



Human Rights Watch submission to the CERD review of China

June 2018

Human Rights Watch would like to express its appreciation to the United Nations Committee on the Elimination of Racial Discrimination (the “Committee”) for this opportunity to provide it with information on the compliance of China with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). This memo is based on Human Rights Watch research in the ethnic minority regions of Tibet and Xinjiang, where the ethnic minority populations are systematically discriminated against by the government of China. All points stem from China’s obligations under ICERD Article 5, which requires that, “States Parties undertake to prohibit and to 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.”

On the right to equal treatment before tribunals and all other organs administering justice:

Chinese authorities often punish ethnic Tibetans and Uyghurs for conduct that is neither criminal nor prosecuted in the same manner as members of the ethnic Han majority.

Tibet:

Chinese authorities’ “stability maintenance” campaign across the Tibetan plateau has prompted increasingly harsh prosecutions and sentences for peaceful protest. In 2016, Human Rights Watch examined [479 cases](#), and found that many were for activities that the Chinese authorities previously considered to be minor offenses or not politically sensitive. During 2013-2015, lay and religious leaders of rural communities often received unusually heavy sentences for peaceful expressions of dissent. Having a sensitive image or text on one’s cellphone or computer – such as the likeness or sayings of the Dalai Lama – could also lead to a harsh prison sentence. Among those who received the longest sentences were people with alleged connections to self-immolations, leaders of protests against mining or government construction projects, and organizers of village opposition to unpopular decisions by local officials. Such activities, many of which were not explicitly political and did not directly challenge the government’s authority, received markedly longer sentences than people shouting slogans or distributing leaflets in support of Tibetan independence.

Xinjiang:

In Xinjiang, authorities have arbitrarily detained—outside of any recognizable criminal violation or legal proceedings—at least tens of thousands of Uyghurs in “[political education centers](#).” Held for months at a time, and unable to contact family or lawyers, these detainees are subjected to extensive lectures on “Xi Jinping thought” and Chinese Communist Party rhetoric, and forced to make expressions of loyalty to the Chinese government. Human Rights Watch has documented the detention of children and general ill-treatment in these facilities, the existence of which the Chinese government denies.

Suggested questions for the Chinese delegation:

Please confirm the number of people being held in “political education centers.” On what basis are people being detained there? What due process rights do people sent to these facilities have? Are central or local governments constructing more “political education centers”?

Recommendations

- Immediately release all detainees who are held arbitrarily, that is without having committed a recognizable criminal offense or in violation of their fundamental human rights and allow all those wrongfully held to seek redress.
- Immediately close all “political education centers” and any other arbitrary detention facilities across the country.
- Allow immediate and unfettered visits to both Tibet and Xinjiang regions by UN special procedures who seek to do so.

On the right to security of person and protection by the state against violence or bodily harm:

Chinese authorities have frequently subjected Tibetans and Uyghurs to public humiliation and physical abuse.

Tibet:

In 2017 Human Rights Watch published information regarding the public humiliation and “reeducation” of [Tibetan nuns](#) who had been expelled the previous year from the Buddhist communities at Larung Gar and Yachen Gar. Two videos, which were posted on social media, show the nuns singing and dancing to songs about loyalty to China. Buddhist nuns typically take a vow refraining from singing and dancing, strongly suggesting that these performances were coerced and that officials required these nuns to sing and dance to humiliate or embarrass them. The use of forced singing and dancing as part of political re-education for expelled nuns is not known to have occurred previously in the Tibet Autonomous Region (TAR).

Xinjiang:

Prominent Uyghur economist [Ilham Tohti](#) is serving a life sentence in Xinjiang on trumped-up charges of “separatism.” Since being detained in January 2014, Professor Tohti has periodically been denied food, shackled, and been barred adequate medical treatment. In addition, Human Rights Watch will publish findings that numerous Uyghurs and ethnic Muslim minorities held in “political education centers” have been subjected to ill-treatment and torture in detention.

Suggested questions for the Chinese delegation:

What is the current status of nuns expelled from Larung Gar and Yachen Gar? What is the status of Ilham Tohti’s health, and how often is he allowed family visits? How has China addressed allegations of torture and other ill-treatment in its detention centers, particularly in light of its response during China’s 2015 review under the Convention against Torture?

Recommendations

- Impartially and credibly investigate officials implicated in the ill-treatment of Tibetans, Uyghurs and other ethnic minorities, and appropriately bring them to justice.
- Provide prompt and adequate redress for all those ill-treated by government officials or their agents in state custody.

On the right to freedom of movement:

The Chinese government subjects Tibetans and Uyghurs to strict controls on their movements inside China and outside the country, including limitations on access to passports, and has pressured other governments to forcibly return individuals to China without due process.

Tibet:

Human Rights Watch has documented in detail the extraordinary restrictions Tibetans face [to obtain passports](#) to travel abroad. In effect, China has a two-tier system for passports: one that is quick and straightforward, and another that is extremely slow. The fast-track system is available in areas that are largely populated by the country's ethnic Han majority, while the slow-track system has been imposed in areas populated mainly by Tibetans and certain other religious minorities. Residents of areas with slow-track processing are subjected to extremely long delays, often lasting several years, before passports are issued, or are routinely denied passports for no valid reason. In addition, Tibetans face [restrictions on movement](#) within the TAR, and between the TAR and other parts of China.

Xinjiang:

Chinese authorities require some Uyghurs to give [DNA samples](#) and other biodata to obtain passports, and also [confiscate Uyghur passports](#) as a means of arbitrarily punishing them. China has also effectively made it an offense for Uyghurs to spend time overseas, as that has become one criteria for arbitrary detention in "political education centers." Human Rights Watch has also extensively documented often-successful efforts by the Chinese government to [pressure other governments](#) to forcibly return Uyghurs who are seeking asylum abroad.

Suggested questions for the Chinese delegation:

Please explain the two-tier passport policy, and whether individuals are denied passports on the basis of their ethnicity. How many DNA samples from Uyghurs have been collected, and what control will individuals have over how that information is used? Please provide a list of all the countries from which China has requested the return of Uyghurs, the names of those returned, and their current status.

Recommendations

- Immediately reform the passport application system to ensure it is non-discriminatory regardless of race, ethnicity, or residence.
- Commit to allowing those who leave the country to be free from unwarranted government intrusions on their basic rights and security.

On the right to freedom of thought, conscience, and religion:

Chinese authorities have long equated Tibetans' adherence to Buddhism and Uyghurs' to Islam as evidence of political disloyalty, which has manifested itself in discriminatory laws and governmental practices.

Tibet:

In 2016 Human Rights Watch documented [forced expulsions](#) from the Tibetan Buddhist community of Larung Gar. In early 2018, we detailed how Chinese authorities had imposed new administrative controls on the remaining community that [grossly encroached on the right to the freedom of religion](#). According to official documents, some 200 Communist Party cadres and lay officials have now taken over all management, finances, security, admissions, and even the choice of textbooks at the center, following demolitions and expulsions. The new regulations emphasize increased security and heightened control of the monks and nuns, calling for rigid limits on the numbers allowed to stay there, and for ongoing surveillance of the monastery population. In addition, central government authorities have already said that they—not Tibetan Buddhist clergy—will control the process of selecting the current Dalai Lama's successor.

Xinjiang:

In 2017 Xinjiang authorities issued a [list of names for children](#) now banned for fear that they could "exaggerate religious fervor." Restrictions on the practice of Islam in Xinjiang are [pervasive](#): people in Xinjiang can no longer wear "abnormal" beards or veils in public; civil servants, teachers, and students are banned from fasting during Ramadan; the state maintains total control over religious texts, leaders, and facilities, and most mosques now feature CCTV cameras.

Suggested questions for the Chinese delegation:

How many monks and nuns has the Chinese government expelled from Larung Gar and Yachen Gar, and what is their current status? How many Uyghur families have been required to change children's names as a result of the new list of banned names? How does the Chinese government justify its control over the selection of clergy in both religions?

Recommendations

- Publicly announce that, in keeping with domestic and international law, China will play no role in the selection of clergy, including the next Dalai Lama.
- Remove all forms of state surveillance from places of worship.