

**IMPLEMENTATION OF THE CONVENTION ON  
THE ELIMINATION OF ALL FORMS  
OF RACIAL DISCRIMINATION IN  
THE PEOPLE'S REPUBLIC OF CHINA**

**A PARALLEL NGO REPORT BY  
HUMAN RIGHTS IN CHINA**

**JULY 2018**

*Submitted to the Committee on the Elimination of Racial Discrimination in advance of its review of the combined fourteenth, fifteenth, sixteenth, and seventeenth periodic reports of the People's Republic of China on the implementation of the Convention on the Elimination of all Forms of Racial Discrimination*



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## EXECUTIVE SUMMARY

Human Rights in China (HRIC) respectfully submits this report to the Committee on the Elimination of Racial Discrimination (the Committee), in advance of the Committee's review of the Government of the People's Republic of China's (State party) combined fourteenth, fifteenth, sixteenth, and seventeenth periodic reports on implementation of the International Convention on the Elimination of all Forms of Racial Discrimination (the Convention).

### Overview

To promote a meaningful and robust review by the Committee and to advance constructive recommendations, HRIC's report first outlines key legal, institutional, and public policy developments that are not adequately included in the State party report. While the State party report focused primarily on its progress from 2008-2015 (State party report, para. 2), legislative developments and ongoing political trends since 2015 raise significant concerns that impact on the assessment of measures and policies adopted by China. HRIC's discussion of the State party's implementation progress will reference this more comprehensive timeframe and context.

HRIC's discussion of China's progress in implementing specific articles of the Convention will follow the same presentation format as the State party report. To contribute to a focused dialogue with the State party delegation, we also reference *selected themes identified by the Committee* (13 June 2018), identify *related issues and concerns that we respectfully urge the Committee to pursue* in its dialogue with the State party's delegation and offer a number of *concrete recommendations* to address the steep challenges posed by the current legal and political environment to effective implementation of the Convention.

### Summary of key issues and concerns

➤ *Limited disaggregated information and information on implementation and impact*

Although the State party's report includes disaggregated data in response to the Committee's requests, the lack of baseline information, benchmarks, and comparative indicators, hampers an assessment of the efficacy of legislative and policy measures in addressing discrimination, particularly regarding the apportionment of relative benefits and burdens of economic development for Tibetans, Mongolians, and Uyghurs, and for rural inhabitants and rural-to-urban migrants.

➤ *Lack of a comprehensive definition of racial discrimination*

The State party's failure to adopt a definition of racial discrimination in conformance with the Convention and that includes descent-based discrimination undermines the Committee's evaluation of the State party's compliance with its international obligations and the promotion of the State party's ability to effectively implement the Convention.

➤ *Significant legislative, policy, and institutional developments*

Key legislative, policy and institutional developments from 2013 through 2018 present a range of obstacles to the effective implementation of a rule of law, in particular related to themes identified by the Committee to guide and focus the State party's upcoming review: undermining the independence of the judiciary; measures to ensure lawyers, human rights defenders, and journalists can freely exercise their profession, in law and practice; protection of the civil and political rights of Tibetans, Mongolians, and Uyghurs; sustainably developing multi-ethnic provinces and regions; and eliminating interregional economic and social disparities. Under the *Law of the People's Republic of China on the Administration of Activities of Overseas*

*Nongovernmental Organizations in the Mainland of China* (2017), the restrictive national security legislative and policy framework is extended to tightened control over foreign NGOs and restricting domestic NGOs' collaboration to officially approved and monitored partners.

## RECOMMENDATIONS

HRIC respectfully urges the Committee to consider the following recommendations to the State party:

### On legislation and policy

- **Adopt a definition of racial discrimination.** The Committee should continue to press the State party to adopt a comprehensive definition of racial discrimination in accordance with Article 1 of the Convention.
- **Review restrictive national security laws.** China should review the suite of national security and cybersecurity laws and regulations to ensure compliance with international standards for legality, and that any restrictions on fundamental freedoms and rights are necessary, proportionate, and related to a legitimate government interest. The State party should provide information regarding concrete measures that it will pursue to ensure that its legislative, policy, and institutional framework is consistent with international standards and its obligations under the Convention and international human rights law.

### On exercise and enjoyment of civil and political rights and realization of economic social cultural rights

- **Broadly disseminate linguistically accessible information about CERD and other upcoming treaty body reviews.** To support full monitoring of CERD implementation and participation by ethnic minorities to contribute constructively to effective implementation of the Convention, the State party should broadly disseminate linguistically accessible information—produced by the UN and domestically—about CERD and other upcoming treaty body reviews, as well as technical information on civil society participation in the treaty body review process, on websites of all relevant government ministries and subnational government departments and agencies, and mass organizations.
- **Adopt concrete measures that ensure a safe and enabling civil society environment for ethnic minorities.** These measures should include broader dissemination of information on opportunities for ethnic groups to participate in and contribute to decisions that impact their communities' sustainable development.

### On realization of economic social and cultural rights

- **Ensure that poverty alleviation efforts and development efforts are undertaken, monitored and evaluated within an inclusive sustainable development and rights-based framework.**
- **Monitor and evaluate reforms of the *hukou* system within a rights-based, comprehensive, and coherent approach.** This approach includes ensuring that regional and local experiments are not only responsive to local conditions, but also are consistent with the broad objective to guarantee equal enjoyment of economic, social, and cultural rights for all.

In addition, HRIC respectfully urges the Committee to express strong concern about *Chinese policies and practices aimed at enforcing ideological conformity and comprehensive social control* that impermissibly restrict the exercise of civil and political rights by ethnic minorities, in particular freedom of expression and association, religious beliefs, and the right to meaningful participation in decisions that impact their communities.

## KEY LEGISLATIVE, PUBLIC POLICY, AND INSTITUTIONAL DEVELOPMENTS (2013-2018)

1. Major legislative and structural governance changes during 2015-2018 impact on the effective implementation of the Convention and, in particular, on specific themes identified by the Committee (13 June 2018),<sup>1</sup> including those related to: rule of law, such as the independence of the judiciary (Committee Theme #6), measures to ensure lawyers, human rights defenders, and journalists can freely exercise their profession, in law and practice (Committee Theme #24), protection of the civil and political rights of Tibetans, Mongolians, and Uyghurs (Committee Theme #23), and sustainably developing multi-ethnic provinces and regions, and eliminating interregional economic and social disparities (Committee Theme #28). These legislative and structural governance changes, together with major political, social, and legal developments, collectively undermine a safe and enabling civil society environment for ethnic minorities necessary for the effective protection and realization of the rights guaranteed to ethnic minorities under the Convention, including inclusive sustainable development in the ethnic areas.
2. At the highest level, these key political and institutional developments will have fundamental impact on the State party's implementation of obligations under CERD:
  - The amendments to China's state Constitution in March 2018 that:
    - removed the two-term limits of the presidency and vice-presidency, allowing both the president and the vice-president to serve for life; and
    - included the declaration of the paramountcy of the leadership of the Communist Party of China in the text of the Constitution ("The leadership of the Communist Party is the most essential characteristic of socialism with Chinese characteristics. Any organization or individual is forbidden to damage the socialist system" 中国共产党领导是中国特色社会主义最本质的特征。禁止任何组织或者个人破坏社会主义制度。).<sup>2</sup>
  - The reorganization of government and CPC institutions immediately following the constitutional amendments that has put many state government departments under the supervision of Party organs. (See more under the "Key institutional changes" section below.)
3. We underscore the critical significance of these developments because allowing the highest leader of the country unlimited tenure, conferring party ideology the power of the law, and subsuming government departments under Party organs raise serious questions about the State party's ability to implement its human rights treaty obligations in accordance with international standards. The Committee's explicit attention to the impact of these developments will contribute to an understanding of the root causes of obstacles to meaningful implementation progress by the State party, including promoting more effective responses to the concerns and recommendations of the Committee.

### Key legislative developments

4. The Committee has requested information statistics, disaggregated by ethnicity, on criminal charges and convictions for suspected involvement in extremist or terrorist activity (Committee

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<sup>1</sup> Committee on the Elimination of Racial Discrimination, List of themes in relation to the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China, and Macao, China), CERD/C/CHN/Q/14-17, 13 June 2018.

<sup>2</sup> Article 1, *The Constitution of the People's Republic of China*, amended and passed by the 13th National People's Congress, March 11, 2018, [http://www.npc.gov.cn/npc/xinwen/node\\_505.htm](http://www.npc.gov.cn/npc/xinwen/node_505.htm).

Theme #21). However, specific progress in advancing legal and policy measures, legal protections and remedies must be understood and assessed against broader legislative developments, as well as developments targeting specific ethnic groups.

5. Asserting a national security rationale, the Chinese authorities, under President Xi Jinping's leadership and building upon their extensive investment in *expanded surveillance technology*,<sup>3</sup> completed the construction of a *comprehensive and restrictive regulatory framework* to control online and offline expression, and regulate the activities of all actors in cyberspace.
6. In the name of safeguarding national security and cybersecurity, and combatting terrorism and extremism, the Chinese government has enacted laws that impose sweeping prohibitions of cultural and religious expression and activities in ethnic minority regions, including in the Tibet Autonomous Region (TAR) and Xinjiang Uyghur Autonomous Region (XUAR). They include the following overarching laws.

The *Counter-Terrorism Law of the People's Republic of China*<sup>4</sup> (effective since January 1, 2016), sets out extensive prohibitions on "extremist" activities, without providing a clear definition of what constitutes "extremist" activities, while requiring "[t]elecommunications operators and internet service providers" to avoid disseminating "information with terrorist and extremist" content (Art. 19), and public security organ to "stop and pursue legal responsibility of those advocating extremism or using extremism to endanger public security, disturb public order" (Art. 28).

The *Cybersecurity Law of the People's Republic of China*<sup>5</sup> (effective since June 1, 2017), empowers the State Council to authorize provincial, autonomous, regional, and municipal governments to restrict and even shutdown the Internet for the purpose of protecting national security and social public order. Article 58 of the law states:

To fulfill the need to protect national security and social public order, and respond to major social security incidents, the State Council, or the governments of provinces, autonomous regions and municipalities with approval by the State Council, may take temporary measures regarding network communications in certain regions, such as restricting it.

7. In addition to these laws, the authorities have promulgated numerous sets of Internet-related regulations that control online content and information dissemination and storage, and that holds responsible all actors in the digital ecosystem, including users, service providers, software and hardware providers, and content producers.

### Key public policy developments since 2013

#### *Explicit rejection of the rule of law in favor of "governing the country by law"*

<sup>3</sup> According to the Report on China Internet Development 2017, published by Chinese Academy of Cyberspace Studies on the World Internet Conference Wuzhen Summit 2017, China's internet keeps increasing, with over 1,000 such enterprises and RMB 135.5 billion yuan of value in 2017. See Chinese Academy of Cyberspace Studies, "Report on China Internet Development 2017," December 2017, <http://www.wuzhenwic.org/download/ReportonChinaInternetDevelopment2017overview.pdf>.

<sup>4</sup> Chinese source: [http://news.xinhuanet.com/politics/2015-12/27/c\\_128571798.htm](http://news.xinhuanet.com/politics/2015-12/27/c_128571798.htm)

Unofficial English translation: <http://chinalawtranslate.com/bilingual-counter-terrorism-law/?lang=en>

Accessed: 25-May-2016.

<sup>5</sup> Official Chinese: NPC, accessed January 25, 2018, [http://www.npc.gov.cn/npc/xinwen/2016-11/07/content\\_2001605.htm](http://www.npc.gov.cn/npc/xinwen/2016-11/07/content_2001605.htm)

Unofficial English translation: China Law Translate, accessed: January 25, 2018,

<http://www.chinalawtranslate.com/cybersecuritylaw/?lang=en>.

8. The State party has shifted from rhetorical reference to rule of law to an explicit rejection of rule of law principles and standards. In a speech to high court judges in January 2017, reported in the official press, Zhou Qiang, the president of the Supreme People’s Court of China, highlighted the centrality of CPC ideology in the work of the judiciary at all levels.<sup>6</sup>

It is necessary to resolutely resist the influence of erroneous Western thoughts such as “constitutional democracy”, “separation of powers,” and “judicial independence.” We should clearly display our banner and dare to flash the sword, and resolutely engage in struggle against the erroneous speech and deeds that reject the leadership of the CPC and vilify the path of the socialist rule of law and the judicial system with Chinese characteristics. We must not fall into the “trap” of erroneous Western thoughts and judicial independence, and firmly adhere to the path of socialist rule of law with Chinese characteristics. (HRIC translation)

9. The rejection of judicial independence and requiring judicial officials to uphold CPC ideology in judicial work are key elements of the State party’s explicit policy to “govern the country by law” (依法治国).

*Requiring various sectors to place CPC ideology over professional obligations.*

10. A campaign to demand upholding the supremacy of CPC ideology and loyalty to the Party had been underway in other sectors of Chinese society preceding Zhou Qiang’s speech. In early 2016, the CPC itself had begun scrutinizing its members for their commitment to socialism with Chinese characteristics.<sup>7</sup> Around the same time, President Xi Jinping told state-owned media that they “must be surnamed Party” and must “love the Party, protect the Party and serve the Party.”<sup>8</sup>

11. In late 2016, two sets of revised regulations were issued that require law firms and lawyers to place politics above professional duties. The revised *Management Methods on Law Firms* (effective November 1, 2016) instruct law firms to “make embracing the leadership of the Communist Party of China and embracing a socialist rule of law [their] basic professional requirements”<sup>9</sup>; and the revised *Management Methods on the Legal Profession* prohibit lawyers from making public statements that “reject the fundamental political system” of China.<sup>10</sup>

12. And in early 2017, the Ministry of Education issued new management rules requiring university leaders to “meet the standards of being socialist statesmen and educators” (校长应当符合社会主义政治家、教育家的标准).<sup>11</sup> And a similar set of rules, issued by the Organization Department

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<sup>6</sup> 《周强：要敢于向西方错误思潮亮剑》 (“Zhou Qiang: Must Dare to Flash the Sword Toward Western Erroneous Thoughts”), China News Service (January 14, 2017), <http://www.chinanews.com/gn/2017/01-14/8124300.shtml>.

<sup>7</sup> “CPC to drill members in self-discipline, socialist values,” Xinhua [English], February 28, 2016, [http://news.xinhuanet.com/english/2016-02/28/c\\_135138601.htm](http://news.xinhuanet.com/english/2016-02/28/c_135138601.htm).

<sup>8</sup> “President Xi visits China’s national news outlets,” Xinhua [English], February 19, 2016, [http://www.xinhuanet.com/english/2016-02/19/c\\_135114434.htm](http://www.xinhuanet.com/english/2016-02/19/c_135114434.htm).

<sup>9</sup> 《律师事务所管理办法》 (*Management Methods on Law Firms*), Ministry of Justice [effective November 1, 2016], Art. 4 (Chinese: <https://perma.cc/RFO5-GR43>), no English translation publicly available.

<sup>10</sup> 《律师执业管理办法》 (*Management Methods on the Legal Profession*), Ministry of Justice [effective November 1, 2016], Art. 14 (Chinese: <https://perma.cc/QBG5-7KWY>, unofficial English translation:

<http://chinalawtranslate.com/%E5%BE%8B%E5%B8%88%E6%89%A7%E4%B8%9A%E7%AE%A1%E7%90%86%E5%8A%9E%E6%B3%95/?lang=en>).

<sup>11</sup> 《高等学校领导人员管理暂行办法》 (*Provisional Methods for the Management of University Leaders*) Ministry of Education of the People’s Republic of China, January 13, 2017,



of the CPC, requires leaders of primary and high schools “to firmly establish political consciousness . . . and maintain high consistency in thought, politics, and action, with the central [ideology] of the Party which has Xi Jinping at its core” (牢固树立政治意识 . . . 在思想上政治上行动上同以习近平同志为核心的党中央保持高度一致).<sup>12</sup>

*Pursuit of a development model that rejects a rights-based framework and a “governance” approach to human rights project that rejects universality of human rights*

13. In 2016, the UN Special Rapporteur on Extreme Poverty observed that even where China prioritizes implementation of economic, social, and cultural rights, it has rejected a rights-based framework that is widely recognized as critical to sustainable, effective development. He said: “The most difficult and complex challenge in this respect is to understand how the leading role of the Communist Party can co-exist with the recognition of individual rights and the provision of meaningful accountability mechanisms which are an indispensable element in a human rights framework.”<sup>13</sup>
14. At international fora in recent years, the Chinese government has also tried to promote a “governance” approach to rights that stresses international “cooperation” among states that marginalizes state accountability for ensuring respect, protection, and promotion of human rights, and a rejection of the “universality” of rights in favor of the “localization” of rights as equal to and a replacement for international standards.<sup>14</sup>

Foreign Minister Wang Yi has articulated this view:

There is no one-size-fits-all approach in human rights practices. No one path of human rights development should be regarded as the only choice, nor should we mechanically follow the paths of other countries. Instead of imposing either eastern or western models, we need to advocate diversity and localization, and work for a rebalancing of human rights models. No one path or system is superior to others as each has its own distinctive features.<sup>15</sup>

15. These policy developments, driven by comprehensive ideological Party loyalty campaigns, raise deep concerns about government accountability, institutional safeguards for fundamental rights

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[http://www.moe.gov.cn/jyb\\_xwfb/s6319/zb\\_2017n/2017\\_zb02/17zb02\\_wj/201701/t20170123\\_295615.html](http://www.moe.gov.cn/jyb_xwfb/s6319/zb_2017n/2017_zb02/17zb02_wj/201701/t20170123_295615.html); also see “China tightens party loyalty requirements in sensitive years,” Reuters (January 17, 2017), <https://www.reuters.com/article/us-china-education-media/china-tightens-party-loyalty-requirements-in-sensitive-year-idUSKBN1510IF>.

<sup>12</sup> 《中小学校领导人员管理暂行办法》 (*Provisional Methods for the Management of Leaders of Primary and Middle Schools*), Organizational Department of the CPC, January 13, 2017, available at: [http://www.xinhuanet.com/politics/2017-01/16/c\\_129448448.htm](http://www.xinhuanet.com/politics/2017-01/16/c_129448448.htm).

<sup>13</sup> Office of the High Commissioner for Human Rights, “End-of-Mission Statement on China, by Professor Philip Alston, United Nations Special Rapporteur on Extreme Poverty and Human Rights,” August 23, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20402&LangID=E>.

<sup>14</sup> At the 37th session of the Human Rights Council in March 2018, China sponsored a resolution (with eighteen other states) entitled, “Promoting Mutually Beneficial Cooperation in the Field of Human Rights.” General Assembly, “Promoting Mutually Beneficial Cooperation in the Field of Human Rights,” U.N. Doc. A/HRC/37/L.36 (March 19, 2018). Some states have expressed concern that the resolution reflected a shift away from an established UN accountability framework under the guise of “respect,” “common ground,” and “constructive cooperation.” But despite these concerns, the resolution passed with 28 yes votes, 17 abstentions, and only one no vote. N. General Assembly, “Result of the Vote: L.36 as Orally Revised—Promoting Mutually Beneficial Cooperation in the Field of Human Rights,” March 23, 2018, [https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/37thSession/Resolutions/A\\_HRC\\_37\\_L.36/Result%20of%20the%20vote.pdf](https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/37thSession/Resolutions/A_HRC_37_L.36/Result%20of%20the%20vote.pdf).

<sup>15</sup> Wang Yi, “Advance the Global Human Rights Cause and Build a Community with a Shared Future for Mankind” (speech, Beijing, China, December 7, 2017), Opening Ceremony of the First South-South Human Rights Forum, p. 6, [http://www.fmprc.gov.cn/mfa\\_eng/zxxx\\_662805/P020171211565335323921.pdf](http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/P020171211565335323921.pdf).

and freedoms of ethnic minorities, and the effectiveness of the state party's work in combatting racial discrimination.

### Key institutional changes

16. In March 2018, the Chinese legislature eliminated the two-term limits for the president and the vice-president through an amendment in the State Constitution.<sup>16</sup> This is step backward from the policy of consensus leadership introduced by the former leader Deng Xiaoping after the launch of Reform and Opening-up in the late 1970s, designed to prevent dictatorial rule by a leader with unchecked power, such as that of Mao Zedong, which resulted in disastrous policies and wrought great tragedies among the Chinese people.
17. Following the constitutional amendments, in a move that would further erase the separation between the Party and the state, many government departments were “reorganized” into organs of the CPC and put under the supervision of those organs. Specifically, the reorganization that would directly impact the work of combatting racial discrimination and the right to freedom of thought, conscience, and religion is the subsuming of the State Ethnic Affairs Commission (国家民族事务委员会), the key state government entity that administers affairs of China's ethnic minorities, under the “united leadership by the CPC United Front Work Department,” and the absorption of the State Administration for Religious Affairs (国家宗教事务局) into the CPC United Front Work Department. The language of the new policy specifically emphasizes the need for Party leadership in ethnic affairs and religious affairs as the rationale for the reorganization.<sup>17</sup>

## **PROGRESS UNDER SPECIFIC ARTICLES OF THE CONVENTION**

### **Article 1: Definition of racial discrimination**

#### *Failure to adopt a definition of racial discrimination*

18. The Committee has recommended that the State party adopt a comprehensive definition of racial discrimination consistent with the Convention and address the de facto discrimination faced by internal migrants, in particular members of ethnic minorities and women in China under the *hukou* system (CERD, 2009 paras. 10, 11, 14).
19. In response to the recommendation to adopt a comprehensive definition of racial discrimination, the State party report asserts “legislation guaranteeing the rights interests of ethnic minorities is essentially now fully in place,” and lists provisions of the Constitution, and dozens of laws that protect the political, economic, cultural, and social rights of ethnic minorities (State party report, para. 11). However, simply listing the various laws does not provide adequate information for meaningful review and is not responsive to the Committee's specific recommendation.
20. In reporting progress in implementing Article 1 of the Convention, the State party report asserts that *hukou* reform had entered the “stage of comprehensive reform” and that the distinction between urban and rural household registration will be eliminated gradually from 2016 to 2020

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<sup>16</sup> 《中华人民共和国宪法》(The Constitution of the People's Republic of China), National People's Congress of the People's Republic of China, [http://www.npc.gov.cn/npc/xinwen/node\\_505.htm](http://www.npc.gov.cn/npc/xinwen/node_505.htm).

<sup>17</sup> 《深化党和国家机构改革方案》(Program for Intensifying the Reform of Party and State Institutions), available at [http://www.gov.cn/zhengce/2018-03/21/content\\_5276191.htm#allContent](http://www.gov.cn/zhengce/2018-03/21/content_5276191.htm#allContent).

(State party report, para. 11, citing a State Council 2014 opinion). However, a legislative prohibition against descent-based discrimination remains necessary to ensure that *different or new institutional forms do not result in de facto or formal institutionalized descent-based discrimination*, including against ethnic minorities.

### ***Current status of hukou reforms***

21. The Committee's List of Themes also includes progress in implementation of *hukou* reforms and "efforts to ensure internal migrants, in particular members of ethnic minorities, have access, on an equal footing with long-time urban residents, to adequate housing, employment, social security, healthcare, and education, and are not subjected to forced evictions" (Committee Theme #15). China is facing a huge task to both quell potential unrest and to provide social services to the huge demographic group of the migrant worker population numbering an estimated 277 million.<sup>18</sup> Migrants having to give up their land rights in rural areas as part of their application for a urban *hukou* are often not compensated properly,<sup>19</sup> if at all. Indeed, disputes over improper compensation, or blatant expropriation by responsible government bodies, are the main source of unrest in China.<sup>20</sup>
22. According to a recent national government notice posted online in March 2018 (in Chinese), to speed up the goal of *hukou* reforms, including loosening of *hukou* migration requirements for different subgroups of internal migrants, and different approaches for different sized cities.<sup>21</sup>
23. During the dialogue with the State party delegation, the Committee should request additional information on the problems that have surfaced in the *hukou* reform process since 2009, extending to the present, including:
  - Obstacles presented by new *hukou* rules introduced by local governments in China's largest cities, such as Beijing,<sup>22</sup> Shanghai,<sup>23</sup> Guangzhou,<sup>24</sup> and Shenzhen,<sup>25</sup> as well as Chengdu,<sup>26</sup> Wuhan,<sup>27</sup> and Xi'an,<sup>28</sup> such as a *points system* based on an applicant's education level, tax payments, and work experience. China's Ministry of Public Security had stated in 2016 that

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<sup>18</sup> China Labour Bulletin, "Migrant workers and their children," May 2018, <http://www.clb.org.hk/content/migrant-workers-and-their-children>.

<sup>19</sup> ShuangshuangTang, Pu Hao, XianjinHuang, "Land conversion and urban settlement intentions of the rural population in China: A case study of suburban Nanjing," *Habitat International*, Volume 51, February 2016, Pages 149-158, available at: <https://www.sciencedirect.com/science/article/pii/S019739751500226X>.

<sup>20</sup> "China migration: Dying for land," Financial Times, Aug. 6, 2015, <https://www.ft.com/content/33ae0866-3098-11e5-91ac-a5e17d9b4cff>.

<sup>21</sup> Medium to small cities are encouraged to completely remove migrant-registration requirements; Tier 2 cities with average 1-3 million population cannot implement "point-based" registration, and that capable ones must lower their time-of-residence threshold for access to social-welfare. For Tier 1 cities with average 3-5 million population: those that implement "point-based" registration must drastically raise their justification for limiting access to social welfare, and are encouraged to remove their annual ceiling for migrant-registrations. [http://www.gov.cn/xinwen/2018-03/13/content\\_5273637.htm](http://www.gov.cn/xinwen/2018-03/13/content_5273637.htm).

<sup>22</sup> "Beijing spells out strict residency rules for migrants to the capital," South China Morning Post, Aug. 12, 2016, <https://www.scmp.com/news/china/policies-politics/article/2002543/beijing-brings-strict-new-migration-policy-cut-citys>.

<sup>23</sup> "Shanghai tightens hukou policy," China Daily, Apr. 27, 2016, [http://www.chinadaily.com.cn/m/shanghai/lujiazui/2016-04/27/content\\_24906626.htm](http://www.chinadaily.com.cn/m/shanghai/lujiazui/2016-04/27/content_24906626.htm).

<sup>24</sup> "Guangzhou district to link credit scores with hukou application," ECNS, Oct. 18, 2016, <http://www.ecns.cn/cns-wire/2016/10-18/230708.shtml>.

<sup>25</sup> "Residency reforms favour China's wealthiest," Financial Times, Sept. 12, 2011, <https://www.ft.com/content/b2f70d52-dd22-11e0-b4f2-00144feabdc0>.

<sup>26</sup> "Hukou reform under way in 29 regions across China," China.org.cn, Apr. 29, 2016, [http://www.china.org.cn/china/2016-04/29/content\\_38354489.htm](http://www.china.org.cn/china/2016-04/29/content_38354489.htm).

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

the points-based system does not apply in cities with less than 3 million permanent residents in downtown areas.

- Clarification of the current status of the national and various local *hukou* reforms, including specific updated statistics on progress in *issuing new urban residency permits*.<sup>29</sup>

## Article 2: Legislative and policy measures

24. China notes that the *system of regional autonomy* is a basic element of China's political system (State party report, para. 8) and is a guarantee of the "correct solution, with Chinese characteristics, for ethnic issues" (State party report, para. 61). While HRIC recognizes that each State party must implement its international obligations within specific local contexts and address particular challenges following from its own history and physical and social conditions, legal and policy measures adopted must be assessed according to international standards, including ongoing and developing jurisprudence, such as general comments and interpretations of the Committee.
25. Major legislative developments that directly impact on the efficacy of measures the State party has undertaken to eliminate racial discrimination include: the promulgation of a comprehensive national security legislative regime describe above and of the *Law of the People's Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China* (the ONGO Law). The Committee has specifically requested information on collaboration with non-governmental organizations (NGOs) fighting against racial discrimination, and on the ONGO Law (Committee Theme #4).

### *National security legislation*

26. See discussion under "Key legislative developments" in the "KEY LEGISLATIVE, PUBLIC POLICY, AND INSTITUTIONAL DEVELOPMENTS (2013-2018)" section above.

### *Law of the People's Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China* (the ONGO Law)

27. The Committee specifically requested information on collaboration with non-governmental organizations (NGOs) and the new law. (Committee Theme 4). Under the ONGO Law, in force since January 2017, a high level of state oversight and control is exerted over all foreign NGOs by public security authorities<sup>30</sup> and by "organizations in charge of their [the NGOs'] operations" (业务主管单),<sup>31</sup> including with respect to their activities,<sup>32</sup> finances,<sup>33</sup> and staff.<sup>34</sup> The ONGO Law also prohibits "threaten[ing] China's national reunification and security or ethnic unity" or "harm[ing] China's national and social interests."<sup>35</sup> The ONGO Law drew wide international attention and concern, both during its drafting and after its enactment, including from

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<sup>29</sup> Despite progress reported, the numbers are quite small compared to the size of the internal migrant population. For example, China's Ministry of Public Security announced on February 11, 2017 that it had issued 28.9 million new urban residency permits in 2016, with 1.69 million issued in Beijing, 406,000 in Shanghai, 810,000 in Guangzhou, and 1.71 million in Shenzhen.

<sup>30</sup> *Law of the People's Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China* (中华人民共和国境外非政府组织境内活动管理法), the National People's Congress Standing Committee of the People's Republic of China, Arts. 7, 45-47, bilingual version available at <http://www.chinafile.com/ngo/laws-regulations/law-of-peoples-republic-of-china-administration-of-activities-of-overseas>.

<sup>31</sup> *Ibid.*, Arts. 11, 31.

<sup>32</sup> *Ibid.*, Arts. 17, 19, 30, 31.

<sup>33</sup> *Ibid.*, Arts. 22, 23, 24, 25, 31, 32.

<sup>34</sup> *Ibid.*, Art 27.

<sup>35</sup> *Ibid.*, Art. 5.

international human rights experts, and from academics, foundations, and professional and business communities.<sup>36</sup> In May 2016, a group of UN experts called for the repeal of the ONGO Law and expressed concern “that it will have a detrimental impact on the existence and operations of domestic NGOs that cooperate with foreign NGOs and/or are dependent on funding from them, and which carry out activities in the field of human rights.”<sup>37</sup>

28. As its implementation to date highlights, the ONGO Law requires foreign NGOs to decide whether and how to accept intrusive oversight by the police of their registration and of their monitoring and reporting requirements for operations or activities. Cooperation with government-organized nongovernmental organizations (GONGOs)<sup>38</sup> would likely not present additional obstacles as these groups are likely to be on “approved” list of domestic cooperating partners.
29. As the implementation record of successful registrations or permits for temporary activities highlights, only civil society groups that are willing to accept the intrusive, extensive oversight of the Ministry of Public Security (that oversees the whole process) and only groups that the authorities view as non-sensitive will be able to register an office or for temporary activities.<sup>39</sup> According to a new report by the China-Europe Association for Civil Rights, (CEACR) the ONGO Law and the Charity Law have led to the “control and even suppression of CSOs . . . on the concrete, operational level.” The report also notes that some foreign NGOs’ inability to register has limited funding flows to some small domestic NGOs.<sup>40</sup>

### Article 3: Opposition and condemnation of racism

30. The State party states that it has “consistently opposed and condemned all forms of racism” (State party report, para. 49). However, this single statement is not sufficient to demonstrate progress on its obligation under the Convention to “undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.” HRIC highlights two concerns that it urges the Committee to pursue in its dialogue with the State party delegation.

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<sup>36</sup> For commentary see, Human Rights in China, “HRIC Law Note: Draft Law on Foreign NGOs Undermines Chinese Civil Society and China’s International Engagement,” May 5, 2015, <http://www.hrichina.org/en/legal-resources/hric-law-note-draft-law-foreign-ngos-undermines-chinese-civil-society-and-chinas>.

<sup>37</sup> U.N. Office of the High Commissioner for Human Rights, “China: Newly adopted Foreign NGO Law should be repealed, UN experts urge” May 3, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19921&LangID=E>; Special Rapporteur on the promotion and protection of the right of the freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders (April, 16, 2015), [https://spdb.ohchr.org/hrdb/30th/public\\_-\\_AL\\_China\\_16.04.15\\_\(2.2015\).pdf](https://spdb.ohchr.org/hrdb/30th/public_-_AL_China_16.04.15_(2.2015).pdf).

<sup>38</sup> There are seven mass organizations commonly identified in official Chinese reports as “NGOs” consulted in its reporting before UN human rights mechanisms and other international bodies: All-China Federation of Trade Unions (ACTFU) (中华全国总工会), <http://en.actfu.org>; All-China Women’s Federation (ACWF) (中华全国妇女联合会), <http://www.women.org.cn>; <http://www.womenofchina.cn>; China Association for Science and Technology (CAST) (中国科学技术协会), <http://english.cast.org.cn>; Central Committee of the Communist Youth League of China (CYLC) (中国共产主义青年团) at <http://www.cycl.org.cn>; China Disabled Persons’ Federation (CDPF) (中国残疾人联合会), <http://www.cdpc.org.cn/english>; China Youth Concern Committee (CYCC) (中国关心下一代工作委员会), <http://www.zgggw.gov.cn>; China Writers Association (CWA) (中国作家协会), <http://www.chinawriter.com.cn>.

<sup>39</sup> According to public statistics for the first year of implementation of the law (January 2017 through January 2018): 322 representative offices have been established. Of them, over 160 are engaged in work described as “trade,” and over 80 are described “education.” The next highest categories include international relations, youth, health, and disaster relief. See The China NGO Project. <http://www.chinafile.com/ngo>.

<sup>40</sup> China-Europe Association for Civil Rights, “Policy Analysis on China’s Civil Society Organizations: First Quarter of 2018,” May 3, 2018, <https://www.ceacr.org/blog/policy-analysis-on-china-s-civil-society-organizations-first-quarter-of-2018>.

31. First, the Committee may wish to press the State party for specific measures and protection that ensure that this policy in practice does not in fact contribute to racism related to the stigmatization of Uyghurs and Tibetans targeted as a group under the State party's approach of combatting "splittism, separatism, and terrorism." These are further elaborated below under our discussion of implementation progress of Articles 4 and 5.
32. Second, since 2001, the Committee has expressed its concerns with the systematic descent-based discrimination perpetuated by the household registration system, or the *hukou* system. The Committee has also included progress on *hukou* reforms in its List of Themes (Committee Theme # 15).
33. In addition to significant obstacles to implementation of *hukou* reforms, the authorities have also been widely criticized on Chinese social media for the use of the stigmatizing term, "low-end population" (低端人口) related to an incident last year of the forced expulsion of tens of thousands of migrants in Beijing.
34. On November 18, 2017, a fire broke out in Xihongmen Town Daxing District in Beijing, a neighborhood where over 400 people lived in cramped conditions, mostly migrants without Beijing *hukou*.<sup>41</sup> The fire killed 19 people. A day after, Beijing Municipal Administration of Work Safety launched a 40-day citywide safety inspection campaign, aiming to demolish illegal dwellings with safety risk.<sup>42</sup> As a result, 25,395 sites were identified as a safety risk.<sup>43</sup> Tens of thousands of migrants were given short notice and expelled from their home.<sup>44</sup> Netizens criticized the government for using the term "low-end population" to describe the migrants, but the Beijing government did not respond.<sup>45</sup>

#### **Article 4: Criminalization and punishment of racial prejudice**

35. The Committee raised concerns regarding the disproportionate use of force during the Lhasa protests on March 14, 2008 and Urumqi on July 5, 2009 and made a recommendation for the State party to carefully consider the root causes of such events (CERD 2009, para.17). In response, the State party report simply details due process protections afforded by the criminal procedure law (State party report, para. 53). However, the gap between these formal protections and the actual practice of the authorities in prosecuting individuals for national security crimes needs to be addressed, especially in light of China's "governing-the-country-by-law" approach and rejection of rule of law as Western concept inappropriate for China's country conditions.

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<sup>41</sup> Zheping Huang, "What you need to know about Beijing's crackdown on its 'low-end population'," *Quartz*, November 27, 2017,

<https://qz.com/1138395/low-end-population-what-you-need-to-know-about-chinas-crackdown-on-migrant-workers/>.

<sup>42</sup> Beijing Municipal Administration of Work Safety, "Beijing Municipal Administration of Work Safety Notice on Launching the Safety Risk Big Inspection, Big Cleaning, Big Remediation Special Action" [北京市安全生产委员会关于开展安全隐患大排查大清理大整治专项行动的通知], November 19, 2017,

<http://zhengce.beijing.gov.cn/library/192/33/50/438650/1294690/index.html>.

<sup>43</sup> "Spokesmen of Beijing Municipal Administration of Work Safety responds to journalists' questions on Big Inspection, Big Cleaning, Big Remediation Special Action" [北京市安委会相关负责人就大排查大清理大整治专项行动答记者问], *Xinhua*, November 25, 2017, [http://www.xinhuanet.com/local/2017-11/26/c\\_1122010880.htm](http://www.xinhuanet.com/local/2017-11/26/c_1122010880.htm).

<sup>44</sup> Chris Buckley, "Why Parts of Beijing Look Like a Devastated War Zone," *New York Times*, November 30, 2017, <https://www.nytimes.com/2017/11/30/world/asia/china-beijing-migrants.html>.

<sup>45</sup> Zheping Huang, "What you need to know about Beijing's crackdown on its 'low-end population'".

## Article 5: Rights enjoyed by ethnic minorities

### *Protection of civil and political rights under ICCPR*

36. The Committee has requested information on protection of civil and political rights of ethnic Tibetans, Mongolians, and Uighurs (Committee Theme # 23). Even though the PRC government has not ratified the International Covenant on Civil and Political Rights, it, as a signatory, is bound to act in good faith and not defeat the purpose of the ICCPR.<sup>46</sup> Article 19 of the ICCPR provides: “(1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” Article 19 also requires that restrictions on this right are only permissible if: (a) provided by law and are necessary, (b) to protect the rights or reputations of others; or (c) For the protection of national security or of public order (*ordre public*), or of public health or morals.”

### ***Criminalization of religious and cultural practices under the Xinjiang Uyghur Autonomous Region Regulation on De-extremification***

37. Since the promulgation of the *Xinjiang Uyghur Autonomous Region Regulation on De-extremification* (新疆维吾尔自治区去极端化条例) on April 1, 2017,<sup>47</sup> (Annex 2) repression of ethnic Uyghurs in the Xinjiang Uyghur Autonomous Region (XUAR) has sharply escalated. By late June 2018, an estimated one million Muslims, largely Uyghurs in XUAR, have been sent to “Reeducation” camps for rectification of their religious belief. And news reports on widespread torture and abuses of detainees in those camps have emerged.

38. In the name of containing and preventing extremism, eradicating extremist violations, and bringing about social stability and lasting peace and order (Regulation, Art. 1), the regulation imposes broad limits on various aspects of people’s daily life in Xinjiang, especially religious practices, and raises serious concern over the following issues identified the Committee’s List of Themes:

- “Counter-extremism regulations and practices in Xinjiang Uighur Autonomous Region, and the grounds under which they permit detention in counter-extremism training centres and education and transformation centres; specific information on the nature of these centres and activities conducted therein” (Committee Theme #21);
- “Protection of civil and political rights of ethnic . . . Uighurs and respect for freedoms of expression, peaceful assembly, association, religion or belief and movement, including steps that the Government is taking to guarantee freedom of movement” (Committee Theme #23);
- “Measures taken to ensure that ethnic minorities enjoy freedom of religion on an equal footing with rest of the population” (Committee Theme #27).

39. The Regulation defines “extremism” as “propositions and conduct using distortion of religious teachings or other means to incite hatred or discrimination and advocate violence” (Regulation, Art. 3), and defines “extremification” as “speech and actions under the influence of extremism,

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<sup>46</sup> *Vienna Convention on the Law of Treaties*, U.N.T.S. 1155, 331 (1969), Art. 18: “A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when . . . it has signed the treaty.” China acceded to the Convention on September 3, 1997, <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>.

<sup>47</sup> The Regulation was passed on March 29, 2017 by the Standing Committee of the Twelfth People’s Congress of the Xinjiang Uyghur Autonomous Region and went into effect on April 1, 2017.

that spread radical religious ideology, and reject and interfere with normal production and livelihood” (Regulation, Art. 3). The Regulation classifies a broad range of behaviors as “Primary Expressions of Extremification” (title of Chapter II of the regulation), including:

- “[i]nterfering with cultural and recreational activities, rejecting or refusing public goods and services such as radio and television” (Regulation, Art. 9, para. 5); and
- “wearing . . . burqas with face coverings” (Regulation, Art. 9, para. 7).

40. The Regulation also imputes the intent of “spreading religious fanaticism” to “irregular beards or name selection” (Regulation, Art. 9, para. 8).

41. The Regulation is striking in the all-encompassing efforts it requires from an extremely broad range of government departments and social sectors to “prevent, control, and eradicate extremism.”

#### Efforts required of government departments

42. The Regulation requires “all levels of government and their relevant departments and each unit” to “complete de-extremification efforts in accordance with their own duties” (Regulation, Art. 16) and lays out the departments and their primary duties. The government departments named are: departments for ethnicities and religion; judicial administrative departments; public security organs; education departments; culture departments; departments of press, publication and radio; transportation departments; health and family planning departments; civil affairs departments; departments for the administration of industry and commerce and quality and technical supervision; village and township people’s governments; and street-level offices (Regulation, Arts. 17-24, 27-29). In other words, virtually the entire government structure is called upon to prevent, control, and eradicate extremism.

43. The Regulation also outlines the responsibilities of Internet information departments and telecommunication administrators to monitor, surveil, and censor “extremified negative content.” Specifically,

- Article 25 requires departments for Internet information, economy, information technology, and public security to strengthen the “management of self-media and instant messaging software such as websites, forums, microblogs, QQ, and Wechat; promptly discovering extremified negative content, and order the relevant units or individuals to stop dissemination, delete the relevant information, or close the relevant pages and stop relevant services.”
- Article 26 requires departments for telecommunications to “urge telecommunications operators to put in place monitoring systems and technological prevention measures for audio, messages, and communication records with extremifying content in cell phones, call centers, land lines, and other telecommunication tool.”

#### Efforts required of other sectors

44. The Regulation declares that, in addition to government departments, “[a]ll aspects of society shall jointly participate in de-extremification efforts” (Regulation, Art. 30), and requires the cooperation of the following institutions and individuals: trade unions, Communist Youth Leagues, women’s federations, associations of science and technology, religious groups, federations of industry and commerce, schools, Party schools, institutions of higher learning and



social science research establishments, religious schools, mass media and new media, managers of public spaces and transportation, enterprises, family members, and religious professionals.

45. Specific provisions that raise deep concerns over protection of fundamental rights in accordance with international standards are as follows:

- Article 40 requiring “Religious schools and institutions [to] adhere to the direction of sinocizing religion, and earnestly perform the duties of cultivating and training religious professionals, to prevent permeation by extremification” is a violation of the right to “freedom of thought, conscience and religion” under Article 5 (d) (vii) of the Convention.
- Article 42 requiring “Personnel such as the managers of public spaces, public transport, bus/train station, and airports” to “dissuade persons wearing face-covering burqas or symbols of symbols of extremification from entering public spaces or taking public transportation . . .” is a violation of the following rights under Article 5 of the Convention:
  - (d)(i): “The right to freedom of movement”;
  - (d)(ix): “The right to freedom of peaceful assembly and association”;
  - (f): “The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.”
- Article 33 requiring “Communist Youth Leagues” to “guide youth of every ethnicity to . . . revere advanced culture” appears to be a requirement to revere the culture of the Han ethnicity as “advanced culture” over those of ethnic minorities and, as such, is a violation of the right to “equal participation in cultural activities” under Article 5 (e)(vi) of the Convention, and of the right to “freely participate in the cultural life of the community” under Article 27 (1) of the *Universal Declaration of Human Rights*.

46. The Committee, in its Concluding Observations of the 2009 review (CERD 2009, para. 20) stated that it “remains concerned about reports that members of some minority groups do not fully enjoy the freedom of religion” and recommended that China “ensure the respect for the right of members of all ethnic groups to freely enjoy the freedom of religion.” Nearly a decade later, contrary to complying with the Committee’s recommendation, China is entrenching a policy in the XUAR government structure and society to pursue a campaign of profound deprivation of the right to freedom of religion ethnic Uyghurs in the name of “de-extremification.”

### ***Restrictions on freedom of expression online***

#### **Internet shutdown**

47. In 2009-2010, the authorities launched a comprehensive Internet shutdown in XUAR that lasted for 312 days. Beginning on July 6, 2009, one day after thousands turned out in protest in Urumqi, the capital of XUAR, the region was completely cut off from the outside world for nearly six months. In the last days of that year, the authorities restored access to only the websites of two state-run news outlets, *People’s Daily* and Xinhua News Agency. While the authorities gradually loosened access in very limited fashion in the months that followed, full access was not restored until May 14, 2010.

### ***Detention for possessing or disseminating information or expressing opinions***

48. Xinjiang's authorities have also encouraged and utilized netizens reporting on one another to assist them in detaining individuals accused on the basis of information they possess or disseminate and of opinions that they hold. Since February 2017, the Xinjiang Internet Information Office has publicly released successive lists of individuals detained related to possession or dissemination of information. (HRIC has located nine such lists published in the February-December 2017 period, involving a total of 96 cases and 110 detainees.)

49. The stated causes of detention included:

- Spreading rumors (传播谣言信息)
- Maliciously attacking the Autonomous Region's stability maintenance measures (恶意攻击自治区维稳措施)
- Maliciously attacking, insulting, libeling others (恶意攻击、侮辱、诽谤他人)
- Storing violent, terrorist audio and video (存储暴恐音视频)
- Disseminating violent, terrorist audio and video (传播暴恐音视频)
- Storing and disseminating extremist goods (存储传播宣扬极端主义物品)
- Inciting ethnic hatred (煽动民族仇恨)
- Spreading rumors about terrorism (散布涉恐谣言案)
- Spreading rumors about politics (散布政治谣言案)
- Disseminating reactionary propaganda (传播反宣音频)

50. Figure 1, below, shows the number of cases in each category identified. In two cases, netizens were detained for "hostilely attacking the measures taken by the XUAR for maintaining stability."<sup>48</sup> One netizens was detained for writing in a post on WeChat Moments that "Aksu (City) is like a prison, making everyone like a terrorist."<sup>49</sup>

51. It is unclear from the brief description of each case provided in these lists whether the evidence obtained by the authorities does in fact support their charges against these individuals, and whether government actions against these individuals fall under the scope of permissible limitation of freedom of expression under international human rights standards. But it is highly unlikely that restriction of "rumor about politics" or "reactionary propaganda" meets the standards for permissible limitation.

52. In the nine lists of detainees, the Xinjiang Internet Information Office releases identified seven categories of illegal information: (1) violent terrorism audio and radio (暴恐音视频); (2) religious extremism (宗教极端); (3) rumors and false information (谣言信息、虚假信息); (4) slander and abuse (诽谤、辱骂); (5) pornography (淫秽); (6) ethnic hatred (民族仇恨); (7) reactionary propaganda (反宣). The Xinjiang Internet Information Office did not provide definitions for these categories of information. However, some examples are described.<sup>50</sup> For example, one netizen was detained for keeping "religious extremism" videos titled "women wearing burka," "wearing veils," "jihad." One netizen was detained for spreading "rumors" by saying "Terrible traffic at the checkpoint of Alashankou! One rioter was shot dead. Be careful everyone who's going out." In most of the cases, specific details of the case were not provided; only the above category of illegal information.

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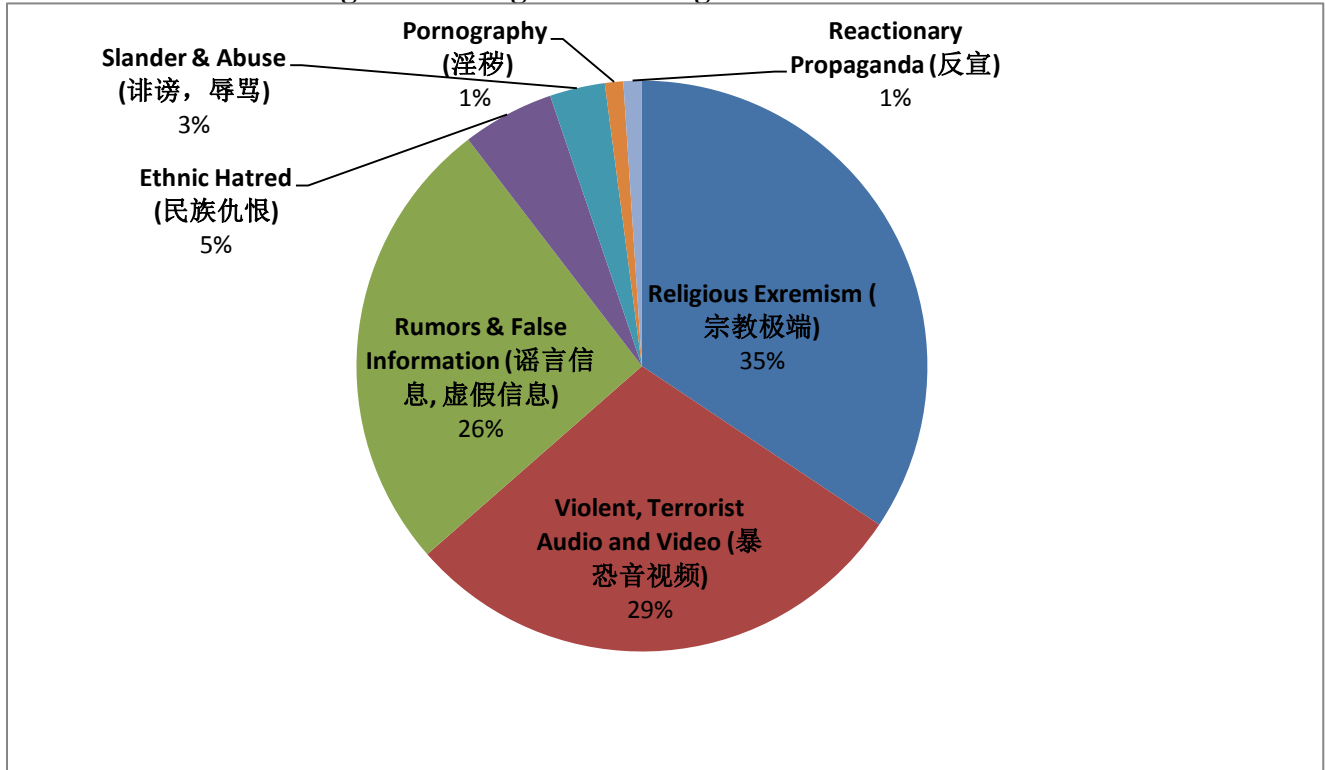
<sup>48</sup> [xj.chinanews.com/shizheng/20170214/8859.shtml](http://xj.chinanews.com/shizheng/20170214/8859.shtml); [cac.gov.cn/2017-03/28/c\\_1120710533.htm](http://cac.gov.cn/2017-03/28/c_1120710533.htm)

<sup>49</sup> [cac.gov.cn/2017-07/27/m\\_1121388459.htm](http://cac.gov.cn/2017-07/27/m_1121388459.htm)

<sup>50</sup> <http://www.xj.chinanews.com/shizheng/20170214/8859.shtml>

53. The government authorities’ active publicizing of the lists of the accused and accusations—without due process for defendants, and before adjudication—is an act that encourages, rather than combats, prejudices, in direct contravention of Article 7 obligation to promote understanding, tolerance.

**Figure 1: Categories of “Illegal Information”<sup>51</sup>**

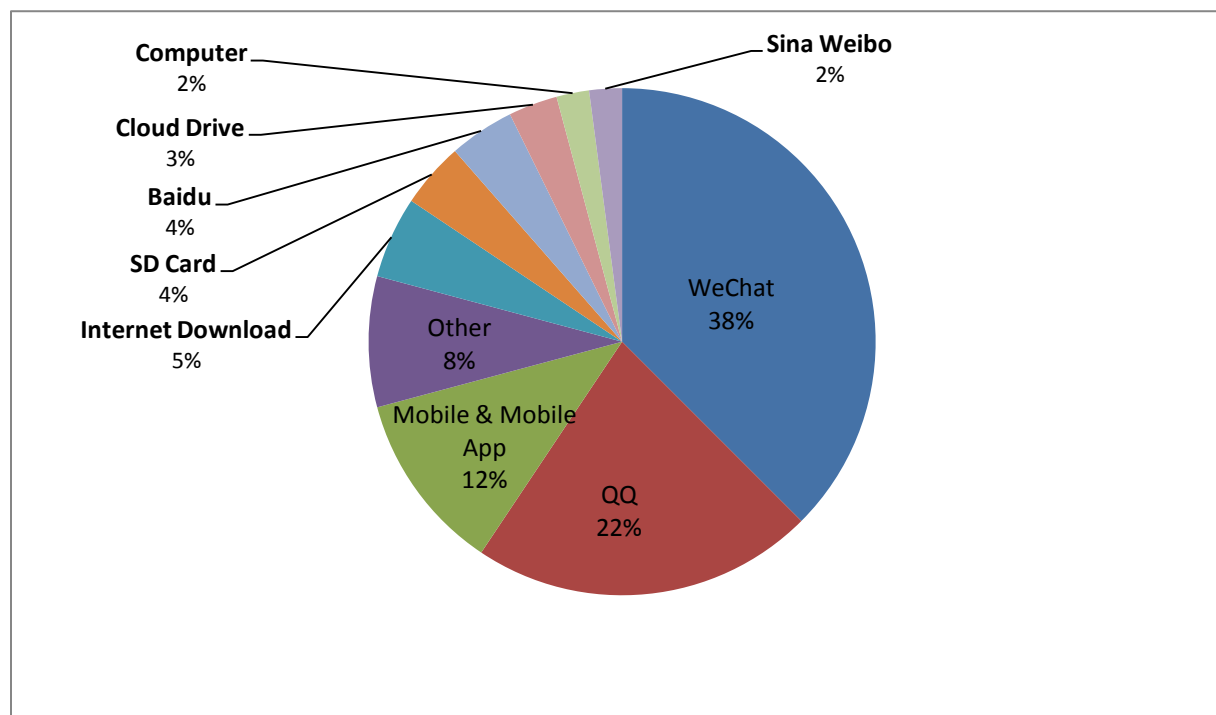


Source Note: Data drawn from Tianshannet (<http://www.ts.cn/>), aggregated by HRIC, July 13, 2018.

<sup>51</sup> “Xinjiang Internet Information Official and Relevant Departments Investigate, Punish and Expose 7 Typical Cases of Illegal Information Dissemination (新疆互联网信息办公室等有关部门依法查处并曝光七起传播违法信息典型案例),” *Tianshannet*, February 13, 2017, [http://news.ts.cn/content/2017-02/13/content\\_12515764.htm](http://news.ts.cn/content/2017-02/13/content_12515764.htm). ; “Xinjiang Internet Information Official and Relevant Departments Investigate, Punish and Expose 11 Typical Cases of Illegal Information Dissemination (新疆互联网信息办公室等有关部门依法依规查处并曝光十一起传播违法信息典型案例),” *Tianshannet*, March 27, 2017, [http://news.ts.cn/content/2017-03/27/content\\_12574260.htm](http://news.ts.cn/content/2017-03/27/content_12574260.htm). ; “Xinjiang Internet Information Official and Departments Investigate and Punish 10 Typical Cases of Illegal Information Dissemination (新疆互联网信息办公室等部门依法查处十起传播违法信息典型案例),” *Tianshannet*, April 14, 2017, [http://news.ts.cn/content/2017-04/14/content\\_12597049.htm](http://news.ts.cn/content/2017-04/14/content_12597049.htm). ; “Xinjiang Internet Information Official and Relevant Departments Investigate and Punish 8 Typical Cases of Illegal Information Dissemination (新疆互联网信息办公室等有关部门查处八起传播违法信息典型案例),” *Tianshannet*, May 17, 2017, [http://news.ts.cn/content/2017-05/17/content\\_12642719.htm](http://news.ts.cn/content/2017-05/17/content_12642719.htm). ; “Xinjiang Internet Information Official and Relevant Departments Investigate and Punish 10 Typical Cases of Illegal Information Dissemination (新疆互联网信息办公室等有关部门查处十起传播违法信息典型案例),” *Tianshannet*, July 2, 2017, [http://news.ts.cn/content/2017-07/02/content\\_12709062.htm](http://news.ts.cn/content/2017-07/02/content_12709062.htm). ; “Xinjiang Internet Information Official and Relevant Departments Investigate and Punish 12 Typical Cases of Illegal Information Dissemination (新疆互联网信息办公室等有关部门查处十二起传播违法信息典型案例),” *Tianshannet*, July 26, 2017, [http://news.ts.cn/content/2017-07/26/content\\_12748236.htm](http://news.ts.cn/content/2017-07/26/content_12748236.htm). ; “Xinjiang Internet Information Official and Relevant Departments Investigate and Punish 13 Typical Cases of Illegal Information Dissemination (新疆互联网信息办公室等有关部门查处十三起传播违法信息典型案例),” *Tianshannet*, August 29, 2017, <http://news.ts.cn/system/2017/08/29/012803250.shtml>; “Xinjiang Internet Information Official and Relevant Departments Investigate and Punish 15 Typical Cases of Illegal Information Dissemination (新疆互联网信息办公室等有关部门查处十五起传播违法信息典型案例),” *Tianshannet*, November 5, 2017, <http://news.ts.cn/system/2017/11/05/035029786.shtml>. ; “Xinjiang Internet Information Official and Relevant Departments

54. The authorities gathered most of this “illegal information” from WeChat and QQ. When providing the lists, the Xinjiang Internet Information Office also identified the devices and platforms where alleged illegal information was found. For data aggregation purposes, HRIC has grouped these devices and platforms into 10 categories based on the terminology named by the Office. The breakdown of the devices and platforms that detainees used is shown in Figure 2 below.

**Figure 2: Devices and Platforms Where “Illegal Information” Was Gathered**



Note: “Other” means the Xinjiang Internet Information Office did not specify the devices and platforms where illegal information was found. Source Note: Data drawn from Tianshannet (<http://www.ts.cn/>), aggregated by HRIC, July 13, 2018.

## Article 6: Legal protections and remedies

55. The Committee specifically included in its List of Themes “measures taken to ensure that lawyers, human rights defenders and journalists can freely exercise their profession, in law and in practice (Committee Theme #24). But the Chinese authorities’ *harassment, intimidation and criminal prosecutions*, and isolation of *human rights defenders*, including lawyers and online activists, and their families, intensified in 2015, leading to the most serious crackdown on rights since 1989. Following the detention in March-April 2015 of women’s rights activists engaged in addressing gender-based violence and sexual harassment, the authorities carried out a vicious campaign in July 2015, targeting more than 300 lawyers and activists.

56. What has come to be known as the “709 Crackdown” was a campaign waged with police and court actions combined with media tactics and extrajudicial means, including defamation, detention and enforced disappearance, sham televised “confessions,” conviction and

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Investigate and Punish 10 Typical Cases of Illegal Information Dissemination (新疆互联网信息办公室等有关部门查处十起传播违法信息典型案例),” *Tianshannet*, December 18, 2017, <http://news.ts.cn/system/2017/12/18/035057819.shtml>.

imprisonment on trumped-up “subversion” or “inciting subversion” charges, torture (including forced ingestion of psychiatric medications), harassment of family members, and prolonged incommunicado detention without trial.<sup>52</sup>

57. This legal, extra-legal, and ideological attack on a *key pillar for rights protection and the rule of law* silenced or incapacitated a critical mass of rights defense lawyers, and exacerbated an overall chilling effect on lawyers, activists, and other citizens.

## **Article 7: Education and promotion of racial equality**

58. Civil society awareness and meaningful participation—particularly participation by the ethnic minority groups affected in the eight multi-ethnic provinces and regions of Inner Mongolia, Guangxi, Tibet, Ningxia, Xinjiang, Guizhou, Yunnan, and Qinghai (State party report, para. 19)—is essential for effective implementation of the Covenant. The State party has stated that its report was prepared with the “direct participation of persons from ethnic minorities and the views of legislative, administrative and judicial organs, relevant non-governmental organizations and experts in related areas were also broadly solicited” (para. 4). With respect to Article 7 implementation, the State party has indicated its undertaking of trainings at institutions of higher learning, including for judicial, law enforcement, and administrative personnel (State party report, paras. 110,111).
59. In light of the State party’s policy priority to promote government informatization, including citizen access to information and government services, (State party report, para. 111), the online dissemination of information on CERD, China’s progress, and opportunities for ethnic groups and other civil society members to contribute should be an effective measure. However, based on HRIC’s review of 24 official state websites relevant to China’s implementation of CERD, fewer than 30% of those sites mentioned CERD, none called for civil society input, none uploaded the State party report, none uploaded the CERD report, and none contained information on the latest CERD cycle (Annex 1). Without adopting more effective measures, including widely disseminating linguistically accessible information to those identified as affected, the State party has not adequately undertaken its responsibilities under Article 7.

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<sup>52</sup> Human Rights in China, “Mass Crackdown on Chinese Lawyers and Defenders,” <https://www.hrichina.org/en/mass-crackdown-chinese-lawyers-and-defenders>.

# ANNEXES

## Annex 1

### HRIC Survey of CERD Information on Official Websites<sup>1</sup>

<b>Websites of government entities, mass organizations and associations</b>	<b>Information on CERD</b>	<b>Call for Civil Society Input</b>	<b>State Report Uploaded</b>	<b>CERD Report Uploaded</b>	<b>Information on Latest Cycle</b>
All-China Lawyers Association <a href="http://www.acla.org.cn/">www.acla.org.cn/</a>	0	0	0	0	0
All-China Federation of Trade Unions <a href="http://www.acftu.net/">www.acftu.net/</a>	0	0	0	0	0
All-China Women's Federation <a href="http://www.women.org.cn/">www.women.org.cn/</a>	0	0	0	0	0
China Association of Science and Technology <a href="http://www.cast.org.cn/">www.cast.org.cn/</a>	0	0	0	0	0
China Disabled Persons' Federation <a href="http://www.cdpcf.org.cn/">www.cdpcf.org.cn/</a>	1 <sup>2</sup>	0	0	0	0
Chinese Academy for Social Sciences <a href="http://cass.cssn.cn/">cass.cssn.cn/</a>	0	0	0	0	0
Government of Tibet Autonomous Region <a href="http://www.xizang.gov.cn/">www.xizang.gov.cn/</a>	0	0	0	0	0
Government of Xinjiang Uighur Autonomous Region <a href="http://www.xinjiang.gov.cn/">www.xinjiang.gov.cn/</a>	0	0	0	0	0
Ministry of Civil Affairs <a href="http://www.mca.gov.cn/">www.mca.gov.cn/</a>	0	0	0	0	0
Ministry of Education <a href="http://www.moe.edu.cn/">www.moe.edu.cn/</a>	2 <sup>3</sup>	0	0	0	0
Ministry of Foreign Affairs <a href="http://www.fmprc.gov.cn/">www.fmprc.gov.cn/</a>	5 <sup>4</sup>	0	0	0	0
Ministry of Human Resources and Social Security <a href="http://www.mohrss.gov.cn/">www.mohrss.gov.cn/</a>	0	0	0	0	0
Ministry of Justice <a href="http://www.moj.gov.cn/">www.moj.gov.cn/</a>	0	0	0	0	0

<b>Websites of government entities, mass organizations and associations</b>	<b>Information on CERD</b>	<b>Call for Civil Society Input</b>	<b>State Report Uploaded</b>	<b>CERD Report Uploaded</b>	<b>Information on Latest Cycle</b>
<b>Ministry of Public Security</b> <a href="http://www.mps.gov.cn/">www.mps.gov.cn/</a>	2 <sup>5</sup>	0	0	0	0
<b>National Development and Reform Commission</b> <a href="http://www.ndrc.gov.cn/">www.ndrc.gov.cn/</a>	0	0	0	0	0
<b>National Health Commission</b> <a href="http://www.moh.gov.cn">http://www.moh.gov.cn</a>	0	0	0	0	0
<b>National People's Congress</b> <a href="http://www.npc.gov.cn/">www.npc.gov.cn/</a>	4 <sup>6</sup>	0	0	0	0
<b>National Population and Family Planning Commission</b> <a href="http://www.nhfpc.gov.cn/">www.nhfpc.gov.cn/</a>	0	0	0	0	0
<b>National Working Committee on Children and Women</b> <a href="http://www.nwccw.gov.cn/">www.nwccw.gov.cn/</a>	0	0	0	0	0
<b>Supreme People's Procuratorate</b> <a href="http://www.spp.gov.cn/">www.spp.gov.cn/</a>	0	0	0	0	0
<b>State Administration for Religious Affairs</b> <a href="http://www.sara.gov.cn/">www.sara.gov.cn/</a>	0	0	0	0	0
<b>The State Council Information Office of the PRC</b> <a href="http://www.scio.gov.cn/">www.scio.gov.cn/</a>	4 <sup>7</sup>	0	0	0	0
<b>State Council Leading Group Office of Poverty Alleviation and Development</b> <a href="http://www.cpad.gov.cn/">www.cpad.gov.cn/</a>	0	0	0	0	0
<b>State Ethnic Affairs Commission</b> <a href="http://www.seac.gov.cn/">www.seac.gov.cn/</a>	1 <sup>8</sup>	0	0	0	0

<sup>1</sup> Availability of information on official websites is current as of July 13, 2018. HRIC selected these ministries, departments, and organization because they were listed in China's national reports as having been involved or relevant to the preparation of China's treaty body reviews, the UPR, and other international human rights mechanisms.

<sup>2</sup> The website posted the *Convention on the Rights of Persons with Disabilities* where CERD was mentioned.

<sup>3</sup> The website posted the *Universal Declaration on Bioethics and Human Rights* and *International Declaration on Human Genetic Data* where CERD was mentioned.

<sup>4</sup> The website posted a press release on China's CERD review in 2002, an introduction on UN human rights mechanisms, a press release about the appointment of Li Yanduan as CERD committee member, two articles on diplomatic history where CERD was mentioned.

<sup>5</sup> The website posted the *National Human Rights Action Plan of China (2009-2010)* and its relevant press release where CERD was mentioned.

<sup>6</sup> The website posted the full text of CERD, NPC Standing Committee's decision to join CERD, the full text of *Convention on the Rights of Persons with Disabilities*, an article about crimes of ethnic hatred and discrimination where CERD was mentioned.

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<sup>7</sup> The website posted the two *National Human Rights Action Plan of China (2012-2015) (2016-2020)*, *Assessment Report on the National Human Rights Action Plan of China (2009-2010)*, *Progress in China's Human Rights in 2009 White Paper* where CERD was mentioned.

<sup>8</sup> The website posted a press release about deputy director of SEAC meeting with the chair of CERD in 2011.



## Annex 2

### 新疆维吾尔自治区去极端化条例

#### *Xinjiang Uyghur Autonomous Region Regulation on De-extremification*

<p>发布机构: 新疆维吾尔自治区第十二届人民代表大会常务委员会          发布日期: 2017年3月29日; 生效日期: 2017年4月1日  <a href="http://xj.people.com.cn/n2/2017/0330/c186332-29942874.html">http://xj.people.com.cn/n2/2017/0330/c186332-29942874.html</a>          中国人权于2018年7月16日登陆该网页。</p>		<p>Promulgated by the Standing Committee of the Twelfth People's Congress for the Xinjiang Uygur Autonomous Region (Mar. 29, 2017), effective Apr. 1, 2017. [English translation by China Law Translate, <a href="https://www.chinalawtranslate.com/%E6%96%B0%E7%96%86%E7%BB%B4%E5%90%BE%E5%B0%94%E8%87%AA%E6%B2%BB%E5%8C%BA%E5%8E%BB%E6%9E%81%E7%AB%AF%E5%8C%96%E6%9D%A1%E4%BE%8B/?lang=en">https://www.chinalawtranslate.com/%E6%96%B0%E7%96%86%E7%BB%B4%E5%90%BE%E5%B0%94%E8%87%AA%E6%B2%BB%E5%8C%BA%E5%8E%BB%E6%9E%81%E7%AB%AF%E5%8C%96%E6%9D%A1%E4%BE%8B/?lang=en</a>, last visited July 16, 2018]</p>
<b>第一章 Chapter I</b>	<b>总 则</b>	<b>General Provisions</b>
第一条 Article 1	为了遏制和消除极端化, 防范极端化侵害, 实现社会稳定和长治久安, 根据《中华人民共和国宪法》《中华人民共和国反恐怖主义法》、国务院《宗教事务条例》等有关法律、法规, 结合自治区实际, 制定本条例。	This Regulation is drafted on the basis of the "Constitution of the People's Republic of China", "the Anti-Terrorism Law of the People's Republic of China", the State Council's "Religious Affairs Regulation" and other relevant laws and regulations, together with the actual conditions of the autonomous region, so as to contain and eradicate extremism, prevent extremist violations, and bring about social stability and and lasting peace and order.
第二条 Article 2	在自治区行政区域内去极端化适用本条例。	This Regulation shall apply to de-extremification in the administrative area of the autonomous region.
第三条 Article 3	本条例所称极端化, 是指受极端主义影响, 渲染偏激的宗教思想观念, 排斥、干预正常生产、生活的言论和行为。	Extremification as used in this Regulation refers speech and actions under the influence of extremism, that spread radical religious ideology, and reject and interfere with normal production and livelihood.
	本条例所称极端主义, 是指以歪曲宗教教义或者其他方法煽动仇恨、煽动歧视、鼓吹暴力等的主张和行为。	Extremism as used in this Regulation refers to propositions and conduct using distortion of religious teachings or other means to incite hatred or discrimination and advocate violence.
	自治区预防、遏制和消除极端化, 预防和惩治极端主义犯罪活动。	The autonomous region will prevent, contain and eradicate extremism, and prevent and punish extremist criminal activity.
第四条 Article 4	去极端化应当坚持党的宗教工作基本方针, 坚持宗教中国化、法治化方向, 积极引导宗教与社会主义社会相适应。	De-extremification shall persist in the basic directives of the party's work on religion, persist in an orientation of making religion more Chinese and under law, and actively guide religions to become compatible with socialist society.
第五条 Article 5	去极端化工作实行领导责任制和年度目标责任考核制。	De-extremification efforts are to employ a leadership responsibility systems and an annual target responsibility evaluation system.
第六条	自治区、州(市、地)、县	Autonomous regions, prefectures (municipalities, regions),

Article 6	（市、区）设立去极端化领导小组，负责本行政区域的去极端化。	and counties (municipalities, districts) are to establish leading small groups on de-extremification, responsible for de-extremification in that administrative region.
	去极端化领导小组下设办公室，履行调查研究、指导协调、督促检查等相关职能。	An office is established under leading small groups on de-extremification, to perform relevant duties such as investigation and research, guidance and coordination, supervision and inspection.
第七条 Article 7	任何单位和个人应当自觉抵制和反对极端化，检举揭发极端化言行。	Every unit and individual shall conscientiously resist and oppose extremification, and report words and acts of extremification.
第八条 Article 8	对在去极端化中做出显著成绩的单位和个人给予表彰、奖励。	Those units and individuals who have made notable achievements in de-extremification are to be given commendations and rewards.
<b>第二章 Chapter II</b>	<b>极端化的主要表现</b>	<b>Primary Expressions of Extremification</b>
第九条 Article 9	受极端主义影响，下列言论和行为属于极端化，予以禁止：	The following words and actions under the influence of extremism are extremification, and are to be prohibited:
	（一）宣扬、散布极端化思想的；	(1) advocating or spreading extremist thinking;
	（二）干涉他人宗教信仰自由，强迫他人参加宗教活动，强迫他人向宗教活动场所、宗教教职人员提供财物或者劳务的；	(2) Interfering with others' freedom of religion by forcing others to participate in religious activities, forcing others to supply properties or labor services to religious activity sites or religious professionals;
	（三）干涉他人婚丧嫁娶、遗产继承等活动的；	(3) Interfering with activities such as others' weddings and funerals or inheritance;
	（四）干涉他人与其他民族或者有其他信仰的人员交往交流交融、共同生活，驱赶其他民族或者有其他信仰的人员离开居住地的；	(4) Interfering with others from having communication, exchanges, mixing with, or living together, with persons of other ethnicities or other faiths; or driving persons of other ethnicities or faiths to leave their homes
	（五）干预文化娱乐活动，排斥、拒绝广播、电视等公共产品和服务的；	(5) Interfering with cultural and recreational activities, rejecting or refusing public goods and services such as radio and television.
	（六）泛化清真概念，将清真概念扩大到清真食品领域之外的其他领域，借不清真之名排斥、干预他人世俗生活的；	(6) Generalizing the concept of Halal, to make Halal expand into areas other beyond Halal foods, and using the idea of something being not-halal to reject or interfere with others secular lives;
	（七）自己或强迫他人穿戴蒙面罩袍、佩戴极端化标志的；	(7) wearing, or compelling others to wear, burqas with face coverings, or to bear symbols of extremification;
	（八）以非正常蓄须、起名渲染宗教狂热的；	(8) spreading religious fanaticism through irregular beards or name selection;
	（九）不履行法律手续以宗教方式结婚或者离婚的；	(9) failing to perform the legal formalities in marrying or divorcing by religious methods;
	（十）不允许子女接受国民教育，妨碍国家教育制度实施的；	(10) not allowing children to receive public education, obstructing the implementation of the national education system;

	(十一) 恐吓、诱导他人抵制享受国家政策, 故意损毁居民身份证、户口簿等国家法定证件以及污损人民币的;	(11) Intimidating or inducing others to boycott national policies; to intentionally destroy state documents prescribed for by law, such as resident identity cards, household registration books; or to deface currency.
	(十二) 故意损毁、破坏公私财物的;	(12) intentionally damaging or destroying public or private property;
	(十三) 出版、印刷、发行、销售、制作、下载、存储、复制、查阅、摘抄、持有含极端化内容的文章、出版物、音视频的;	(13) publishing, printing, distributing, selling, producing, downloading, storing, reproducing, accessing, copying, or possessing articles, publications, audio or video with extremification content;
	(十四) 蓄意干涉或破坏计划生育政策实施的;	(14) Deliberately interfering with or undermining the implementation of family planning policies;
	(十五) 其他极端化言论和行为。	(15) Other speech and acts of extremification.
<b>第三章 Chapter III</b>	<b>预防、遏制和消除极端化</b>	<b>Prevention, Control, and Eradication of Extremification</b>
第十条 Article 10	去极端化应当准确把握民族习俗、正常宗教活动、非法宗教活动与极端化行为的界限, 区分性质, 分类施策, 坚持团结教育大多数, 孤立打击极少数。	De-extremification shall correctly grasp delineation of ethnic customs. normal religious activity, unlawful religious activities and extremist conduct; distinguishing their nature and categorizing tactics, persisting in united education for the majority, and independent strikes against the very few.
第十一条 Article 11	去极端化应当坚持系统治理、综合施策、标本兼治, 与改善民生、脱贫致富、民族团结进步创建等紧密结合起来, 实现相互促进。	de-extremification shall persist in systematic governance, comprehensive policies, and treating causes as well as symptoms; and be closely tied to and mutually promoted with improving the people's lives, poverty alleviation, advancing ethnic unity, and so forth.
第十二条 Article 12	去极端化应当坚持正确的政治方向和舆论导向, 弘扬主旋律, 传播正能量; 加强意识形态领域反渗透、反分裂斗争, 禁止利用各种媒介宣扬极端化, 扰乱社会秩序。禁止任何机构和个人借课题研究、社会调查、学术论坛等传播、宣扬极端化。	de-extremification shall persist in the correct political orientation and direction of public opinion to carry forward the main themes and transmit positive energy; strengthening resistance to penetration and the struggle against separatism in the ideological sphere, and prohibiting the use of all kinds of media to promote extremification, disrupting the social order. All institutions and individuals are prohibited from disseminating or promoting extremification through research projects, social investigation, academic forums and the like.
第十三条 Article 13	去极端化应当开展大宣讲、大学习、大讨论, 用现代科学文化知识教育群众崇尚科学、文明, 用法律知识教育群众学法遵法, 用宗教正信正本清源, 驳斥邪说谬论, 引导信教群众确立正信正行, 自觉抵制极端化。	De-extremification shall carry out big publicity, learning and discourse; shall use modern scientific and cultural knowledge to educate the public to embrace science and civility, use legal knowledge to teach the public respect the law, and use religious faith for radical overhaul, rejecting cults and refuting fallacies, leading believers to establish correct beliefs and positioning; conscientiously resisting extremification.
第十四条 Article 14	去极端化应当做好教育转化工作, 实行个别教育与集中教育相	De-extremification shall complete work on educational transformation, implementing a combination of individual

	结合，法治教育与帮教活动相结合，思想教育、心理辅导、行为矫正与技能培训相结合，教育转化与人文关怀相结合，增强教育转化成效。	and group education; combining legal education and mentoring; combining ideological education, psychological counseling, behavioral corrections, and skills training; combining educational transformation and humanistic care; strengthening the effectiveness of educational transformation.
第十五条 Article 15	去极端化应当加强流动人口服务管理，发挥社区、行业部门以及各类企业作用，做好流动人口去极端化工作。	De-extremification shall strengthen service and management for the migrant populations, giving play to the roles of community and industry departments as well as of all kinds of enterprise, to complete efforts on de-extremification work for migrant populations.
<b>第四章 Chapter IV</b>	<b>政府及相关部门的主要职责</b>	<b>Primary Duties of Government and Relevant Departments</b>
第十六条 Article 16	各级人民政府及其各部门、各单位应当依照各自职责，做好去极端化工作。	All levels of people's government and their relevant departments and each unit shall complete de-extremification efforts in accordance with their own duties.
第十七条 Article 17	民族、宗教部门应当开展民族宗教政策和民族团结宣传教育活动，开展民族团结进步创建活动，巩固完善宗教人士教育培训和服务管理机制，加强对宗教教职人员、宗教活动场所、宗教活动的服务管理，加强宗教出版物的审核，组织宗教教职人员做好讲经解经工作，引导正信正行。会同有关部门依法治理非法宗教活动、非法宗教宣传品、非法宗教网络传播。	Departments for ethnicities and religion shall carry out policies on ethnicity and religion and publicity educational activities on ethnic unity, actities on better establishing ethnic unity; shall consolidate and improve mechanisms for service and management in education and training for religious figures; shall strengthen service and management of religious professionals, religious activity sites, and religious activities; shall strengthen review of religious publications; and organize religious professionals to do the work of religious teaching and interpretation, guiding correct faith and positioning. Curb illegal religious activities, illegal religious propaganda, and illegal religious internet transmissions in accordance with law and in conjunction with relevant departments.
第十八条 Article 18	司法行政部门应当组织、指导、协调有关法律法规的宣传工 作，开展普法活动，培育和 提高各族群众尊法、学法、守法、用法意识。加强监狱管理，防范遏制极端化在监狱传播，做好相关改造、教育、转化工作。	Judicial administrative departments shall organize, guide and coordinate efforts on publicizing relevant laws and regulations; shall carry out legal awareness activities, cultivating and increasing respect for law, study of law, compliance with law, and use of law, by people of all ethnicities. Strengthen prison management to prevent and contain the spread of extremification in prisons, and make efforts on reformation, education and transformation.
第十九条 Article 19	公安机关应当依法防范打击极端化违法犯罪活动，配合相关部门做好非法宗教活动、非法宗教宣传品、非法宗教网络传播的综合治理工作。防范打击利用互联网、移动存储介质等从事极端化违法犯罪活动、境外极端势力渗透破坏活动、非法出入境活动，加强对重点人员的管控。	Public security organs shall guard against and combat crimes and illegal acts of extremification, shall cooperate with relevant departments in efforts on the comprehensive curbing of illegal religious activities, illegal religious propaganda, and illegal religious network transmissions. Prevent and combat the use of the internet, mobile storage media, and so forth, to engage in criminal and illegal acts of extremification, disruptive activities of penetration by foreign extremist forces, unlawful entry of the borders, strengthening control of key persons.

<p>第二十条 Article 20</p>	<p>教育部门应当防范极端化干预国民教育，加强对师生进行民族宗教政策、有关法律法规和科学知识教育，引导师生正确认识和对待宗教，加强教材、教学辅导材料审核，防范和抵御极端化向校园渗透。</p>	<p>Education departments shall prevent extremification from interfering in citizen education; strengthening education for teachers and students on ethnic and religious policies, relevant laws and regulations, and scientific knowledge; guiding teachers and students correctly understand and engage religion; strengthening the review of teaching materials and teaching aid; and preventing and defending against extremification penetrating campuses.</p>
<p>第二十一条 Article 21</p>	<p>文化部门应当弘扬社会主义核心价值观，倡导进步、开放、包容、文明、科学的理念，创新文化活动，引领文明风尚。加强基层文化设施建设，丰富文化产品，提高公共文化服务效能。加强文化市场监管，会同有关部门依法治理非法宗教宣传品。</p>	<p>Culture departments shall promote the core Socialist values, advocating progress, openness, tolerance, civility, and scientific ideas, innovating in cultural activities, leading civilized practice. Strengthen the building of grass-roots cultural facilities, rich cultural products, improve public cultural service performance. Strengthen the construction of grass-roots cultural facilities, enrich cultural products, and improve the effectiveness of public cultural services.</p>
<p>第二十二条 Article 22</p>	<p>新闻出版广电部门应当弘扬主旋律，强化去极端化宣传教育，提高出版物、广播影视节目的数量和质量，加强各类节目的审核，加强正面引导，增强各族群众自觉抵御极端化渗透的意识。</p>	<p>Departments of press, publication and radio shall highlight main themes, strengthen publicity and education on de-extremification; improve the quantity and quality of publications, radio and television programs; strengthen the review of all types programming, strengthen positive guidance, enhance the conscious resistance of the permeation of extremification by all ethnic groups.</p>
<p>第二十三条 Article 23</p>	<p>交通运输部门应当加强去极端化宣传教育，强化行业管理，防范极端化传播和渗透。</p>	<p>Transportation departments shall strengthen the publicity and education on de-extremification, strengthen industry management, and prevent the dissemination and permeation of extremification.</p>
<p>第二十四条 Article 24</p>	<p>卫生计生部门应当组织开展去极端化宣传教育，防范极端化破坏计划生育政策实施和在医疗卫生场所传播。</p>	<p>Health and family planning departments shall organized and carry out publicity and education on de-extremification to prevent extremification from disrupting the implementation of family planning policies and dissemination of extremification in medical venues.</p>
<p>第二十五条 Article 25</p>	<p>网信、经信和公安等部门应当按照职责分工，加强对网站、论坛、微博、QQ、微信等自媒体和即时通讯软件的管理，及时发现含有极端化内容的不良信息，责令有关单位和个人停止传输、删除相关信息，或者关闭相关网站、关停相关服务。有关单位和个人应当立即执行，并保存相关记录，协助进行调查。</p>	<p>Departments for networks, economic information technology, and public security shall follow their division of duties in strengthening management of self-media and instant messaging software such as websites, forums, microblogs, QQ, and Wechat; promptly discovering extemified negative content, and order the relevant units or individuals to stop dissemination, delete the relevant information, or close the relevant pages and stop relevant services. Relevant Units and individuals shall immediately enforce [such orders] save relevant records, and assist in conducting investigations.</p>
<p>第二十六条 Article 26</p>	<p>电信主管部门应当督促电信业务经营者落实对手机、声讯台、固定电话等通信工具中含有极端化内容的音频、留言、通话记录等</p>	<p>Competent departments for telecommunications shall urge telecommunications operators to put in place monitoring systems and technological prevention measures for audio, messages, and communication records with extremifying content in cell phones, call centers, land lines, and other</p>

	<p>监督制度和安全技术防范措施，防止含有极端化内容的信息传播。电信业务经营者发现含有极端化内容的信息的，应当立即停止传输，删除相关信息，留存证据，及时报案；对互联网上跨境传输的含有极端化内容的信息，应当采取技术措施予以阻断，协助公安机关进行依法处理。</p>	<p>telecommunication tools, to prevent the transmission of information with extremifying information. Where telecommunications operators discover information with extremifying content, they shall immediately stop its transmission, delete the relevant information, keep evidence, and promptly report the case; employ technological measures to block cross-border internet transmissions of information with extremifying content, and assist the public security organs in conducting a lawful disposition.</p>
第二十七条 Article 27	<p>民政部门应当依法加强婚姻、社会组织的登记和管理，防范和抵御极端化渗透。</p>	<p>Civil affairs departments shall lawfully strengthen the lawful registration and management of marriages and social organizations, preventing and defending against the penetration of extremification.</p>
第二十八条 Article 28	<p>工商行政管理、质量技术监督等部门应当加强经营许可、注册登记和产品的生产经营管理，堵住源头，防止宣扬极端化的物品进入市场，并依法查处市场内宣扬极端化的物品。</p>	<p>Departments such as for administration of industry and commerce and quality and technical supervision, shall strengthen management of business permits, registrations, and product manufacturing operations; preventing goods that promote extremification from entering the market at the source, and lawfully investigating and punishing goods promoting extremification in the market place.</p>
第二十九条 Article 29	<p>乡镇人民政府、街道办事处应当在上级人民政府领导和有关部门指导下，依法加强宗教事务管理，治理非法宗教活动、非法宗教宣传品等，指导村、居民委员会制定推行新型村规民约、居民公约等，提高法治化水平，建立常态化治理机制，依法做好去极端化工作。</p>	<p>Village and township people's governments, and street-level offices shall, under the guidance of the people's government at the level above and relevant departments, lawfully strengthen the management of religious affairs, and curb illegal religious activities and illegal religious propaganda, and guide villager and resident committees in drafting new forms of village rules and civil agreements, and residents agreements, to raise the level of rule of law and establish normalized mechanisms of governance, and complete de-extremification efforts in accordance with law.</p>
<b>第五章 Chapter V</b>	<b>社会各方面应当履行的责任</b>	<b>Responsibility that Shall be Performed by All Aspects of Society</b>
第三十条 Article 30	<p>全社会应当共同参与去极端化工作。各族群众应当学法守法，树立对伟大祖国、中华民族、中华文化、中国共产党、中国特色社会主义的认同，增强国家意识、公民意识、法律意识、中华民族共同体意识，践行社会主义核心价值观，自觉抵制和远离极端化。</p>	<p>All aspects of society shall jointly participate in de-extremification efforts. Every ethnic group shall study and follow the law; and build identification with the great motherland, the Chinese people, Chinese culture, the Communist Party of China, and socialism with Chinese characteristics; increasing awareness of the state, citizens, law, and the community of Chinese ethnicities; practicing the core socialist values, and conscientiously resisting and staying clear of extremification.</p>
第三十一条 Article 31	<p>工会应当在工会组织、会员中进行有关法律法规、政策的宣传教育，组织开展去极端化活动，防范极端化在工会会员中传播。</p>	<p>Trade unions shall carry out publicity and education in union organizations and among members on laws, regulations and policies; and organize carrying out de-extremification activities to prevent transmission of extremification among union members.</p>

第三十二条 Article 32	共青团应当对青少年进行民族宗教政策和有关法律法规的教育，鼓励各族青少年交往交流交融，引导各族青少年抵制极端化、崇尚先进文化、适应现代生活。	Communist Youth Leagues shall carry out education on policies and relevant laws and regulations about ethnicity and religion, shall encourage association, exchanges, and mixing among youths of every ethnicity, and shall guide youth of every ethnicity to resist extremism, revere advanced culture, and adapt to modern life.
第三十三条 Article 33	妇联应当对妇女进行先进文化教育，加强对受极端化影响妇女的教育管理，引导帮助其融入现代文明社会，自觉抵制非法宗教活动和极端化。	Women's federations shall conduct cultural education for women, strengthen the education and management of women influenced by the extremification, and guide and help their integration into modern civilized society, consciously resisting illegal religious activities and extremification.
第三十四条 Article 34	科协应当在全社会普及科学知识、弘扬科学精神、传播科学思想、倡导科学方法、讲好科学故事，引导各族群众崇尚科学、健康、文明的生产生活方式，提高科学认知能力，自觉抵制和反对极端化。	The Associations for Science and Technology shall spread scientific knowledge to the entire public, promote the scientific spirit, transmit scientific thought, advocate scientific methods, tell the story of science; and guide every ethnic group to embrace scientific, healthy, and civilized lifestyles and means of products; to increase scientific awareness and conscious resistance and opposition to extremification.
第三十五条 Article 35	宗教团体应当对宗教教义教规作出符合时代进步要求的阐释，批驳极端的宗教思想观念，发挥在去极端化工作中的作用，引导信教群众正确处理法律与教规的关系，确立正信，抵制极端，做守法公民。	Religious groups shall make interpretations of religious cannon appropriate for improved modern standards, and reject extremist religious ideology, playing a role in de-extremification work, guiding believers to correctly handle the relationship between law and religion, confirm correct faith, reject extremism, and be law abiding citizens.
第三十六条 Article 36	工商联、文联、社科联、学会、协会、基金会等各类社会团体和社会组织应当根据自身的特点和优势，做好去极端化工作。	Federations of industry and commerce, literary federations, social science federations, academic societies, associations, foundations, and all forms of social group and social organizations shall do de-extremification work based on their own characteristics and strengths.
第三十七条 Article 37	学校应当对师生员工加强民族宗教政策教育，增强反分裂、反渗透意识。发挥好教师在去极端化中的引导作用，教育学生崇尚科学、追求真理、反对迷信，抵制极端化。	Schools shall education for teachers, students and staff on ethnicity and religion, strengthen anti-separatism and anti-permeation awareness. Give play to the leading role of teachers in de-extremification, educating students to embrace science, pursue truth, oppose superstition, and resist extremification.
	任何组织和个人不得利用学校讲台、讲坛、论坛等，散布、传播极端化言论。	School lecterns, rostrums, forums and so forth must not be used by any organization or individual to spread or transmit extremifying speech.
第三十八条 Article 38	各级党校、行政学院、社会主义学院以及各类培训机构应当加强去极端化教育培训，推动去极端化宣讲教育进农村、进牧区、进社区、进企业。	Party schools at all levels, Administration Institutes, Institutes of socialism, and all kinds of training institution shall strengthen the education and training on de-extremification, promoting lectures and education on de-extremification in rural and pastoral areas, communities, and enterprises.

第三十九条 Article 39	高等院校及有关社科研究机构应当加强民族宗教理论和政策研究，加强去极端化研究。	Institutions of higher learning and relevant social science research establishments shall strengthen research on the theory and policy or ethnicity and religion, and strengthen research on de-extremification.
第四十条 Article 40	宗教院校应当坚持宗教中国化方向，认真履行培养培训宗教教职人员职责，防范极端化渗透。	Religious schools and institutions should adhere to the direction of sinocizing religion, and earnestly perform the duties of cultivating and training religious professionals, to prevent permeation by extremification.
第四十一条 Article 41	大众传媒、新兴媒体应当创新载体和方式，针对不同对象和受众特点，多渠道开展去极端化宣传活动。	The mass media and new media shall innovate as to medium and methods, to use multiple channels to carry out de-extremification publicity activities aimed at different targets and audiences.
第四十二条 Article 42	公共场所的管理人员、公共交通工具、车站、机场等的工作人员，应当劝阻穿戴蒙面罩袍、佩戴极端化标志人员进入公共场所或者乘坐公共交通工具，并及时向公安机关报告。	Personnel such as the managers of public spaces, public transport, bus/train station, and airports shall dissuade persons wearing face-covering burqas or symbols of symbols of extremification from entering public spaces or taking public transportation, and promptly report it to the public security organs.
第四十三条 Article 43	企业应当履行去极端化的责任，教育引导员工爱岗敬业、遵规守法、团结和睦，反对极端化言论和行为。	Enterprises shall perform de-extremification responsibilities, educating and guiding employees to be dedicated to their work, respect and obey the law, be united and harmonious, and resist extremification speech and conduct.
第四十四条 Article 44	家庭及其成员应当遵法、守法。家长应当以良好的品行影响子女，教育子女崇尚科学，追求文明，维护民族团结，抵制和反对极端化。	Families and their members shall respect and obey the law. Parents shall influence their children with positive conduct, and educate their children to respect science, pursue civility, preserve ethnic unity, and resist and oppose extremification.
第四十五条 Article 45	宗教教职人员应当向信教群众宣传相互包容、和谐共处、团结友善理念，将爱国、和平、团结、中道、宽容、善行等教义贯穿到讲经解经活动中，旗帜鲜明地批驳极端化，引导信教群众树立正信正行，抵御极端化的渗透。	Religious professionals shall publicize mutual tolerance, harmonious relations, a philosophy of unity and amicability to followers; and have doctrines of patriotism, peace, unity, moderation, tolerance, good deeds, and so forth run through their religious teaching and explanations; unequivocally rejecting extremification and guiding the followers to build correct faith and positioning, and to resist permeation of extremification.
<b>第六章 Chapter VI</b>	<b>法律责任</b>	<b>Legal Responsibility</b>
第四十六条 Article 46	违反本条例第九条规定，情节较轻的，由公安机关会同有关部门、单位责令改正，予以批评教育或者法治教育；情节较重尚不构成犯罪的，由公安机关依照《中华人民共和国反恐怖主义法》《中华人民共和国治安管理处罚法》以及《新疆维吾尔自治区实施〈中华人民共和国反恐怖	Where article 9 of this Regulation is violated, but the circumstances are more minor, the public security organs, together with relevant departments and units, are to order corrections and give criticisms and education or legal education; where the circumstances are more serious, but do not constitute a crime, the public security organs are to give public security administrative sanctions in accordance with the "Anti-Terrorism Law of the People's Republic of China", the "public security administrative punishments law of the People's Republic of China" as well as the "Xinjiang



	主义法》办法》予以处罚，有违法所得的没收违法所得，给他人造成损害的依法承担民事责任。	Uygur autonomous region implementation measures for the "Anti-Terrorism Law of the People's Republic of China", and confiscate any unlawful gains, and civil liability is to be borne for any harms caused to others.
第四十七条 Article 47	去极端化工作领导小组、部门、单位及其工作人员在去极端化工作中未履行职责的，由其所在单位或者上级主管部门给予批评教育，责令改正；情节严重的，对单位主要负责人、直接负责的主管人员和直接责任人员依法给予行政处分。	De-extremification leading groups, departments, units, or their staffs, failing to perform their duties during de-extremification work, are to be given criticism and education by the unit they are located at or by their higher-ranking competent department, and ordered to reform; where the circumstances are serious, principle responsible person, persons who are directly in charge, and directly responsible personnel are to be given administrative penalties in accordance with law.
第四十八条 Article 48	违反本条例规定应当受到处罚的其他行为，依照有关法律法规予以处罚，构成犯罪的依法追究刑事责任。	Other conduct that violates these Regulations and should be punished is to be given punishment in accordance with the relevant laws and regulations, and where a crime is constituted, pursue criminal responsibility in accordance with law.
<b>第七章 Chapter VII</b>	<b>附则</b>	<b>Supplementary Provisions</b>
第四十九条 Article 49	自治区人民政府可根据本条例，制定去极端化的具体规定和办法。	The autonomous region's people's governments are to draft specific provisions and measures for de-extremification on the basis of this Regulation.
第五十条 Article 50	本条例自 2017 年 4 月 1 日起施行。	This Regulation enters into force on April 1, 2017.

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