relocates thousands of the best students in Tibetan primary schools, aged between 11 and 15 years old, from their hometowns to boarding schools in Beijing and faraway provinces to study in *Neidixizang* (Inland Tibetan) classes. These students are forbidden to travel home for at least four years until they complete junior secondary school, or seven years if they decided to fully complete secondary school education. During this period, they study the uniform national curriculum with limited Tibetan language education, live in a Han Chinese dominated environment and are unable to participate in Tibetan cultural and Buddhist religious practices. Most of them return to Tibet after graduation, not proficient in Tibetan and adapted to Han Chinese culture and the government-desired uniform national identity.²⁶

The Chinese government claims that, since 1985, *Neidixizang* classes have succeeded in building a workforce of over 32,000 university graduates or skilled personnel to help develop Tibet. Although not publicly acknowledged as such, the policy appears to be aimed at assimilating ethnic minority youths into a uniform national identity. For example, in a meeting held in December 2017, government officials instructed head teachers of *Neidixizang* boarding schools to “tightly grip ideological and political education and ethnic unity education”. They must instil in students the “the five recognitions” – namely, “the great motherland, the Chinese nation, Chinese culture, the Chinese Communist Party and the socialist system with Chinese characteristics.”²⁷

Monasteries, which were traditionally major education institutions in Tibetan-populated areas, are now prohibited from operating Tibetan language courses. Allegedly based on the policy of “separation of religion and state”, the government decided that “no religion has the privilege of intervening in the performance of administrative, educational, judicial and other state functions”.²⁸

Private Tibetan language classes have also been closed down. The notice of 20 “illegal activities related to the independence of Tibet” issued by a local government in Qinghai province in 2015 stipulated that “illegal associations formed in the name of the Tibetan language, the environment and education are banned”.²⁹

TARGETING MONKS AND TIBETAN MONASTERIES AND NUNNERIES

Tibetan monasteries and nunneries are major targets in the Chinese authorities’ campaigns against “separatist” ideology, as the authorities consider that a “massive population in the TAR are religious practitioners and the Dalai Lama’s group plots to use monasteries as important base of devastating Tibet, disturbing religions and destructing unity of the mother country”.³⁰

²⁴ Tibetan Centre for Human Rights and Democracy, *Bilingual education policy in Tibet*, April 2017; *Global Times*, “Private schools attempt to keep Tibetan language alive”, 28 January 2016; Qinghai Tibetan net, 青海牧区双语教育发展问题研究报告 (Report of the development of bilingual education in the pastoral areas of Qinghai province), 14 July 2015.

²⁵ *Global Times*, “Private schools attempt to keep Tibetan language alive”, 28 January 2016.

²⁶ State Ethnic Affairs Commission, 内地中等专业学校西藏班管理的若干暂行规定 (*Provisional regulations on management of Inland Tibetan classes in vocational schools*), 31 December 1994; 教育部关于内地十九省、市为西藏办学的几项具体规定 (Ministry of Education’s Regulations of the provision of education for Tibet in nineteen inland provinces and cities), 13 June 1985.

²⁷ TAR Education Department, 2017 年全国内地西藏班 (校) 德育工作培训会暨校长年会召开 (“2017 Inland Tibetan Classes (schools) moral education workshop and annual meeting of head-teachers”), 8 December 2017, gaoxiao.eol.cn/news/7549.html

²⁸ State Council Information Office of the People’s Republic of China, *China Keywords*, english.scio.gov.cn/featured/chinakeywords/2018-03/16/content_50714986.htm.

²⁹ *Tibet Post International*, “China issues 20 ‘illegal activities related to the independence of Tibet’”, 25 February 2015.

³⁰ Communist Party Committee of the Tibet Autonomous Region, 求是 201408 (*Quishi 201408*), “创新社会治理体制 推进西藏长治久安” (“Innovating social governing system, advancing enduring social order in Tibet”), 16 April 2014, www.qstheory.cn/zxdk/2014/201408/201404/t20140414_339728.htm.

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Measures issued by the State Administration of Religious Affairs and the official Buddhist Association of China codify the authorities' control over monasteries and nunneries, including the selection of religious leaders and other monks. The State Religious Affairs Bureau issued the "Management Measures for Tibetan Buddhist Monasteries", which took effect in 2010, stipulating monasteries and their religious instructors must "maintain unification of the nation, unity of nationalities and social stability".³¹ Measures issued by the Buddhist Association of China (which took effect on 10 January 2011 and 3 November 2011) call for the Management Committees of monasteries and nunneries to verify the "conformity" of religious personnel with political, professional and personnel criteria, give the authorities another way to remove politically "unreliable" religious leaders and other monks.³²

The government has also implemented coercive and intrusive campaigns to enhance its surveillance and control over monasteries. According to state media outlet *China Daily*, 6,575 government officials were stationed in 1,787 monastic institutions in the TAR from 2011 to 2014. Under the "Six Ones" campaign, each official stationed in a monastery has to "make friends" with at least one monk or nun to understand his or her thoughts and financial difficulties, pay one home visit to have in-depth understanding of the family of the monk or nun, solve at least one practical problem per family, establish one file on the details of the monk or nun and his or her family, and establish a channel to contact the family, so as to formulate one effective interactive mechanism among the Monastery Management Committees appointed by the Communist Party, the stationed officials, the monks/nuns and their families. Under the "Nine Must Haves", monasteries are required to hang the portraits of the four key Chinese Communist leaders and the Chinese national flag, seemingly in contravention of the strict application of the policy of "separation of religion and state".³³

In July 2016, the government began demolishing part of Larung Gar, reportedly the largest Tibetan Buddhist institute in the world, located in Seda (Serta) County, Ganzi (Kardze) Tibetan Autonomous Prefecture, Sichuan province. Local Chinese authorities ordered the population of Larung Gar to be reduced by more than half to 5,000 in order to carry out "correction and rectification". Thousands of monks, nuns and lay people were at risk of forced evictions.³⁴

Amnesty International has documented cases where monks highly respected in the Tibetan community were targeted by the Chinese authorities.

Tibetan religious and community leader Tenzin Deleg Rinpoche died while serving a life sentence in Chuandong Prison in Sichuan province in July 2015. He was convicted in connection with several bombings and sentenced in 2002 to 14 years' imprisonment for "inciting separatism" and death with a two-year reprieve for "causing explosions", which was then commuted to life imprisonment in 2005. Amnesty International previously raised concerns that his trial fell far short of international fair trial standards, and that he was punished solely because of his peaceful religious and civic work with Tibetan communities.³⁵

The international community had consistently raised with Chinese authorities their concerns about Tenzin Deleg Rinpoche's treatment while in detention, including torture and other ill-treatment and later concerns for his health. The Tibetan community and his family made multiple requests for medical parole but received no reply from the Chinese government. During his 13 years in custody, the family was allowed to visit him only once in 2013 and had no access to him before his death, according to the International Campaign for Tibet. The Chinese authorities cremated his body against the family's wishes.³⁶

Karma Tsewang, a Tibetan monk well-known in the Tibetan community for his work promoting Tibetan language and culture and for his disaster relief work, was first held in December 2013 on suspicion of "endangering state security", a charge frequently used by the authorities to detain peaceful critics of the government. After his detention, 4,000 people signed a petition demanding his release and over 600 people

³¹ 藏传佛教寺庙管理办法 (*Management Measures for Tibetan Buddhist Monasteries*), Article 4, www.china.com.cn/policy/txt/2010-10/08/content_21080463_2.htm

³² Buddhist Association of China, 藏传佛教教职人员资格认定办法 (*Measures to Determine Qualification and Employment of Religious Instructors in Tibetan Buddhist Monasteries*) www.chinabuddhism.com.cn/zdfg1/bhzd1/2017-07-24/13096.html; State Administration for Religious Affairs, 藏传佛教寺庙主要教职任职办法 (*Measures to Recruit Major Religious Instructors in Tibetan Buddhist Monasteries*) www.sara.gov.cn/zjbk/qgxjttxgjgzd20170904204343165711/469678.htm

³³ Tibet Correspondents of *China Daily*, "西藏自治区加强和创新寺庙管理, 取得明显成效" ("Strengthen and innovate monastery management in the Tibet Autonomous Region achieve remarkable success"), 10 September 2014. cnews.chinadaily.com.cn/2014-09/10/content_18574728.htm

³⁴ International Campaign for Tibet, "Demolitions begin at Larung Gar, 'monastery for the world', as religious teachers urge calm", 25 July 2016.

³⁵ Amnesty International, *Miscarriage of justice? The trial of Tenzin Deleg Rinpoche and related arrests* (Index: ASA 17/029/2003).

³⁶ Amnesty International, *China: Return the body of prominent Tibetan monk Tenzin Deleg Rinpoche who died in prison* (Index: ASA 17/2102/2015).

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staged a demonstration calling for his release. Sixteen monks who participated in the demonstration were detained. Karma Tsewang's detention came at a time when Tibetan monks became the target of a crackdown by the Chinese authorities following the mass protests in 2008.

In July or August 2014, Karma Tsewang was sentenced in a secret trial to two and a half years imprisonment. His lawyers were given no official court documents detailing the evidence against him.³⁷ He was released in 2016 after serving the sentence.

UNFAIR TRIALS, ARBITRARY DETENTION, TORTURE AND OTHER ILL-TREATMENT AND FREEDOM OF EXPRESSION

Amnesty International has documented cases where police used excessive force against Tibetan protesters, writers, activists, Tibetan Buddhists and monks who were arbitrary detained and imprisoned after unfair trials. Amnesty International has also documented cases in which Tibetans have been tortured or otherwise ill-treated after being taken into custody for peacefully exercising their rights to freedom of expression.

Tibetan language education advocate Tashi Wangchuk has been detained by the Chinese authorities since 27 January 2016 in Qinghai province, but his family was not informed of his detention until 24 March 2016. He was repeatedly beaten during interrogations.

Tashi Wangchuk was detained after he appeared in a widely circulated video documentary produced and published by *The New York Times* in which he expressed fears about the gradual extinction of the Tibetan language and culture. The video told the story of his trip to Beijing to seek legal assistance in filing a lawsuit against local officials in Tibet regarding the lack of Tibetan language education in schools. After almost two years of pre-trial detention, he was given a four-hour trial in January 2018. On 22 May 2018, he was sentenced to five years' imprisonment for "inciting separatism".³⁸

Tibetan monk Lobsang Drakpa was detained by police while staging a solo protest on 10 September 2015 and shouting slogans like "Freedom for Tibet" and "Long live the Dalai Lama". Police on patrol beat him on the spot and took him away immediately. He was sentenced to three years' imprisonment for unknown charges in a closed trial, with no access to family or legal counsel, according to a Radio Free Asia (RFA) report on 5 August 2016.³⁹

Tibetan monk Choephel Dawa was detained by local police in Sog County, Nagchu Prefecture, TAR on the night of 28 March 2015. While the reason for his detention is unknown, people in the local area believe it is due to him sharing photographs of the Dalai Lama on WeChat, a popular messaging platform in China.⁴⁰

Tibetan writer and blogger Druklo (pen-name Shokjang) was sentenced to three years' imprisonment for "inciting separatism" on 17 February 2016, almost one year after he was first detained. He did not have access to a lawyer throughout his detention or during trial, and his family only received notification of his sentencing hearing two days in advance. He disclosed that on 16 March 2015, armed personnel in police and army uniforms searched his guesthouse room. They pointed guns at him when Druklo asked them to show him a search warrant.

The conviction cited as evidence of "inciting separatism" his comments raising concerns about the right to religious freedom, along with a photo showing heavy presence of armed soldiers at a major annual religious event at Kumbum Monastery, an important Tibetan Buddhist site. His repost on social media of a news report about Chinese government talks with the Dalai Lama and his possession of a copy of the banned book "Sky Burial" were also cited in the conviction as evidence.⁴¹ He was released in 2018 after completing his sentence.

In 2014, demonstrators were shot by police and security forces in Ganzi (Kardze) in Sichuan province, where a crowd had gathered to protest against the detention of a village leader. At least four demonstrators died from their wounds and one protester committed suicide in detention.⁴²

³⁷ Amnesty International, *Concern grows for imprisoned Tibetan monk* (Index: ASA 17/0002/2015).

³⁸ Amnesty International, *China: Sham trial exposes absurd charge against Tibetan activist* (press release, 4 January 2018); Amnesty International, *China: Tibetan activist handed grotesquely unjust 5 years prison sentence after featuring in New York Times video* (News, 22 May 2018)

³⁹ Amnesty International, *Tibetan monk imprisoned after protest* (Index: ASA 17/4802/2016).

⁴⁰ Amnesty International, *Fears for Tibetan monk detained in China* (Index: ASA 17/1551/2015).

⁴¹ Amnesty International, *Tibetan imprisoned for "inciting separatism"* (Index: ASA 17/3908/2016).

⁴² International Campaign for Tibet, "Ten Tibetans injured after police open fire in Kardze, Tibet", August 13, 2014.

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In October 2013, the BBC reported that police opened fire on Tibetan protesters in the town of Diriu in the TAR, injuring at least 60 people.⁴³ The protesters gathered to demand the release of a local Tibetan who had been detained on 29 September 2013 after speaking out against authorities' efforts to force local families and monasteries to fly the Chinese flag. In July 2013, security forces fired on another peaceful gathering of Tibetans and injured at least 10 Tibetans who had gathered to celebrate the Dalai Lama's birthday.⁴⁴

Since February 2009, at least 152 people have set themselves on fire in Tibetan-populated areas in protest against repressive policies by the authorities. On 18 March 2017, Pema Gyaltzen set himself on fire in Ganzi (Kardze) Tibetan Autonomous Prefecture in Sichuan province. Tibetan sources said that he was believed to be alive when he was taken away by the police. His relatives were detained and beaten when they approached the authorities asking for his whereabouts. Tibetan NGOs abroad said that Lobsang Kunchok, a Tibetan monk detained after surviving a self-immolation attempt in 2011, was released from prison in March 2017.⁴⁵

Chinese authorities have punished individuals allegedly associated with those who self-immolate, such as a Tibetan woman, Dolma Tso, who was sentenced to three years' imprisonment in 2014 and tortured in detention for moving the body of a man who had set himself on fire.⁴⁶

DISCRIMINATION AGAINST UIGHURS AND OTHER PREDOMINANTLY MUSLIM ETHNIC MINORITIES

The vague and broad concepts of "separatism", "extremism" and "terrorism" are not precisely defined in China's laws and are open to subjective interpretation by the authorities. Amnesty International has documented cases where these concepts and laws were misused by the authorities, in the name of "unity of the nation", "national security" and "social stability", to target ethnic minorities, especially Tibetans and Uighurs, merely for exercising their rights to freedom of religion and belief, peaceful assembly, association, movement, opinion and expression and to information.

Uighurs and other predominantly Muslim ethnic minorities in the Xinjiang Uighur Autonomous Region (XUAR) have long suffered violations of their rights, including the rights to freedom of religion and belief, association, opinion, expression and to information. After Chen Quanguo became the regional Communist Party Secretary in 2016, the authorities began widely using security measures, including arbitrary detention, extensive technological surveillance, heavily armed street patrols, numerous security checkpoints and an array of other intrusive policies affecting human rights. The authorities justify these practices that often violate human rights as necessary to protect national security and crackdown against "violent terrorism" and "religious extremism".

UNFAIR TRIALS

The XUAR authorities have ascribed numerous violent incidents which occurred in the XUAR or other regions in China to Uighur individuals and have used these to justify a heavy-handed response against Uighurs and other predominantly Muslim ethnic minorities in the XUAR. On 23 May 2014, a "strike hard" campaign was launched to target "violent terrorism and religious extremism".⁴⁷ According to XUAR state media outlet, *Tianshannet*, top officials prioritized speed in making arrests and convening trials, while also

⁴³ BBC, "Tibet: Chinese police 'fire into protesters'", 9 October 2013.

⁴⁴ Amnesty International, *China: End "outrageous" police violence against Tibetan protesters* (Press release, 9 October 2013).

⁴⁵ Amnesty International, *China: Disclose the whereabouts of two Tibetans who attempted self-immolation* (Index: ASA 17/6098/2017).

⁴⁶ Amnesty International, *Fears of forced operation on Tibetan woman* (Index: ASA 17/3568/2016).

⁴⁷ Reuters, "China launches crackdown on 'terrorist activities' after attack", 23 May 2014.

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calling for greater “co-operation” between prosecuting authorities and courts. This raised concerns that accused individuals would not receive fair trials.⁴⁸

On 29 May 2014, at one of the several “sentencing rallies” since the launch of the “strike hard” campaign, 55 people, all believed to be Uighurs, were sentenced for crimes including offences related to “terrorism” in front of nearly 7,000 spectators in a stadium.⁴⁹

There have been numerous reports that Chinese authorities in the XUAR have effectively sidestepped the procedural protections afforded to criminal defendants under Chinese law. Many Uighur detainees have been denied legal counsel.

Buzainafu Abudourexiti, a Uighur woman who returned to China in 2015 after studying for two years in Egypt, was detained incommunicado in March 2017 and sentenced in June that year to seven years’ imprisonment after a secret trial, without any legal representation. No official documentation about her case, including what charges she was convicted of, have been provided to her family. It is believed that her imprisonment may be part of a wider crackdown on Uighur students who studied abroad.⁵⁰

ARBITRARY DETENTION

Since 2016, numerous detention facilities have been set up within the XUAR, variously called “counter extremism centres”, “political study centres” or “education and transformation centres”. At a minimum, tens of thousands, with some sources estimating hundreds of thousands, of Uighurs and members of other predominantly Muslim ethnicities were arbitrarily detained for unspecified periods and forced to study Chinese laws and policies, without any independent court proceedings or access to lawyers or their families.⁵¹ Radio Free Asia (RFA) reported that a county official and a police officer in the XUAR were instructed by superiors to detain 40% of the local Uighur population.⁵² Many of the targets are Muslim members of ethnic minorities who have been found praying, in possession of religious books or who have been abroad or have family members living abroad.

Since October 2017, more than 20 relatives of Gulchehra Hoja, a Uighur journalist living abroad and working for RFA’s Uighur service, have been detained and are at risk of torture and other ill-treatment. Her family members are all thought to have been targeted due to Gulchehra Hoja’s work. On 28 February 2018, the *Washington Post* reported that three other journalists at RFA’s Uighur service faced the same situation, with their family members in the XUAR detained in apparent retaliation for their relatives’ overseas journalism.⁵³

Chinese authorities have reportedly detained more than 30 relatives of Uighur human rights activist Rebiya Kadeer, who currently lives in the United States. Among the detained are Kadeer’s sisters, brothers, sons, grandchildren and extended relatives. They were taken away in 2017 and are presumed to be arbitrarily detained at “education centres” where they are at high risk of torture and other ill-treatment.⁵⁴

TORTURE AND OTHER ILL-TREATMENT IN CUSTODY

It is not uncommon for Uighur detainees to be held incommunicado for prolonged periods, such as the cases of Buzainafu Abudourexiti, Ilham Tohti, and the relatives of Gulchehra Hoja and Rebiya Kadeer, putting them at risks of torture and other ill-treatment.

Gulchehra Hoja’s 72-year-old mother Qimangul Zikri, who had surgery on her foot in mid-January, was arrested on 1 February 2018. Police put a hood over her head and placed her in handcuffs that remained on her wrists for the nine days she spent in a crowded cell. She suffers from heart disease and diabetes, but the police allegedly failed to provide her with any heart medicine.⁵⁵

⁴⁸ Tianshannet, “自治区召开副省级以上领导干部会议通报‘5.22’案情部署稳定工作” (“The autonomous region convened a meeting of deputy provincial and above-level leading officials to inform the ‘5.22’ case deployment and stabilization work”), 26 May 2014, news.ts.cn/content/2014-05/25/content_9698683.htm

⁴⁹ Amnesty International, *Shameful stadium “show trial” is not justice* (Press release, 29 May 2014).

⁵⁰ Amnesty International, *China: Uighur woman incommunicado after secret trial – Buzainafu Abudourexiti* (Index: ASA 17/7168/2017).

⁵¹ James A. Millward, “What it’s like to live in a surveillance state”, *The New York Times*, 3 February 2018.

⁵² RFA, “Nearly half of Uyghurs in Xinjiang’s Hotan targeted for re-education camps”, 9 October 2017.

⁵³ Amnesty International, *20 relatives of Uighur journalist detained* (Index: ASA 17/7964/2018).

⁵⁴ Amnesty International, *30 relatives of Uighur activist arbitrarily detained* (Index: ASA 17/7421/2018).

⁵⁵ Amnesty International, *Separated souls: Uighur journalist’s unbreakable resolve to help her detained family* ([News story](#), 16 March 2018).

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Rebiya Kadeer's sons were imprisoned before in retaliation for her human rights advocacy. One, Ablikim Abdiriyim, was repeatedly tortured and held in solitary confinement for over a month in 2010.⁵⁶ Another son, Alim Abdiriyim, was tortured and otherwise ill-treated in detention in 2010, resulting in serious deterioration in his health at the time, with signs of physical and psychological trauma.⁵⁷

TRAVEL RESTRICTIONS

The XUAR authorities have taken various measures to curtail Uighur's freedom of movement.

There were numerous reports that authorities in the XUAR had confiscated the passports of Uighurs in October 2016.⁵⁸ Amid a security crackdown and greater travel restrictions targeting ethnic minorities, media outlets reported in 2017 that several localities within the XUAR had announced that they would require all residents to hand in their passports to the police. Thereafter, all XUAR residents would be required to present biometric data – such as DNA samples and body scan images – before being permitted to travel abroad.

The few journalists who have visited the XUAR recently tell of numerous checkpoints on roads, as well as security checks and metal detectors at entrances to public parks.

FORCED RETURN OF UIGHURS ABROAD TO CHINA

The Chinese authorities have harassed the relatives of those who have left the country in an attempt to pressure them to return. More directly, China has also pressured other countries to forcibly return Uighur asylum-seekers, students and others to China.

RFA and the Associated Press reported that in April 2017 the Chinese authorities in the XUAR initiated a policy to compel all Uighurs studying abroad to return to China. Chinese authorities detained relatives of several students in Egypt in April 2017 to coerce them to return home by May.⁵⁹ In December 2017, RFA reported that two Uighur students, who had voluntarily returned to the XUAR from Egypt, died in detention.⁶⁰ All other students returned to the XUAR have been unreachable by their relatives abroad and are assumed to be detained. Six Uighurs who had studied in Turkey but had returned to the XUAR were given prison sentences ranging from five to 12 years on undefined charges.⁶¹

In July 2017, Egyptian authorities began a massive round-up of hundreds of Chinese nationals in Egypt, mainly Uighurs. Of these, at least 22 Uighurs were forcibly returned to China.⁶² In July 2015, after Chinese diplomatic pressure, Thailand deported 109 Uighurs to China.⁶³ RFA reported in January 2012 that 16 of 20 Uighurs who were forcibly returned from Cambodia in December 2009 were sentenced, after closed trials, to prison terms ranging from 16 years to life.⁶⁴ In December 2012, Malaysia forcibly returned six Uighurs, whose claims for asylum were pending with the United Nations High Commission for Refugees (UNHCR).⁶⁵

It is difficult to confirm information concerning the Uighurs who have returned, but based on previously documented cases, Amnesty International believes they are at risk of arbitrary detention, and torture or other cruel, inhuman and degrading treatment or punishment.

MARGINALIZING UIGHUR LANGUAGE

To promote the Chinese language and a “uniform” Chinese identity among Uighurs, the Chinese government limits the use of the Uighur language, thereby threatening the preservation of Uighur culture and identity.

The XUAR authorities have pushed ahead in the past years with a “bilingual education” policy. The Chinese government claims that both Mandarin Chinese and the ethnic minority languages are used in primarily ethnic minority schools and educational institutions under the “bilingual education” policy. In practice, the

⁵⁶ Amnesty International, *Uighur activist alleges torture* (Index: ASA 17/050/2010).

⁵⁷ Amnesty International, *Son of Uighur activist tortured in prison* (Index: ASA 17/037/2010).

⁵⁸ RFA, “China recalls passports across Xinjiang amid ongoing security crackdown”, 20 October 2016

⁵⁹ RFA, “Uyghurs studying abroad ordered back to Xinjiang under threat to families”, 9 May 2017.

⁶⁰ RFA, “Two Uyghur students die in China’s custody following voluntary return from Egypt”, 21 December 2017.

⁶¹ RFA, “Xinjiang authorities jail six Uyghur students on return from Turkey”, 27 September 2017.

⁶² Amnesty International, *More Uighur students at risk of forcible return* (Index: MDE 12/6848/2017).

⁶³ Amnesty International, *Thailand must not send Uighurs to Chinese torture*, (news story, 9 July 2015)

⁶⁴ RFA, “Two more Uyghurs get life sentences”, 27 January 2012.

⁶⁵ Amnesty International, *Protect Uighurs from return to torture* (Index: ASA 39/2065/2015).

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government promotes use of Mandarin Chinese as the language of instruction while marginalizing Uighur and other ethnic minority languages, as merely one of the subjects taught, even in ethnic minority schools.⁶⁶ According to the XUAR government's development plan issued in 2011, the percentage of minority pre-school students who have received the so-called "bilingual" education, with Mandarin Chinese as the language of instruction, would be over 85% by 2012, primary and secondary students would be approximately 75% by 2015 and over 90% by 2020.⁶⁷

RFA reported that education authorities had issued an order in June 2017 in the largely Uighur-populated Hotan Prefecture to ban the use of the Uighur language in schools, including for "collective activities, public activities and management work of the education system".⁶⁸

RESTRICTIONS ON RELIGIOUS AND CULTURAL PRACTICES

The government continues to impose severe restrictions on the right to freedom of religion of Uighurs and other predominantly Muslims ethnic groups in the XUAR, although Article 11 of the Law on Regional National Autonomy stipulates that government "shall guarantee the freedom of religious belief to citizens of the various nationalities."

The "Religious Affairs Regulations Amendment" came into effect in XUAR in January 2015, with the professed goal of more tightly controlling online communication and clamping down on the role of religion in "marriage, funerals, culture, the arts, and sports". In effect, this further tightened restrictions on Uighurs and other ethnic minorities in the region.⁶⁹ The region's capital city, Urumqi, banned the wearing of burkas in the same month.

In March 2017, XUAR authorities further enacted a "De-extremification Regulation", which prohibits a wide range of behaviours labelled "extremist", such as spreading "extremist thought", denigrating or refusing to watch public radio and TV programmes, wearing burkas, having an "abnormal" beard, resisting national policies and publishing, downloading, storing or reading articles, publications or audio-visual materials containing "extremist content".⁷⁰

The Chinese government maintains tight control over the practice of Islam in the XUAR. In April 2017, the government reportedly published a list of prohibited names, most of which were Islamic in origin, and required all children under 16 with these names to change them.⁷¹ RFA reports in September 2017 stated that families across the region were required to hand in copies of the Qur'an and any other religious items to the authorities or else risk punishment.⁷² Numerous counties in the XUAR have posted notices on their websites in recent years, stating that primary and secondary school students and Community Party members were not permitted to observe Ramadan.⁷³

The government continues to crack down on all unauthorized religious gatherings. Abudulrekep Tumniyaz, deputy director of the Xinjiang Islamic Association, said in March 2016 that all underground preaching sites in the XUAR had been shut down.⁷⁴

The "strike hard" campaign in 2013 targeted "illegal religious" and "separatist" activities and clamped down on peaceful expressions of cultural identity. In June 2013, an 11-year-old boy, Mirzahid, was reported to have died in custody after being detained for studying in an "illegal religious school".⁷⁵

⁶⁶ Uyghur Human Rights Project, *Uyghur voices on education: China's assimilative 'bilingual education' policy in East Turkestan*, May 2015.

⁶⁷ XUAR government, 新疆维吾尔自治区少数民族学前和中小学双语教育发展规划 (2010-2020年) ("The XUAR long-term development plan on bilingual education for minority students from pre-schools to middle schools (2010-2020)"), 31 March 2011, www.xjedu.gov.cn/xjyjt/jyzt/xqjywlxz/xqsyzc/2013/60171.htm

⁶⁸ RFA, "China bans Uyghur language in schools in key Xinjiang prefecture", 28 July 2017.

⁶⁹ Chinacourt.org, "'Amendment to the Religious Affairs Regulations' came into effect to prohibit spreading religious extremist thought", 4 January 2015,

⁷⁰ Tianshannet, "新疆维吾尔自治区去极端化条例" ("De-extremification Regulation"), 29 March 2017; China Law Translate, *The XUAR Regulation on De-extremification*, 30 March 2017.

⁷¹ RFA, "China extends ban on 'extreme' Uyghur baby names to children under 16", 1 June 2017.

⁷² RFA, "Chinese police order Xinjiang's Muslims to hand in all copies of the Quran", 27 September 2017.

⁷³ Quartz, "China has banned Ramadan for many Muslims in Xinjiang", 2 July 2014.

⁷⁴ *Global Times*, "Xinjiang underground preaching sites shut down: Islamic leader", 8 March 2016.

⁷⁵ RFA, "Death in detention draws denigration", 4 June 2012.

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RESTRICTIONS ON RIGHTS TO FREEDOM OF OPINION AND EXPRESSION AND TO INFORMATION

SURVEILLANCE

Freedom of expression in the XUAR has been severely curtailed by surveillance on the internet and other channels.

The authorities have taken surveillance to unprecedented levels, utilizing the latest technology including DNA, biometrics and face recognition. Police have been promoting new big data platforms called “Police Cloud”, which aggregates and analyses all manner of information in order to track groups that threaten “social stability”.⁷⁶

Media reports and information obtained by Amnesty International indicate that authorities have tried to ensure that nobody uses encrypted messaging apps, leaving them instead to rely on domestic apps that have no encryption or other privacy safeguards.⁷⁷ The few journalists who have visited the XUAR recently tell of random checks of mobile phones on the street to ensure a new mobile security app required for all phones has been installed.⁷⁸

Shafkat Abasi, a practitioner of Uighur traditional medicine and a member of the Tatar ethnic minority living in Urumqi, has not been heard from since being detained by Chinese authorities on 13 March 2017. His family believes his detention is due to accessing foreign websites from his computer, connection with an elderly patient who is an imam and possession of banned religious books. His family have not been provided with any information and fear that he is at risk of torture and other ill-treatment.⁷⁹

The government has sent employees to stay in homes of Uighurs, Kazaks and other ethnic minorities, which violates those families’ right to privacy and security. These government officials explain Communist Party laws and policies to the members of these ethnic minority families and help teach children Chinese. The ethnic minority families are subjected to surveillance in their own homes by these officials and cannot freely practice their religion.⁸⁰

DETENTION FOR FREE SPEECH

The detention of ethnic Uighur writers and Uighur language website editors and shutting down of websites further restrict the freedom of expression.

Ilham Tohti, a prominent Uighur scholar and founder of the website “Uighur Online”, was convicted of “separatism” and sentenced to life imprisonment in September 2014 after a politicized trial that was marked by a series of legal shortcomings.

Ilham Tohti has commented on the situation of Uighurs in China for many years. His website reported human rights violations suffered not only by Uighurs but also by ethnic Han Chinese. He has worked peacefully for two decades to build understanding between Uighurs and Han Chinese communities in accordance with Chinese laws. Rejecting separatism and violence, he tried to reconcile differences between these ethnic groups.⁸¹

Ilham Tohti was taken away from his home in Beijing on 15 January 2014 and held incommunicado and denied access to his lawyers for nearly six months at the start of his pre-trial detention. One of Ilham Tohti’s

⁷⁶ Roseann Rife, “In China’s far west, a need for moderate voices”, *South China Morning Post*, (op-ed, 17 January 2018)

⁷⁷ Amnesty International, *How private are your favourite messaging apps?* (Campaigns, 21 October 2016); *Wall Street Journal*, “Twelve days in Xinjiang: how China’s surveillance state overwhelms daily life”, 19 December 2017.

⁷⁸ RFA, “Report: Uyghurs in China forced to install surveillance app that leaves their data unsecured”, 10 April 2018; BuzzFeed News, “This is what a 21st-century police state really looks like”, 18 October 2017.

⁷⁹ Amnesty International, *Medical practitioner held incommunicado* (Index: ASA 17/7678/2018)

⁸⁰ RFA, “新疆‘结亲周’强迫汉维两族连接互动” (“‘Pairing Week’ in the XUAR forced interaction between the Han and the Uighurs”), 28 December 2017; People’s Daily website, “新疆喀什地区‘四同’三送活动如火如荼” (“‘Four Same’ and ‘Three Sends’ activities in Kashgar in the XUAR”), 15 February 2018, xj.people.com.cn/n2/2018/0215/c362097-31262232.html; China Aid, 新疆关闭少数民族学校 新疆四中变更为政治学校 (“XUAR closed minority schools Xinyuan No. 4 Secondary School becomes a ‘political education’ base”), 4 April 2018. www.chinaaid.net/2018/04/blog-post_4.html

⁸¹ Amnesty International, *Uighur academic sentenced to life: Ilham Tohti* (Index: ASA 17/051/2014).

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lawyers was forced to quit the case following political pressure. According to his lawyers, Ilham Tohti was denied food for 10 days and had his feet shackled for more than 20 days.⁸²

Selected portions of Ilham Tohti's university lectures, which were recorded by a CCTV camera installed in his lecture hall, were presented at the trial and broadcast afterwards on national television, in an attempt to portray him as a separatist who had incited ethnic tension. Other evidence against Ilham Tohti came from statements by seven former students arrested along with him. There is strong reason to believe that the students gave their statements under coercion. They were sentenced to between three and eight years' imprisonment on the similar charge of "separatism".⁸³

Uighur website managers Nureli, Dilixiati Perhati and Nijat Azat were sentenced to three, five and 10 years respectively in July 2011 for "endangering state security" through postings on their websites.

PRESS FREEDOM RESTRICTED

Independent reporting in the XUAR is extremely difficult, and foreign reporters face numerous restrictions and harassment by the authorities. According to the Foreign Correspondents Club of China's annual report on working conditions in China in 2017, 73% of surveyed foreign correspondents who had travelled to the XUAR in 2017 were told by officials and security agents that reporting was prohibited or restricted, compared with 42% in 2016.⁸⁴

CRACKDOWN ON PROTESTS

Violent incidents and counter-terrorism operations resulting in many casualties have been reported. On 28 July 2014, state media reported that 37 civilians were killed when a "knife-wielding mob" stormed government offices in Shache (Yarkand) County and that security forces had shot dead 59 attackers. Uighur groups disputed this account, putting the death toll much higher and saying that in fact police opened fire on hundreds of people who were protesting against the severe restrictions placed on Muslims during Ramadan.⁸⁵

REFOULEMENT OF NATIONALS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Despite recommendations by the Committee in 2009, Chinese authorities have failed to apply safeguards to ensure that individuals are not forcibly transferred to other countries where there are substantial grounds for believing that they would be in danger of being subjected to torture or other ill-treatment.⁸⁶ This applies in particular to refugees from North Korea who have fled to China only to be intercepted by the Chinese police and forcibly returned to North Korea. There, they typically face harsh punishment, including arbitrary detention, forced labour, torture and other ill-treatment, and possible execution.

Amnesty International believes that all North Koreans in China are entitled to refugee status, or at the very least must not be returned because of the threat of torture. Although China is a state party to the UN Refugee Convention, the Chinese authorities continue to label undocumented North Korea nationals as

⁸² Amnesty International, *Uighur academic sentenced to life: Ilham Tohti* (Index: ASA 17/051/2014).

⁸³ Amnesty International, *Hundreds of academics urge China's president to free Professor Ilham Tohti* (Press release, 15 January 2016).

⁸⁴ The Foreign Correspondents Club of China, "Working conditions for reporters in China deteriorate – FCCC annual survey results", www.fcchk.org/working-conditions-for-reporters-in-china-deteriorate-fccc-annual-survey-results/

⁸⁵ *South China Morning Post*, "37 civilians and 59 'terrorists' died in Xinjiang attack, China says", 4 August 2014; RFA, "'At least 2,000 Uyghurs killed' in Yarkand violence: exile leader", 5 August 2014; Sky News, "Rare visit to town at centre of massacre claims", 1 September 2014.

⁸⁶ Concluding Observations of UN Human Rights Committee on the Elimination of Racial Discrimination: China, CERD/C/CHN/CO/10-13, 15 September 2009, para. 16.

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“economic migrants” and refuse to give them access to refugee determination procedures via the office of the UNHCR.

Amnesty International documented the *refoulement* of 10 people in November 2017 and another group of approximately 29 people, including a one-year-old baby, in early August 2014, after being detained in China.⁸⁷ According to combined sources including Human Rights Watch, China has detained at least 51 refugees since July 2017, and has forcibly returned at least 47 North Koreans, out of an estimated minimum of 102 detained since July 2016.

RECOMMENDATIONS

Amnesty International calls upon the Chinese government to:

LEGAL FRAMEWORK

- Enact laws that prohibit discrimination on all grounds referred to in Article 1 of the UN Convention against Racial Discrimination.
- Repeal or amend provisions in the Criminal Law, Anti-terrorism Law, the Cyber Security Law, the Regulations on Religious Affairs and other laws of the “national security” legal architecture, to ensure that any legal provisions to protect national security are clearly and strictly defined and conform to international human rights law and standards.

TIBETANS, UIGHURS AND OTHER ETHNIC MINORITIES

- Respect and ensure the rights of Tibetans, Uighurs and other ethnic minorities to freedom of opinion and expression, peaceful assembly, association, movement, and religion and belief, as well as respect for their distinct culture, language and traditions.
- Stop criminal prosecution and persecution of Tibetans, Uighurs and other ethnic minorities for solely peacefully exercising their human rights.
- Immediately and unconditionally release all those detained solely for peacefully exercising their rights to freedom of expression and freedom of religion and belief, or for peacefully exercising other human rights.
- Ensure that all detainees have prompt access to lawyers, members of their family and any medical treatment as necessary or requested.
- Conduct a prompt, impartial, independent and effective investigation into any allegations of torture and other ill-treatment of Tibetan, Uighur and other ethnic minority detainees, with a view to bringing those responsible to justice.
- Respect and ensure the rights of Tibetans, Uighurs and other ethnic minorities to participate in and enjoy their own culture, to profess and practice their own religion, and to use their own language, freely and without interference or any form of discrimination.
- Take measures in the field of education to ensure Tibetans, Uighurs and other ethnic minorities, wherever possible, have adequate opportunities to learn their own language and to have instruction in that language, and to encourage knowledge of the history, traditions and culture of their ethnicities.

NON-REFOULEMENT

- Uphold the principle of *non-refoulement* and stop forcibly transferring, either directly or indirectly, any individuals to a country where they would face a real risk of persecution, torture or other ill-treatment, death or other serious human rights violations or abuses.

⁸⁷ Amnesty International, *Forcibly returned woman faces treason charges* (Index: ASA 24/7863/2018); Amnesty International, *Mother and son risk being sent to prison camp* (Index: ASA 24/7534/2017); Amnesty International, *Families forcibly returned to North Korea* (Index: ASA 17/048/2014).

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- Stop requesting other countries to return individuals to China in violation of the *non-refoulement* principle.

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TO ONE PERSON, IT
MATTERS TO US ALL.**

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SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

96TH SESSION, 6 – 30 AUGUST 2018

Amnesty International submits this document in advance of the Committee on the Elimination of Racial Discrimination's consideration of China's 14th – 17th periodic report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in August 2018. This submission summarizes Amnesty International's concerns about China's failure to comply with its obligations under the Convention.