



World Uyghur Congress

REPORT TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

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KNOWLEDGE AND PROMOTION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

In its Fortieth Session, the Committee on the Rights of the Child (hereafter, 'the Committee') noted in its Concluding Observations of the People's Republic of China's (hereafter, 'PRC') Second Periodic Review that the PRC had translated the Convention on the Rights of the Child (hereafter, the 'Convention') into the "main minority languages". However, the World Uyghur Congress (WUC) notes that it has not been able¹ to locate a translation of the Convention - as well as other vital human rights treaties and their respective observations – into the Uyghur language either on the national or the Xinjiang Uyghur Autonomous Region (XUAR) government websites.²

During the WUC's search for the Uyghur translation of the Convention, it found the Chinese language version with ease on the Chinese language version of the XUAR government website but not on the Uyghur language version.³ Whilst this does not mean that the translation does not exist itself, it does however mean that at best the PRC has made little to no effort to "strengthen... efforts to disseminate the Convention in all languages,"⁴ which should be an achievable objective since this recommendation was made in 2005. Should the Uyghur language version(s) exist, the difficulty in finding them represent a discrepancy in the accessibility of the Convention translations between the two languages.

Furthermore, according to the 2000 census,⁵ 45% of the people in XUAR are ethnic Uyghurs, most of whom - in particular adults - are reported to be monolingual,⁶ meaning that without easy access to the Convention's text, Uyghur parents and professional groups will be unaware of the rights that children possess and thus unable to educate them to that end.⁷

Under Concluding Observation recommendations 16 and 17, the WUC has been unable to locate an independent national human rights institution with a clear mandate to monitor children's rights and implement the Convention at national, regional and local levels in accordance with the Paris Principles. The most recent evidence of one being mooted, albeit in a more general sense, was mentioned in an article on Xinhua in which several Chinese experts proposed the establishment of an independent human rights commission.⁸ The fact that it was being mooted in late 2011 also suggests that one is not in place.

Whilst the PRC said that it would, "encourage the dissemination of human rights knowledge" in its 'National Human Rights Action Plan (2012-2015)',⁹ the WUC is concerned that the dissemination of the information "via the media" will not be impartial in view of the continued repeated reports of the lack of independence of the media in China.

Recommendations and Practical Measures to Take

In accordance with the Committee's 2005 recommendations, the WUC makes the following recommendations to the PRC:

- to translate the Convention and all other relevant human rights treaties, including decisions and observations where not already done so;
- to make this information easily accessible;

1 Research conducted by a number of personnel from several Uyghur organisations on 13 November 2012.

2 You can find the XUAR governmental website here: http://www.xjggw.gov.cn/info_Show.asp?Infold=1116&ClassId=201

In undertaking the research for the Uyghur language version of the Convention(s), WUC colleagues noted that if the translations were available, they would probably or should also be available here: <http://www.kanun.cn/list.asp?id=2> ; or here: <http://uygur.xinjiang.gov.cn/> Several WUC colleagues with fluency in the Uyghur and Chinese languages who conducted the research were unable to find the appropriate translation. Research completed 13 November 2012.

3 To view the Convention (in Chinese) on the XUAR website, see here: http://www.xjggw.gov.cn/info_Show.asp?Infold=1116&ClassId=201

4 Recommendation 25(a) of the Committee's concluding observations.

5 'Xinjiang Profile', BBC [online]. Last updated 23 Oct 2012. See here: <http://www.bbc.co.uk/news/world-asia-pacific-16860974>

6 Fact found here: http://www.ethnologue.com/show_language.asp?code=uig

7 This fails to address the recommendation 25(b) and 25(c) of the Committee's concluding observations.

8 'Experts Propose Human Rights Commission', China.org.cn [online], redistributed from Xinhua. Published 22 September 2011. See here: http://www.china.org.cn/china/2011-09/22/content_23466680.htm

9 To view China's National Human Rights Action Plan (2012-2015), see here: http://www.chinadaily.com.cn/cndy/2012-06/12/content_15494392.htm

- to implement an effective action plan to disseminate this information to all persons who work with children or whose work and to the children themselves to a digestible level compatible with their age group;
- to disseminate the above-mentioned information via a variety of independent and impartial means;
- to educate all governmental officials and personnel, in addition to contracted employees, and others, of the Convention and their obligations.

RIGHT TO USE UYGHUR LANGUAGE IN EDUCATION

The UN Special Rapporteur on the Right to Education, Mr Vernor Muñoz Villalobos, noted in his 2005 annual report to the UN Commission on Human Rights (hereafter, 'Commission') that, “homogeneity in education is an impossible undertaking” and that to put “[p]ressure to entrench the use of one language [in education] for all peoples... is a sign of intolerance”, citing the example of forbidding minorities and indigenous peoples from using their native languages and Article 30 of the Convention.¹⁰ In the same vein, the Committee recommended in its concluding observations that the PRC should, “Ensure that all teaching and learning materials for the primary and secondary level are also available in ethnic minority languages and with culturally sensitive content.”¹¹

Guarantees are afforded to ethnic minority regions, such as XUAR, in Chinese and international law for the right to study in ones own native language. Both national and regional guarantees include the following:¹²

1. Article 4 of the Chinese Constitution states that, “All ethnic groups have the freedom to use and develop their own spoken and written languages.”
2. Article 36 of the CPR's Regional Ethnic Autonomy Law¹³ establishes the principle that language policy should be decided at the local level. It goes on to state, “Schools and other educational organizations recruiting mostly ethnic minority students should, whenever possible, use textbooks in their own languages and use these languages as the media of instructions.”
3. The CPR's Compulsory Education Law reiterates the right of minorities to be educated in their mother tongue; “Schools in which the majority of students are of ethnic minorities may use the spoken and written languages of those ethnic minorities in instruction.”

In contrast and in contravention of these legal guarantees, government policy has been having a drastic effect on the rights of Uyghur children. Since the 1980s, the PRC has been increasing its use of “bilingual education”, and particularly since 1999. At the “Work Conference on Ethnic Language and Writing”, it was decided that 'bilingualism' was the only way to raise the standard of education for minorities.¹⁴

Since this time, the Chinese authorities have been establishing so-called “Xinjiang Classes” in which top students are removed from their cultural environment and placed in Chinese-only language instruction, a process that is described as “not entirely voluntary.”¹⁵ In addition, since 2002, all courses have been conducted in Chinese, with the exception of minority languages and literature classes. Likewise, the PRC has heavily invested in the so-called bilingual education, having committed 430 million RMB with the goal of educating 258000 minority children in these schools by 2010.¹⁶

¹⁰ E/CN.4/2005/50, para. 72.

¹¹ Recommendation 77(d) of the Committee's concluding observations.

¹² 'Uyghur Language Under Attack: the myth of “bilingual” education in the People's Republic of China', Uyghur Human Rights Project [online], published 24 July 2007. p. 2-3. See here: <http://docs.uyghuramerican.org/UyghurLanguageUnderAttack.pdf>

¹³ Last amended 28 February 2001

¹⁴ 'Uyghur Language Under Attack: the myth of “bilingual” education in the People's Republic of China', Uyghur Human Rights Project [online], published 24 July 2007. p. 5. See here: <http://docs.uyghuramerican.org/UyghurLanguageUnderAttack.pdf>

¹⁵ 'Uyghur Language Under Attack: the myth of “bilingual” education in the People's Republic of China', Uyghur Human Rights Project [online], published 24 July 2007. p. 6. See here: <http://docs.uyghuramerican.org/UyghurLanguageUnderAttack.pdf>

¹⁶ 'Xinjiang's Bilingual Education Starts with Children', People's Daily Overseas Edition. Published on 10 Oct 2006 [新疆“双语”教育从娃娃抓起, 人民日报海外版, 2006-10-12]. Information found in, 'Uyghur Language Under Attack: the myth of “bilingual” education in the People's Republic of China', Uyghur Human Rights Project [online], published 24 July 2007. p. 7. See here: <http://docs.uyghuramerican.org/UyghurLanguageUnderAttack.pdf>

Furthermore, in a document released by the Regional Bureau of Education in Hotan, where 90% of children under its jurisdiction are ethnic Uyghur, it was announced that all classes would be taught in Chinese by 2010.¹⁷ In Artush, a city where 80% of the population is Uyghur, all classes were to be taught entirely in Chinese by 2012.¹⁸ Likewise, in Bashkeram, where 95% of the population is Uyghur, the government invested 430000 yuan to create a school in which the only language of instruction is Chinese and where speaking Uyghur would be forbidden.¹⁹ In a recent CCTV article, it boasted about how this policy is pleasing Uyghurs, in addition to the fact that students are not allowed to practice their religion²⁰ (see below for repression of religion), whilst another independent article noted the discontent at the policies and the widening gap between minorities and the majority Han Chinese.²¹

The PRC has also been heavily recruiting Chinese language teachers from outside XUAR (mostly ethnic Han Chinese), along with monetary incentives. In addition, a lot of the investment in the education system in XUAR lends weight to Chinese speakers; all those recruited and currently in employment are required to speak Chinese, but not Uyghur. There are also widespread reports of schools (at both the primary and secondary levels) teaching exclusively in Chinese, except for the lesson on the Uyghur language.

In spite of a wealth of academic research²² into bilingual education (i.e., not learning in one's mother tongue) is detrimental to the child, in which children's motivations and development are negatively affected and lead to higher dropout rates, the PRC continues with this policy. It is noteworthy to mention that similar policies are also being implemented in Tibet.²³ This is a violation of Article 30 of the Convention, in addition to being in contravention of the PRC's own Constitution and laws.

It is also important to note that the use of the Uyghur language is deeply interconnected with the maintenance and growth of Uyghur culture, in particular the preservation of oral folk-tales, poetry or storytelling and the wealth of literature. One important societal function in this regard is the Meshrep, taking many years to learn from one's youth, which is under threat due to loss of language capability – which is essential for the practise of the Meshrep – and suppression of the practice, in spite of the PRC successfully petitioning for its inclusion on UNESCO's 'List of Intangible Cultural Heritage in Need of Urgent Safeguarding'.²⁴ This hinders a child's right to develop their culture.

Recommendations and Practical Measures to Take

The WUC recommends that the PRC undertakes the following measures:

- to meaningfully implement the aforementioned already-existing national, regional and international laws pertaining to language instruction in schools;

17 Eric T. Schluessel, "Bilingual Education and Discontent in Xinjiang", Central Asian Survey. Published in June 2007.

18 'Artush Excited by Chinese Language Studying Fever', Xinjiang Daily Net, Published 11 July, 2006. [阿图什兴起学汉语热, 新疆日报网, 2006-7-11]. Information found in, 'Uyghur Language Under Attack: the myth of "bilingual" education in the People's Republic of China', Uyghur Human Rights Project [online], published 24 July 2007. p. 8. See here: <http://docs.uighuramerican.org/UyghurLanguageUnderAttack.pdf>

19 Kazuto Tsukamoto, 'Bilingual Education Spreads Chinese to Ethnic Minorities', The Asahi Shinbun. Published 2 March 2006. Information found in, 'Uyghur Language Under Attack: the myth of "bilingual" education in the People's Republic of China', Uyghur Human Rights Project [online], published 24 July 2007. p. 7. See here: <http://docs.uighuramerican.org/UyghurLanguageUnderAttack.pdf>

20 'A Decade of Change: Success of Xinjiang's Education Boosts Development', CCTV [online]. Published 2 Nov 2012. See here: <http://english.cntv.cn/program/newshour/20121102/105382.shtml>

21 'Gap Between China's Ethnic Minorities & Dominant Han Majority Still Apparent', Channel News Asia [online]. Published 20 October 2012. See here: <http://www.channelnewsasia.com/stories/featurenews/view/1232458/1.html>

22 See, for example, Kang Jian, 'If Xinjiang Will Develop, Chinese-Language Education Must be Distributed', Language and Translation, No.2. Published in February 2006, pp. 63-6; and,

Arienne Dwyer, 'The Texture of Tongues: languages and power in China' in William Safran, ed., Nationalism and Ethno-Regional Identities in China, London: Frank Cass, 1998.

Information found in, 'Uyghur Language Under Attack: the myth of "bilingual" education in the People's Republic of China', Uyghur Human Rights Project [online], published 24 July 2007. See here: <http://docs.uighuramerican.org/UyghurLanguageUnderAttack.pdf>

23 See Communications report of the Special Rapporteur on the right to education issued on 13 May 2011, A/HRC/17/29/Add.1, p.3-6

24 Serious concerns have been raised about the inclusion of Meshrep into the UNESCO's list, including as politicisation of the cultural practise, even showing divergent opinions from within the Committee, notably from Rachel Harris, on the manner in which the PRC is dealing with the practise. For more information, see here:

'Draft of Intangible Cultural Heritage Law Limits Research Activities; Xinjiang Case Study Shows Politicization of Heritage (Updated)', CECC [online]. Published 16 February 2011. See here: <http://www.cecc.gov/pages/virtualAcad/index.phpd?mode=print&showsingle=152889&PHPSESSID=db63a76cc47869c5d74ecac7a6face05&PHPSESSID=db63a76cc47869c5d74ecac7a6face05>

To view Rachel Harris' assessment of the inclusion of Meshrep into the list, see here:

UNESCO report on Meshrep, ITH/10/5.COM/CONF.202/5. p. 20-28. See here: <http://www.unesco.org/culture/ich/doc/src/ITH-10-5.COM-CONF.202-5%20Rev.-EN.pdf>

- to recruit more bilingual teachers by implementing quotas that are representative of the ethnic composition of the local area and making it obligatory to have bilingual teachers / courses, and for monolingual speakers to learn the minority language of the area, region or province and, where appropriate, Mandarin;
- to provide effective and affordable language courses for teachers in order to facilitate the above, which will also have the added value of fostering better relations between the different ethnic groups;
- to nurture minority language courses of all disciplines at all levels of the education system, including universities, in order for those languages to continue to flourish, by more equitably allocating funds in proportionality to ethnic groups and their individual needs;
- to implement an effective monitoring system therein;²⁵
- to consider undertaking measures that would increase the presence of Uyghur speakers within the political system so as to ensure that they are better represented;
- to increase the amount of participation from ethnic minorities, including Uyghurs, at the local and regional levels of the decision making process of the education system.

RELIGIOUS RIGHTS FOR UYGHUR CHILDREN

In paragraph 44 of the Committee's 2005 Concluding Observations, concerns were noted in regard to reports of restrictions placed on studying and practising religion which were affecting minorities, including Uyghurs. The Committee made several recommendations to improve the situation that, based on evidence, have not been implemented but instead have continued unabated with the *status quo* or worsened. In that regard, the U.S. State Department in a recent report on religious freedom in 2011 also stated that religious freedom had “[markedly deteriorated]” during the last year, describing the repression of Uyghurs as “severe”.²⁶

The Committee made the Concluding Observation that the PRC should, “[e]nact legislation explicitly guaranteeing freedom of religion for those under 18... which respects the rights and duties of parents to give guidance to their children.. in this regard.”²⁷ In this regard, the WUC notes that under Article 14 of the XUAR law for 'Implementing Measures for the Law on the Protection of Minors' still specifies, “parents or other guardians may not permit minors to be engaged in religious activities.”²⁸

The wording in Article 14 is not seen anywhere else in the PRC, and many Uyghur adults have been arrested, detained and sentenced under this law. Therefore this exhibits a discriminatory nature insofar that it is specifically targeted at Uyghurs,²⁹ and can thus be deemed to be in violation of, *inter alia*,³⁰ Article 5 (d, vii) of the International Convention on the Elimination of All Forms of Racial Discrimination (hereafter, 'ICERD'). This law is also in contravention of the PRC's own laws.³¹

Furthermore, the Committee also recommended the PRC to, “repeal any ban instituted by local authorities on children of any age from attending mosques or receiving religious education throughout the mainland.”³² Article 14 is still in place, meaning that the PRC has ignored this achievable recommendation.

25 Recommendation 20 of the Committee's concluding observations.

26 'Religious Freedom Declines Markedly in China', Radio Free Asia [online]. Published 30 July 2012. See here: <http://www.rfa.org/english/news/china/religious-freedom-07302012183122.html>

27 Recommendation 45 (a) of the Committee's concluding observations.

28 “Draft Regulation in Xinjiang Could Strengthen Legal Prohibitions Over Children's Freedom of Religion”, CECC [online]. Published on 1 July 2010. See here: <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=125058>
To view the law (in Chinese), see here: http://www.law-lib.com/law/law_view.asp?id=23714

29 For example, see:

'Uyghur Men Sentence', Radio Free Asia [online], Published on 6 May 2009. See here: <http://www.rfa.org/english/news/uyghur/sentence-06052009123936.html>

'Jailed for Helping Students', Radio Free Asia [online]. Published 28 Septmeber 2012. See here:

<http://www.rfa.org/english/news/uyghur/tewpiq-09282012115644.html?searchterm=uyghur%20school>

30 Article 14 (1) and Article 30 of the Convention is violated.

Article 2 of the PRC's 2005 Regulations on Religious Affairs. For the full text, see here: <http://chinesejil.oxfordjournals.org/content/5/2/475.full>

31 Most importantly, Article 36 of the PRC's Constitution.

32 Recommendation 45 (c) of the Committee's concluding observations.

In this regard, Uyghurs are also not permitted to attend mosques or attain a basic religious education in prayers. Only state sanctioned religious schools are legal, which have very limited places and notoriously difficult entry requirements, thus hindering access for many Uyghurs. Children under the age of 18 are not allowed to enter mosques for prayer and are not provided the opportunity to study Islam in school. Furthermore, Uyghur girls are forbidden from wearing religious dress-ware in school, some of whom have been expelled from school in the past.^{33 34} Both students and teachers at unsanctioned "home" schools take enormous risks by engaging in religious study, which is likely to result in imprisonment if discovered by authorities. During Ramadan, which suffered some of its worst suppression in recent years,³⁵ security officials were reportedly taking names at the entrances of Mosques to ensure, *inter alia*, that minors were not attending.³⁶ Similar reports emerged during the PRC's recent leadership change where Uyghur teachers were threatened with demotion and were accompanied by a Han Chinese teacher to ensure that the ban on entrance to mosques was enforced.³⁷

Recommendations and Practical Measures to Take

The WUC recommends that the PRC undertakes the following measures:

- to repeal Article 14 of the XUAR law for 'Implementing Measures for the Law on the Protection of Minors', which is in contravention of the PRC's laws and international law;
- to remove/real restrictive laws and regulations at the national, regional and local level that curb the freedom of children to practise their religion;
- to ratify the International Covenant on Civil and Political Rights (ICCPR);
- to allow parents to enact legislation explicitly guaranteeing freedom of religion for those under 18 which respects the rights and duties of parents to give guidance to their children, as was mentioned in the Committee's 2005 Concluding Observations;
- to implement the principle of non-discrimination as a fundamental principle to all laws and regulations at the national, regional and local levels;
- to permit children to freely express their religious affiliation.

DETENTION OF UYGHUR MINORS AND OTHER MALTREATMENT

In paragraph 56 of its Concluding Observations, the Committee recommended the PRC to strengthen efforts to combat abuse, neglect, violence and maltreatment, "including mandatory reporting requirements." On 14 March 2012, the PRC passed a series of amendments to its Criminal Procedure Laws.³⁸ Although many aspects were condemned, in particular the so-called 'disappearance clauses', there were some welcomed improvements to the rights of juveniles.³⁹ In spite of these improvements, many concerns remain regarding the practical implementation and practise-in-reality given the continued reports of minors being arrested, detained and maltreated by the authorities.

33 Graham E. Fuller and Jonathan N. Lipman, 'Islam in Xinjiang' in S. Frederick Starr, 'Xinjiang: China's Muslim borderland', (2004) Central Asia-Caucasus Institute . p.324

See also, 'The Xinjiang Perspective: part III', The Diplomat [online]. Published on 8 November 2012. See here: <http://thediplomat.com/china-power/the-xinjiang-perspective-part-iii/>

34 Uyghurs have also been expelled from school for other religious activities, such as praying. See here:

'Uyghur Students Caught Praying', Radio Free Asia [online]. Published on 13 July 2011. See here: <http://www.rfa.org/english/news/uyghur/praying-07132011134554.html?searchterm=uyghur%20school>

35 'China Restricts Ramadan Fasting for Uighurs in Xinjiang', Agence France Presse [online]. Published 1 August 2012. See here:<http://www.google.com/hostednews/afp/article/ALeqM5jmpXliDVVRADLRAScXMYbo5zBFCg?docId=CNG.95068329c6c42c24d7a3b142257e34f1.291>

36 'China Restricts Ramadan Fasting for Uighurs in Xinjiang', Agence France Presse [online]. Published 1 August 2012. See here:<http://www.google.com/hostednews/afp/article/ALeqM5jmpXliDVVRADLRAScXMYbo5zBFCg?docId=CNG.95068329c6c42c24d7a3b142257e34f1.291>

37 'The Xinjiang Perspective: part III', The Diplomat [online]. Published on 8 November 2012. See here: <http://thediplomat.com/china-power/the-xinjiang-perspective-part-iii/>

38 Due to come into force on 1 January 2013.

39 Vast improvements to the rights of minors under the amended Criminal Procedure Laws include non-publication of trial, non-prosecution of first time offenders, establishment of appropriate adult presence, and better legal aid and protection procedures. For more information, see here: <http://www.womenofchina.cn/html/womenofchina/report/146275-1.htm>

Following a brutal crackdown on peaceful protests in Urumqi on 5 July 2009, many children were reported to have been injured as a result of heavy handed, indiscriminate use of force and arrested.⁴⁰ Security forces reportedly used guns, tear-gas, batons, tazors and other weapons which resulted in the subsequent turmoil. There is yet to be an independent investigation into the events. One example, Noor ul-Islam, 17 at the time of his detention, reportedly died on 13 November 2011 whilst in detention after being subjected to beatings and torture, including with electric batons.⁴¹ These are consistent with remarks made by UN Special Rapporteur on Torture Manfred Nowak, who has said that Uyghurs in government custody frequently suffer from physical and mental torture.⁴²

There continues to be widespread and frequent reports emanating from the PRC of children being injured or killed in raids on “unsanctioned religious” schools or whilst being in detention. Recently, an 11 year-old boy, Mirzahid Amanullah Shahyari died whilst in detention after attending one of these “unsanctioned religious schools” reportedly having been tortured, including strangulation and beatings, among other forms.⁴³ He was detained in Korla on 20 May 2012, dying at an unknown time and being interred on 22 May 2012 with police presence and without burial rites.

A 15 year-old Uyghur, Pamir Yasin, was subsequently placed under 15 days' administrative detention under Article 47 of the PRC's Public Security Administration Punishment Law⁴⁴ for posting in a blog on Sina Weibo blog “false information” pertaining to the incident on or around 5 June 2012.^{45 46} The following day, 12 children suffered burns in Hotan requiring hospitalisation after explosives were detonated during a heavy-hand raid on an “unsanctioned” school by police,⁴⁷ following which many of the children's parents were arrested.⁴⁸

This sort of treatment of young Uyghurs is frequently reported in other situations too. Five Uyghurs aged between 7 and 17 years were detained, some of whom sustained serious injuries, and another 6 year-old went missing, after attempting to escape religious persecution with a group of adults by crossing the border to Pakistan.⁴⁹ More recently, a video posted on Youtube on 1 October 2012 shows what appears to be a 5 year old Uyghur boy being beaten – including kicks to the head - by several Han Chinese individuals in which

40 For examples of reports on the situation of children during this period, see below:

'Justice, Justice: the July 2009 protests in Xinjiang China', Amnesty International. Published in 2010. p. 13. See here:

http://www.observatori.org/paises/pais_81/documentos/asa170272010en.pdf

'We Are Afraid to Even Look for Them', Human Rights Watch. Published October 2009. p. 27. See here:

<http://www.hrw.org/sites/default/files/reports/xinjiang1009web.pdf>

'Cases of Enforced Disappearances of Civilians in East Turkestan', World Uyghur Congress. Published August 2012. See

here:<http://www.uyghurcongress.org/en/wp-content/uploads/2012-June-21-WUC-Report-on-Enforced-Disappearances-of-Uyghurs-in-China.pdf>

'A City Ruled by Fear and Silence: Urumchi, two years on', Uyghur Human Rights Project. Published July 2011. See here:

<http://docs.uyghuramerican.org/July5-report.pdf>

'Death on the Silk Route: violence in Xinjiang', BBC [online]. Published on 2 August 2011. See here:<http://www.bbc.co.uk/news/world-asia-pacific-14384605>

41 'Uyghur Youth Dies in Jail', Radio Free Asia [online]. Published on 6 December 2011. See here: <http://www.rfa.org/english/news/uyghur/jail-12062011110617.html/>

42 'Special Rapporteur on Torture Highlights Challenges at End of Visit to China', United Nations Press Release [online]. Issued 2 December 2005. See here: <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/677C1943FAA14D67C12570CB0034966D?opendocument>

43 'Death in Detention Draws Denigration', Radio Free Asia [online]. Published on 6 April 2012. See here:

<http://www.rfa.org/english/news/uyghur/death-06042012180843.html?search>

44 This law allows authorities to detain citizens without trial for up to 15 days for, “inciting ethnic hatred or ethnic discrimination or publishing ethnically discriminatory or insulting content in printed materials or online.”

45 'Uyghur Detained Over Tweets', Radio Free Asia [online]. Published 5 June 2012. See here: <http://www.rfa.org/english/news/uyghur/pamir-yasin-06052012181049.html>

46 In a similar incident, two Uyghur youths were detained earlier in the year for 'tweeting' information on an incident, along with several others.

'Uyghur Youths Detained', Radio Free Asia [online]. Published 15 March 2012. See here:<http://www.rfa.org/english/news/uyghur/weibo-03152012171616.html>

47 'Dozen Children Injured in Police Raid', Radio Free Asia [online]. Published 6 June 2012. See here: <http://www.rfa.org/english/news/uyghur/raid-06062012173326.html?search>

48 'IFC Statement on China's Brutality Against Uyghur Children at Hotan Religious Schools', Initiatives for China [online]. Published on 7 June 2012.

See here: <http://www.initiativesforchina.org/?p=1159>

49 'Six-year-old Missing after Terror Incident', Radio Free Asia [online]. Published on 8 January 2012. See here:

<http://www.rfa.org/english/news/uyghur/pishan-01082012183247.html>

'Status of Uyghur Children in Detention Unknown Following Border Clash', CECC [online]. Published on 1 February 2012. See here:

<http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=168528>

'China must reveal whereabouts of Uighur children detained after deadly clash', Amnesty International [online]. Published on 6 January 2012.

See here: <https://www.amnesty.org/en/news/china-must-reveal-whereabouts-uyghur-children-detained-after-deadly-clash-2012-01-06>

he reportedly had his arm broken.⁵⁰ There have also been reports of the authorities acquiescing in abuses of children, including sexual violence, by not responding, *inter alia*, to petitions.⁵¹

Recommendations and Practical Measures to Take

The WUC recommends that the PRC undertakes the following measures:

- to undertake a full and independent investigation into all reports of violence, maltreatment and deaths of Uyghur minors whilst in detention or elsewhere, including in the aftermath of the 5 July protests in Urumqi;
- to provide further procedural guarantees and assurances through effective and independent monitoring systems at the national, regional and local levels to prevent abuses of the rights of children, in pursuant with the Committee's 2005 Concluding Observations 16 and 17;
- to provide support to child victims of all maltreatment and adequate reparation;
- to implement a comprehensive plan of action to educate children on their rights under international law;
- to implement a comprehensive plan of action to educate all those who come into contact with children on their responsibilities according to laws and on best practises when dealing with children;
- to afford better legal and monitory protection to children from all forms of violence from non-governmental persons or governmental authorities who may acquiesce in the violence;
- to strengthen efforts to guarantee the right to life, survival and development of all children in its territory;
- to ensure the principle of non-discrimination is applied when implementing the Committee's recommendations;
- to undertake further measures to strengthen existing laws on the protection of children from all forms of violence.

FORCED MIGRATION OF UYGHUR MINORS

In spite of several legal protections afforded to child workers, reports continue to emerge of widespread abuses of the rights of the child in work. The Chinese authorities have been implementing a programme whereby predominantly young, female Uyghurs are transferred due to pressure or force to factories in Eastern China, mostly Zhejiang, Beijing, Tianjin, Shanghai and Shandong. Many of those transferred are under 18 - some reports suggest that girls as young as 15 years old are being transferred from XUAR to Shandong Province against their own will and the will of their parents.⁵² The programme has been designed to “[provide] employment opportunities and generating income” for Uyghur families.⁵³

Regarding opposition to the policy, with Shi Dagang, Party Secretary of the Kashgar Region, has been quoted as saying that, “whomever obstructs the Uyghur people from working in the exterior will become the criminal of Kashgar and the criminal of the Uyghur people.”⁵⁴ Subsequently, many of the individuals involved and their families have been threatened with a range of punishments should they not agree to participate in the programme. Some have been threatened with the confiscation of their family’s land, while others with the withdrawal of civil rights such as the denial of resident registration cards, without which

50 To view the video, see here: <https://www.youtube.com/watch?v=BTAvHJaJiRU>

51 'Mother of Trafficking Victim Detained', Radio Free Asia [online]. Published 3 February 2012. See here: <http://www.rfa.org/english/news/uyghur/detained-03012012184144.html>

52 'Uyghur Girls Forced into Labor Far from Home by Local Chinese Officials', Radio Free Asia [online]. Published on 11 July 2007. See here: http://www.rfa.org/english/news/uyghur/uyghur_labor-20070711.html

53 'Deception, Pressure, and Threats: the transfer of Young Uyghur women to Eastern China', Uyghur Human Rights Project. Published on 8 February 2008. p.4. See here: <http://www.uyghurcongress.org/en/wp-content/uploads/08-02-2008-Uyghru-Women.pdf>

54 'Deception, Pressure, and Threats: the transfer of Young Uyghur women to Eastern China', Uyghur Human Rights Project. Published on 8 February 2008. p.5. See here: <http://www.uyghurcongress.org/en/wp-content/uploads/08-02-2008-Uyghru-Women.pdf>

access to health, education and welfare services are extremely limited.⁵⁵ School teachers are used to target Uyghur girls and persuade them to participate in the programme, with the teachers themselves under pressure from local officials to comply.⁵⁶

Those who have participated in the programme often face working conditions which have been compared to "slave labour."⁵⁷ Wages are far less than promised, if paid at all, with further problems including sub-standard accommodation, food and sanitary conditions.⁵⁸ No assistance is given to those who express a desire to return to XUAR, and many are therefore living and working in eastern provinces against their will and of their families', unable to financially afford to return home.

As a result of this programme, the following Articles of the Convention have been violated:

- Article 9, which states that a child "shall not be separated from his or her parents against their will."
- Article 20, which states that a child temporarily deprived of his or her own family.
- environment "shall be entitled to special protection and assistance offered by the State."
- Article 32, which states the right of the child "to be protected from economic exploitation."

There have also been reports of authorities acquiescing or refusing to investigate cases of trafficking of children.⁵⁹

Recommendations and Practical Measures to Take

The WUC recommends that the PRC take the following measures:

- to immediately cease the forced transfer of young Uyghur women from XUAR;
- to provide appropriate financial reparation for those who have been affected, and to facilitate their return to XUAR, if such a return is requested;
- to undertake an enquiry to ensure that all enterprises employing transferred Uyghur labour are adhering to Article 32 of the Convention;
- to thoroughly investigate any claims of intimidation or threat by local officials towards young Uyghur women and their families, and take appropriate action against those found guilty of such misdemeanours.
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LACK OF AVAILABLE STATISTICAL DATA

In view of the lack of reliable and independently assembled disaggregated statistical data given by the PRC, providing an accurate assessment of its progress in implementing the Committee's 2005 recommendations proves difficult not only for the Committee but also NGOs and civil society on the whole. There is a significant lack of disaggregated information on the language composition (i.e., how many speakers of each linguistic group, whether or not they are monolingual and the level of their competency in a second language such as Mandarin) of the people of the PRC.

Recommendations and Practical Measures to Take

- The WUC recommends the Committee to urge the PRC to provide disaggregated statistics on gender, religion and linguistic groups, including that of the ethnic composition of each group;
- The WUC also recommends that the PRC increases public access to this data.⁶⁰

55 'Deception, Pressure, and Threats: the transfer of Young Uyghur women to Eastern China', Uyghur Human Rights Project. Published on 8 February 2008. See here: <http://www.uyghurcongress.org/en/wp-content/uploads/08-02-2008-Uyghru-Women.pdf>

56 'Deception, Pressure, and Threats: the transfer of Young Uyghur women to Eastern China', Uyghur Human Rights Project. Published on 8 February 2008. p.5. See here: <http://www.uyghurcongress.org/en/wp-content/uploads/08-02-2008-Uyghru-Women.pdf>

57 'Uyghur Girls Forced into Labor Far from Home by Local Chinese Officials', Radio Free Asia [online]. Published on 11 July 2007. See here: http://www.rfa.org/english/news/uyghur/uyghur_labor-20070711.html

58 'Deception, Pressure, and Threats: the transfer of Young Uyghur women to Eastern China', Uyghur Human Rights Project. Published on 8 February 2008. See here: <http://www.uyghurcongress.org/en/wp-content/uploads/08-02-2008-Uyghru-Women.pdf>

59 'Mother of Trafficking Victim Detained', Radio Free Asia [online]. Published 3 February 2012. See: here: <http://www.rfa.org/english/news/uyghur/detained-03012012184144.html>

60 Recommendation 22 of the Committee's concluding observations.