

Report to the United Nations General Assembly on Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16): NGO Submission on Uyghurs in the People's Republic of China

I. Discrimination in Law and Practice

A. Laws and Policies restricting the right to manifest freedom of religion or belief of minority religious communities

Because of China's designation as an atheist state, the government only recognizes five religious groups as legitimate: Buddhism, Catholicism, Daoism, Islam, and Protestantism. It is important to note that while these communities are legally registered with the state, followers do face violations of their freedom, including the closure of churches, mosques, and other houses of worship. For the Uyghurs, however, despite making up some 11 million citizens in China, their ethno-religious background is unacceptable by the state. According to the Council on Foreign Relations, Chinese government authorities use the excuse that their harassment and detention of Uyghur and other Muslims is in order to eliminate activities that "disrupt public order, impair the health of citizen or interfere with the educational system of the State."

B. Access to Justice and Effective Remedies

An overwhelming majority of detained Uyghurs in Xinjiang have been apprehended for no crime other than their profession of a minority religion. For example, the International Consortium of Investigative Journalists' China Cables' project reveals that police officials and government authorities use "predictive policing" as a tactic for identifying individuals deemed subversive to the state. Surveillance such as facial recognition technology, phone hacking, and warrantless searches through belongings has led to the arbitrary detention of millions of Uyghurs who were targeted simply for using phone apps to download electronic versions of the Qur'an and disseminate religious scripts to their peers.

Human Rights Watch explains "Article 37 of China's Constitution states that all arrests must be approved by either the procuratorate, the state prosecution, or the courts. Yet neither agency appears to be involved in detentions to the political education camps." Moreover, the Council on Foreign Relations reveals that "most people in the camps have never been charged with crimes and have no legal avenues to challenge their detentions." For example, notable Uyghur scholar and professor Ilham Tohti has been repeatedly denied legal counsel, as his personal lawyer has reported received notices from the detention center in Urumqi that he is prohibited from visiting and providing services to Tohti. In the case of Ilham Tohti, the reasoning behind the denial of legal counsel is that it could "hinder the investigation," and that the case "involved state secrets."

However, it should be noted that under the recent spread of the novel coronavirus, lawyers are likely even further prevented from visiting clients, this time under the excuse of preventing the spread of the disease between prison and society.

C. Rights to Adequate Food and Housing

It is a well-known fact that conditions within the detention centers and concentration camps unjustly holding Uyghur and Kazakh Muslims are deplorable. In 2019, Amnesty International released a report in which they documented some of the human rights violations experienced by Uyghur family members of interviewees in the United States, revealing that food deprivation is a common form of punishment for individuals who do not comply with the rules or make significant progress throughout their re-indoctrination.

Amidst the recent outbreak of COVID-19 in Wuhan, China, there have surfaced numerous reports stating that food insecurity has worsened throughout prison camps in Xinjiang due to the massive crackdown on transporting materials to prisons. Interestingly, prior to the novel coronavirus outbreak, food shortages were common at certain locations due to the local government of Urumqi has essentially cracked down on Halal meat, another example of the targeting of religious minorities.

Outside of the detention centers, the situation for Uyghurs in Xinjiang is just as bad. Due to the quarantine and national lockdown, essentially the entire province of Xinjiang has been struggling in terms of finding food to feed the communities. In February, two disturbing videos were released by Uyghur Human Rights Project exhibiting just how dire the situation is. In one video, a Uyghur man is seen agitated and exclaiming “I’m starving. I’m starving. My wife and children are starving. Three people are starving in my house.” He is then seen repeatedly banging his head into a metal post. In another video, a woman asks an elder Uyghur man why he is out of his house during the lockdown. The man respond that he is looking for food, asking “What’s a person supposed to eat when they get hungry? What should I do, bite into a building?”

D. Circumstances in which religious communities are prevented from administering their own affairs without State interference.

The Uyghur Human Rights Project (UHRP) has recently released a report in which they reveal the extent to which the Chinese government control Uyghurs’ right to freedom of movement, and such restrictions have escalated as “previously, this control was exercised through corruption, confiscations, and discriminatory procedures. Control is now exerted through effectively denying Uyghurs the right to a passport.” However, the extent to which lack of legal documentation negatively effects the livelihood of Uyghurs should not be underestimated; passport confiscation and denial “impacts their livelihoods, marriages, living situations, studies, and freedom of movement.”

In this same report, UHRP reveals the personal stories of a handful of Uyghurs who either had their passports confiscated and/or denied the right to obtain a passport. One Uyghur that has resettled in Turkey that goes by the name Abdugheni has reported visiting an agency in Turkey to get his passport renewed, but was told that if he were to visit the Chinese consulate his passport would be destroyed upon request for renewal. Abdugheni has remained unable to renew his passport and thus unable obtain residence in Turkey, which prevents him from getting his driver's license and a good job and restricts his children from attending school in Turkey.

Another Uyghur man in Turkey reports that he remains unable to apply for a passport, as the agency in Turkey requires him to submit documentation such as his parents' living and working information and addresses; his parents remain in Xinjiang and so he fears for their safety if he were to reveal their location and association to him. This man, Ablet, and his Uyghur wife want to get a divorce, but are prohibited from doing so due to their lack of proper documentation.

To summarize, UHRP states: "Chinese embassy officials tell Uyghurs that the only way to renew a passport is to return to China. Those Uyghurs who have returned to China have disappeared." In the case of Abdulghopur, who has been in Turkey since 2014, his lack of an updated passport has prevented him from completing his masters' degree and enroll in a PhD program. Upon visiting the Chinese consulate to renew his passport, he was required to turn in his expired documentation, and has not received any follow up from the consulate regarding the status of his passport renewal. Because Abdulghopur now does not have his old passport, albeit expired, he is unable to continue his education or find a job. He reveals that "in 2016, my parents came to Turkey for one month. Then in 2017, they disappeared into a camp, probably because they came to see me. I have ten other relatives in camps."

II. Effects of Discrimination

A. State-sponsored persecution and crimes against humanity

The lack of legal protection of Uyghur Muslims and the overwhelming anti-religion sentiment of the Chinese government has emboldened authorities to arbitrarily imprison from one to three million Uyghurs in detention centres they call "re-education" camps in Xinjiang. Family members of detained Uyghur Muslims have revealed the numerous violations of human rights and deprivation of liberty experienced their family has experienced: torture, physical abuse, political re-indoctrination, forced labor, sterilization, and even forced abortions are among the most reprehensible crimes against humanity reported to be occurring in these concentration camps.

B. Statelessness

In the same report by UHRP, it is revealed how, not only does lack of access to passports and other pertinent documentation hinder and, in some cases, completely restrict access to employment and education, but it also renders many Uyghurs abroad stateless. For example:

“In interviews with Uyghurs in Canada, the *Ottawa Citizen* spoke to students who described how they are unable to return to East Turkistan. The students feared detention in an internment camp upon return; however, the expiration of their visas and passports mean they risk breaking Canadian law if they overstay. The article notes: ‘The Canadian government has accepted some Uyghurs as refugees, but has not made any guarantee against deporting them like some other countries have,’ Some of the Uyghurs with soon-to-expire passports told the *Ottawa Citizen* of their unsuccessful attempts to renew passports and how Chinese consulates across Canada had handed them a ‘one-way travel document’ to China.”

One Uyghur poet, Tahir Hamut, who is now residing in Northern Virginia was interviewed regarding the statelessness faced by his family in the United States. His two daughters’ passports have expired, and Hamut explains that “our major stress is if our petition for political asylum fails, then we would not have legal documents in any country. The situation is awful. With nowhere to go we would be illegal immigrants.” His greatest concern is that his children’s ability to travel is now rescinded.

Such instances are not confined to just a few nations. Uyghurs have reported similar statelessness and fear of deportation from all around the world: Australia, Russia, Kazakhstan, Pakistan, and more. In many cases, the fear of statelessness forces these Uyghurs to return to China in an attempt to renew their passports; however, they are often detained by authorities upon arrival in China and sent to concentration camps. Such is the case of Memet Hajim who returned from Russia and Muyesser who returned from Kazakhstan. Some nations that have inherent economic and political ties to China, such as Kazakhstan, have reportedly been forcefully repatriating Uyghurs to China for decades, and the situation is only worsening.

III. Best Practices

Jubilee Campaign urges the Government of China to adopt the following best practices to ensure the enjoyment of freedom of religion or belief for the Uyghurs in China:

Formally recognise Uyghur Muslims and other religious minorities, granting them full civil rights.

Take measures to release all religious prisoners of conscience from the detention centers, on the grounds that they have no formal charges against them and that keeping them in detention centers could put them at greater risk of contracting COVID-19.

Ensure Uyghur prisoners are able to meet their lawyers and other legal representative council (albeit virtually amidst the spread of COVID-19) in accordance with the universal right of due process.

Ensure that there is non-discrimination of access to food supplies by ensuring food is being routed to Xinjiang Province, and especially the detention centers within this province, where food insecurity is reported to be increasing.

Stop all forms of abuse- including physical and mental- and all forms of torture that are occurring within the detention centers in Xinjiang.

Cease the practice of confiscating and denying passports to expatriate Uyghurs as a means of punishment for their escape from China, which has led to statelessness among the expatriate Uyghur population all around the world.