

**International Convention  
on the Elimination of All Forms  
of Racial Discrimination**

NGO joint submission  
CHRD & others  
May 2018

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**Committee on the Elimination of Racial Discrimination  
Ninety-six Session**

6 August-30 August 2018

**NGO “List of Themes” in Relation to the Combined Fourteenth to Seventeenth Periodic  
Reports of China (CERD/C/CHN/14-17)**

**Note by NGOs submitting this List of Themes**

On the occasion of the Committee on the Elimination of Racial Discrimination’s review of China during its 96<sup>th</sup> Session (06-30 Aug 2018), we submit this list of themes for the Committee’s consideration in preparing its list of themes, to be sent to the State party with a view to guiding and focusing the dialogue between the State party’s delegation and the Committee during the consideration of the State party’s report.

**Convention in domestic law and the institutional and policy framework for its  
implementation (arts. 1, 2, 4, 6 and 7)**

1. Provide information on steps taken to adopt a comprehensive national Anti-Discrimination Law and a Constitutional and legal definition of racial discrimination in conformity with the Convention.
2. Provide detailed information on any progress made in creating an independent national human rights institution in accordance with the “Paris Principles” to assess the level of implementation of the government’s national Human Rights Action Plans where they involve ethnic minority issues.<sup>1</sup>
3. Provide detailed information on court cases where anti-discrimination provisions contained in laws or the Constitution have been applied. In addition, provide concrete examples and evidence to exhibit how the Law on Regional Ethnic Autonomy protects the rights of ethnic minorities in the autonomous regions.
4. Provide detailed information about any mechanism for members of ethnic minorities to file personal complaints over alleged rights violations based on racial discrimination.

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<sup>1</sup> State Council Information Office of the People’s Republic of China, National Human Rights Action Plan of China (2012-2015), Chapter III-1, <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>; State Council Information Office of the People’s Republic of China, National Human Rights Action Plan of China (2016-2020), Chapter III-1, [http://english.gov.cn/archive/publications/2016/09/29/content\\_281475454482622.htm](http://english.gov.cn/archive/publications/2016/09/29/content_281475454482622.htm).

## **Arbitrary detention and enforced disappearance of ethnic minorities (art. 5 (a-b))**

5. Clarify that the new regulations on counter-extremism in the Xinjiang Uyghur Autonomous Region (XUAR), which went into effect in April 2017, have provided “legal basis” for forcibly disappearing individuals to force them to undergo ideological “re-education.”<sup>2</sup> Address concerns that possessing certain Halal products, having a long beard, wearing a full-face headscarf, and refusing to watch State television or listen to State radio are grounds for detention in “re-education” camps under the names of “counter-extremism classes” and “political re-education.”
6. Provide disaggregated data on the numbers of individuals held or sent to “counter-extremism training centers” and “education and transformation training centers,” which have proliferated in the XUAR since 2016, including information on: how individuals are selected for such “re-education,” how long they are typically held in the camps, the precise locations of the camps, the content of the daily classes or typical activities in a camp, the individuals’ legal rights in refusing and/or appealing the decision to be sent to a camp, and measures to ensure that individuals’ families are promptly notified.
7. Provide detailed information on individuals who have been released from the aforementioned camps since 2016, including how many have since been put under compulsory criminal measures, the criminal charges involved, and the number of arrests, indictments, court trials, and prison sentences.

## **Discrimination against ethnic minorities (arts. 1, 2, 4, 5 (d-f))**

### *In daily life*

8. Respond to and provide explanations on reports that, based on their racial identity, some members of ethnic minorities face forms of discrimination in daily life, such as in seeking employment, booking a hotel room or renting an apartment, or accessing other social services and economic opportunities, not only in ethnic minority regions but in other areas in China.
9. Provide detailed information on government policies that prevent ethnic minorities from renting hotel rooms around certain periods or events, and information on any legal basis for police ID checks on ethnic minorities.
10. Respond to and provide explanations on media reports and firsthand accounts that mass surveillance of the Uyghur ethnic minority population has greatly expanded in the XUAR through police checkpoints stationed approximately every 100 meters in cities, where residents are stopped for ID checks and scans of their mobile phones for “banned” content, and that Uyghurs are disproportionately subjected to checks while ethnic Han do not face the same treatment.

### *Religious freedom*

11. Provide disaggregated data on court cases involving individuals imprisoned for participating in religious activities, wearing religious clothing, or other acts related to religious activities, such as possessing a copy of the Koran.
12. Provide explanations on how recently introduced government policies comply with the Convention in protecting religious freedom for ethnic minorities, especially ethnic

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<sup>2</sup> Article 46, Regulations on Counter-Extremism in Xinjiang Uyghur Autonomous Region (新疆维吾尔自治区去极端化条例), Standing Committee of People’s Congress of Xinjiang Uyghur Autonomous Region, March 29, 2017, [http://news.ts.cn/content/2017-03/29/content\\_12577663.htm](http://news.ts.cn/content/2017-03/29/content_12577663.htm).

Uyghur Muslims and Tibetan Buddhists, including the newly revised Regulations on Religious Affairs, which went into effect in February 2018.<sup>3</sup>

### *Freedom of movement*

13. Provide detailed information on measures that protect the right of freedom of movement of ethnic minorities in the Tibet Autonomous Region (TAR) and XUAR; the legal justification for confiscating passports from ethnic Tibetans in the TAR and Uyghurs in the XUAR; and information on the numbers of ethnic Uyghurs who have been forcibly returned from overseas by foreign governments, including through deportations.
14. Respond to reports that State restrictions on freedom of movement have negative economic impact on ethnic minorities, as they are restricted in the type of employment that they can obtain, resulting in some rural families living in poverty due to a lack of work opportunities.

### **Access to justice (art. 5 (a))**

15. Provide information on the measures taken to ensure members of certain ethnic groups, including Uyghurs and Tibetans, are guaranteed access to legal counsel of their choice. Provide detailed information about any measures taken to ensure complaints about denial of legal counsel or other due process rights are investigated and any unlawful activities are prosecuted, and information about any punishments of State officials who have been found guilty of criminal acts at trial.

### **Ill-treatment of incarcerated members of ethnic minorities by State agents (art. 5 (b))**

16. Provide detailed information on the circumstances of reported deaths of ethnic Tibetans and Uyghurs resulting from ill-treatment in police custody from the major incidents involving police actions in the TAR (in March 2008) and XUAR (in July 2009) to the present.
17. Provide information on specific measures and practices that have been adopted and implemented in detention centers and prisons, and in what locations, that have helped to protect members of ethnic minority groups, particularly Tibetans and Uyghurs, from torture and ill-treatment.
18. Provide detailed information on any investigation and prosecution or conviction of State agents alleged to have engaged in torture or ill-treatment of incarcerated ethnic Tibetans and Uyghurs. Please provide information about any compensation, as mandated by the Convention against Torture, that has been provided to such victims of torture or ill-treatment, or to families of individuals who have died as a result of torture or ill-treatment.

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<sup>3</sup> Regulations on Religious Affairs (宗教事务条例), State Council of the People's Republic of China, June 14, 2017, [http://www.gov.cn/zhengce/content/2017-09/07/content\\_5223282.htm](http://www.gov.cn/zhengce/content/2017-09/07/content_5223282.htm).