



World Uyghur Congress

ALTERNATIVE REPORT FOR THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS FOR ITS UPCOMING SESSION ON THE PEOPLE'S REPUBLIC OF CHINA

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Abbreviations

Action Plan	China's 2012-2015 Human Rights Action Plan
Committee	Committee on Economic, Social and Cultural Rights
PRC	People's Republic of China
ESS	Endangering State Secrets
XUAR	Xinjiang Uyghur Autonomous Region

Executive summary

This alternative report has been submitted by the World Uyghur Congress (WUC) in view of the Committee on Economic, Social and Cultural Rights' upcoming 2nd review of the People's Republic of China (PRC).

The WUC is an international, umbrella organisation that represents the collective interest of the Uyghur people both in the Xinjiang Uyghur Autonomous Region, (hereafter, the 'XUAR'); elsewhere in the PRC, and abroad.

This report will seek to outline the current situation facing the Uyghurs by addressing each article in turn. In order to not duplicate information for issues that cut across several articles, the report has placed each issue under the most pertinent Article and, where there is an overlap to another article, a reference will be made to indicate as such.

In order to make the information within each article more accessible, there are further subheadings to show the issues mentioned under the appropriate article.

The main points addressed in the report are the lack of self-determination as a cause for the degradation of economic, social and cultural rights in the PRC. The report will provide information on: the lack of equitable sharing between ethnic groups in the XUAR; discrimination in the workplace and job market, education, healthcare; forced trafficking of Uyghur women; the HIV/AIDs epidemic; social-security restrictions in practise and in theory; organ harvesting and experimentation; the effects of nuclear testing; discrimination in education; language rights; destruction of culturally-significant places; repression of cultural practises; access to and restrictions placed upon religion; restriction on child rights; and lack of equitable sharing in scientific development. The report has been designed to be gender-based throughout the report within the context of the appropriate articles.

Articles 1 to 5 of the Convention

Article 1 – Self-determination

1. The Xinjiang Uyghur Autonomous Region (hereafter, XUAR), the People's Republic of China (PRC), is one of five 'Autonomous Regions' within the PRC in which special provisions are made to afford degrees of autonomy to areas with large populations of ethnic minorities. While on the face of it, the Regional Ethnic Autonomy Laws (1984) appear to afford far-reaching levels of self-determination to minorities, the reality is upon a closer inspection that the articles contained within these laws reveal the vast limitations which ultimately render these laws defunct, thus maintaining the centrality of the state.
2. This has been described by academic Matthew Moneyhon as the 'give-take' policy, who further noted the irony that the 1982 Constitution actually affords more autonomy to Provinces than Autonomous Regions.¹ In the same vein, all the articles dealing with administering the autonomy and finances (Article 117), independent administration of education, scientific, cultural, public health and physical culture affairs (Article 119), and the right to employ the spoken and written language of the area when performing the functions of government (Article 121), are only applicable within the "limits of their authority as prescribed by the Constitution, the Regional Ethnic Autonomy Laws and other laws" (Article 16), which illustrates the subordinate nature of Autonomy to the central powers of government.²
3. Further, Article 15 states that all autonomous government organs are under the leadership of the State Council, and all must "obey the state council." Article 20 grants organs of autonomy the right to "alter or suspend" policies or orders promulgated by higher-level government units, yet makes such actions subject to approval by the upper echelons of the state structure. Although this article does afford the right of autonomous regional governments to establish locally appropriate "statutes on autonomy and specific regulations," Article 19 allows the National People's Congress (NPC) the authority to approve or reject such statutes and thus affords the NPC the power to act arbitrarily or contrary to the interests of the XUAR's inhabitants at the behest of the interests of the one-party state.³
4. In 2012, China outlined its 2012-2015 Human Rights Action Plan,⁴ (hereafter, 'Action Plan') the government outlined its priorities for, *inter alia*, minorities during this period. The Action Plan stated that the government will continue to pursue, promote and encourage the participation of minorities in, *inter alia*, the 'management of the state', 'social affairs', the 'national civil service', administrative, judicial and procuratorate organs at both the central and local levels. However, whatever rights the current state Constitution and autonomy laws confer in principle to local decision-making bodies, national laws "take most of those rights away" by requiring that central government organs approve all local

1 Moneyhon, M. (2002) Controlling Xinjiang: Autonomy in China's "New Frontier": *Asia-Pacific Law and Policy Journal*, 3:1, pp. 137-139 [online] Available from: http://blog.hawaii.edu/aplpj/files/2011/11/APLPJ_03.1_moneyhon.pdf [Accessed 28 March 2013]

2 Ibid. pp.137-138.

3 To view the articles of the Ethnic Autonomy Laws, see here: <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=9507>

4 China Daily (2012) National Human Rights Action Plan of China (2012-2015): *China Daily* [online]. Available from: http://www.chinadaily.com.cn/cndy/2012-06/12/content_15494392.htm [Accessed 29 March 2013]

decisions.⁵

5. Due to the requirements that party cadres and other civil servant jobs - including teachers – be atheist, most Uyghurs, who are predominantly practitioners of Islam, are unable to enter into the jobs which hold the decision-making powers, which thus hinders access to the positions by which they can address their particular needs and interests via the self-determination processes. Furthermore, the supreme court retains supervisory power over the XUAR's courts. Beijing reserves broad discretionary power over the XUAR's affairs, including how autonomy is implemented. In particular, it has unilateral control to exercise power to allocate resource exploitation, policing, and other matters outside of the control of power-sharing arrangements.⁶
6. Likewise, whilst there is a requirement that the Chairpersons of the Autonomous Regions, the Autonomous Prefectures and the Autonomous Counties be of the majority ethnic group within these regions in accordance with Article 17 of the Ethnic Autonomy Laws, many Uyghurs complain that the Chairpersons lack any real power and are often appointed due to their strong adherence to official Chinese Communist Party (CCP) policies, within which Uyghurs are significantly under-represented.⁷ In the same vein, the regional party secretary is invariably Han Chinese due to party discrimination and the party entry requirement to be atheist.
7. In view of the above, it becomes clear, as will also be further elucidated elsewhere in this report, that actual self-determination is in fact not being implemented nor afforded for minorities within the PRC. The effects of the lack of self-determination, both in practise and in theory, and the centralisation of power are a major cause for the discontent of minorities, including the culturally-distinct Uyghurs, who struggle to maintain their culture, language, religion and identity in the face of the dominant Han Chinese culture. It can thus be described as a substantive cause for the unrest frequently witnessed, including the ethnic unrest on, and subsequent to, protests on 5 July 2009 in Urumqi (XUAR).

Self-Identification

8. Self-identification as being a Uyghur is an extremely contentious issue. The right of an individual to self-identify is recognised under international law and normative principles. It is also important, in order to attain those rights, that minorities and indigenous peoples be able to recognise by name the territory to which they ascribe their culture and identity without fears of reprisals, both physical and verbal labels such as, *inter alia*, calls of 'separatism'.
9. In that regard, using the 5 July 2009 Urumqi protests as a case in point, they started out peacefully so as to draw attention to many rights that Uyghurs do not enjoy which are outlined in the Convention, including, but not exhaustively, non-discrimination in healthcare, the job market, and in education, as well as to promote a betterment of their

5 Bovingdon, G. (2004) Autonomy in Xinjiang: han nationalist imperatives and Uyghur discontent: *East-West Center Washington*, p.16. Available from: <http://scholarspace.manoa.hawaii.edu/bitstream/handle/10125/3492/PS011.pdf?sequence=1> [Accessed 28 March 2013]

6 *Ibid.*, p.16

7 Hoshur, S. (19 October 2012) Chairman Seen as Lame Duck: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/chairman-10192012181002.html> [Accessed 28 March 2013]

rights and freedoms in religion, language, culture and identity.

10. The catalyst for the protests was the deaths of 17 migrant workers at the hands of their Han Chinese colleagues in Shaodong, Southern China. The protests were subsequently crackdown upon, resulting in inter-ethnic unrest and violence, as well as many reports of arbitrary detention, enforced disappearances and a communication blackout.
11. The Chinese authorities labelled the protests as being precipitated by 'outside influences', 'separatist forces' and other elements of the widely-condemned 'Endangering State Secrets' laws, on such charges of which the Chinese authorities subsequently executed hundreds of people and arrested thousands more.
12. Although it is impossible to claim that all protesters were not aspiring for independence, it is noteworthy to mention that many of the protesters were brandishing PRC flags and chanting pro-PRC messages, along with assertions of better autonomy and real self-determination so as to deal with the issues described in the previous paragraph.
13. The Chinese authorities therefore ignore the possibility that an individual can assert an identity of being both simultaneously a minority with its own language, culture, religion and identity - including affiliation of those qualities to a particular territory - and as part of a wider state structure, choosing to react strongly against this form of self-identification. Rather than dealing with the many issues being advocated during the protests, the Chinese authorities have proceeded to legalise the practise of enforced disappearances, reports of which emerged being used against Uyghurs in the aftermath of 5 July 2009.⁸
14. For more information on the aftermath of this event, the amendments to the Criminal Procedure Laws and non-discrimination before the law, see Paragraphs 20-21.

Article 1(2) – Natural Resources

15. The XUAR holds some of the largest deposits of natural resources in the PRC, including oil, natural gases and minerals. The Chinese government recognises this, as do the Uyghurs, who often complain that they are not sharing in the wealth creation resulting from the economic development within the PRC.
16. It is predicted that the XUAR will become the number-one coal producing region of the PRC by 2020 as it strives to meet its energy needs for its development, and is already a major contributor to the PRC's energy needs, holding according to government statistics approximately 38% and 25% of the national coal and natural gas reserves respectively.⁹
17. However, one of the major concerns for this resource exploitation is the lack of water needed to harness such a push, which could thus cause problems for the inhabitants of the XUAR, especially Uyghurs.¹⁰ Furthermore, according to statistics, 3 predominantly

8 World Uyghur Congress, 2012. *Cases of Enforced Disappearances of Uyghurs*. Munich. Available from: <http://www.uyghurcongress.org/en/wp-content/uploads/2012-June-21-WUC-Report-on-Enforced-Disappearances-of-Uyghurs-in-China.pdf> [Accessed 28 March 2013]

9 Xinjiang's Natural Resources, 2013. *China.Org* [online]. Available at: <http://www.china.org.cn/english/MATERIAL/139230.htm> [Accessed 28 March 2013]

10 Larson, C. (21 March 2013) On China's Electricity Grid, East Needs West-for Coal: *Bloomberg Business Week*. Available from: <http://www.businessweek.com/articles/2013-03-21/on-chinas-electricity-grid-east-needs-west-for-coal> [Accessed 28 March 2013]

non-Uyghur cities of the XUAR Karamay, Urumqi and Bayangol produce collectively 68.5% of the value-added industrial output in 2011, further supporting the viewpoint that Uyghurs are not equitably sharing in the economic development.¹¹

18. Overt job discrimination, restrictions on movement, (see Appendix 12) lack of educational opportunities and social mobility remain major obstacles in achieving parity among the peoples in the XUAR within the various job sectors. (For more information, see Articles 6, 13 and 14)

Article 2 – State Obligations under ICESCR

19. This present report will outline the reasons why Article 2 of the Convention is failing to be implemented within other articles. Issues such as freedom of religion (Article 15), equality between men and women (Article 3), non-discrimination, non-derogation (Article 5), will be outlined.
20. Of particular relation to this Article, the WUC notes with great concern the recent amendments made to the PRC's Criminal Procedure Laws which have legalised the already-existing practise of enforced disappearances. This falls against the backdrop of the many reported cases following the crackdown on the peaceful protests in Urumqi on and subsequent to 5 July 2009. Amendments to Articles 73, 83 and 91 have empowered the security forces to detain suspects of the widely criticised and vaguely defined 'Endangering State Secrets' crimes for up to 6 months of incommunicado detention at the discretion of the authorities.
21. In this regard, it is important to note that a staggering 50% of the application of ESS crimes is undertaken in the XUAR, whilst the XUAR accounts for 2% of the PRC's overall population. These amendments therefore represent a significant setback for Uyghurs in terms of non-derogation and the principle of non-discrimination outlined in the Convention and its General Comments (for example, General Comment 20) as they are disproportionately and overwhelmingly charged on such crimes. Uyghurs who profess their culture, language, ethnic identity and religion - either on the internet, in journals, vocally or by other means - in a way that can be interpreted as against the widely-condemned and vaguely-defined ESS crimes run a heightened risk of being detained on these charges. This is having a detrimental effect on the maintenance of Uyghur language, culture, identity and religion due to the lack of freedoms to exercise these rights.

Article 3 – Equal Rights of Men and Women

22. The situation of equality for Uyghur women set against all men in China is one which will be evident throughout the rest of the report. Uyghur women are subjected to job discrimination due in education (see paragraphs 73-75), in AIDs/HIV, access to mosques and religious positions (see paragraphs 52-56 and 114-115 respectively), in addition to the PRC's transfer programme (see paragraphs 31-32), in which many Uyghur women have been forcibly transferred to Eastern China to work in unfavourable conditions and subjected to exploitation. They are also subjected to triple-discrimination due to being a minority, both

¹¹ Xinjiang: Market Profile, 2013. *HKTDC Research*. Available from: <http://china-trade-research.hktdc.com/business-news/article/Fast-Facts/XINJIANG-UYGUR-AUTONOMOUS-REGION/ff/en/1/X000000/1X06BVVK.htm> [Accessed 28 March 2013]

ethnic and religious, and as a woman and mother. Reports suggest that women are not allowed to enter mosques (See paragraph 115),¹² wear religious or ethnic clothing (See appendix 1, 4, 8 and 9 for examples), refused entry to hospitals (see appendix 9), denied state social security unless they unveil, (see Appendix 1, 8, 10 and 13), forbidden from buses and bus stations (see Appendix 4), forbidden from entering markets, buying goods, among other things, whilst wearing the veil or other religious dress wear, (see Appendix 8) and are forbidden from working within the Party or the civil service including being a teacher.

Article 4 – Limitations on Rights under ICESCR

23. Throughout this report you will find a wealth of limitations place upon the rights contained within the Convention. These include limitations on freedom of religion, expression, culture, language, identity. These limitations, as shown in the report, are neither rational nor reasonable within their respective contexts. For example, whilst the international community recognises the right for states to place limitations upon the rights contained within the Convention in regard to tackling terrorism, the Endangering State Secrets laws and recent amendments to the PRC's Criminal Procedure Laws (see paragraphs 19-21) fall substantially short of affording protections to individuals due to the lack of an internationally accepted standard definition of what constitutes an act of terrorism.

Article 5 – No Restriction or Derogation from Fundamental Human Rights

24. As will be noticed throughout this report, serious violations are taking place against the rights contained within this Convention and fundamental human rights, including “destruction”, “limitation”, restriction and derogation from the rights of Uyghurs as enshrined within international law, conventions, regulations or custom.

12 See below for details:

Government bans party members, women and minors from entering mosques in Xinjiang (2 August 2006). *AsiaNews.it* [online]. Available from: <http://www.asianews.it/news-en/Government-bans-party-members,-women-and-minors-from-entering-xs-in-Xinjiang-5330.html> [Accessed 28 March 2013];

China Steps Up Suppression of Uyghurs (30 August 2011). *Yoshiko Sakurai* [online]. Available from: <http://en.yoshiko-sakurai.jp/2011/08/30/2941> [Accessed 28 March 2013]

Articles 6 to 15 of the Convention

Article 6 – Right to Work

25. Job discrimination remains a major economic barrier to social mobility for Uyghurs and a major source of contention between the ethnic groups in the XUAR. It is also a major cause for problems relating to the maintenance of culture, religion language due to lack of financial funds and high-level influential positions to do so, as well as indirect consequences such as lack of social security, and access to health and education.
26. The Congressional-Executive Commission on China (CECC) undertook a survey of job advertisements in 2009, finding that of 894 available positions, 744 were reserved for Han Chinese applicants, and that in Aksu district, of 436 positions in the school district, 347 positions were set-aside for those of Han Chinese ethnicity.¹³ The Uyghur Human Rights Project (UHRP) has also noted similar findings elsewhere in the XUAR. Discrimination is especially clear in the hiring processes of the most lucrative employment sectors in the XUAR, notably the extraction industries.¹⁴
27. Han Chinese are over-represented in high-status and high-paying occupations – in which over 35% of the Han Chinese working population are employed – in comparison to 13% for Uyghurs. On the other hand, Uyghurs are over-represented in agriculture, where over 80 percent of the group's working population is present.¹⁵ It would also be remiss to not draw attention to the findings of Grose in 2008, in which he found that Uyghurs are twice as likely to be unemployed than Han Chinese.¹⁶
28. Whilst these figures were recorded in 2000, and taken up again in 2012, it is worth noting the lack of available disaggregated statistics to see whether there has been any positive improvements to these statistics. That being said, scholars Ben Hopper and Michael Webber did in 2009 conduct a survey of respectively Uyghur's and Han Chinese's perceptions on the job market since 10 years previously, recording that, "76.3% of Uyghurs stated that the employment situation was worse as opposed to 48.6% of Han Chinese. 17.1% of Uyghurs interviewed said that they felt the situation was better compared to 31.1% of Han Chinese."¹⁷ This suggests the changes have not been substantial.
29. The Uyghur Human Rights Project recorded that "Article 4 of the Chinese Constitution, Articles 9 and 22 of the Regional Ethnic Autonomy Law, Articles 12 and 14 of the Labor Law and Articles 3 and 28 of the Employment Promotion Law all clearly state that ethnic minorities should receive equal opportunity in the job market."¹⁸ However, this is clearly not the reality on the ground; it is not being implemented by employers along with

13 The Congressional-Executive Committee on China, 2009. *Recruitment for State Jobs in Xinjiang Discriminates Against Ethnic Minorities*. Available from: <http://www.cecc.gov/pages/virtualAcad/index.php?showsingle=122703> [Accessed on 28 March 2013]

14 Szadziwski, H., 2011, Commanding the Economy: The Recurring Patterns of Chinese Central Government Development Planning among Uyghurs in Xinjiang. *Inner Asia*, 13, p.102

15 Hasmath, R. 2012, Migration, Labour and the Rise of Ethno-religious Consciousness among Uyghurs in urban Xinjiang., *Journal of Sociology*, [online] p.8. Available from: http://www.academia.edu/2502813/Migration_Labour_and_the_Rise_of_Ethno-Religious_Consciousness_Among_Uyghurs_in_Urban_Xinjiang [Accessed 28 March 2013]

16 Op. Cit., Szadziwski, H. (2011) p.104.

17 Hooper, B. and Webber, M. (2009). Migration, Modernisation and Ethnic Estrangement: Uyghur Migration to Urumqi, Xinjiang Uyghur Autonomous Region, PRC. *Inner Asia*, 11, p. 6

18 The Uyghur Human Rights Project, 2012. Uyghur Homeland: *Chinese Frontier* [online]. Washington, P5. Available from: <http://docs.uyghuramerican.org/Uyghur-homeland-Chinese-Frontier.pdf> [Accessed 28 March 2013]

the acquiescence of the authorities.

30. Another issue has been the policy to 'develop' the XUAR, which has resulted in the demolition of many historically significant buildings in cities such as Kashgar and the relocation of their inhabitants to the outskirts of the city into substandard accommodation and many miles away from the location of their employment. (For more information on Kashgar, see paragraphs 92-100)

Article 7 – Just and Favourable Conditions of Work

Forced Transfers of Uyghur Women

31. Since the turn of the millennium, the PRC has embarked on a programme whereby Uyghur women between the ages of 16 and 25 are either being forced or coerced into relocating for work-purposes outside of the XUAR to other regions of the PRC. The programme is focusing on Southern part of the XUAR - where most Uyghurs reside and is a centre of traditional Uyghur culture – utilising intimidatory tactics directed towards them and local leaders to compel them to participate, following which the Uyghur women end up in inhuman conditions without viable employment contracts.¹⁹
32. Women are drawn to the programme by propositions of Chinese language training – a requirement for social mobility in the PRC – skills training, promises of attractive salaries and transportation to factories.²⁰ Those who have participated in the programme often face working conditions which have been compared to “slave labour.”²¹ Wages are far less than promised, if paid at all, with further problems including sub-standard accommodation, food and sanitary conditions.²² No assistance is given to those who express a desire to return to XUAR, and many are therefore living and working in eastern provinces against their will and of their families', unable to financially afford to return home.

Article 9 – Right to Social Security

33. Due to the demographic deficit created by the one-child policy of the PRC, many households put a large portion of their incomes into savings accounts in preparation of their old age. However, minorities such as the Uyghurs often cannot afford to do this,²³ which is, for the most part, due to the lack of social mobility and discrimination in job recruitment and education, as well as the fact that they are mostly rural residents. There are also reports of women being denied social security for not unveiling, continuing to wear religious or minority clothing. (See Appendix 1, 10 and 13)

19 The Uyghur Human Rights Project, 2008. Deception, Pressure and Threats: *The Transfer of Young Uyghur Women to Eastern China*. [pdf]. Washington. p.1. Available from: http://docs.uyghuramerican.org/Transfer_uyghur_woman.pdf [Access 28 March 2013]

20 Kashgar Prefecture Economic News Center, *Xinjiang Kashgar Speeches at the Tianjin Labor Leading Cadres Symposium* (Excerpts), 17 April 2007. [廖邱鹏, 新疆喀什在津务工领队干部座谈会上的发言 (节选), 喀什地区经济信息中心, 4-17-2007]. Available from <http://www.kashi.gov.cn/Article/200704/2026.htm> [no longer available]

21 Uyghur Girls Forced into Labor Far from Home by Local Chinese Officials, (11 July 2007) *Radio Free Asia* [online]. Available from: http://www.rfa.org/english/news/uyghur/uyghur_labor-20070711.html [Accessed 28 March 2013]

22 The Uyghur Human Rights Project, 2008. Deception, Pressure and Threats: *The Transfer of Young Uyghur Women to Eastern China*. [pdf]. Washington. Available from: http://docs.uyghuramerican.org/Transfer_uyghur_woman.pdf [Access 28 March 2013]

23 China Labour Bulletin, (2012) *China's Social System* [online]. Available from: <http://www.clb.org.hk/en/view-resource-centre-content/110107> [Accessed 28 March 2013]

Article 10 – Protection of the Family, Mothers and Children

34. Whilst it is true that ethnic minorities are permitted to have 2 or 3 children depending on whether they are urban or rural residents, Uyghur women are not immune from the problems associated with the PRC's 'one-child policy'.
35. According to reports, Uyghurs can be coerced into having only one child, abortions or sterilisations by officials who visit Uyghur communities with mobile clinics; Uyghur women are also informed that there are no more quotas available for them to have a second or third child and are thus required to have an abortion, sometimes followed by sterilisation.²⁴ Furthermore, reports suggest that other indirect measures ensure that Uyghurs do not benefit from the preferential, family planning initiatives by way of denying residency, food, healthcare and schooling.²⁵
36. It is noteworthy to mention that Uyghurs are disproportionately poorer than other minorities in the PRC and the XUAR due to discrimination within the education system and job market, which means that the fines and punishments levied on individuals who surpass the permitted number of children have a disproportionate effect. Further, One Uyghur reported in a blog that the date of the fine for her parents exceeding the permitted amount of children was placed on her birth certificate rather than her actual birth date, meaning that she had to enter primary education one year later than should have happened.²⁶
37. One concerning case was that of Arzigul Tursun who was 6 months pregnant with her third child. She had been taken to a hospital for her abortion, only to flee and be tracked down. Her husband was pressured to re-locate her and to sign papers authorising the abortion of their child.²⁷ Her case was further complicated by the fact that whilst she was considered a peasant, her husband was not, meaning it was not clear as to whether they were permitted to have 2 or 3 children. After this stressful ordeal, their unborn child was not aborted on reasons of not being in good "enough health to have an abortion."²⁸
38. Likewise, Uyghurs often live in rural areas where contraception is not widely available, in addition to the fact that contraception may not be used in the first place due to cultural and religious reasons.
39. The Meshrep - a uniquely Uyghur pseudo-religious cultural practise in which members of the Uyghur community come together to deal with social issues and engage in cultural activities (see paragraphs 116-121) - had prior to the epidemic seemed to control the problems of HIV and AIDs. (for more information on the HIV/AIDs epidemic, see paragraphs 52-56) This issue has however become an epidemic in the XUAR since the Meshrep was for all intents and purposes banned. The Meshrep had proven to be effective in combating such community issues.

24 Fatkuln, Y., (2001) The Plight of the Uyghur People, *Population Research Institute* (11:4), [online] Available from: <http://www.pop.org/content/plight-of-uyghur-people-1464> [Accessed 28 March 2013]

25 Ibid.

26 Yaadmin. (15 October 2012) What Would You Expect?, *web-blog* [online]. Available from: <http://en.yashlarawazi.com/2012/10/15/what-would-you-expect/> [Accessed 28 March 2013]

27 Hoshur, S. (17 November 2008) Uyghur Woman Found, Facing Abortion: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/abortion-11172008112655.html> [Accessed 28 March 2013]

28 Hoshur, S. (18 November 2008) Uyghur Woman Released, Without Forced Abortion: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/release-11182008110804.html> [Accessed 28 March 2013]

40. Further, reports continue to emerge of children being detained, and in some cases resulting in lengthy terms of imprisonment following trials lacking in the rule of law or due process, torture and death of the child detainee. (See Article XX, paragraph XX) When parents seek redress through the limited petitioning system, they can be put under house arrest, harassed by the authorities and other reprisals.²⁹

Article 11 – Right to an Adequate Standard of Living

41. Since the late 2000s, the Chinese authorities have implemented a policy to 'develop' the western frontiers under the guise of providing safer living standards and better livelihoods for the people in the XUAR. Contrary to the stated goals, the standard of living has decreased.
42. The development of the old City of Kashgar and other places in the XUAR has resulted in thousands of residents being, often forcefully, relocated to the outskirts of the city into sub-standard buildings. This represents a marked reversal of the state obligation set forth in Article 11(1) of the Convention for states to the continuous improvement of living conditions.
43. According to the Committee's General Comment 4, the right to adequate housing obliges the state to provide an alternative location which offers access to jobs, healthcare services, schools and other facilities. Likewise, the General Comment explains the importance of cultural adequacy; the new accommodation does not meet this requirement, neither resembling the adobe structures once existing, nor facilitating the maintenance of the culture on which the buildings provided.
44. The PRC also has not engaged in effective international cooperation in order to ensure the preservation and progression towards adequate living standards, as evidenced in the Kashgar situation. Rather than cooperating with UNESCO, for example, by including the city of Kashgar into the list, the PRC has proceeded to not include the city at all. Likewise, it has not taken on board international experts recommendations to strengthen and retrofit the old buildings so as to maintain them.
45. Further, it again violates Article 11(1) and other international instruments on the issue of prior consent. This is one of the key issues on development and the demolition of Kashgar is the lack of consultation. In essence, the centrally driven development policies exclude Uyghurs from the conversation of how their communities will look and prosper. When petitions are attempted, their calls for fairness and compensation are often met with reprisals by the authorities.³⁰ Access to the decision making table is critical for the cultural survival of a people. (For more information on, see paragraphs 92-100)

29 For example, see here:

Hoshur, S. (29 December 2011) Trafficking Victim's mother Seeks Redress: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/trafficking-12292011173306.html?searchterm=petition+uyghur> [Accessed 28 March 2013];
Hoshur, S. (22 April 2012) Buses Asked to Eject Uyghur Petitioners: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/bus-04222012170211.html?searchterm=petition+uyghur> [Accessed 28 March 2013]

30 Hoshur, S. (11 October 2012) Uyghur Family Home Bulldozed: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/bulldozed-10112012145624.html?searchterm=petition+uyghur> [Accessed 28 March 2013]

46. In the same way, the large influx of Han Chinese migration due to favourable migration conditions since 1949, and in particular since the late 1990s as railway links have facilitated the migratory move, as Stanley Toops found.³¹ has resulted in a substantial shift in the demographic composition of the XUAR from 6% Han Chinese and 75% Uyghur in 1953, to approximately 40% Han Chinese and 45% Uyghur today.³²
47. This has resulted in soaring basic amenities costs for the Uyghurs, who remain the poorest demographic, as the XUAR struggles to cope with the burden of extra residents.³³ This has ensured that the standard of living for the poorest Uyghurs has not improved, even diminished, amidst the PRC's unprecedented economic growth during the past 15 years. Furthermore, Uyghurs have also complained that this influx is resulting in a loss of job opportunities and increasing job opportunities as costs for equipment,³⁴ such as for farms, are ballooning to the point at which only Han Chinese can afford.

Article 12 – Right to Health

Effects of Nuclear Testing

48. In the Committee's General Comment 14, para. 34, it clearly establishes that, "States should [...] refrain from unlawfully polluting air, water and soil, e.g. through [...] using or testing nuclear [...] weapons if such testing results in the release of substances harmful to human health." The XUAR was the nuclear testing ground of the PRC's nuclear ambitions from 1964 until 1996, when the last nuclear test was conducted.
49. The effects of the 46 confirmed nuclear tests – including underground and aerial tests – have ensured that the many Uyghur inhabitants within the boundaries of the safe, outer-limit have been born with birth defects, developed cancer, due to the nuclear fallout and drinking unsafe water and growing produce in soil with high levels of radiation. Some of the tests were conducted during westerly winds, meaning Uyghurs residing downwind were affected farther afield.
50. The total amount of plutonium-239 released into the atmosphere in the XUAR is estimated to have totalled 48kg, six million times more than the Chernobyl accident, which affected one million people worldwide. According to independent reports, Professor Jun Takada of the Sapporo Medical University in Japan estimated based on extrapolations that close to 1.2 million people may have been affected by the tests, and approximately 194000 people have died.³⁵

31 For further information, see:

Mackinnon, M. (10 July 2009) China Plans Massive Change in Uyghur Cultural Capital: *The Globe and Mail* [online]. Available from: <http://www.theglobeandmail.com/news/world/china-plans-massive-change-in-uyghur-cultural-capital/article4279252/> [Accessed 29 March 2013];

Op. Cit., Szadziewski, H. (2011) p. 108

32 Toops, S. (2004) Demographics and Development in Xinjiang after 1949. *East-West Center Washington*, [online] 1, p.1. Available from: <http://www.eastwestcenter.org/sites/default/files/private/EWCWwp001.pdf> [Accessed 29 March 2013]

33 Keyoumu, G. (1 February 2013) Urumqi Faces Soaring Costs: *Radio Free Asia* [online]. Available from: http://www.rfa.org/english/news/uyghur/inflation-02012013165057.html?utm_source=twitterfeed&utm_medium=twitter [Accessed 29 March 2013]

34 Radio Free Asia-Uyghur Service (11 March 2013) Han Migrant Influx Threatens Uyghur Farms: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/farmers-03112013164151.html> [Accessed 29 March 2013]

35 Merali, Z. (8 July 2009) Did China's Nuclear Tests Kill Thousands and Doom Future Generations? : *Scientific American* [online]. Available from: <http://www.scientificamerican.com/article.cfm?id=did-chinas-nuclear-tests> [Accessed 29 March 2013]

51. No efforts have been made to clean up the inhabited areas affected, nor provide any form of reparation or recompense for the problems created as a result of the tests.³⁶ Further, in a 2012 survey commissioned by the People's Bank of China, it was found that due to disparities between rural and urban social-security arrangements, rural residents pay on average 60% of medical costs themselves.³⁷ In that regard, Uyghurs mostly reside in rural settings with low incomes, so those who have been affected by the nuclear settings are incapable of affording the requisite treatment.

HIV/AIDs Epidemic and Uyghurs

52. Contraction of AIDs and HIV remain to be a significant issue for the Uyghur communities in the PRC, especially in the XUAR which has the fourth highest amount of HIV infections in the PRC,³⁸ in spite of it having approximately 21 million people, a fraction of the estimate 1.3 billion in the PRC.³⁹

53. The problem, affecting mostly young, women and migrants, is particularly poignant when one considers the findings of two studies: the first found that from a sample of 210 drug users, 50% were Uyghur; the second, conducted by the Research Centre for Health and Development on Injection Drug Users, found that of a sample of 503 Han Chinese, 23 were HIV-positive (4.57% prevalence), whereas a sample of 583 Uyghur drug users illustrated that 303 were HIV-positive (51.97%).⁴⁰

54. The problem has been exacerbated by the fact that Uyghur migrant workers are often unable to get the requisite residency cards in order to receive the appropriate medical treatment. For example, Methadone Maintenance Treatment (MMT) was found to only be available to 11.9% of Uyghurs between 2007-2009.⁴¹ Another report found that 89% of Intravenous Drug Users (IDUs) were HIV-positive in Ghulja⁴² (Yinning in Chinese), where approximately 50% of the population is Uyghur.⁴³

55. The loss of jobs due to forced relocation (For more information on Kashgar and forced relocation, see paragraphs 92-100), the banning of traditional, cultural methods of dealing with such issues (for more information, see paragraphs 116-121) and the lack of social mobility away from poverty due to discriminatory policies have undoubtedly contributed to the growing HIV/AIDs epidemic since the late 1990s. Further consideration should also be given to the fact that a reported 95% of Uyghur women engage in unprotected sexual intercourse, a fact unlikely to have changed substantially since this was

36 In a now deleted Global Times article, it was affirmed that some form of compensation has been provided to those who worked at the Lop Nor site, but not to any other victims. To view the article elsewhere, see here: <http://defenceforumindia.com/forum/china/4874-revolt-stirs-among-china-s-nuclear-ghosts.html>

37 China Labour Bulletin, (2012) *China's Social System* [online]. Available from: <http://www.clb.org.hk/en/view-resource-centre-content/110107> [Accessed 28 March 2013]

38 Yanhai, W., Ran, G. & Arnade, L. (2009) Discrimination Against People with HIV/AIDs in China. *The Equal Rights Review*, [online] 4, p.6. Available from: <http://www.equalrightstrust.org/ertdocumentbank/china.pdf> [Accessed 29 March 2013]

39 To view the censuses of 2010, see here: <http://www.stats.gov.cn/tjgb/rkpcgb/index.htm>

40 Op. Cit. Yanhai, W., Ran, G. & Arnade, L. (2009), p.21

41 Ibid. p.21

42 UNAIDs (2009) AIDs in China: *Background Information on the Epidemic and the Response*, [pdf] Beijing, p.5. Available from: http://www.aidsdatahub.org/dmdocuments/AIDS_in_CHINA_Background_information_on_the_epidemic_and_the_response09.pdf [Accessed 29 March 2013]

43 Tianshiannet (2013) About Yinning City [online]. Available from: http://english.ts.cn/Today/content/2013-02/18/content_7802951.htm [Accessed 29 March 2013]

reported in 2004.⁴⁴

56. Whilst it must be recognised that the PRC and the local authorities are implementing some strategies aimed at tackling this issue, as also highlighted in its report, there are no plans to directly target Uyghurs specifically and what is there appears to not be reaching the Uyghurs. Likewise, in the PRC's report, there is scant information provided on how it plans to deal with such a large epidemic. Further, whilst the authorities do recognise the problems are more prevalent in the 'Western Provinces', official records fall questionably below independent research as detailed above.⁴⁵

Organ Harvesting and Experimentation

57. In accordance with Committee's General Comment 14, Article 12 of the Convention is understood to oblige states to abide by the right "to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation." The Right to Health was also noted to be inextricably linked to a wealth of other rights, including, *inter alia*, including the rights to education, human dignity, life, non-discrimination, equality, the prohibition against torture and the freedoms of association, assembly and movement. With this in mind, the issue of organ harvesting falls within the mandate of the Committee.

58. Confirmed cases of organ harvesting emerged in the late 1980s⁴⁶ from the XUAR, in which resides the largest prison labour camp in the PRC reportedly holding nearly 50000 people.⁴⁷ According to first-hand evidence from interviews, organs are taken from executed political prisoners, sometimes whilst they are alive.⁴⁸ Prisoners can be intentionally shot into the right side of the chest so as to avoid death, or they can be injected with anticoagulant drugs to ensure the health of the organ to be removed.⁴⁹

59. The PRC's authorities have made claims that it will stop the practise. However, in view of the ongoing reports of enforced disappearances of Uyghur political dissenters and the recent amendments to the PRC's Criminal Procedure Laws, attention must be drawn to this issue within this context. Enforced disappearances happen outside the rule of law, leaving their victims vulnerable and without any protections from such a crime as organ harvesting, should it arise.

44 Radio Free Asia (30 November 2004) *China's Muslim Uyghurs See Sharp Rise in AIDs Infections* [online]. Available from: http://www.rfa.org/english/news/social/uyghurs_AIDS-20041130.html [Accessed 29 March 2013] ;

This fact is corroborated by a previous article on the issues of AIDs/HIV on the Uyghurs. See here: Seytoff, A., (2000) AIDs Epidemic Among Xinjiang's Uyghurs: *The Analyst* [online], 17/12. Available from: http://the_uighurs.tripod.com/AIDS.htm [Accessed 29 March 2013]

45 PeopleDaily (1 April 2011) *China's HIV/AIDs-plagued Region Launches Blanket Surveillance* [online]. Available from: <http://english.peopledaily.com.cn/90001/90782/7337089.html> Accessed 18 March 2013]

46 The first confirmed case reportedly took place between between 1994-1996 in Urumqi.

47 Gutmann, E. (5 December 2011) The Xinjiang Procedure: *The Weekly Standard* [online]. Available from: http://www.weeklystandard.com/articles/xinjiang-procedure_610145.html?page=2 [Accessed 29 March 2013]

48 Ibid.

49 Ibid.

Denial of Healthcare

60. Denial of healthcare has been reported to occur against women who do not unveil or not agree to not wearing religious or minority clothing and wearing beards (See Appendix 1, 9 and 10), and also to intimidate people. For example, prominent Uyghur economics Professor Ilham Tohti was recently denied healthcare of his choice after he was detained and “grilled” following his continued outspoken position on the human rights record of the PRC towards the Uyghurs.⁵⁰

Articles 13 and 14 – Right to Education

Use of Uyghur Language in Schools

61. The UN Special Rapporteur on the Right to Education, Mr Vernor Muñoz Villalobos, noted in his 2005 annual report to the UN Commission on Human Rights (hereafter, 'Commission') that, “homogeneity in education is an impossible undertaking” and that to put “[p]ressure to entrench the use of one language [in education] for all peoples... is a sign of intolerance”, citing the example of forbidding minorities and indigenous peoples from using their native languages and Article 30 of the Convention.⁵¹ In the same vein, the Committee on the Rights of the Child recommended in its concluding observations of the PRC's 2005 review that the PRC should, “Ensure that all teaching and learning materials for the primary and secondary level are also available in ethnic minority languages and with culturally sensitive content.”⁵²
62. Guarantees are afforded to ethnic minority regions, such as XUAR, in Chinese and international law for the right to study in ones own native language. Both national and regional guarantees include the following:⁵³

- ⌚ Article 4 of the Chinese Constitution states that, “All ethnic groups have the freedom to use and develop their own spoken and written languages.”
- ⌚ Article 36 of the CPR's Regional Ethnic Autonomy Law⁵⁴ establishes the principle that language policy should be decided at the local level. It goes on to state, “Schools and other educational organizations recruiting mostly ethnic minority students should, whenever possible, use textbooks in their own languages and use these languages as the media of instructions.”
- ⌚ The CPR's Compulsory Education Law reiterates the right of minorities to be educated in their mother tongue; “Schools in which the majority of students are of ethnic minorities may use the spoken and written languages of those ethnic minorities in instruction.”

50 Abdilim, M. (5 March 2013) Uyghur Scholar Faces Medical Care Restriction: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/ilham-tohti-03052013160430.html> [Accessed 29 March 2013]

51 UN Special Rapporteur on the Right to Education, E/CN.4/2005/50, para. 72. Available from: http://ap.ohchr.org/documents/dpage_e.aspx?si=E/CN.4/2004/45 [Accessed 29 March 2013]

52 UN Committee on the Rights of the Child, CRC/C/CHN/CO/2, Recommendation 77(d) of the Committee's concluding observations. Available from: <http://tb.ohchr.org/default.aspx?Symbol=CRC/C/CHN/CO/2> [Accessed 29 March 2013]

53 Uyghur Human Rights Project (2007) *Uyghur Language Under Attack: the myth of “bilingual” education in the People's Republic of China* [online], p. 2-3. Available from: <http://docs.uyghuramerican.org/UyghurLanguageUnderAttack.pdf> [Accessed 29 March 2013]

54 Last amended 28 February 2001

63. In contrast and in contravention of these legal guarantees, government policy has been having a drastic effect on the rights of Uyghur children. Since the 1980s, the PRC has been increasing its use of “bilingual education”, in particular from 1999 onwards. At the “Work Conference on Ethnic Language and Writing”, it was decided that 'bilingualism' was the only way to raise the standard of education for minorities.⁵⁵
64. Since this time, the Chinese authorities have been establishing so-called “Xinjiang Classes” in which top students are removed from their cultural environment and placed in Chinese-only language instruction, a process that is described as “not entirely voluntary” in an interview with one parent.⁵⁶
65. Likewise, the PRC has heavily invested in the so-called bilingual education, having committed 430 million RMB with the goal of educating 258000 minority children in these schools by 2010.⁵⁷ Since 2002, all courses at the most prestigious university in the XUAR, Xinjiang University, have been conducted in Chinese, with the exception of minority languages and literature classes.⁵⁸ It is therefore important to draw attention to the fact, as noted by MA Rong, that the young age structure within the Uyghur community is adding an additional issue to the PRC's drive towards bilingual education as it is hitting the posterity of the language's preservation.⁵⁹
66. Furthermore, in a document released by the Regional Bureau of Education in Hotan, where 90% of children under its jurisdiction are ethnic Uyghur, it was announced that all classes would be taught in Chinese by 2010.⁶⁰ In Artush, a city where 80% of the population is Uyghur, all classes were to be taught entirely in Chinese by 2012.⁶¹ Likewise, in Bashkram, where 95% of the population is Uyghur, the government invested 430000 yuan to create a school in which the only language of instruction is Chinese and where speaking Uyghur would be forbidden.⁶²
67. Whilst a recent CCTV article boasted about how this policy is pleasing Uyghurs, in addition to the fact that students are not allowed to practice their religion⁶³ (see paragraphs 80-91 and 101-115 below for repression of religion), independent sources suggest that Uyghurs chafe at the policy and the widening gap between minorities and the majority Han Chinese.⁶⁴

55 Op. Cit. Uyghur Human Rights Project (2007), p. 5.

56 Op. Cit. Uyghur Human Rights Project (2007), p. 5.

57 'Xinjiang's Bilingual Education Starts with Children', People's Daily Overseas Edition. Published on 10 Oct 2006 [新疆“双语”教育从娃娃抓起, 人民日报海外版, 2006-10-12]. Information found in, Uyghur Human Rights Project (2007) *Uyghur Language Under Attack: the myth of “bilingual” education in the People's Republic of China* [online], p. 2-3. Available from: <http://docs.uyghuramerican.org/UyghurLanguageUnderAttack.pdf> [Accessed 29 March 2013]

58 Op. Cit. Uyghur Human Rights Project (2007), p. 6.

59 Rong, M.A. (2009) The Development of Minority Education and the Practice of Bilingual Education in Xinjiang Uyghur Autonomous Region: *Front Educ China* [online], 4:2, pp.196-197. Available from: <http://www.case.edu/affil/tibet/moreTibetInfo/documents/Front.edu.china.pdf> [Accessed 29 March 2013]

60 Schluessel, E. T. (2007) Bilingual Education and Discontent in Xinjiang, *Central Asian Survey*.

61 'Artush Excited by Chinese Language Studying Fever', Xinjiang Daily Net, Published 11 July, 2006. [阿图什兴起学汉语热, 新疆日报网, 2006-7-11]. Information found in, Uyghur Human Rights Project (2007) *Uyghur Language Under Attack: the myth of “bilingual” education in the People's Republic of China* [online], p. 8. Available from: <http://docs.uyghuramerican.org/UyghurLanguageUnderAttack.pdf> [Accessed 29 March 2013]

62 Kazuto Tsukamoto, 'Bilingual Education Spreads Chinese to Ethnic Minorities', The Asahi Shinbun. Published 2 March 2006. Information found in, Information found in, Uyghur Human Rights Project (2007) *Uyghur Language Under Attack: the myth of “bilingual” education in the People's Republic of China* [online], p. 7. Available from: <http://docs.uyghuramerican.org/UyghurLanguageUnderAttack.pdf> [Accessed 29 March 2013]

63 CCTV (2 November 2012) A Decade of Change: Success of Xinjiang's Education Boosts Development: CCTV. Available from: <http://english.cntv.cn/program/newshour/20121102/105382.shtml> [Accessed 29 March 2013]

64 Siow, M. (20 October 2013) Gap Between China's Ethnic Minorities & Dominant Han Majority Still Apparent: *Channel News Asia* [online]. Available from: <http://www.channelnewsasia.com/stories/featurenews/view/1232458/1.html> [Accessed 29 March 2013]

68. In spite of a wealth of academic research⁶⁵ into bilingual education (i.e., not learning in one's mother tongue) is detrimental to the child, in which children's motivations and development are negatively affected and lead to higher drop-out rates, the PRC continues to implement this policy. It is noteworthy to mention that similar policies are also being implemented in Tibet.⁶⁶ This is a violation of Article 30 of the Convention on the Rights of the Child, in addition to being in contravention of the PRC's own Constitution and laws.

Uyghur Language Teachers

69. The PRC has also been heavily recruiting Chinese language teachers from outside the XUAR (mostly ethnic Han Chinese), along with monetary incentives. In addition, a lot of the investment in the education system in the XUAR lends weight to Chinese speakers; all those recruited and currently in employment are required to speak Chinese, but not Uyghur.

70. Reports continue to emerge of schools (at both the primary and secondary levels) teaching exclusively in Chinese, except for the lesson on the Uyghur language, in addition to reports of Uyghur language teachers being fired for not being able to speak Chinese.⁶⁷ Further, other reports suggest that Uyghur-language areas suffer considerably from cuts to finances and staff.⁶⁸

71. The lack of Uyghur-speaking teachers due to job discrimination, failed, irresponsible government policies and lack of protection or promotion has resulted in the relegation of the Uyghur language in both the private and public spheres. It may also play a role in the lack of preventative-HIV/AIDs awareness among Uyghurs.

72. It is also important to note that the use of the Uyghur language is deeply interconnected with the maintenance and growth of Uyghur culture, in particular the preservation of oral folk-tales, poetry or storytelling and the wealth of Uyghur-language literature. The banning of the Meshrep, in spite of advocating for its inclusion into the UNESCO list of intangible cultural heritages, has further exacerbated the lack of maintenance of the Uyghur language.

School Admissions

73. Whilst admission rates are high for primary education, admission rates for high school in predominantly Uyghur areas, prefectures and cities are exceptionally low. For example, admission rates in the Kashgar (18.7%), Hotan (10.9%) and Aksu (22.2%) Prefectures falls unacceptably low when compared to Han Chinese areas⁶⁹ and the regional

65 See, for example:

Jian, K. (2006) If Xinjiang Will Develop, Chinese-Language Education Must be Distributed: *Language and Translation*, 2. pp. 63-6;

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

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

67 Abdilim, M. (23 September 2011) Teachers Fired Over Mandarin Ability: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/teachers-09232011160635.html?searchterm=bilingual+education+uyghur> [Accessed 22 March 2013].

68 Keyoumu, G. (2010) Cuts Expected for Uyghur Teachers: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/teachers-11162010130254.html?searchterm=bilingual+education+uyghur> [Accessed 29 March 2013]

69 For example, Urumqi is predominantly Han Chinese, with an admission rate of 81.1%.

(40.7%) and national averages (41.7%). Additionally, these figures would be even lower were it not for the fact that teaching quality in cities – where Uyghurs tend not to live – is higher, which have brought up the averages.⁷⁰

74. It also brings to serious question the viability of lower-entry requirements for minorities to enter universities⁷¹ when so few obtain high-school qualifications for them to benefit from this policy. The lack of high-school education for Uyghurs may result in a lack of education on, *inter alia*, their human rights and prevention of the AIDs/HIV epidemic among Uyghurs. (see paragraphs 52-56)

75. The low school-attendance rates of Uyghur children at education beyond 15 years of age can be attributed to the high costs of education⁷² coupled with the low income of the household, which also bares some roots in the problems of discrimination within the work place and lack of social mobility for minorities in the PRC. Uyghur households often have to make the decision to send one of their children to school.

'Sinicisation' of Education

76. Further, there has been a significant 'sinicisation' of education even when textbooks, history lessons, cultural events, among others, are undertaken in the Uyghur language. Textbooks and official history lessons are often taught from the wider Chinese perspective, rather than the traditional and cultural Uyghur line, which is re-shaping the traditional understanding of Uyghur history among Uyghurs. Likewise, Uyghur poetry, books, and other culturally significant Uyghur literature is translated into Chinese and then translated back into Uyghur, thus changing the spellings and syntax of the language.

77. This is a failure of the Chinese authorities to take into consideration the 'abstention' (i.e. 'non-interference') and positive action principles of the Committee's General Comment 21 on the normative content of article 15, para 1(a). This, along with bans placed on minors taking part in religious activities, (see paragraphs 105-113) is resulting in a 'deculturalisation' by “depriving youths of a grounding in Muslim Uyghur traditional community values.”⁷³

Detention of Uyghur Writers

78. Detention of Uyghur writers and culturally significant individuals remain of grave concern. The Committee to Protect Journalists has recently remarked that journalists from minorities are especially and disproportionately targeted, a trend that is rising.⁷⁴ For example, Nurmemet Yasin, a Uyghur writer, was sentenced to 10 years in prison in 2005 for writing *Wild Pigeon*, an allegory about a pigeon that commits suicide because it is unable to

70 Rong, M.A. (2009) The Development of Minority Education and the Practice of Bilingual Education in Xinjiang Uyghur Autonomous Region: *Front Educ China* [online], 4:2, p.198. Available from: <http://www.case.edu/affil/tibet/moreTibetInfo/documents/Front.edu.china.pdf> [Accessed 29 March 2013]

71 Rong, M.A. (2009) The Development of Minority Education and the Practice of Bilingual Education in Xinjiang Uyghur Autonomous Region: *Front Educ China* [online], 4:2, p.123. Available from: <http://www.case.edu/affil/tibet/moreTibetInfo/documents/Front.edu.china.pdf> [Accessed 29 March 2013]

72 Even in situations where the costs of education are lower than normal for minorities, usually the household income is not enough to pay the fees even with these exceptions.

73 Op. Cit. Hasmath, R. (2012)

74 Committee to Protect Journalists (2013) Journalists Imprisoned in China: Committee to Protect Journalists [online]. Available from: <https://www.cpj.org/reports/2013/03/challenged-china-media-censorship-graphic-imprisoned.php> [Accessed 29 March 2013]

escape its cage.⁷⁵

79. The UN Working Group on Arbitrary Detention (WGAD) recently concluded that Gulmira Imin's continued detention is arbitrary. She was detained following her communications with her husband on the proceedings of the 5 July 2009 protests in Urumqi and also for her translation work on the Uyghur-language website Salkin.⁷⁶ Her situation echoes in large part the detention of Uyghur journalist Gheyret Niyaz who had undertaken interviews on the 5 July 2009 protests.⁷⁷

Article 15 – Right to Enjoy, Participate in and Benefit from Scientific Progress and Cultural Life

Freedom of Religion

80. The PRC's Constitution of 1982 states that all citizens may enjoy freedom of religious belief under Article 36, whilst also noting that “no state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.” Whilst this would appear to afford full rights to practice ones religion, the latter part of the Article which states that the state “protects normal religious activities” fails to strictly define what constitutes 'normal'. In that regard, the U.S. State Department in its 2011 report said that the term 'normal religious activities' is applied in a manner that does not meet international standards. Furthermore, Chinese Communist Party members are required to be atheist.⁷⁸
81. The Chinese authorities routinely associates peaceful Islamic religious activities, practises and expressions with 'separatism', 'extremism' and 'terrorism'. However, whilst acts of terrorism are taken by Uyghurs, the scale of the threat of religious extremism, separatism and terrorism by Uyghurs has been seriously questioned by some scholars, who believe that the situation has been 'over-hyped'.⁷⁹ Since 11 September 2011, the PRC has sought to tie together legitimate Uyghur political movements with a larger global war on terror. The PRC identifies the East Turkestan Islamic Movement (ETIM) as a terrorist organisation with close ties to Al-Qaeda, though the first ever mention of the ETIM fell in November 2001; one scholar has asserted that this was “certainly no coincidence.”
82. Since this time, restrictions on religion have been significantly stepped up, under the premise of the fight against a global war on terror and the mere fact that Uyghurs are Muslim so as to persecute and suppress, *inter alia*, legitimate religious activities. During June 2012, media reported that 10 Uyghurs were detained: nine on 6 June 2012 for “inciting separatism” and “disturbing social order” over their participation in “illegal”

75 Amnesty International (2011) China Nurmemet Yasin: *Amnesty International* [online]. Available from: <http://www.amnestyusa.org/pdfs/china11.pdf>

76 UN Working Group on Arbitrary Detention, UN Document (A/HRC/WGAD/2012/29), p.2. Available from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/183/77/PDF/G1218377.pdf?OpenElement> [Accessed 30 March 2013]

77 Dui Hua Foundation (2012) Prisoner Update: Dui Hua Foundation [online]. Available from: <http://duihua.org/wp/?p=6566> [Accessed 29 March 2013]

78 US State Department (2011) International Religious Freedom Report for 2011: *U.S. State Department* [online]. Available from: <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper> [Accessed 29 March 2013]

79 Roberts, S. (2012) Imaginary Terrorism? The global war on terrorism and the narrative of the Uyghur terrorist threat: *The Institute for European, Russian and Eurasian Studies*. Available from: <http://www.gwu.edu/~ieresgwu/assets/docs/ponars/RobertsWP.pdf> [Accessed 29 March 2013] Also, see here: <http://www.eurasianet.org/node/65254>

religious activities;⁸⁰ and another person on 19 June 2012 for selling "illegal religious materials."⁸¹ In addition, on 26 June 2012, another two Uyghurs were detained on charges of "subversion" and "disrupting public order", which was the 3rd anniversary of the brutal deaths of two Uyghurs in toy factory in Shaoguan by their Han Chinese colleagues and was one of the catalysts for the July 2009 unrest in Xinjiang.⁸² The authorities often reserve the right to arbitrarily check homes. (See Appendix 2)

83. The Committee on the Rights of the Child made the Concluding Observation that the PRC should, "[e]nact legislation explicitly guaranteeing freedom of religion for those under 18... which respects the rights and duties of parents to give guidance to their children.. in this regard."⁸³ In this regard, the WUC notes that under Article 14 of the XUAR law for 'Implementing Measures for the Law on the Protection of Minors' still specifies, "parents or other guardians may not permit minors to be engaged in religious activities."⁸⁴ Adults are also forbidden from bus stations should they wear a veil or a beard. (see Appendix 4, 9 and 10)

Repression of Ramadan (2012)

84. On 10 August 2012, Radio Free Asia published an online article on eminent Uyghur scholar Mr Ilham Tohti, based in Beijing, who had been interrogated⁸⁵ after his popular website reported that the Chinese authorities had sent armed forces to monitor Muslims during Ramadan in the Xinjiang Uyghur Autonomous Region (XUAR).⁸⁶ He also published an article on his UyghurOnline website, a moderate intellectual website addressing social issues that was shut down by the authorities in 2009, and which has been hosted abroad (see, www.Uighurbiz.net) since the beginning of 2012, but blocked by China's firewall. Mr Tohti has been highly critical of China's policies in Xinjiang and has been watched by authorities for a number of years, occasionally resulting in his arrest and detention. Prior to his interrogation, he had provided interviews to Association Press,⁸⁷ Al Jazeera and Deutsche Welle on the religious restrictions implemented in Xinjiang. Mr Tohti was previously arrested and detained for two months following the ethnic unrest in July 2009, having called for the implementation of regional autonomy as written in China's laws.⁸⁸
85. On 8 August 2012, Radio Free Asia reported⁸⁹ that seven Uyghurs in Aksu had been

80 Lan, H. (6 June 2012) Nine Uyghurs Jailed Over Religious Activities: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/jailings-06192012151626.html> [Accessed 29 March 2013]

81 Long, Q. (19 June 2012) Uyghur Jailed Over Religious Materials: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/sentence-06192012143307.html> [Accessed 29 March 2013]

82 Long, Q. (26 June 2012) Two Uyghurs Detained Over Leaflets: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/leaflets-06262012124859.html> [Accessed 29 March 2013]

83 UN Committee on the Rights of the Child, CRC/C/CHN/CO/2, Recommendation 45 (a) of the Committee's concluding observations. Available from: <http://tb.ohchr.org/default.aspx?Symbol=CRC/C/CHN/CO/2> [Accessed 29 March 2013]

84 CECC (1 July 2011) Draft Regulation in Xinjiang Could Strengthen Legal Prohibitions Over Children's Freedom of Religion: *CECC* [online]. Available from: <http://www.cecc.gov/pages/virtualAcad/index.php?showsingle=125058> [Accessed 29 March 2013]
To view the law (in Chinese), see here: http://www.law-lib.com/law/law_view.asp?id=23714

85 A common euphemism used by Chinese security forces for when interrogating someone is 'to drink tea'.

86 Abdilim, M. (10 August 2012) Scholar Gets Website Warning: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/ilham-tohti-08102012190908.html>

87 Associated Presse (3 August 2012) China Discourages Fasting for Uighur Muslims: *Associated Press* [online]. Available from: <http://www.google.com/hostednews/ap/article/ALeqM5g82902IUIKEH56CajdXiRnPSxmBw?docId=0e593bdde9284a2fa6b62d7f46363f29> [Accessed 7 October 2012]

88 China's Regional Ethnic Autonomy Law guarantees the right to autonomy and self-determination within the wider frame of the People's Republic of China.

89 Han, H. (8 August 2012) No Respite in Ramadan Controls: *Radio Free Asia* [online]. Available From: <http://www.rfa.org/english/news/uyghur/uyghur-08082012140933.html>

detained for “illegal religious practices” and a further 100 Uyghurs had been fined between 50 and 3000 Yuan (US\$7.80 and US\$471) for unauthorised study of the Koran since the beginning of Ramadan in July. According to local sources, the average monthly salary is approximately 6500 Yuan (US\$1000), therefore the fines are a considerable portion. In addition, on 19 June 2012, the Chinese authorities sentenced a Uyghur man, Hebibullah Ibrahim, to 10 years in prison for “selling illegal religious materials”, a crime which normally carries a fine.⁹⁰ This came in the run up to the 5 July incident and the catalyst of those events, the brutal deaths of 17 Uyghur migrant workers in Shaoguan. It also fell against the backdrop of lengthy sentences handed down to 9 Uyghurs on similar charges, the lengthiest of which was handed down to Sidik Kurban for 15 years in prison and 5 years deprivation of political rights.⁹¹ Sidik had spent the previous decade overseeing the operation of “unsanctioned” religious schools, including to children for whom the heaviest restrictions on religion apply.

86. It was further reported that Mosques were being guarded inside and outside by armed security personnel. Whilst calls with officials on the matter rejected these claims, it must be noted that an announcement made on 3 August by the Tianshan district government on its website outlined a number of security measures aimed at "preventing criminal elements from harming national security and stability." Furthermore, there were reports that fire engines with water canons were seen outside mosques in various cities in Xinjiang, claims of which the government-run Global Times published refuted in an article, though a later visit to Kashgar by BBC journalist Martin Patience confirmed the presence.⁹²

87. Government officials under “social and stability work plans” have been sent to mosques to take down names of those who attend services to ensure that Communist Party cadres, civil officials (including those who have retired), teachers and students under the age of 18 are not attending after local governments released statements “[forbidding]” them from attending.⁹³ Furthermore, foreigners have also been banned from attending mosques. Those wishing to attend services at mosques must brandish national identity cards.⁹⁴ In addition, Mosques would be required to hold “ideological meetings” every Friday with Party officials so as to monitor the “mood” of local Uyghurs.⁹⁵ These restrictions have also drawn sympathy from other ethnic groups in Xinjiang.

88. Fasting during Ramadan was also banned for these aforementioned individuals, and widely discouraged for others. Restaurants were forbidden from closing during fasting hours.⁹⁶ (see Appendix 14) According to Agence France Presse, a statement posted on a Xinjiang government website was urging party leaders to bring “gifts” of food to local village

90 Long, Q. (19 June 2012) Uyghur Jailed Over Religious Materials: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/sentence-06192012143307.html/> [Accessed 29 March 2013]

91 Lan, H. (6 June 2012) Nine Uyghurs Jailed Over Religious Activities: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/jailings-06192012151626.html> [Accessed 29 March 2013]

92 Patience, M. (15 August 2012) Will Development Bring Stability to Restive Xinjiang city of Kashgar?: *BBC* [online]. Available from: <http://www.bbc.co.uk/news/world-asia-china-19264601> [Accessed 29 March 2013]

93 Agence France Presse (1 August 2012) *China Restricts Ramadan Fasting for Uighurs in Xinjiang*: *Agence France Presse* [online]. Available from: <http://www.google.com/hostednews/afp/article/ALeqM5jnpXliDVVRADLRAScXMYbo5zBFCg?docId=CNG.95068329c6c42c24d7a3b142257e34f1.29> [Accessed 29 March 2013]

94 Evans, A. (2 August 2012) China Cracks Down on Ramadan in Xinjiang: *Foreign Policy* [online]. Available from: http://blog.foreignpolicy.com/posts/2012/08/02/chinas_ramadan_crackdown_risks_violence [Accessed 29 March 2013]

95 Han, H. (23 August 2012) China Steps Up Curbs on Muslim: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/ramadan-07232012132958.html> [Accessed 29 March 2013]

96 Ibid.

leaders to ensure that they were eating during Ramadan.⁹⁷ Furthermore, should teachers, for example, abstain from eating, they run a serious risk of losing their jobs.⁹⁸ In undertaking these restrictions, China is in breach of its own Constitution which affords freedom of worship.

Attending the Hajj

89. Uyghurs and other Muslims (such as the Hui Muslims) have also experienced great difficulties in participating in the Hajj pilgrimages. The pilgrimage between 4 and 9 November 2011 was particularly difficult for Uyghurs, who fear further restrictions for the Hajj in 2013. Someone wishing to attend the Hajj pilgrimage are required to apply for one of the official tours, which have limited places and with unaffordable deposits for the average Uyghur. Participants are also vetted politically and 'educated' beforehand. Furthermore, since 2007, the Chinese authorities have initiated a campaign to restrict "unsanctioned pilgrimages", a fact known since whistleblower website Wikileaks released a diplomatic cable.⁹⁹ In the diplomatic cables, Saudi diplomats informed U.S. Officials that China had requested that Saudi Arabia to not issue Hajj permits for all Chinese Muslims outside of China. In the same leaked cable, China was confirmed to have stopped cross-border cards for Uyghurs but not Han Chinese. Age restrictions were also noted to have been placed only on citizens from Xinjiang, restrictions of which were clearly directed towards Uyghurs.

90. According to the U.S. State Department report¹⁰⁰ on freedom of religion, media reported that Muslims could only apply online or through local official Islamic association – such as the state-controlled Islamic Association of China - to fly on one of the 41 specially chartered state-sanctioned flights for the 2011 Hajj. Uyghurs found it particularly difficult to obtain the necessary travel documents before the Hajj, with further restrictions placed on private Hajj arrangements, assuming the Uyghurs -most of whom are poor - could afford the expensive travel arrangements. Furthermore, The Hindu reported from interviews with Uyghurs that police stations in XUAR had completely stopped issuing passports unless they had "connections".¹⁰¹

91. To view an example of a sign promoting the fact that attending the Hajj without prior permission nor with official organisations is illegal, see Appendix 7.

Kashgar and Destruction of Culturally Significant Buildings / Places

92. The city of Kashgar, known by Alexander the Great, and memorialised in the West by a visit from Marco Polo, was widely seen as one of the best-preserved traditional Islamic cities in the world. It was and remains one of the most important crossroads of the famous

97 Agence France Presse (1 August 2012) China Restricts Ramadan Fasting for Uighurs in Xinjiang: *Agence France Presse* [online]. Available from :<http://www.google.com/hostednews/afp/article/ALeqM5jimpXliIDVVRAADLRAScXMYbo5zBFCg?docid=CNG.95068329c6c42c24d7a3b142257e34f1.291> [Accessed 29 March 2013]

98 Bardsley, D. (8 August 2012) Ramadan a Challenge for China's Muslims: *The National* [online]. Available from: <http://www.thenational.ae/news/world/asia-pacific/ramadan-a-challenge-for-chinas-muslims> [Accessed 29 March 2013]

99 Krishnan, A. (29 Octobr 2011) China's Uighur Muslims Yearn for Liberal Hajj Regime: *The Hindu* [online]. Available from: <http://www.thehindu.com/news/international/article2580392.ece> [Accessed 29 March 2013]

100 US State Department (2011) International Religious Freedom Report for 2011: *U.S. State Department* [online]. Available from: <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

101 Krishnan, A. (29 Octobr 2011) China's Uighur Muslims Yearn for Liberal Hajj Regime: *The Hindu* [online]. Available from: <http://www.thehindu.com/news/international/article2580392.ece> [Accessed 29 March 2013]

Silk Road, which brought together the worlds of the East and the West. The International Scientific Committee on Earthen Architectural Heritage has described the city as “[reflecting] the cultural expression, social interactions, and technical innovation of the local minority [Uyghur] community.”¹⁰²

93. Since 2010, much of the old city of Kashgar, most of the inhabitants of which are Uyghur, has been demolished under the May 2010 'Xinjiang Work Forum' plan, which aimed to eradicate poverty and improving the livelihood and safety of housing in the context of seismic activity. It is important to note that the policies of the Work Forum emulate the same policies that precipitated the 5 July 2009 Urumqi protests.
94. Other Uyghur communities throughout the XUAR have also been subjected to major demolition and reconstruction plans since 2010, including (but not limited to) other areas of Kashgar Prefecture, the Tashbulaq (Chinese: Heijiashan) District of Urumqi, Turpan, Hotan, Ghulja, Kumul, Aksu, Korla, and Uyghur neighbourhoods in Karamay, and Bortala.¹⁰³ The plan was instigated following a pilot scheme that commenced in February 2009.
95. So far, approximately 1.5 million homes have been rebuilt or “transformed” in the XUAR, which have had a devastating and irreversible effect on Uyghur cultural heritage, much to the chagrin of the Uyghurs.
96. According to Stephan Geens who has been following the situation, having been there in 2010, it appears that the intention is to destroy 85% of the old city based on satellite viewings. He goes further by stating that new buildings are going up as quick as they are being demolished.¹⁰⁴ (to view an image detailing the destruction of the old city, see Appendix 6)
97. During the whole process, there have been no consultations with the predominantly Uyghur inhabitants. Furthermore, many questions have been asked by the inhabitants themselves and the international community as a whole as to why so few efforts have been made to preserve the old buildings via reinforcement and retrofitting. This form of preservation of adobe buildings as such in Kashgar was identified in a 2010 report by the Global Heritage Network as a viable solution, and one which most residents would prefer.¹⁰⁵
98. It is important to note that whilst seismic activity is occasionally felt in Kashgar, rare is it that this results in any collapse of these buildings, some of which have stood solid for centuries. Those residents whose homes were demolished have been relocated to the outskirts of the city into tall apartment blocks which neither resemble the style nor the quality and safety standards of the houses in which they originally resided. Being moved to the outskirts has resulted in difficulties in maintaining and finding jobs. It has also been noted that there are an unusually large amount of CCTV installations in the new housing.¹⁰⁶

102 ICMS (2010) *Heritage at Risk: ICMS* [online], p.49. Available from: http://www.international.icomos.org/risk/world_report/2008-2010/H@R_2008-2010_final.pdf [Accessed 29 March 2013]

103 The Uyghur Human Rights Project (2012) *Living on the Margins: the Chinese State's Demolition of Uyghur Communities: The Uyghur Human Rights Project*, p.29. Available from: <http://docs.uyghuramerican.org/3-30-Living-on-the-Margins.pdf> [Accessed 29 March 2013]

104 Geens, S. (24 February 2012) *The Last Days of Old Kashgar – an update: Ogle Earth*. Available from: <http://ogleearth.com/2012/02/the-last-days-of-old-kashgar-an-update/> [Accessed 29 March 2013]

105 The Uyghur Human Rights Project (2012) *Living on the Margins: the Chinese State's Demolition of Uyghur Communities: The Uyghur Human Rights Project*, p.82. Available from: <http://docs.uyghuramerican.org/3-30-Living-on-the-Margins.pdf> [Accessed 29 March 2013]

106 ABC (28 July 2009) *Kashgar – The Uyghur Dilemma: ABC* [online]. Available from: <http://www.abc.net.au/foreign/content/2009/s2639008.htm>

This is a violation of the right to privacy.

99. Residents have also been forcefully – often aggressively - removed from their homes without adequate compensation, if any at all. According to a survey conducted by the now banned Xabnam website on the issue in May 2009, a staggering 97.8% of respondents disagreed with the demolition of Kashgar. A further 90% of respondents asserted that they have no right to not be forcibly removed and another 74% thought corruption would play a major role.¹⁰⁷
100. The demolitions brought about an European Union Parliamentary Motion on the issue, calling on the Chinese authorities “to adhere to its constitutional obligations by adequately supporting Kashgar's and XUAR's cultural traditions, which are strongly influenced by the Uyghur identity,”¹⁰⁸ which fell on deaf ears. In the same vein, UNESCO has raised the importance of including Kashgar in the PRC's submission for Silk Road Sites the World Heritage Site, notably in 2004; but the PRC has ignored UNESCO's concerns about the demolition of Kashgar, and has in fact misrepresented statements from UNESCO to support its demolition drive for the city.¹⁰⁹ Using official and reputable organisations for propaganda has also been noted in regards to the situation surrounding the Meshrep. (See Article XXX, paragraph XX,)

Mosques and Imams

101. The independence and appoint of Imams and the establishment of Mosques is severely restricted by the Chinese authorities. Whilst the overwhelmingly majority of Uyghurs practise a moderate form of Sunni Islam, most suffer significantly from the freedom to practise their religion in the way that they are taught. The inextricable link between Islam and Uyghur culture - as evidenced in the traditional architecture, customs such as the Meshrep (see paragraphs 116-121), folk-tales, poetry, language, among other things – illustrates further the devastating effect that the restrictions on religious practise are having on the wide Uyghur culture.
102. Imams are appointed by the state authorities, who hold all rights on religious matters, and the Imams are required to attend annual political education classes to ensure that they “stand on the side of government firmly and express their viewpoints unambiguously”.¹¹⁰ Students who study at officially-sanctioned schools are obliged to study subjects such as “Marxism Against Religion” and “The Works of Deng Xiaoping”.¹¹¹ Imams are considered state employees who receive their training at state-sponsored religious institutions.¹¹²

[Accessed 14 February 2013]

107 The Uyghur Human Rights Project (2012) Living on the Margins: the Chinese State's Demolition of Uyghur Communities: *The Uyghur Human Rights Project*, pp.86-87. Available from: <http://docs.uyghuramerican.org/3-30-Living-on-the-Margins.pdf> [Accessed 29 March 2013]

108 EU Resolution RC-B7-0168/2011 of 8 March 2011 on the Situation and cultural heritage in Kashgar (Xinjiang Uyghur Autonomous Region, China). Available from: <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2011-0186&language=EN> [Accessed 29 March 2013]

109 The Uyghur Human Rights Project (2012) Living on the Margins: the Chinese State's Demolition of Uyghur Communities: *The Uyghur Human Rights Project*, p.60. Available from: <http://docs.uyghuramerican.org/3-30-Living-on-the-Margins.pdf> [Accessed 29 March 2013]

110 Human Rights Watch (2005) Devastating Blows: *Human Rights in China*, 17:2. p.70. Available from http://www.hrichina.org/sites/default/files/oldsite/pdfs/Xinjiang_Report.pdf [Accessed 29 March 2013]

111 Newton, K. (2011) Requirements of Religion in Xinjiang NAR: *The Monitor* [online], p.44. Available from: <http://web.wm.edu/so/monitor/issues/16-SE/5-newton.pdf> [Accessed 29 March 2013]

112 Ibid. p.44

103. According to regional rules, sermons on the holy Friday cannot exceed the half-hour mark, and no sermon or religious prayer is permitted to take place outside of the mosque.¹¹³ Further, the New York Times reported that residents from one predominantly-Uyghur city were not allowed to worship outside of Hotan.¹¹⁴ These restrictions on Imams are actively discouraging Uyghurs from training to become Imams, a process of learnedness which takes years to attain. Rather than achieving the atheist goal of the Chinese authorities, there have also been suggestions that these restrictions are in fact “radicalising” young Uyghurs.¹¹⁵
104. Additionally, all unsanctioned religious material are liable for confiscation and possible criminal prosecution. Likewise, only sanctioned Mosques may preach, which are regulated by the government-funded Islamic Association of China. In this vein, a recent news article reported that Mosques were to be required under new legislation to fly the Chinese national flag,¹¹⁶ (see also Appendix 11) which is an infringement upon the Uyghur understanding of Islam.¹¹⁷

Religious Rights of Children

105. Furthermore, reports continue to emerge of bans on wearing beards, veils and other religious or associated clothing. (See appendix 4, 8, 9 and 10) Persons under the age of 18 years are not permitted to attend mosques nor study religion in any capacity in accordance with Article 14 of the XUAR law for 'Implementing Measures for the Law on the Protection of Minors' still specifies, “parents or other guardians may not permit minors to be engaged in religious activities.”¹¹⁸ This law is not found elsewhere in the PRC. Furthermore, the Committee on the Rights of the Child also recommended the PRC to, “repeal any ban instituted by local authorities on children of any age from attending mosques or receiving religious education throughout the mainland.”¹¹⁹ Article 14 is still in place, meaning that the PRC has ignored this achievable recommendation.
106. Therefore this exhibits a discriminatory nature insofar that it is specifically targeted at Uyghurs,¹²⁰ which is against the principle of non-discrimination frequently mentioned by the Committee and within the text of the Convention. It can thus be deemed to be in

113 Shan, W. &Chen, G. (2009) The Urumqi Riots and China's Ethnic Policy in Xinjiang: *East Asia Policy* [online], 1:3, p. 18. Available from: http://www.eai.nus.edu.sg/Vol1No3_ShanweiChenGang.pdf [Accessed 29 March 2013]

114 Wong, E. (18 October 2008) Wary of Islam, China Tightens a Vise of Rules: *New York Times* [online]. Available from: <http://www.nytimes.com/2008/10/19/world/asia/19xinjiang.html?pagewanted=all&r=0> [Accessed 29 March 2013]

115 Shan, W. &Chen, G. (2009) The Urumqi Riots and China's Ethnic Policy in Xinjiang: *East Asia Policy* [online], 1:3, p. 20. Available from: http://www.eai.nus.edu.sg/Vol1No3_ShanweiChenGang.pdf [Accessed 29 March 2013]

116 World Bulletin (20 March 2013) China Orders Uyghur Mosques Hang Chinese Flags: *World Bulletin* [online]. Available from: <http://www.worldbulletin.net/?aType=haber&ArticleID=105012> [Accessed 29 March 2013]

117 This is particularly an infringement upon certain passages of the Koran, notably Baqara 41 and 59. Baqara 41 states lays down the rules that Allah and things associated with Him should not be manipulated for any purpose other than for ones faith.

118 CECC (1 July 2010) Draft Regulation in Xinjiang Could Strengthen Legal Prohibitions Over Children's Freedom of Religion: *CECC* [online]. Available from: <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=125058> [Accessed 29 March 2013]

To view the law (in Chinese), see here: http://www.law-lib.com/law/law_view.asp?id=23714 [Accessed 29 March 2013]

119 UN Committee on the Rights of the Child, CRC/C/CHN/CO/2, Recommendation 45 (c) of the Committee's concluding observations. Available from: <http://tb.ohchr.org/default.aspx?Symbol=CRC/C/CHN/CO/2> [Accessed 29 March 2013]

120 For example, see:

Abdillim, M. (6 May 2009) Uyghur Men Sentence: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/sentence-06052009123936.html> [Accessed 29 March 2013]

Juma, M. (28 Septmeber 2012) Jailed for Helping Students: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/tewpiq-09282012115644.html?searchterm=uyghur%20school>

violation of, *inter alia*,¹²¹ Article 5 (d, vii) of the International Convention on the Elimination of All Forms of Racial Discrimination (hereafter, 'ICERD'). This law is also in contravention of the PRC's own laws.¹²²

107. The Chinese authorities are particularly steadfast in implementing this restriction. Only state sanctioned religious schools are legal, which have very limited places and notoriously difficult entry requirements, thus hindering access for many Uyghurs. Children under the age of 18 are not allowed to enter mosques (see Appendix 3 and 5) for prayer and are not provided the opportunity to study Islam in school at all.

108. Both students and teachers at unsanctioned "home" schools take enormous risks by engaging in religious study, which is likely to result in imprisonment if discovered by authorities. For example, between the end of 2011 and the arrival of Ramadan in 2012, 2 boys died whilst in detention in which the reports suggested that they had been tortured. They were reportedly obtaining a basic religious education at a so-called unsanctioned school at the time of their arrest.

109. In the one case, an 11 year-old boy, Mirzahid Amanullah Shahyari, died whilst in detention after attending one of these "unsanctioned religious schools" reportedly having been tortured, including strangulation and beatings, among other forms.¹²³ He was detained in Korla on 20 May 2012, dying at an unknown time and being interred on 22 May 2012 with police presence and without burial rites.

110. A 15 year-old Uyghur, Pamir Yasin, was subsequently placed under 15 days' administrative detention under Article 47 of the PRC's Public Security Administration Punishment Law¹²⁴ for posting in a blog on Sina Weibo blog "false information" pertaining to the incident on or around 5 June 2012.¹²⁵ ¹²⁶ The next day, 12 children suffered burns in Hotan requiring hospitalisation after explosives were detonated during a heavy-hand raid on an "unsanctioned" school by police,¹²⁷ following which many of the children's parents were arrested.¹²⁸

111. In a recent example of the ongoing repression of religion for Uyghur children, a photo went viral on 5 March 2013 on the internet of a group of Uyghur students from Xinjiang Experimental School standing in the playground, with the caption: "these students are being punished for wearing the Taqiyah [Muslim prayer cap]". This is not a unique occurrence. (see Appendix 5) One Uyghur was recorded as saying that wearing the Taqiyah

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

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

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

123 Lipes, J. (6 April 2012) Death in Detention Draws Denigration: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/death-06042012180843.html?search> [Accessed 29 March 2013]

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

125 Abdilim, M. (5 June 2012) Uyghur Detained Over Tweets: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/pamir-yasin-06052012181049.html> [Accessed 29 March 2013]

126 In a similar incident, two Uyghur youths were detained earlier in the year for 'tweeting' information on an incident, along with several others. Keyoum, G. (15 March 2012) Uyghur Youths Detained: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/weibo-03152012171616.html> [Accessed 29 March 2013]

127 Musha, J. (6 June 2012) Dozen Children Injured in Police Raid: *Radio Free Asia* [online]. Available from: <http://www.rfa.org/english/news/uyghur/raid-06062012173326.html?search> [Accessed 29 March 2013]

128 Initiatives for China (7 June 2012) IFC Statement on China's Brutality Against Uyghur Children at Hotan Religious Schools: *Initiatives for China* [online]. Available from: <http://www.initiativesforchina.org/?p=1159> [Accessed 29 March 2013]

“is every Uyghur's dream because it represents our identity and symbolizes our culture”, which illustrates the importance of the Taqiyah to the understanding of 'what is Uyghur'.¹²⁹ Whilst the authorities denied that this was the case, many other Uyghurs and even Han Chinese uploaded images of signs to corroborate with the original posting.

112. The Communist Youth League also makes regular visits to schools to “educate” and “push its propaganda” activities so as to create a harmonious society,¹³⁰ to train “propagandists” and dissemination materials,¹³¹ to hold 'conferences' of which one was called “Youth Against Illegal Religion” and to teach 'Marxist' views on religion (which is against the tenants of Islam).¹³²

113. This sort of treatment of young Uyghurs is frequently reported in other situations too. Five Uyghurs aged between 7 and 17 years were detained, some of whom sustained serious injuries, and another 6 year-old went missing, after attempting to escape religious persecution with a group of adults by crossing the border to Pakistan.¹³³ The current situation facing Uyghur children has led some to suggest that they are at crisis point.¹³⁴

Restrictions on Female Religious Participation

114. The XUAR's local governments have also placed restrictions on the religious activities of *buwi*, the traditional religious role for female Uyghurs. As researched by the Uyghur Human Rights Project, in December 2008 the Xinjiang People's Political Consultative Conference laid down a proposal at the behest of the Vice-Chairwoman of the Xinjiang Women's Federation to bring the *buwi* under government and party oversight. It was stated, *inter alia*, that the *buwi* had been existing in a “no-man's land”, calling for the use of their social status to disseminate and spread the official party's line on religious and ethnic policies among Muslim women.

115. Further, Uyghur women are often forbidden from attending mosques. (See appendix 3) Whilst in some countries this is a common practise, Uyghurs practise a moderate form of Islam in which women have an active role within the religious life, as illustrated above.

129 Lam, J. (27 March 2013) Despite Bans, China's Uyghurs Wear their Identity with Pride: *Global Voices* [online]. Available from:

<http://globalvoicesonline.org/2013/03/27/despite-bans-chinas-uyghurs-wear-their-identity-with-pride/> [Accessed 29 March 2013]

130 中共哈密地委党务公开网 (Hami Prefectural Party Committee of Chinese Communist Party Affairs Public Network). 18 January 2013 强化教育引导, 创新宣讲载体, 地区团委扎实推进抵御非法宗教宣讲活动 (Strengthening Education, Communist Youth League to Push Against Illegal Religious Propaganda Activity). Available from: <http://hmdw.hami.gov.cn/10180/10371/14345/14413/2012/255726.htm> [Accessed 29 March 2013]

131 新源克建网 (New Source Network). 8 November 2012, 那拉提镇团委多措并举持续开展抵御非法宗教活动 (Yili League Continue to Develop Resistance Against Illegal Religious Activities). Available from: <http://www.xyccp.gov.cn/a/tuanjiangongzuo/20121108/6149.html> [Accessed 29 March 2013]

132 小白杨塔城党建网 (Small Popular Tacheng Party Network). 16 November 2012, 塔城团市委开展第二轮“走进青年•抵御非法宗教”集中宣讲活动 (Tacheng Youth League are Focusing Awareness on Second Round of “Youth Against Illegal Religion”). Available from <http://tc.xjkunlun.cn/tc.xjkunlun.cn/qtgz/tw/2012/3668654.htm> [Accessed 29 March 2013]

133 Hoshur, S. (8 January 2013) Six-year-old Missing after Terror Incident: *Radio Free Asia* [online]. Available from:

<http://www.rfa.org/english/news/uyghur/pishan-01082012183247.html> [Accessed 29 March 2013];

CECC (1 February 2012) Status of Uyghur Children in Detention Unknown Following Border Clash: *CECC* [online]. Available from:

<http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingel=168528> [Accessed 29 March 2013]

Amnesty International (6 January 2012) China must reveal whereabouts of Uighur children detained after deadly clash: *Amnesty International* [online]. Available from: <https://www.amnesty.org/en/news/china-must-reveal-whereabouts-uyghur-children-detained-after-deadly-clash-2012-01-06> [Accessed 29 March 2013]

134 Kamberi, D. (6 February 2008) Chinese Curbs Leaves Uyghur Youth in Crisis: *Radio Free Asia* [online]. Available from:

http://www.rfa.org/english/news/uyghur_youth-20080206.html [Accessed 29 March 2013]

The Meshrep

116. The Meshrep is culturally rich societal practise whereby participants engage in a variety of traditional functions such as storytelling, music, folklore (including Muqam traditions) dance, poetry and dealing with community issues. Musicologist Rachel Harris noted that: “It is arguably the Uyghurs’ most distinctive set of cultural practices and strongest marker of identity.”¹³⁵
117. Following its revival in 1994 the Meshrep was promptly and steadfastly banned. Reminiscent of 5 July 2009 protests, on 5 February 1997, hundreds of Meshrep leaders were detained and executed for their involvement in peaceful protests against the heightened levels of repression of Uyghur religion and culture, as well as the 'First Strike Hard' campaign which cracked down upon 'separatists, terrorists and religious extremists', resulting in the many arrests of Imams and religious students.¹³⁶
118. Rachel Harris also elaborated on the participation in the Meshrep, which “demands a wide range of locally acquired knowledge, including ritual and religious, linguistic, custom and etiquette, norms of hierarchy and reciprocity, and play.”¹³⁷ In this regard, the Meshrep is under threat due to loss of language capability – which is essential for the practise of the Meshrep – and suppression of the practise, in spite of the PRC being in the process of petitioning for its inclusion on UNESCO's 'List of Intangible Cultural Heritage in Need of Urgent Safeguarding'.¹³⁸
119. It is important to note, therefore, the comments made by Rachel Harris during the application process for the inclusion of the Meshrep. In spite of her support for its inclusion, she placed several reservations on the application itself due to the lack of Uyghur participation (visible or otherwise) in the process, the incorrect use of the name (Meshrep is the Uyghur name, and Maxirap is the name used as in the Chinese language), the use of state-linked NGOs in the process, only one reference to the Islamic qualities of the practise and whether similar respect would therefore be afforded to the religious aspects of the Meshrep, the lack of improvement made between the initial application and its resubmission and, among other things, the decrease in the proposed sum of 3.4million Yuan for the Meshrep's preservation between the initial submission and the resubmission. She concluded that, “this folklorising tendency does not represent an ideal approach to the safeguarding of intangible heritage.”¹³⁹

135 UNESCO (28 October 2010), UNESCO Document ITH/10/5.COM/CONF.202/5, p. 21. Available from:

<http://www.unesco.org/culture/ich/doc/src/ITH-10-5.COM-CONF.202-5%20Rev.-EN.pdf> [Accessed 29 March 2013]

136 Amnesty International (4 February 2005) Remembering the Victims of Police Brutality in Ghulja, Xinjiang: *Amnesty International* [online].

Available from: <http://www.amnesty.org/en/library/asset/ASA17/005/2005/en/159f68a7-fa27-11dd-999c-47605d4edc46/asa170052005en.pdf> [Accessed 29 March 2013]

137 UNESCO (28 October 2010), UNESCO Document ITH/10/5.COM/CONF.202/5, p. 22. Available from:

<http://www.unesco.org/culture/ich/doc/src/ITH-10-5.COM-CONF.202-5%20Rev.-EN.pdf> [Accessed 29 March 2013]

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

CECC (16 February 2011) Draft of Intangible Cultural Heritage Law Limits Research Activities; Xinjiang Case Study Shows Politicization of Heritage (Updated): *CECC* [online]. Available from: <http://www.cecc.gov/pages/virtualAcad/index.php?mode=print&showsingle=152889&PHPSESSID=db63a76cc47869c5d74ecac7a6face05&PHPSESSID=db63a76cc47869c5d74ecac7a6face05> [Accessed 29 March 2013]

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

UNESCO (28 October 2010), UNESCO Document ITH/10/5.COM/CONF.202/5, p. 20-28. Available from:

<http://www.unesco.org/culture/ich/doc/src/ITH-10-5.COM-CONF.202-5%20Rev.-EN.pdf> [Accessed 29 March 2013]

139 UNESCO (28 October 2010), UNESCO Document ITH/10/5.COM/CONF.202/5, p. 25. Available from:

120. The proposal made by the PRC to UNESCO is a de-contextualised form of the Meshrep, stripping it of all the religious qualities that are essential for its meaningful preservation. Being that children are unable to take part in any religious activities, they are especially hindered in their right to develop their culture. As stated above, learning the Meshrep requires significant time to learn in order to partake effectively. Due to repressive policies, this unique cultural practise is on the cusp of becoming seriously endangered within a generation.

121. Similar bans have been placed upon certain *Mazar* practises. The *Mazars* are a practise and pilgrimage with some religious dimensions unique to Uyghurs which are used to facilitate connection between this world and the world of the dead.¹⁴⁰ Whilst *Mazars* are sometimes permitted, others, such as the Ordam pilgrimage, which was the largest and most important one prior to its forbidding are completely forbidden by the authorities.¹⁴¹

Access to Scientific Development

122. Access to scientific development is severely restricted by the abundance of poverty due to job discrimination, as well as under-development of the region in terms of infrastructure such as, for example, transportation and internet access (the XUAR has the lowest internet speed in the PRC)¹⁴².

123. Uyghurs are significantly under-represented in the scientific fields when one considers that the demographics of Uyghurs and Han Chinese in the XUAR approximately 45% and 40% respectively; according to academic research, Han Chinese account for 88% of the work force in prospecting and geographical research positions, 85.2% in the scientific fields, 66% in health and hygiene and 70.4% in real estate.

<http://www.unesco.org/culture/ich/doc/src/ITH-10-5.COM-CONF.202-5%20Rev.-EN.pdf> [Accessed 29 March 2013]

140 Dawut, R. (2009) Shrine Pilgrimage among Uighur: *Silk Road Foundation* [online], 6:2. Available from:

http://silkroadfoundation.org/newsletter/vol6num2/srjournal_v6n2.pdf#page=57 [Accessed 29 March 2013]

141 Fay, G. (20 February 2013) Mazar Shrine Book Launch Details State Control Cautiously: *The Ugyhur Human Rights Project* [online]. Available from: <http://weblog.uhrp.org/mazar-shrine-book-launch-details-state-control-cautiously> [Accessed 29 March 2013]

142 Custer, C. (16 July 2012) China's Provinces Ranked by Internet Speed: *TechnAsia* [online]. Available from: <http://www.techinasia.com/china-provinces-internet-speed-880/> [Accessed 29 March 2013]

Recommendations

In view of the contents of this report, the WUC makes the following recommendations that the PRC:

Article 1

1. amend Autonomy Laws by removing contradictions and restrictions in order to make them effective instruments for self-determination;
2. provide meaningful guarantees in law and legislation for the maintenance of self-determination for peoples within the XUAR and the PRC as a whole;
3. afford a greater role for the Regional Chairpersons to act on the interests of the people in the XUAR;
4. make guarantees that proportional representation of the ethnic groups in the XUAR is effectively implemented, including with legal guarantees;
5. allow Uyghurs to identify themselves with the territory to which they have historically lived without fear of reprisals, including verbally, legally and physically;
6. guarantee the independence of the judiciary;
7. provide legal guarantees of prior consent for Uyghurs on issues, including legal, that will affect any of the international human rights protections contained within this Convention;
8. make Uyghurs be genuinely and meaningfully represented in the development planning process at a decision-making level;
9. allow Uyghurs to use their own native Uyghur name in official documentation, including. passports, ID cards, Household registration (Hukuo), drivers license, among others;

Article 1(2)

1. ensure that the economic benefits accrued from the large deposits of, *inter alia*, natural minerals, oil and coal are reaching proportionately to the residents of the XUAR;

Article 2

1. amend all laws and legislation which formally or substantively discriminates against the Uyghurs within the issues laid out in this present Convention;
2. alter the recently amended Criminal Procedure Laws so as to make it clearer for jurists, lawyers and the courts to have a stricter understanding of what constitutes terrorism;
3. or repeal these amendments entirely ;

Article 3

1. cease the government programme of forcibly transferring young Uyghur women to Eastern China and provide any reparation to the victims;
2. set up an independent investigation into these allegations with executive powers to start prosecutions and independent control of the providing of compensation from an adequate sum of money funded by the central and regional government;

Article 4

1. alter the recently amended Criminal Procedure Laws which have placed unreasonable limitations on the freedoms of Uyghurs and fall substantially short of affording protections to individuals due to the lack of an internationally accepted standard definition of what constitutes an act of terrorism.
2. amend or repeal all laws which place limitations on freedoms and fundamental human rights wherein internationally accepted legal standards are not being met;

Article 6

1. undertake positive initiatives to encourage the recruitment of Uyghurs into jobs where they are particularly under-represented, such as
2. implement legal requirements for employers to provide preferential treatment of Uyghurs in order to facilitate the above;
3. recognise that only through legal guarantees of equitability in education, social mobility and healthcare can parity exist within the work place;
4. make discrimination in the work place steadfastly punishable
5. establish an independent ombudsman to investigate the historical reasons for the continued inequality between Uyghurs and Han Chinese in the XUAR and to provide concrete solutions to the problems;
6. ensure that Uyghurs are substantially included into this investigation and implement open-mindedly the recommendations made;

Article 9

1. guarantee in law the right of individuals to social security and to be free from any discrimination, both formally and substantively, denying access therein;

Article 10

1. find another alternative to the intrusive 'one child policy' which facilitates forced abortions;
2. provide substantive, complete and concrete legal guarantees against the detention of children;
3. recognise in law that this is the only way to afford internationally accepted protections to minors to be free from torture, sexual exploitation, physical and mental harm and other human rights violations;

Article 11

1. ensure adequate accommodation with respect of privacy, including the guarantee of less CCTV surveillance, and “cultural relativity” for any relocation of an individual for all “essential” demolitions of cultural buildings;
2. provide legal guarantees that are effectively implemented for the above;

Article 12

Nuclear Testing

1. establish an independent ombudsman to investigate the effects of the nuclear testing, and identify concrete solutions to the problems and the victims thereof;
2. recognise that the nuclear testing in the XUAR has had a significant effect on the physical well-being of its inhabitants

HIV/AIDs Epidemic and Uyghurs

3. establish an independent ombudsman to investigate the ongoing scandal of the HIV/AIDs epidemic in the XUAR, and identify concrete solutions to the problems and the victims thereof;
4. implement a comprehensive programme for the treatment and prevention of the epidemic, with emphasis on a gender and victim-centred approach to do so;

Organ Harvesting and Experimentation

5. set up a moratorium on the use of the death penalty;
6. provide comprehensive guarantees in law and appropriate regulations that an executive individual and their family, and also political prisoners, must provide written proof with appropriate reparation and under the observance of a lawyer and free from physical and mental coercion via torture or other cruel and degrading treatment that they agree to donating an organ;

Denial of Healthcare

7. ensure that no-one shall be exempt from attaining the location and type of medical treatment of their choosing except where extenuating circumstances may prevent the realisation of this right;
8. provide legal guarantees that no-one shall be prevented from receiving the medical care of their choosing as a form of punishment, especially for dissidents;
9. provide a fast-track process to obtain residency cards (*Hukou* system) for internal migrants so that they can access more easily healthcare;

Articles 13 and 14

1. repeal all laws, legislation and regulations that inhibit or forbid a person from obtaining an education of their choice;
2. implement measures to bring the attendance and admissions of Uyghur students to the national average;
3. cease or completely revamp the flawed bilingual education policy that has drastically reduced the number of Uyghur-speaking teachers and Uyghur-language classes throughout the XUAR;
4. strengthen laws allowing for the right to study in ones own language and remove any

discrepancies, contradictions and formal discriminations that inhibit the realisation of this right;

5. encourage the education of the Uyghur language for other ethnic groups in the XUAR;
6. release all Uyghur writers in recognition of their special role within the preservation of the Uyghur identity and culture within the education system;
7. cease persecuting Uyghur writers and journalists who do not conform to the official party line;

Article 15

Freedom of Religion

1. implement all freedom of religion guarantees and remove all legal contradictions and derogations from the realisation of this right;
2. redefine the legal definition of terrorism and extremism so that it conforms with internationally accepted legal standards;
3. cease restrictions that are annually placed upon the observance of the Muslim holy month of Ramadan;
4. allow for unfettered access in terms of economic and legal restrictions for Uyghurs to attend the Hajj;
5. stop pressurising foreign governments to deny visas for Uyghurs for the Hajj;

Kashgar and Destruction of Culturally Significant Buildings / Places

6. include Kashgar into the list of Silk Road sites in its submission for their inclusion to UNESCO;
7. recognise the importance of the city of Kashgar to the Uyghur identity and the preservation of their culture;
8. ensure that other culturally significant buildings
9. ensure prior consent is guaranteed for all alterations or demolitions of Uyghur culturally significant buildings from hereon in;
10. provide legal guarantees of compensation for forced evictions and the right to be rehoused in a location which respects job commitments, school locations, and be culturally sensitive;
11. reach out to the international community for alternatives to demolition;

Mosques and Imams

12. remove restrictions on the recruitment and training of Imams so as to allow Uyghur Imams to flourish;

Religious Rights of Children

13. in accordance with the Committee on the Rights of the Child's recommendations, repeal entirely the overtly discriminatory Article 14 of the XUAR law for 'Implementing Measures for the Law on the Protection of Minors';
14. allow minors to be taught their religion within the private domain;

15. allow children to enter mosques;
16. allow for the right to wear religious or cultural clothings;
17. cease the interference of the authorities in the day-to-day practise of the religion, including party propaganda drives;
18. permit all peaceful religious activities;
19. recognise the important connection between Uyghur culture and religion;
20. release from prison all Uyghur writers in recognition of their significant role in the preservation of Uyghur language, culture and identity;

Restrictions on Female Religious Participation

21. allow Uyghur women the fullest freedom to take part in their day-to-day religious roles, including that of the Buwi;
22. allow women to enter mosques and wear clothing of a religious or cultural nature;

The Meshrep

23. allow for the free practise of the Meshrep by removing laws which prevent its practise in reality;
24. recognise the significance of this uniquely Uyghur practise and re-submit the application for its inclusion into UNESCO with sincere inclusion of Uyghurs themselves into the application process;
25. recognise that the Meshrep has religious connections meaning that this is a cultural as well as a religious issue;

Access to Scientific Development

26. undertake measures to increase the Uyghur demographic to a proportional level within the scientific industries via favourable conditions in education and employment;
27. improve Uyghurs' access to the internet world by improving internet speeds;

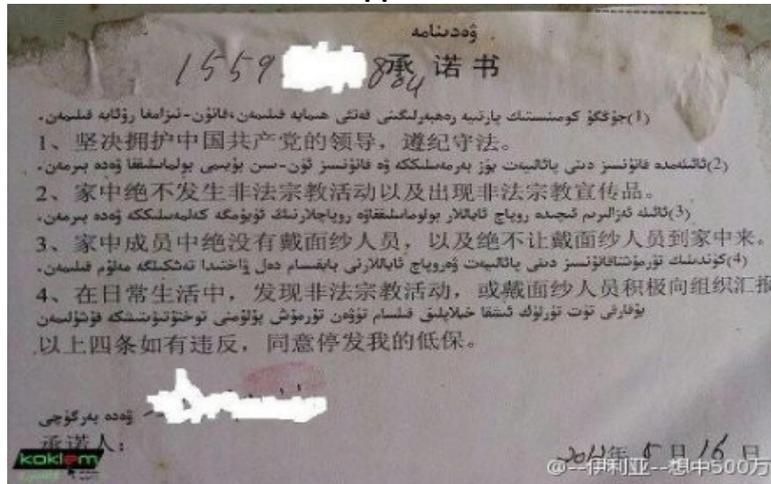
Additional Recommendations

1. make public the verdicts of ESS crimes to quell calls of discrimination;
2. provide the Committee with independently-compiled, disaggregated statistics – including on grounds of sex, religion, ethnicity, language and other appropriate parameters – so as to obtain a greater understanding of the situation faced on the ground;
3. ratify the International Covenant on Civil and Political Rights (ICCPR);
4. ratify all fundamental human rights instruments that the PRC has not done so already.

Appendices

Below you will find examples by way of pictures taken from the internet or provide to the WUC from sources on the ground that have been referenced within the main body of text of this report. All translations provided by the WUC, unless marked otherwise.¹⁴³

Appendix 1



Translation

Contract of Commitment¹⁴⁴

1. I will firmly support the CCP leaders and observe the law.
2. Illegal religious activities will never occur in my home, nor will illegal religious materials appear there.
3. No one in my home will wear the veil. I will never allow persons wearing the veil to enter my home.
4. If I encounter illegal religious activities or persons wearing the veil in my daily life, I will actively report this to the Organization.

If I violate any of these four conditions, I agree to stop receiving welfare.

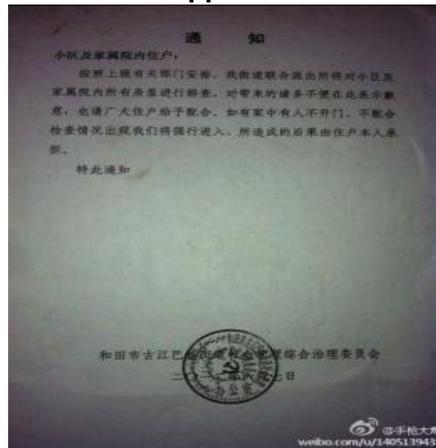
Name:

16 May, 2012

¹⁴³Translation by the World Uyghur Congress, undertaken on 25 March 2013.

¹⁴⁴Translated by China Digital Times. See here: <http://chinadigitaltimes.net/2012/07/commitment-contract-for-xinjiang-muslims/> [Accessed 29 March 2013]

Appendix 2



On 18 June 2012, the Uyghur American Association issued a press release showing a notice which locals that police will undertake a search of every residence in the neighbourhood, at the behest of higher-level authorities.¹⁴⁵ According to the notice, if residents do not open the door upon the arrival of police, they will use force to enter, and any consequences thereof will be borne by the residents themselves.

Appendix 3



Image from Radio Free Asia – Uyghur Service.¹⁴⁶ Retrieved 24 March 2013. Below is a translation of the text:

Following people are not allowed to enter Mosque and perform religious activities:

- 1) Members of the Party and the Youth League
- 2) Government officials, pensioners and retirees
- 3) Teenagers under 18
- 4) Cadres of village administration
- 5) Women

¹⁴⁵Uyghur American Association (18 June 2012) Notice Informs Locals of Mandatory Residence Searches in Hotan Community; police reserve the right to “use force” to enter homes: *Uyghur American Association* [online]. Available from: <http://uhrp.org/press-release/notice-informs-locals-mandatory-residence-searches-hotan-community-police-reserve> [Accessed 29 March 2013]

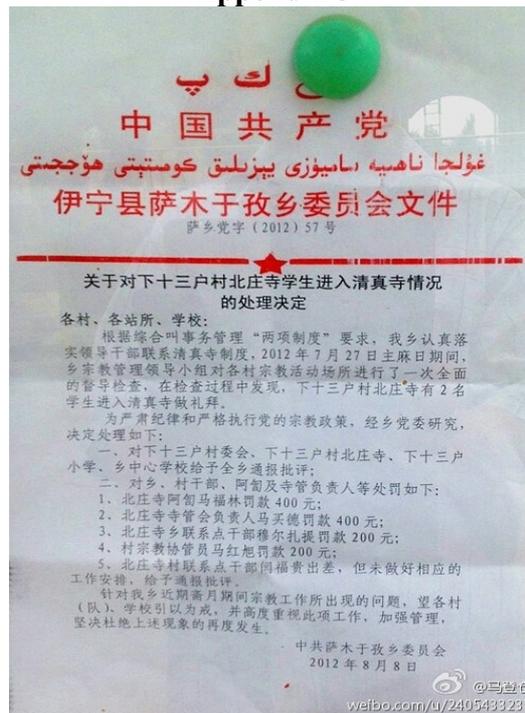
¹⁴⁶Kamperi, D. (6 February 2008) Chinese Curbs Leaves Uyghur Youth in Crisis: *Radio Free Asia* [online]. Available from: http://www.rfa.org/english/news/uyghur_youth-20080206.html [Accessed 29 March 2013]

Appendix 4



28 September 2012 notice in Poskam forbidding men with beards and women with headscarves from entering bus station & boarding buses.

Appendix 5



This image is of a sign published on Uyghur Chinese-language website Uyghurbiz.net¹⁴⁷ which shows that the authorities have uncovered under-aged individuals entering mosques and that they were punished.

¹⁴⁷Uyghurbiz (15 January 2013) 学生进清真寺礼拜 校寺等方受处罚: *Uyghurbiz* [online]. Available from: <http://www.uyghurbiz.net/archives/7167> [Accessed 29 March 2013]

Appendix 6



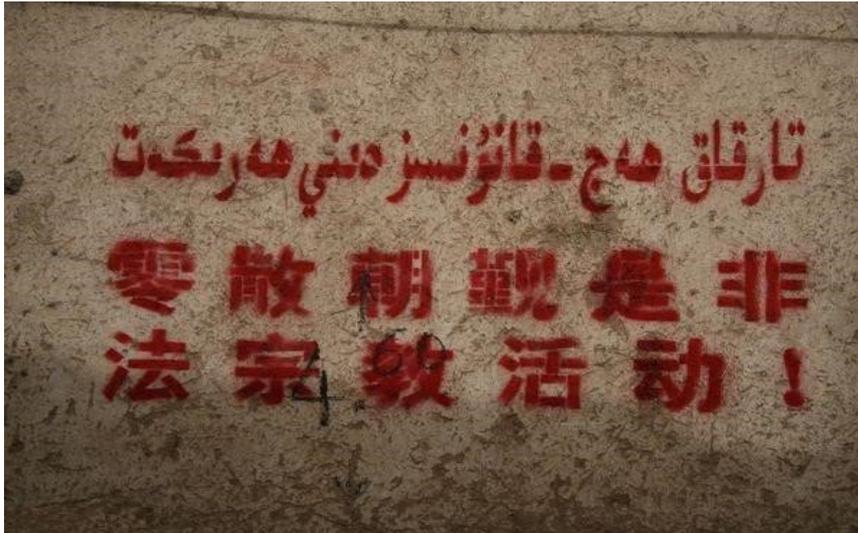
Google Earth mapping, courtesy of OgleEarth.¹⁴⁸

The above image was created in February 2012 to illustrate the pace at which the Chinese authorities were demolishing the old City of Kashgar. Three years on, the plan to 'rebuild' the Old City are almost complete.

red = Demolished since 26 October 2009
Yellow = Being demolished since 1 August 2010
Grey = 26 October 2009
Dark Blue = protected areas
Light Blue = distinctive areas demolished
green = best street front architecture.

¹⁴⁸Geens, S. (24 February 2012) The Last Days of Old Kashgar – an update: Ogle Earth. Available from: <http://ogleearth.com/2012/02/the-last-days-of-old-kashgar-an-update/> [Accessed 29 March 2013]

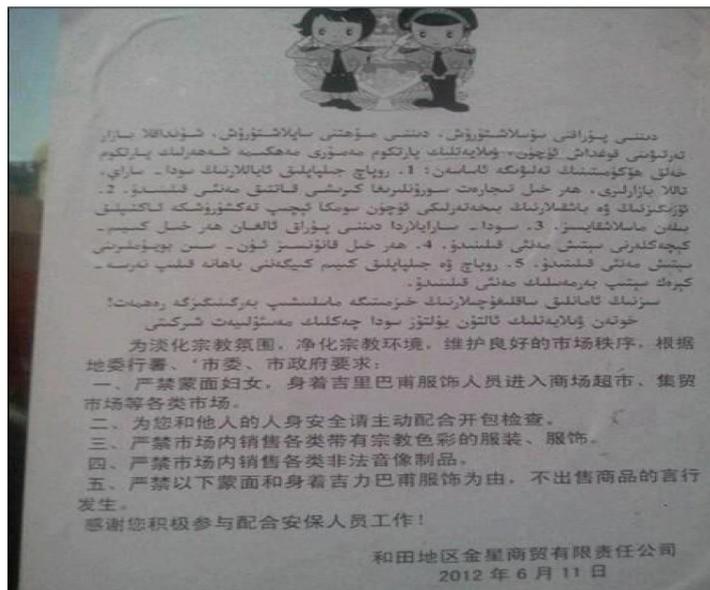
Appendix 7



Translation

Separate Hajj (Perform Hajj without joining the official groups organized by the government) is an illegal religious activity!

Appendix 8



Translation

In order to change the strong religious atmosphere, clean the religious environment and keep the good market order, the Hoten Prefecture Party Committee Administrative Office, Municipal Party Committee, and the City Government Office request the following:

- 1, Women wearing Hijab or Jilbab are strongly prohibited to enter marketplaces like super markets and open markets.
- 2, For the safety of your own and others, cooperate with security checking measures by opening your bags.
- 3, Purchasing any sorts of religious dresses and trappings are strictly prohibited.

- 4, Purchasing any sorts of illegal religious audio and video materials are strictly prohibited.
- 5, Reject selling goods (to women) without Hijab or Jilbab is strictly prohibited.

Thank you for your compliance and active collaboration with security personal!

Jinxing Trade Ltd., Hoten Prefecture 11 June 2012

Appendix 9



Translation

Praying in the hospital is prohibited for persons wearing the Hijab and Jilbab, and persons with large beards are not allowed to enter.

Appendix 10

ئۆرۈپ ئادىتىمىز بويىچە كىيىنىپ
مەدەنىي شەھەر خەلقىدىن بولايلى!
身着传统服装，争做文明市民

ئۇيغۇرلارنىڭ ئەسلىدىكى ئۆرۈپ - ئادىتى بويىچە كىيىنىپ باشقا ئەرەپ
دۆلەتلەرنىڭ كىيىم - كىچەكلىرى ، يۈرۈش - تۇرۇشىنى دوراش (جىلباپ ،
روپاش ، ياشلار ساقال قويۇش) تەك قىياپەتلىرىنى ئۆزگەرتىپ ئۇيغۇرلارغا
خاس كىيىنىپ مەدەنىي شەھەر خەلقىدىن بولايلى!



Translation

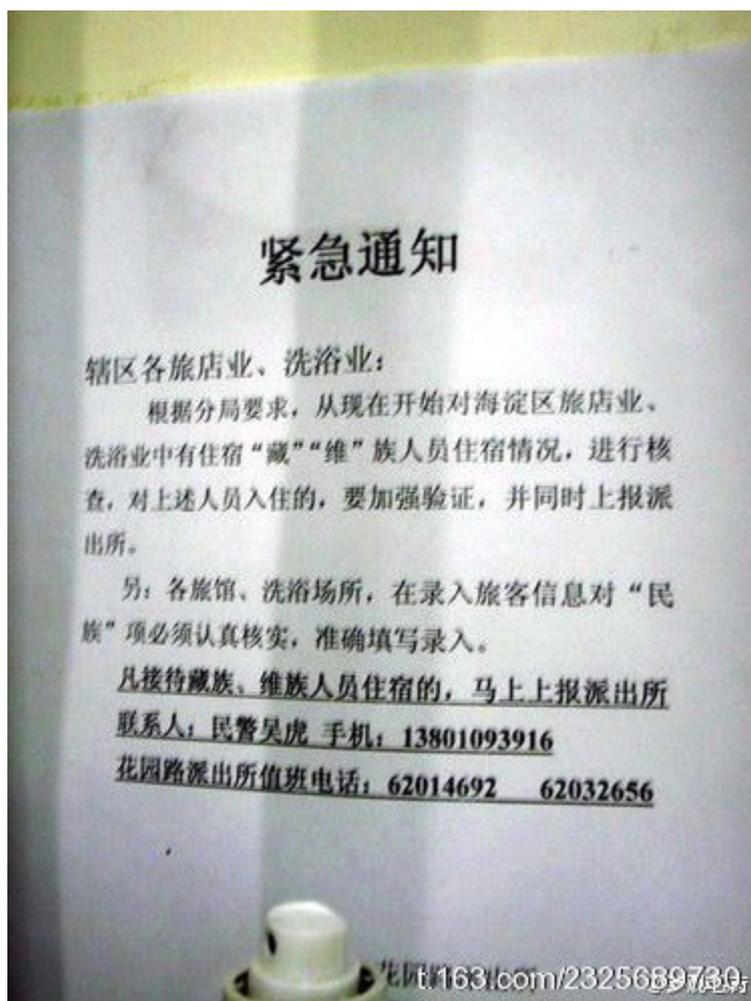
Wear traditional dresses, be a civilized city resident! Wear traditional Uyghur dresses, reject Arabic styles (like wear Jilbab, Hijab and grow beard), be a civilized city resident!



Translation

Title of the newspaper article: The five-stared red flag is fluttering inside a Mosque

Appendix 12



Translation

Urgent Circular

To all lodging establishments and bath centres in our district:

Complying with the directives of the Public Security Sub-Bureau, we request lodging establishments and bath centres in the Haidian District (of Beijing) that if any "Tibetan" or "Uyghur" come to stay, they must be carefully examined, verified and, at the same time, reported immediately to our station.

Additional note: While filling the guest's information/registry form, each lodging establishment and bath centre must carefully examine guest's "ethnicity" and record it correctly.

Whenever Tibetan or Uyghur guest is received, this must be immediately reported to the police station.

Contact: Police Officer Wu Hu, Mobile: 13801093916 Duty Phone of the Huayuan Road Police Station: 62014692 62032654

Appendix 13



Translation

Woman wearing Hijab or Jilbab is not allowed to enter the facility to apply for the social security benefit.

Appendix 14

رامزاندا ئاشخانا ئاچماسلىق قانۇنسىزلىقىمۇ ؟

مەن خوتەن كېرىيەدىن ، كەسىپم ئاشپەز .
ئالدىمىزدا رامزان ئېيى يېتىپ كېلىدۇ ، يۇرتىمىزدىكى ھەر دەرىجىلىك ھۆكۈمەت تارماقلىرى ئۆتكۈزۈش قىلىپ بارلىق يېمەك-ئىچمەك تىجارەتچىلىرىنىڭ رامزان مەزگىلىدە نورمال تىجارەت قىلىش كېرەكلىكىنى ئېيتتى .
ئەلۋەتتە بۇ ئاشخانا سەككىز-توققۇز يىل بولاي دېدى . ئەمما يىلسىرى بېسىم قارىتىپ كېتىۋاتىدۇ ، بۇرۇن شەكىل ئۆزگەرتىۋالغان بۇ ئاشخانا ئەمدى <<ھەقىقەتتىكى ئەمەلىيەتتىكى ئىزدەش>> نىڭ جانلىق بىر كارتىنىسى بولۇپ قالدى . دىيارىمىز كىشىلىرى ئاساسەن دىگۈدەك مۇسۇلمان ئاممىسى . بىز بۇ يەردە نۇرغۇن نەرسىنى ئىسراپ قىلىۋاتىمىز .

بىرىنچىدىن بىزنىڭ ئەقەدە . ئىشقا دىمىز .
ئىككىنچىدىن بىچارە ۋاقىت .
ئۈچۈنچىدىن پۇقرالار بىلەن ھۆكۈمەت ئوتتۇرىسىدىكى ئىشەنچ .

ئەقەدە . ئىشقا دىمىزنى كۆزدى تۇتساق بىز ئەلەمدىلا مۇسۇلمانمىز . مۇسۇلمان بولغان كىشى رامزان ئېيىنىڭ مۇقەددەس ئايى ئىكەنلىكىنى بۇ ئايدا تائەت . ئىبادەت بىلەن مەشغۇل بولۇشنىڭ زور ئەھمىيىتىنى چۈشىنىدۇ ۋە ئۇنىڭغا ئىشىنىدۇ ، شۇنداق بولغان ئىكەن بىز 11 ئاي ئىشلىپ تاپقىنىمىزنى تۇرمۇشىمىزغا سەرپ قىلىپ ياشاشنى تولىمۇ قارزۇ قىلىمىز بىزنىڭ ئىشقا دىمىز ھەم شۇنى بەلگىلەيدۇ . ئەپسۇسكى بۇ ئايدا ئاشخانا بىر كۈن ئاقالسا 500 يۈەندىن 5000 يۈەنگىچە جەزمانە ئېلىش ، ئالتە ئايغىچە تىجارەت قىلىش ھوقۇقى يولىماسلىق ، قاتارلىق بىر نەچچە تۈرلۈك چارە ئېلان قىلىندى ۋە بۇ توغرىدا <<مەسئۇلىيەت نامە>> كىمزالاندى .

ھەممىمىزگە ئايان ئاشخانا تىجارىتى ئوچاق ، دۇكاننى زىننەتلەش قاتارلىق ئىشلار بىلەن يىلدا بىر قېتىم چوڭ رېمونتتى بېشىدىن ئۆتكۈزۈپ تۇرىدۇ . رامزان ئېيى بۇنداق ئىشلار ئۈچۈن تولىمۇ ياخشى پۇرسەت ئىدى . ئەپسۇسكى بۇ پۇرسەتلەرمۇ يوق بولدى . ئاشخانا ئىچىدە تۈزەشكە ئىگىلىك جايلار بولسا رامزانغىچە ياكى رامزاندىن كىيىن ياساش بولمىسا ئۈستىدىكىدەك چارە كۆرۈش توغرىسىدا بۇيرۇق چۈشۈپ بولدى .
ئەڭ مۇھىمى بۇنداق بۇيرۇقلار تۆۋەن بىلەن يۇقىرىدىكىلەرنى ئايرىۋېتىدىغان ، كىشىلەرنى ھۆكۈمەتتىن خاتا كۆرمان قىلىدىغان ھالەت شەكىللەندۈردى . چۈنكى بۇنداق بۇيرۇقنى ھۆكۈمەتنىڭ مەدەنىي ۋاسىتىلىرى تارقىتىۋاتقان بولغاچقا ، يەنە كىلىپ چارىلەرنى كىچىرا قىلىۋېتىلەي ھۆكۈمەت خادىملىرى بولغاچقا بىزدەك كىشىلەر بۇنى ھۆكۈمەتنىڭ ئىشى دەپ كويۇپ قالىدىكەنمىز . ئەمما مەن سۇرۇشۇپ ياقىم ھەتتا ئۈرۈمچىدەك مۇسۇلمان ئاممىسى ئاز سانلىقنى ئىگەللەيدىغان ئاپتۇنۇم رايۇنىمىزنىڭ سىياسى ، مەدەنىيەت ، ئىقتىساد مەركىزىدىمۇ بۇنداق بۇيرۇقلار مەۋجۇت ئەمەسكەن . ئۇلارنىڭ دىيىشىچە يۇرتىمىزغا ساياھەتچىلەر كۆپ كېلىدىكەن ، بىز شۇلارغا قولايلىق ئەكەلمەسلىك ئۈچۈن ئاشخانا ئاچىدىكەنمىز . بۇ بىر كۆڭۈلدىكى گەپمۇ ! مەن ئېسىمنى يىلىپ بىزنىڭكىدەك كىچىك ئاشخانىلارغا ساياھەتچى ئەمەس ھەتتا ناھىيىمىزنىڭ يۇقىرى دەرىجىلىك باشلىقلىرىمۇ كېلىپ باققان ئەمەس . ساياھەتچىلەر كەلسە كۈتۈۋالىدىغان مېھمانسارايلا بىز شۇنچە كۆپ تۇرسا ئۇلار بىزگە ئاشامىز ؟؟؟ مېھمانساراي دېگەن ھەممە نەرسە بار بىر كۈن ئۇرۇپال ئورۇن ئۇلارغا يەنە نىمە لازىم بويىقالدى ؟؟؟؟ تورداشلارنىڭ سەمىسى پىكىر قاتناشتۇرىشىنى ئۈمۈد قىلىمەن .

مۇمكىن بولسا بۇ ئېنىق قىلىپ خەنچىگە تەرجىمە قىلىپ شىنجاڭ مىكرو بىلوگغا يوللاپ قويۇشۇقلارنى
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Translation

A restaurant owner in Keriye, Hoten complained that he was forced by the local authorities to open his restaurant during the Muslim Holy Month Ramadan. It is not only a Holy Month to be respected, but also a best opportunity for him to do the annual renovation, because people who fast don't visit restaurant during the daytime.

The authorities issued administrative directives to prohibit the restaurants from closing during the Holy Month of Ramadan and forced them to do their annual renovation either before or after the Ramadan. The authorities also imposed monetary penalty to any restaurant that failed to observe rules between 5,000-50,000 Yuan (Chinese Renminbi 'RMB') and/or six month trade ban as well as several other administrative penalties.

This complaint was published anonymously in Weibo (the Chinese micro-blog).