

**CHINA: NGO FOLLOW-UP REPORT**

CERD/C/CHN/CO/14-17  
(August 2018)

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*The report was prepared in partnership with a grassroots organisation working to advance equality and foster tolerance and dialogue between China’s ethnic groups. It covers priority recommendations 44(c) and 42(a)(b)(h); additional information and recommendations are included to speak to the challenges faced by the organisation, and others, who seek to defend the linguistic and cultural rights of various ethnic groups within the PRC.*

**Suggested grades by the civil society organization**

- A: The response of the government to the recommended measure is satisfactory.
- B: The response of the government to the recommended measure is partially satisfactory.
- C: The government has not taken any actions to implement the recommendation.
- D: The government has taken actions that are contrary to the recommendation.

**Paragraph 44: Tibetans**

*The Committee recommends that the State party:*

*(c) Provide the Committee with information regarding the promotion of, and any restrictions on the use of, ethnic minority languages.*

**Suggested grade: D**

**1) There are major gaps between State practices on the ground and the existing legal and regulatory framework providing basic safeguards for minority language rights**, detailed by the authorities in their follow-up report. The Chinese government regularly promulgates laws and regulations<sup>1</sup> that provide for protections of ethnic minority language rights, but there is a serious lack of concrete implementation measures at the local level, including in education activities. The Chinese government advances bilingual education policies in ethnic autonomous jurisdictions, but in the concrete implementation of these policies, authorities clearly privilege the promotion of Mandarin language education and instruction, to the detriment of minority language protection. For this reason, the use of policy documents, circulars, and regulations at the local level<sup>2</sup> provides far more insight into the day-to-day restrictions on minority language rights than would be assumed reading only the letter of national law.

<sup>1</sup> Article 4 of the Constitution of the People’s Republic of China; Articles 10, 21 and 49 of the Regional Ethnic Autonomy Law; Article 12 of the Education Law; Article 20 of the State Council’s regulation on Urban Nationalities Work; State Council Order #435, Provisions on Implementing the Regional Ethnic Autonomy Law.

<sup>2</sup> Kardze Tibetan Autonomous Prefecture Regulations on the Use of Tibetan Language (2015), Art. 4; Bayingolin Mongol Autonomous Prefecture Regulations on the Management of Language, Art. 3 and 4; Lhasa [City] Regulations on Progressing Ethnic Unity Art. 16

The 2016-2020 National Human Rights Action Plan also protects, on paper, minority language rights; yet, there are no independent mechanisms to assess the implementation of the promotion of ethnic minority languages, nor to monitor restrictions to their use by the Government. There continues to be no National Human Rights Institution (NHRI) in China; the Government has responded to various UN human rights bodies by saying that it is unnecessary (a shift from 2013, when it committed to 'considering the establishment' of an NHRI in its 2<sup>nd</sup> UPR), stating that numerous departments within the government 'already perform comparable functions'. Progress on an NHRI is critical for the protection and promotion of human rights, and should include a clear mandate to review and monitor academic institutions, ensuring that they meet the spirit, not simply the letter, of China's obligations to provide bilingual and mother-tongue language education and instruction, in particular in Tibetan and Uyghur.

**2) Rights groups reports point out to the use or abuse of 'bilingual language education' as a means of advancing assimilationist policies,** particularly when national laws and local regulations lack specificity, and when political rhetoric, particularly of the nationalist/populist variety, implicitly discourages the use and protection of minority languages.

In order to strengthen 'unification' policies, the Chinese government has established education models that mix Mandarin language education with patriotic education in 'internal classes' (*neiban*) or dedicated boarding school programmes<sup>3</sup> for Tibetan school students (ages 12 to 18) that are located *outside* Tibet. The adoption of these models strengthens the assimilation of ethnic minority students, and such language classes are often paired with patriotic education (in line with Chinese Communist Party ideology). Most schools in Tibet have Chinese- or Han-centric environments, and have barred expressions of Tibetan culture. The only language permitted is Mandarin, which consequently discourages Tibetan-speaking children from attending class. This is the only accessible education system in Tibet, forcing an impossible choice between cultural and linguistic identity and access to education. Similar concerns have been expressed by Special Procedures experts regarding 'bilingual education' in the Xinjiang Uighur Autonomous Region<sup>4</sup>.

In view of these limitations, monasteries have become more active in providing after-school or summer holiday

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<sup>3</sup> According to the reported statistics from the Ethnicities office of the Ministry of Education, in 2015 boarding schools existed across 22 provinces. They comprise: 17 middle schools, with annual enrolment of 1'500 students; 68 high schools, with annual enrolment 3'000 students; 48 vocational secondary schools, with annual enrolment 3'000 students.  
[http://www.moe.gov.cn/jyb\\_xwfb/xw\\_zt/moe\\_357/jyzt\\_2015nztzl/2015\\_zt07/15zt07\\_fzci/201508/t20150824\\_202307.html](http://www.moe.gov.cn/jyb_xwfb/xw_zt/moe_357/jyzt_2015nztzl/2015_zt07/15zt07_fzci/201508/t20150824_202307.html)

<sup>4</sup> Four Special Procedures mandate-holders, including the mandates on education, cultural rights and minorities, had already expressed 'serious concern' in 2018 about the 'bilingual education' directive in Hotan Prefecture (Xinjiang Uighur Autonomous Region), and its 'disproportionate and hence discriminatory provisions' that 'impose a ban on, or seriously reduce, the use of Uyghur language in educational settings in the Xinjiang Uighur Autonomous Region, and which will progressively impose the Mandarin Chinese language as the main or even sole language of instruction at pre-school, elementary school and middle-schools levels' ([JOL CHN 1/2018](#)). The authorities have not repealed this directive, and have also [not provided any substantial response](#) to the allegations, only reiterating elements of the national regulatory framework.

education in Tibetan language. A [report](#) released by Human Rights Watch in January 2019 documents an official circular in Qinghai Province banning ‘illegal study classes’.<sup>5</sup> It describes the informal classes run by monks as ‘ideological infiltration among the young,’ ‘dangerous,’ and ‘harmful’. It calls on local officials and Chinese Communist Party cadres responsible for managing monasteries to ‘understand the harmful nature of monasteries running open schools,’ and to stop them from doing so.<sup>6</sup> The ban is aligned with documents previously released in other counties and provinces, and was issued not by the Ministry of Education, but by the government-party organ charged with overseeing ethnic minority policies.

**3) Bilingual education policies by the central government have received resistance in Tibetan areas.** This has included large-scale protest in Tibetan districts in Qinghai and Sichuan provinces. In September 2010, at the beginning of the Qinghai education reform plan, the document required that schools scrap the earlier bilingual education plans (which had Tibetan as the primary language) and shift immediately to Mandarin as primary language. It continued, requiring primary school to adopt a ‘bilingual education system’ centred on Mandarin by 2015, with Tibetan as a ‘support language’. As a result, Huangnan Tibetan Autonomous District (in Qinghai Province), undertook reforms to replace all Tibetan language materials with Mandarin materials, setting off large-scale protests. On 19 October 2010, students from primary and middle schools in Qinghai’s four Tibetan Autonomous Prefectures - Huangnan, Jiannan, Guoluo and Haibei – took to the streets and assembled in schools to demonstrate against these changes. Foreign media reported that in some instances, several thousand people participated.

Again, on 29 October 2014, the Party chairperson of the Education Bureau in Kardze<sup>7</sup> Tibetan Autonomous Prefecture, Sichuan province, announced that ‘the use of Tibetan by primary school students is not useful to their continuing education, and influences their employment prospects, therefore local schools should ensure leadership emphasizes the importance of promoting Mandarin education’. On 1 November, several middle- and other schools in the area collectively protested this announcement.

**4) The authorities have severely restricted and punished advocacy in favour of Tibetan linguistic rights, including through drawing dangerous linkages between the protection of Tibetan language and advocacy for ‘Tibetan independent’ and ‘separatist’ behaviour.**

In local ‘stability maintenance’ policy documents, the protection of Tibetan language has been classified as an activity associated with ‘Tibetan independence’. For example, in 2015 the author of this report travelled to Tongren County, Huangnan Tibetan Autonomous Prefecture, where he uncovered a document titled ‘20 kinds of illegal behaviours [linked to] Tibetan independence’. The third item of this document classifies certain kinds of organisations as illegal, on the grounds of threats to ‘protecting our mother tongue’, ‘ecological protection’, and ‘establishment of literacy classes’. Those who conduct ‘illegal activities’ are therefore considered, by definition, as advocating for Tibetan independence.

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<sup>5</sup> <https://www.hrw.org/news/2019/01/30/china-tibetan-children-banned-classes>

<sup>6</sup> Ibid.

<sup>7</sup> The PRC government sometimes renders the name of this prefecture ‘Ganzi’, in transliterated Mandarin.

Local community-based language empowerment initiatives promoting Tibetan language have been reportedly shut down by the Chinese government, which has labelled Tibetan as containing ‘splittist vocabulary’. As a result, attempts made by Tibetans to preserve their language have become a political matter, making the maintenance of Tibetan language increasingly difficult.<sup>8</sup>

In the worst cases, the Chinese government has detained and criminally charged those who advocate for the protection of Tibetan and Uyghur language. In May 2018, a Tibetan shopkeeper, **Tashi Wangchuk**<sup>9</sup>, was sentenced to five years in prison for allegedly ‘inciting separatism’ after he complained to foreign journalists about the lack of such teaching in his area. Tashi Wangchuk told the New York Times<sup>10</sup> that one of the reasons he sought to highlight the importance of language was because he could not find a place where his two teenage nieces could continue studying Tibetan, after officials forced an informal school run by monks in his area to stop offering language classes for laypeople. Officials had also ordered other monasteries and a private school in the area not to teach the language to laypeople. And public schools had dropped true bilingual education in Chinese and Tibetan, teaching Tibetan only in a single class, like a foreign language, if they taught it at all. Several UN Special Procedures mandate-holders have raised concerns with the Chinese authorities on 10 February 2017 ([JUA CHN 2/2017](#)) and 16 February 2018 ([JUA CHN 4/2018](#)) over Tashi Wangchuk’s protracted detention and subjection to ill-treatment

Rights groups have urged the Chinese government to allow voluntary and community-based Tibetan language associations to operate safely and effectively, starting by lifting the restrictions against them and the classification as ‘illegal associations’.

**Paragraph 42 : Xinjiang Uighur Autonomous Region**

*The Committee recommends that the State party:*

- (a) Halt the practice of detaining individuals who have not been lawfully charged, tried and convicted for a criminal offence in any extralegal detention facility;*
- (b) Immediately release individuals currently detained under these circumstances, and allow those wrongfully held to seek redress;*
- (h) Provide the number of persons held against their will in all extralegal detention facilities in the Xinjiang Uighur Autonomous Region in the past five years, together with the duration of their detention, the grounds for detention, the humanitarian conditions in the centres, the content of any training or political curriculum and activities, the rights that detainees have to challenge the illegality of their detention or appeal the detention, and any measures taken to ensure that their families are promptly notified of their detention*

**Suggested grade: D**

<sup>8</sup> [https://issuu.com/internationaltibetnetwork/docs/itn\\_un\\_hrap-t\\_nobleed](https://issuu.com/internationaltibetnetwork/docs/itn_un_hrap-t_nobleed)

<sup>9</sup> <https://savetibet.org/imprisoned-tibetan-language-advocate-tashi-wangchuk-faces-false-separatism-charges/#2>

<sup>10</sup> <https://www.nytimes.com/video/world/asia/100000004031427/a-tibetans-journey-for-justice.html>

The State's follow-up report reflects the absence of implementation of the Committee's recommendation, by limiting itself to the rebuttal of the employed terminology of 'political reeducation camps'. Yet, civil society reports have documented that an **estimated 1 to 1.8 million Uighurs and other Turkic Muslims remain arbitrarily detained in such extrajudicial detention facilities and in forced labour camps, many of which as a result of basic expressions of ethno-religious identity, such as the promotion of Uighur language materials and teaching.** Leaks of official highly classified Chinese government documents, including the November 2019 'China Cables'<sup>11</sup> and the February 2020 Karakax List'<sup>12</sup>, demonstrate official intent to arbitrarily detain and 're-educate' Turkic Muslims, and cast light on the prison-like management of reeducation facilities, at the opposite of the Government's claimed 'vocational education and training' efforts. On 1 November 2019, 12 Special Procedures mandateholders provided an analysis of the effect and application of China's Counter-Terrorism Law and its Implementing Measures in the XUAR ([JOL CHN 18/2019](#)). The experts clarify that due to their 'coercive nature', these facilities amount to detention centers, and that detention in those centers are both 'unlawful' and 'arbitrary'. The Counter-Terrorism Law allowing for 'educational placement' following conclusion of a criminal sentence (Art 29.30) runs counter to due process guarantees, as it lacks judicial oversight, any time limits provided by law, concrete charges supported by sufficient and transparent evidence, and no means of challenging the detention's legality. The experts also express concern that mass internment in those facilities has resulted in wider rights violations, including alleged enforced disappearances, deaths in custody, and heightened risk of torture.

**A large set of official documentation, including the State's follow-up report to the Committee, demonstrate linkage drawn by the authorities between what is considered to be 'extremist' or 'terrorist' behavior, and the use of minority languages, or non-sufficient knowledge and use of Mandarin.** In its follow-up report, the State reaffirms its commitment to 'eliminate the soil and conditions for the breeding and spread of terrorism and religious extremism', through *inter alia* so-called 'education and vocational training centers', whose first stated goal is the 'learning of standard national spoken and written language'.

Related local regulations take a similar path in drawing linkages between Uighur language and expression with 'de-extremification' efforts. On 12 November 2018, six Special Procedures mandate holders have sent a joint communication to the Chinese government raising concerns regarding the revision of the XUAR Regulation on De-extremification ([JOL CHN 21/2018](#)). The mandate holders expressed serious concerns over the alleged incompatibility between the State's obligations under international human rights law, and provisions in the Regulation. Notably, emphasis is put on the fact that 'in view of the definition in Article 9(5) of extremification as the "interfering with normal cultural and recreational activities", it is alleged that many cultural, linguistic or religious activities could fall afoul of this overbroad definition [...] leaving open the possibility that the mere use of the Uighur language [amongst other ethno-religious practices] may be deemed as falling outside of "normal" activities'. To date, the State has not provided any response to this communication, nor has it repealed this Regulation. Instead, the Regulation has been invoked as an element within the body of laws and regulations allegedly granting a 'legal basis' to the so-called 'vocational training centers' in the Government's view.

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<sup>11</sup> ICIJ, Exposed: China's Operating Manuals for Mass Internment and Arrest by Algorithm: <https://www.icij.org/investigations/china-cables/exposed-chinas-operating-manuals-for-mass-internment-and-arrest-by-algorithm/>

<sup>12</sup> JPR, Karakax List: Dissecting the Anatomy of Beijing's Internment Drive in Xinjiang: <https://www.jpolarisk.com/karakax/>

In August 2019, a white paper entitled *Xinjiang's work on vocational and technical education and training*<sup>13</sup>, published by the State Council's Information Office, and whose language has been extensively replicated in the State's follow-up report to the Committee, noted that People's Governments across Xinjiang were increasing Mandarin education on a massive scale, and argued that such programmes had a legal basis. The report continues by noting that 'the only criterion for education at the centres is whether the trainee has been convicted of unlawful or criminal acts involving terrorism and religious extremism. It has nothing to do with their region, ethnicity or religion'. It explicitly provides that 'to meet the needs of fighting terrorism and extremism, these [vocational training] centres deliver a curriculum that includes standard spoken and written Chinese... and deradicalization.'

NGO reports and testimony from individuals call these assertions into question. They note that there is rarely if ever notification to families about the 'enrolment' of an individual; that there is no legal proceedings preceding the 'enrolment'; that speaking ethnic minority languages in the facilities is forbidden, and that those who do are punished; and that education also includes political indoctrination.

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<sup>13</sup> <http://www.scio.gov.cn/zfbps/32832/Document/1662005/1662005.htm> or, for English, <https://www.en84.com/fy/fwx/bps/7419.html>